

Titus House Newsletter

Titus House Ministries, PO Box 2376, Tijeras, NM 87059

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Another letter to NPR about its erroneously written sex offender piece— from NARSOL

Cheryl,

My name is Christopher E. Pelloski, MD. I have written two books that chronicle my experience within and research about the current U.S. criminal justice system and sex offender registry, [Trauma, Shame, and the Power of Love](#), and [A Torturous Path](#).

I listened to your [recent piece about the sex offender registry on NPR](#), and I believe some key elements to your arguments were missing while others were off the mark. The registry fails to protect those it is intended to protect, not because it is implemented improperly, but because it would fail to protect the public even if the policy was followed to a T by every registrant and law enforcement agency out there.

Consider these points:

While there certainly are individuals who may remain dangerous after their incarceration and supervision, there is a large proportion of non-violent / non-forcible / non-contact / rehabilitated offenders who are on the registry. Examples of offenses/offenders include: teens close in age who engaged in consensual sexual activity below the age of consent, teens who were caught “sexting” images of each other, consenting adults who were caught having sex in public, public urinating while intoxicated, viewing/possessing child pornography, sex worker/customer activity, etc. These individuals pose very little threat to the general public based on these activities alone, yet they fall under the terrifying umbrella term, “Sex Offender.”

The rationale for having the registry is the erroneous belief that those who commit sexual crimes have a high recidivism rate and are “hard-wired” to reoffend. Department of Justice statistics and a large body of peer-reviewed, scientific criminology/psychology literature have routinely concluded that next to murder, sex offenses have the [lowest recidivism rate of any category of crime](#). Even for the high-risk/violent contact offenders, by 5 years post-release, [their recidivism rate, on average, is 5%](#). Further, recidivism rates often include non-sexual crimes and probation/parole/registry violations, which makes the true repeat sex offense rate even lower than reported.

The common perception that sex offenders pose a continuous, sociopathic risk to the community stems from a phrase uttered by then SCOTUS Justice Antony Kennedy in *McKune v. Lile*, where he stated that sex offenders have a “frighteningly high rate of recidivism (80%+).” The events leading up to and the aftermath of this false proclamation are highlighted in [Jacob Sullum’s article](#).

[90% of children are sexually abused by someone known to them](#) (as I was, when I was little)—not some masked stranger hiding in the playground bushes, waiting to pounce.

Focusing on the extreme outlier cases is a great disservice to the public. From a journalistic point of view, it stokes panic and perpetuates misconceptions. From a policy-making perspective, it uses the horrific actions of a few, along with the public’s fear, fueled by news media, as a basis for flawed and punitive policies that crush the lives of thousands who are just trying to recover from their past mistakes and redeem themselves. This results in the truly [American phenomenon of “Apostrophe Laws” and their unintended consequences](#).

Many sex offenders fail to register or keep in compliance because their lives are in upheaval or they are rendered homeless by residency restrictions and/or an inability to obtain employment as a result of the stigma associated with the sex offender label. Further, once a check-point has been missed (like an annual in-person update, a new car registration, reporting a new email, etc.), many are afraid to go to the authorities, thinking, often rightly so, they will be apprehended on the spot because of the lapse in compliance, NOT because they are avoiding detection for the purpose of preying upon unsuspecting citizens.

It should also be pointed out that since thousands of registrants are unaccounted for and most are only discovered when there is a non-sexual crime run-in with law enforcement, they obviously are otherwise staying out of trouble. CONTINUE ON PAGE 2



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If anything, this observation underscores why the current registry is unnecessary and ineffective. It also provides an explanation as to why law enforcement often chooses not to devote their resources towards tracking down every last sex offender: they know (as well as many other officials who work within the system) that most registrants pose very little risk—making additional funding towards enforcement of this policy a further waste of money.

Using totally fact-based and documented information, it is clear that the registry doesn't really protect anyone to begin with, and its existence serves as a barrier to released offenders in that it severely interferes with rehabilitation and reintegration and in that it is a potential trap for technical violations, which in turn artificially manufacture new crimes.

For socially progressive organizations (like NPR) to present sex offenders and the registry in the manner of your article is disingenuous and logically inconsistent with the rest of your messaging. To dehumanize sex offenders and hunt

them down, while championing other justice reform issues, is jarring, disturbing and hypocritical. In many instances, sexual offenses have the same psychological basis as drug addiction, alcoholism or other compulsions. These are all different maladaptive coping mechanisms originating from similar childhood traumas/adversities and mental illnesses and are amenable to rehabilitation. If we are going to talk about true criminal justice reform, we cannot pick and choose which offenders will be at the table and which ones will be excluded.

And sex offenders have routinely been excluded from recent law reforms. In many cases, the severity of punitive ordinances have been further ratcheted up against them despite the risk evidence pointing in the opposite direction. This is because the public has been socialized to believe that sex offenders are wired differently, Hannibal-Lecter-like, and therefore different and subhuman. And it's articles and news segments like these which perpetuate this mentality.

Articles like these are also irresponsible in that they can encourage vigilantism. By giving the impression that remorseless sex offenders are out there, running amok and reoffending against anyone they can get their hands on, certain segments of our society may take the law into their own hands and, in their minds, proactively protect themselves and others from the eminent threat, since the system is not getting the job done. [Violence and harassment against registrants is an unfortunate reality.](#) This kind of reporting, therefore, creates a potential scenario whereby a 45 year-old man receives an extrajudicial death sentence because, when he was 19 years-old, he had consensual sex with his 16 year-old girlfriend and her parents found out.

I truly hope that you and NPR will 'Consider All Things' in your future programs,
Chris



Join us for a Free Conference Call

For over a year we have been holding a morning Conference Call. We are reading "Our Daily Bread". We start at 7:00 AM mountain standard time each morning. Join us by calling (605) 475-4092. The access code is 278954 then press the # symbol. It last half an hour, we hope you will join us. This is for registrants, family and friends. If you have trouble signing in call Don at (505) 315-7940.

Letter to Titus House

Dear Brother and Sister In Christ,
My name is Shawn, I am a believer and follower of Jesus Christ. I am serving a 25 to life sentence in California for Failing to Register as a Sex Offender and Receiving Stolen Property under the Three Strikes Law. This is not a poor me letter, I was acting like a reckless fool out there and God had mercy on me sending me to prison for this time. I am truly grateful for this time, finding Jesus, getting clean and sober,

learning to love and have compassion for others and myself. My sex crime which I am guilty of and I take full responsibility for was 30 years ago. I have been in this time for 19 years. I have learned so much, I found God in prison and I have healed a lot. I have gotten my GED, became a certified welder, licensed. I got certified in auto body repair and painting and I'm constantly learning from God's grace and wisdom. I am in recovery, I am a facili-

tator for a few groups and God has provided all these awesome opportunities in my life. The person I victimized 30 years ago has forgiven me and only through Christ can this be possible. I wake up grateful every day. I am writing you to ask that you please put me on your mailing list for your newsletter and any other information. Thank you and may God Bless you and this ministry. —
In Christ, Shawn



Attorney General Barr Seeks to Federalize Registration-by Larry Neely

The new Adam Walsh Act amended regulations are out for comment for 60 days. This proposal does not create a new jurisdiction for the feds unless the state wants it to. If the state has strong advocates that beat back such changes, it won't change what is in any state's laws. But the fear is that states will gladly allow the feds to help them achieve AWA compliance. An example would be the 21-day advance notice of international travel which is required by federal law. If your state has not included that in its requirements, there is no federal registrar to file the travel plan with, which means you cannot comply. This limits the feds in their desire to prosecute those who fail to comply. Even before the Attorney General's proposal, the state of West Virginia figured a way to implement this requirement. They sent letters to all registrants in the state and demanded that they come in and sign an acknowledgement of the federal requirement. Most voluntarily signed despite the fact that the law of West Virginia does not require such notice. Now that they have signed, failure to file the required notice of travel can be successfully prosecuted in West Virginia.

BACKGROUND ON THE ADAM WALSH ACT

Even though the Adam Walsh Act (AWA) was enacted more than 14 years ago, there is massive confusion as to whether or not Congress created a federal registry. We hear this regularly, and even the courts do not seem to understand that there is no federal registry. There is a search engine operated by the federal government that looks into the state registries, but that in and of itself is not a registry. Beyond that, it is very debatable if the federal government can create a federal registry for those convicted of violating only state laws. If you read through the 93 pages in the proposal, the AG acknowledges that, and they've acknowledged that ever since the passage of the AWA. This is precisely the reason federal strategy has been to strongly encourage the states to enhance their registries. The feds have provided enhanced federal funding for those states that substantially comply, and

they have used the threat of potentially losing 10% of Byrne federal grants to encourage the states to come on board.

FEDERAL JURISDICTION

Even though there are a significant number of people prosecuted for violation of federal SORNA, that doesn't translate to there being an actual federal sexual offense registry. In the 14 years since the AWA became law, the feds have regularly asserted their jurisdiction to prosecute whenever there is a clear jurisdictional hook. This would include those who relocate from one jurisdiction to another or those who choose to travel internationally because there is a federal requirement of at least 21 days' notice in advance of any international travel. They have claimed federal jurisdiction under the commerce clause of the United States Constitution. The theory is when a registered person crosses jurisdictional boundaries, he/she has engaged in "interstate commerce." Even under those circumstances, the federal law only requires that you register with the state's officials if you are relocating, and there is really no method in place to report the international travel if the state has not included that in their laws or regulations. There is no federal registrar to provide information to.

A DANGER IN THE PROPOSED REGULATIONS

Despite popular myth that the majority of states have rejected the AWA, in reality a majority of the states have been unable to "substantially implement" the AWA despite their desire to do so. There is some commonality among the non-compliant states even though the law enforcement apparatus has touted the benefits of AWA compliance. First, juvenile justice advocates have successfully convinced legislatures that registering juvenile offenders is bad public policy. Second, the AWA has a significant number of pieces that a state must implement to be deemed "substantially compliant." Several have been denied due to missing some key components that are essential to achieving that coveted design-

nation. Those states are eagerly wishing to be AWA compliant and will seize this new gift from AG Barr.

The AG's proposal opens the door for the states to become federally compliant without adopting all of the provisions through their legislative processes. A state can simply do it with a blanket amendment to their existing law that a person must comply with all federal registration requirements. For example, rather than a state proscribing how long a person has to register in state law, they could totally eliminate their state reference to how long a person registers and say instead that the person must register consistent with the terms of registration established by the federal AWA. They could state that your reporting frequency will be consistent with the standards required by federal law. In some rare instances, this could benefit the offender because some states require more frequent reporting than actually recommended by the AWA.

The real danger is that legislatures could simply bow out of the legislating business and say that they're adopting the federal standards. If a state moves that type of proposal through its legislative process, then all of a sudden, de facto, you will have the Adam Walsh Act adopted without your elected officials actually determining and assigning tiering levels or making the other decisions about what is best for their state. Due to the complexity of figuring out the suggested AWA tiering, most states have gotten it wrong. They often over-tier, and the feds are not going to demand that those over-compliant states reduce their obligations. Jurisdictions are free to adopt more stringent or extensive registration requirements than those set forth by SORNA. States impose residency restrictions, proximity restrictions, exclusion from school activities, Halloween restrictions – none of these are required by AWA.



Titus House Ministries

PO Box 2376

Tijeras, NM 87059

Phone: (505) 286-8807

Alice's Cell (505) 259-0867

Don's Cell: (505) 315-7940

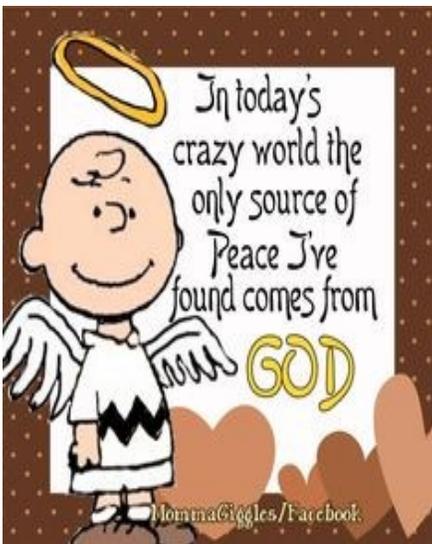
Email: donmagicjohnston@gmail.com

We're on the Web

titushouseministries.org

Hebrew 13:3 - Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.

Remember if you change your address you need to let us know if you want to continue to receive this newsletter



DO-OVERS

I had a friend of mine who was a fellow church goer who just violated. It made me feel sorry for the guy. His PO called me to pick up his car. Later I went to his apartment and tried to save some of his clothes. He used to attend church with us and the Circle of Concern. We all mess up; I know I have done my share of blunders, transgressions, sins and stupid mistakes. We are humans but for us that know God we are His children which have been bought by the blood of the cross and are FORGIVEN. Does this mean we will never screw up? No, my brothers, we are sinners saved by grace. However, God does NOT leave us to wallow in our sins. No, He has given us His Holy Spirit in us to live a holy life. In 1 Peter 1:16 for it was written "Be holy for I am holy". It is God's will in us to be set apart, sanctified for His good works. However, Satan our enemy is prowling around like a roaring lion looking for someone to devour. Therefore, we need to fight the good fight and

stand our ground against the enemy, which is not flesh and blood but the evil that is in the spiritual realm. We need to wear that full armor of God (Ehp. 6:10-18).

Finally, brothers and sisters know that God allows do-overs. All you have to do is accept Jesus as your Lord and Savior. You can say a prayer of repentance and He will save you. If you don't know how to pray, maybe a simple prayer like this will guide you: *Lord Jesus, I am a sinner and I'm lost in this world. I, by myself, can't fix what is wrong in my life. I pray that You will intercede for me and help me receive a new life a do-over, so to speak. I surrender to You, so do with me what You will and make me a new person. Let me die to my old life and be born again through Your love, mercy and grace. I pray this in Jesus' most holy name.*



Fear

What are you afraid of??? The Covid, the strange neighbors who just moved in, the stormy weather hitting California, getting older, feeling unstable when climbing stairs, running out of funds or perhaps the politicians yelling at each other? Is there something about turning 60, 70, 80 or 90??? What will happen if "they" change our money and make us use gold? What happens if my husband gets sick? I could spend all my waking time imagining what would happen if my car stopped on the freeway and there was no one to help me! The Bible

tells us the greatest fear of all would be death apart from God. What keeps Franklin Graham running around the world telling anyone who will listen that death is coming and life without God is eternally lost and terrible? Granted these are scary times these days and one of my joys is sitting in the backyard of my home, looking at the clouds moving gently across the sky, watching tiny birds care for their nest of young ones, watching the evening sunset and thinking of a song we used to sing at Girl Scouts, "Day is done, gone the sun, from the lake, from the hills, from the sky, all is well, safely rest, God is nigh."

Circle of Concern



Circle of Concern is aimed at breaking down isolation and fear by providing a safe place for registrants and their loved ones to get together, build community, and learn ways to step out and take charge of their lives and overcome the stigma

they face. The Circle of Concern is a group of concerned registered citizens, family and friends that meet together on the 3rd Sunday of each month. We are meeting this month on October 18, 2020 at 3 pm—5 pm. We will NOT be having a potluck. We meet at Foot-

hills Fellowship Church, corner of Tramway and Candelaria on the far east side of Albuquerque. We encourage and try to help each other. It is a safe place to share our strengths and struggles. We hope you will join us. If you are planning to attend call Don at (505) 315-7940.