

Hello and welcome to Episode 49 of the decarceration nation podcast, a podcast about radically reimagining America's criminal justice system.

I'm Josh Hoe, among other things, I'm formerly incarcerated freelance writer, a criminal justice from advocate and the author of the book *writing your own best story addiction and living hope*.

Okay, we'll get to my conversation with my friend Alyssa Ackerman and just a few minutes but first the news.

If you're curious, Day Of Empathy went great. We had events all across the country in one of, if not the largest days of action around criminal justice in our nation's history, just counting social media. The event earned over 100 million impressions, which is pretty astonishing. Certainly more than I get to say the least. I was very happy with our Michigan event.

I was also thrilled A few days later with the community listing session that we held in Detroit to discuss the possibilities for clean slate legislation in our state. Our goals are to widen experiment laws here and also make the process of expunging criminal records automatic Nation Outside, one of the organizations I've connect with help hold nine of these sessions all across the state. And really what we're trying to go for is the notion that what's much more important, at least research demonstrates is much more important is the amount of time someone stays crime free, as opposed to the type of crime that was committed, which means that when we focus on things like if this crime should be included, or that crime should be included, what we're missing is that the data doesn't indicate that the type of crime is important. It's the amount of time someone stays crime free. There's really no demonstrable public safety benefit to creating laws that exclude people from ever getting redemption. The things we know are that the easier it is for people to reintegrate back into society to get jobs to find housing to find community, the less recidivism you get, which means that our kind of knee jerk reactionl to carve out people from all legislation to somehow protect us protects nobody, and really makes us less safe.

Finally, I've been pretty grumpy about the reaction of the Paul Manafort sentencing, I have absolutely no love for Paul Manafort, but I think many of us on the left often forget what social justice movements are about. It's not social justice, to call for more punishment, we fight against equally punitive injustice and for an equally non punitive justice system, for all calls for blood, say more about us than they do about the person that we are wishing harm upon that people often respond you that people usually people of color have to face punitive justice all the time. That's very true, and we should demand that this change, but the answer is having everyone else treated like Paul Manafort not Paul Manafort. treated like everyone else. I have in the past suggested a very simple solution cap sentences so that

judges can give anyone can't give anyone a longer sentence than the average white defendant charged for the same crime. Under this system, which I've called mandatory maximums, judges have the discretion to downwardly depart at any time but not to move sentences higher than the average sense for a white defendant regardless, going crazy about emotional dependence and fighting against downward departure is how we got mandatory minimums and mass incarceration in the first place. It is imperative we stopped turning outrage into punitive and long sentences if our goal is to end mass incarceration. Let's stop repeating the same mistakes over and over again and again and again. And let's stop pretending that trying to transform the criminal justice system happens when we only transform it for the few people that we have warm feelings towards.

Okay, I think this is going to be a really interesting episode. It was not an easy one to record but I hope that will be very informative and helpful for people.

Okay, just a warning in advance because Dr. Ackerman and I are both survivors of sexual violence and trauma while I was also sentenced for committing a crime that was sexual in nature that this conversation could be triggering for folks in addition as a result of abandoning the traditional Question and Answer format that I usually use to allow Dr. Ackerman and I to have a organic conversation about a lot of these issues so don't be thrown off if this is a little different than what you're used to with the podcast.

With that said, Alissa Ackerman is an assistant professor of criminal justice at California State University Fullerton a campus I have visited many times. She earned her Master's and PhD from the John Jay College of Criminal Justice in New York City, and her website describes her. As a criminologist restorative justice practitioner, speaker and survivor, but I just know her as a friend recently, she did a really powerful TEDx talk about the sometimes difficult connections necessary for healing, which I highly recommend, and I'll link to our page. Dr. Ackerman, welcome to the decarceration nation podcast.

Thanks so much for having me, Josh.

So I always start here. Just start, can you share as much or as little of the story of how you got to be where you are as an expert in restorative justice and sexual crimes and things like the registry? You know that where you are now?

Sure. Yeah. So I finished my PhD 10 years ago. And I focus specifically on whether or not registration and notification policies did anything to decrease sexual violence from happening in the first place. And I learned very quickly that these laws don't work at all. And I've been on that trajectory long before I finished my PhD. But I've been on this trajectory for about 15 years. And I realized at some point that will that work was important. There was a part of it that felt fraudulent in a way because I was not open about the fact that I myself

was a survivor of sexual violence. And so I started reaching out to close colleagues and friends and sharing my story. And many of them said, you know, this is a story that you should talk about publicly. Of course, there's a link between your experience as a survivor and the fact that you went into a career studying sexual violence. I'd always been afraid that doing so people would think that I couldn't be objective about my work. But it was very clearly stated to me that the fact that I advocate for less harsh policies shows that I can be pretty objective. And so I started speaking out publicly and that I had the opportunity to participate in a restorative justice session with a group of men who were in treatment after the commission of a sex crime, although we didn't think of it as restorative justice at the time. In reflecting on it, we realized that that's exactly what it was. And since that time, I sort of changed the trajectory of my work to really focus on restorative justice options for people who have experienced sexual or who have committed some type of sexual offense. So that's what I specialize in. I have met with over 500 men and women who have been convicted of a sexual offense. I also work with people who have never gone through the criminal justice system. And it has been the most rewarding work I've ever done. So I hope to continue in this vein.

And so that must have been an interesting journey to kind of go through all of that. You know, I've been told before actually, I had a conversation at a event with Danielle Sered where she suggested that the results have necessarily been that great for working restorative practices with people with sexual offenses Have you come to a different conclusion?

So I think the research is still out. But the general restorative justice literature is pretty clear that you can use restorative justice for any type of offense. I think one of the things that has become really apparent to me and my work is that you have to understand the complexities of sexual offender before you can do restorative justice in this field. And I think a lot of restorative justice practitioners know the restorative justice field, but don't necessarily know the field on the ideology of sexual offended. And so I think it can make it difficult for some people to do restorative justice in this vein, but when you already have that background, and understanding sexual violence, and the prevention of sexual violence and the perpetration of sexual violence, you're in a different space to be able to do this work. But all that said, the research is still out.

So yeah, so we were to what what what what do you need to know for me, I'm trying to new we're trying this new format.

So yeah, so I wonder what you would what you envision a process like this being and if you would have found something like this helpful for you either as somebody who's experienced harm or somebody who was convicted of an offence I think

In both cases, it would have actually been really helpful. Because I think part of the reason why, you know, I became kind of fell down the rabbit hole I fell down, it's because I couldn't get the history of it <my abuse> out of my head. I think I've had someone explain it to me as something called mastery. Before that it kept, you know, I kept trying to master what had happened to me until, you know, to try to be the controller instead of the person being controlled. And I don't know if that's true or not, but I think it probably in both cases, it would have helped when I was young to have been able to, you know, really work it out so that it wasn't something that just stayed in the back, you know, I think when I was a kid, there weren't a lot of people doing any kind of work in this area. And I think even, you know, I think people that I've known, you know, adult figures who are involved in the, in the, at the time, you know, kind of said that, you know, even the therapist didn't really have or at least the ones I had didn't have a very good answer and You know, so I think it just was, you know, something that is like an itch i couldn't scratch in my head for so many years that it really didn't do me a any service. I also think a larger problem is that our criminal justice system does one thing particularly poorly, which is it really doesn't force or even encourage people to truly be accountable. It's kind of the opposite. You know, it's kind of like if you admit anything, or if you're really honest about anything that you did, you'll get more punishment. And so people are incentivized to do the exact opposite of what needs to happen for their mental health and for healing on both sides. I think.

Yeah, it's one of the things I talked to my students about a lot, that we're very good at punishment, and we conflate punishment and accountability all the time. And it's one of the reasons why I think restorative justice is so helpful and why I have engaged in it in the manner that I have because it actually holds people accountable. It gets them to talking about why they offended how they offended and an understanding of the the harm that they've caused. There's nothing about our criminal justice system that does that.

What I also think I forgot to say this, but when I was at the end of my, you know, when I was when I was in the, you know, the second part where I was the person who was doing things they shouldn't have been doing, I think that it would have helped me a lot because I could have worked through how I hurt people what, you know how that affected people directly, and it would have made a lot of, you know, I think I would have been able to, it would have been easier for me to do the responsibility piece of the work and take accountability for all that done. I mean, ultimately, I think I did that anyway, but I think it would have been a lot easier if I'd had that process to go through.

Sure. What would you have envisioned a process like that looking like,

You know, in my case, it's a little weird because mine was an online crime and I didn't actually know any of the people that I was talking with? Like, no, no, you know, like who they were, where they were, or anything like that. And so I don't know how it would really

work or you know it and, you know, we don't, you know, for good or for ill I don't really have someone that I could work that through with. But I think it would have been helpful if there had been someone I couldn't work that through with who had been hurt. Because I think in my mind, I know people, what I was doing could have would have hurt people could have hurt people. I just don't know the people, you know. And that's, that's, that's a I think, frustrating because I think that it's important to both be accountable to the people that you harm and to make amends.

That's one of the things that I love about this process that I've created. So we call it vicarious restorative justice. And we use that terminology because, as you know, many people who are on probation or parole can't have contact with the person that they've harmed or they don't know the person that they've harmed. And so we've created this process where people can come together and talk with it. You know, somebody like me, who's a survivor who they don't know, but who can talk about the impacts of sexual harm, and help them come to an understanding and empathize in a way, because they have somebody sitting there face to face, but it takes it it's one step removed, because it's not a person that they know. And so I think that makes it safer to be more vulnerable and open.

And so has this process, have you gone through this process, aside from as the facilitator yourself?

Yes, so I had an I had an opportunity this summer, actually to travel to Minneapolis, a man who had committed a rape about 40 years ago and never went through the criminal justice process reached out to me and asked if I would create the restorative the vicarious, restorative justice process for him. And I said, Absolutely, but I was going to be bringing survivors I knew and felt that it wouldn't be right for me to be facilitator and survivor in a room where I knew everybody. So I reached out to Cordelia Anderson, who's a very, very well known restorative justice practitioner in the Minneapolis area. And she facilitated the session. So I got to participate solely as a survivor. And it was incredibly powerful, so powerful to the point that this man who had not remember the name of the woman that he had raped 40 years earlier, remember her name in the middle of the session, was able to say it because he had he realized that the harm that he may have caused, you could see in the four women sitting in front of him.

Wow, that is pretty amazing. Yeah.

So, you know, you talk I, you know, obviously, I think, Well, hopefully, everyone after they've listened to this will watch the TEDx video, but could you kind of explain how that came about, about that story a little bit?

Sure. So as I said, I had reached out to a colleague and just close to her that I was a rape survivor. And she is somebody who runs a practice working with men who have been convicted of sexual offenses. But she started her career working with survivors. So I knew that she would be somebody that was safe to talk to. And she happens to live in the town that I grew up in. And so this group happened just a few miles from where my soul took place because she had been such a huge supporter of mine. I felt like I couldn't say no, and I was really excited about the opportunity to to meet with her group. You know, I've been face to face with people who've committed sexual offences my whole career as a researcher, but I never had that opportunity as a survivor. So when she offered this opportunity, I couldn't turn it down. And that first night I was absolutely terrified. I was visibly shaking. But when I had with it anyway, and one of the first questions one of the men asked me was, are you do you feel safe here? Do you feel comfortable here? And I did. I knew that that my friend would never put me in a situation that was unsafe for me or unsafe for her clients. And that first session was absolutely life changing for me. I had the opportunity to hug one of the man who's in the group. He'd served 20 years in prison for rape that was very, very similar to mine. But we just made this connection. He understood me and I understood him in a way that maybe other people couldn't understand because we had been in very similar circumstances, albeit different sides of those circumstances. We both understood what trauma was the next night, I had the opportunity to go back to the place where I was raped for the first time in the dark after 17 years, and I would not have been able to do that without the men in this group. They really drove home the point that we share a common humanity. I was able to see all of these men as men who had made mistakes instead of monsters, which is how I've always viewed my own perpetrator. So it's absolutely life changing. And like I said, from there, I began working as a restorative justice facilitator. I learned everything that I could about restorative justice and have now developed this process to work with men and women that are in treatment programs all over the country. And it has absolutely been life affirming work.

And I wonder for you and you hear me talking about understanding this common humanity that we serve that we that we share. I wonder what that's like for somebody who has been on both sides of this.

Yeah, I think in a lot of ways that's still a work in progress. you know, I mean I think for most of my life I had a really hard time connecting with people like I had kind of a separate persona that was my "relate to people" persona and then the rest of me was kind of not present, you know, and I think I took going through all this to really get to the point where I could kind of be more authentically connected to people and I think I'm a heck of a lot more present than I ever used to be in you know really just being myself with people I know you're always yourself but you know you do at least I always could see how I related other people by putting up a mask and and almost a separate persona now I don't really feel that

way at all so I think it's it hasn't been and I think that started with the abuse you know, when I was a kid and and I think it really took going through unfortunately, all the rest of this to get to the point where I really just started doing that. Yeah. And so, but it's still, you know, I it's still as you know, it's sometimes it's a struggle, I still can. It's like, I'm really good in a room full of people. I'm really good speaking publicly, I still have a tendency to isolate too much. Probably. I think it's the thing I'm still struggling with in my personal life. Now, you know, obviously I can be in public in other ways.

Sure. But again, it just drives home that point that we are so similar, right. Whether we have perpetrated offenses are we whether we have experienced offenses or whether we have done both. We share those common emotions. We share those that that common understanding of trauma, even if you've not experienced sexual trauma, serving time being on the registry, that's traumatic and so when we can connect on that level, then we can connect on a human level

dramatic.

I certainly saw some I mean, just just the prison piece I experienced. You know, I was lucky that I personally did not experience much really any violence. There were some threats a couple of times, but I somehow managed to get through everything. But I certainly had a lot adjacent to me. And I saw some just unbelievably terrible things, you know, that are just hard today. I really do believe that what prison is is kind of a trauma generating machine.

Absolutely, absolutely. And, you know, even if you're not the object, that trauma is still part of your memory of everything.

Sure, I definitely. Sometimes I'll be watching a TV show and I'm usually okay. And something will train you know, I wouldn't say have PTSD like someone who experienced it firsthand but I think I definitely have moments where it really throws me for a loop emotionally, you know, we're all something will trigger something or see something. And, you know, so I can only imagine, you know, for someone who's in prison who who directly experienced the violence, and obviously, I know a lot of people who have that problem.

Yes. And so I wonder, then how, like, we're having this conversation, which may not have happened 1015 years ago. But I wonder how do we get other people on board with this notion that prison is traumatic, that the registry is traumatic, that if we're trying to do away with harm, we're trying to prevent harm than we're not, we're not going to do that by causing more harm. And, you know, as people will hear, in the TED TEDx talk, if they go and listen to it, I've been called every name in the book because I advocate for this population. And I wonder what you think about how we actually make these changes?

Yeah, I mean, that's I think both of us have kind of had a similar experience with the called a lot of the The interesting thing about it is, you know, I kind of thought about it and it is you know, for my end it's it's pretty terrifying a lot of the time to be out as and be as public as I am you know I did an event at the University of Michigan a couple weeks ago where I almost exclusively talked about my experience as a registrant and going into that I was pretty terrified that you know most of what I was going to get out of it was just a lot of abuse but I really have come to the conclusion that if if you don't advocate for yourself and there so I'm not saying I'm the only one there's actually a lot of people that I know that are doing this now. But if we don't stand up and speak for ourselves and kind of demonstrate our own humanity and and, you know, talk about everything that we've encountered and what the entire experiences then you know, nothing's ever going to change and I think that's an important step. I also think that so many people have I've gone through the process of incarceration and or had a family member or friend that has that it's becoming increasingly hard for people. I mean, there's still plenty of people who think that, you know, you just throw people away, you just let you know, they're not people anymore, beat him down, whatever. But there's a large, a much larger group of people. Now that seemed to understand that the whole thing is a mess.

And that's absolutely the case. I know, when I was first kind of through my master's degree. I started 15 years ago, I was told you not specialized in this, do not do this work, you will not have a career nobody will listen. And I'm really grateful that I didn't listen. Because what I'm seeing now is, you know, it's not just a couple of academics that are advocating It can't just be our voices. We should be elevating the voices of people who have actually experienced the registry and experienced incarceration, but it's definitely an interesting place to be. I wonder if you have experienced this too, maybe just internally, but being a survivor and doing this work and being called all of those names when, you know, both sides of it, you know, for me not having the best of relationships with with the victim advocates, because of the stance that I take. It's a hard place to be.

Yeah, I have often wondered how you get through all of it, I'm sure cuz, you know, I mean, you definitely have friends, you know, but they're not necessarily what many people would consider to be natural.

You know, it's, it's tough.

Yeah, I have that too. It's, it's, it's, I don't, for whatever reason, I do get backlash. But I also get a lot of support. And I think that's been really helpful. I also I think part of the thing of having seen it from both sides and knowing all the different elements of it. Just have. I'm so convinced that the thing is just as a disaster that even if, you know, the alternative to me is the all of these problems for me. I guess the easiest way to explain it is everything to me started in silence, you know, was not being able to talk about what was bothering me as a

kid. It was not being able to talk about what's bothering me as a young adult was not being able to talk about what was bothering me as an adult, and then it was too late. And so I really don't think the answer is being silent. Like, I can't imagine that being a good answer. And so yeah, I think Yeah, I experienced a lot of the same things you're talking about, but I just can't I mean it, you know, for whatever, you know, to my detriment or whatever, I just, I just can't go back to where I'm swallowing everything and that that just wasn't healthy for me and obviously not for anyone else.

I feel exactly Oh, I feel exactly the same way. I often wonder to You know, say, well, maybe I shouldn't be doing this work. I think what else would I be doing? Know this is exactly what I'm supposed to be doing. And I think that's what keeps me going. That there are naysayers. There are people who, you know, say nasty things. But at the end of the day, this is something that I wholeheartedly believe in. And it's not just because I have contact with people that are on both sides of this, but I have 15 years of research background and every single study that has been conducted show that these laws don't work and show that they are harmful. So I don't understand how anybody could want to keep these laws knowing that they don't work

Despite all that just yesterday, the Indiana Senate passed a law to with about eight minutes of debate to put all people who have ever had a felony on a website. I mean, it's just crazy. I mean, are they reading a different set of research or just totally ridiculous?

Yeah, well, that's why I love this restorative justice. This process because I think, you know, for survivors, they often don't think of the person who harmed them as human. And I think for people and correct me if I'm wrong, but people who have been convicted of an offence have a really difficult time trusting members of the public and then so harmful and then so then you have a survivor walk in and say, I stand with you. And that can be life changing

It's so true that you know, you know, for people who don't understand and you know, I mean, I'm sure at some level I make it seem like it's not a big deal but you know, if you watch that speech that I gave at the U of M, you know, I went through approximately five pages of text they're all the ways in which surveillance and control are layered on me on a daily basis or have been since my arrest and you know it I did it in a couple of the newspaper said in very rapid fire fast but you know I mean it's incredibly hard for people to put their when you've been you know pile that much stuff on you you know the idea of sticking your head up is almost incomprehensible you know you just want whatever space you've created whatever little safe place that you've created you just want that little space place to be a safe place to be left alone you don't want to you don't even necessarily want to see other human beings you just want to have a place where you can breathe you know and I mean I know guys who you know you know who are been on your on like lifetime monitoring you know I was on a monitor for a couple years and that was incredibly I mean

just humiliating on a moment a moment to moment basis I mean there's just so many collateral consequences that I just you know I you know, anyone standing by it was like the end of you know, I mean, it's just almost incomprehensible at least it for me.

Sure I've had many of the men in these groups asked me that, what my, what's my angle? What am I trying to get out of this? Because they don't trust the fact that I'm here simply because I want all of us to heal. So it takes some time sometimes to get some of the participants on board because they're fearful. And they have every right to be.

Yeah, I mean, it's, you know, I mean, if you get kicked every single day, it's really hard to trust anyone. And I don't know if you know, I don't know if I totally trust people. As much as I just know that, you know, the way I was living wasn't going to work in it. And it led me only to bad things. So, you know, I had no desire to be in in that place. And so I think a lot of people are surprised that I'm as optimistic and cheerful as I am. Most of the time, and I think a lot of it's just because it's just the rest of it's not worth it. And it's not like I'm living the life of a rich and famous person or something. I'm just, you know, I just, I just got to the point where I was tired of living in a place where I was always miserable.

Yeah, that resonates a lot. And I find, you know, all the social media following that we have amassed, that wouldn't have happened a few years ago. So I'm equally as optimistic that things are starting to change, if only because we have this camaraderie that we've built. And, and that's a really powerful thing too.

Yeah, I mean, just a couple years ago, you know, people wouldn't even publish you know, I'd write things for people that are supposedly in the business of second chances who have platforms and you know, a lot of them would just straight out deny me or just, you know, they'd be like, super friendly to me, but they say we can't really get that close you know, right. And it's only been really Recently, you know, the last, you know, year and a half probably that, you know, it's really started to, to work out and I don't know, I mean, part of that might have been my fault too. I don't I don't know, you know, I mean, but, you know, it did seem like it does seem like things are changing, you know, and I don't want to make that sound like, you know, everything's, you know, flowers and candy, but it's still it's nice.

Yeah. I mean, we have a long way to go. We have a long way to go. But I see the beginnings of this happening and the fact that I being asked to come into groups and it's very promising the Ag Report that just came out it's really promising okay.

Yeah. I'm still flabbergasted that that that was that a top law enforcement officer put out that brief is just the best like i said if she had a campaign tomorrow I would be be on the trail? Absolutely. I'm not sure she would want me on the trail.

so yeah. So in going through all of this, I mean, I understand you said it's been transformative. But it's also got to be me. It's got to be a wide variety of feelings. Do you? Is there any way you can kind of talk about like, how you've gotten through all of that? or?

Yeah, so it's definitely been a wide variety of feelings there. For the most part, it has been life changing and life affirming. But there are certainly people who have said things in these groups that can be very triggering. You know, the, the rape that I talked about is not my only experience with sexual harm. And so I've had men in the group say, Well, are you stupid? Are you making it up? But it gives me an opportunity to talk through the neurobiology of trauma and why why you've been victimized it's more likely that you're going to be victimized again. And and why people don't make this stuff out. There are cases where that happens. Absolutely. And that's horrendous and horrific when it does. But for the most part, being able to explain why people don't make this stuff up and what the process is like when they do disclose. And again, talking about the neurobiology of trauma, but questions like that can be very triggering. I've had to take breaks I've had to to walk out of a group before the aftermath is trying sometimes I call it the vulnerability hangover. So whether I'm giving a talk in front of a large group where I'm talking about my own experience, or I'm sitting with a group of men talking about my experience, it takes me a day or two to come back from it. And these are really emotional conversations I've sat with well I'm crying and wall a man in the group is crying and we're sitting there hugging each other and Just let into tears flow. And that can be exhausting. But I think it's worth it. And I think it's necessary.

Yeah, that's been a real struggle for me. You know, I definitely grew up telling myself for a number of reasons, not just because of the sexual abuse, but also a lot of you know, I was beaten up a lot as a kid, a lot of other stuff. And I just had this hardwired into me that showing any weakness or being emotional at all, is the worst thing you could do. And so even now, where I feel a lot more comfortable with myself, emotionally, it's still incredibly exhausting to do what should be a natural process. I realize it's dysfunctional, but I don't really always know how to get around that.

I definitely understand that. I've been told many times that I'm very stoic that I don't share or show my emotions very often. But when you're in a space that is incredibly safe, and where everybody has agreed be vulnerable and honest and authentic. It provides a space to show those emotions because, you know, nobody's judging you. And what I've found in these rooms is that we are experiencing the same emotions, whether it's shame or guilt. We all know what that feels like. It might be for different reasons, but but we can understand each other.

And will you how do you get from point A to point B? Because it sounded like you said, you know, there are some people who say some things that her you know, probably at the very least I'm thoughtful or maybe insensitive or maybe they just don't understand the you know,

how that that could happen that are triggering How do you get from that point to somewhere where everybody really does have a common understanding so I don't know that everybody will ever have with the common understand and I think when you have most of the group who gets it people who have been in Treatment for a long time who understand their own offending behavior, they sort of show that they are the model for other people in the group. I come back to many of these groups on a pretty regular basis every six months. And so I've built a rapport with a lot of these men, there are still men in the group that might never get it and that's okay. Right. We all have different risk factors. We all come from different places we all have different belief systems and some people are not ready to make that change when they're ready I will still be there and so I just I give my attention to the people who are ready and willing to receive it and they give that same respect right back to me and so they serve as a model some of these other men what has been I guess when you have these these groups?

What what's usually the Some of the more challenging things that you're what are the pain points?

Yeah, so all of my experiences have been contact offences, the one that I'm most open about was a violent rape that happened when I was 16. And oftentimes you will find people in these groups who have not committed a contact offence. Maybe they've used child pornography or something like that. And it's a real pain point for them to be sitting in this room thinking why should I even be sitting here? What I did is nothing. There's no comparison between what happened to you and what I did. And so I think there's some there, there's some issues there.

But I think what's really powerful about that is when somebody comes back two months later and says, I've been thinking about what you said, and if the children in any of those images experienced half of the harm that you experienced, I'll never look at another image of child pornography for as long as I live. And that's a pretty powerful thing, but

When you first come into a room, and individuals are not really sure what to make of you, and their offenses don't match what happened to you, they think that there's no common ground that can be found. And so breaking that barrier can be tough.

And you said earlier that you talk sometimes with women who have had sexual offenses is that is the process. Have you noticed differences and how the process works or how you have to approach things?

Yeah, so I've only done one group of women and they were the they did not want me to come, it took months to convince them to let me come to the group. And I think that is because there were more women in that group who were open as survivors and I think that

they were afraid that I was going to just see right through their the tough exterior that they were trying to hold on to, which is exactly what happened when I got in there anyway. And so I think there were some real concerns about that. From there, and from my end, I knew that that was going to happen. That's what happens when I talk in groups with men to in fact, it's often the first time that they disclose is when I'm there, which I think is a really powerful thing.

And I wonder what you think about that why you think man who had not previously disclosed and treatment would do so when I was there?

That's an interesting question. You know, I mean, I've been in treatment groups, for those who don't know, when you're in prison, at least where I was at and you're going through the therapy, it's usually a group of, you know, between 13 and 15 people. I think that's pretty consistent. I don't know if that's true where you're at.

Yeah.

And so you definitely have a wide range of people and a lot of them you know, will be pretty honest. And you know, some people come right in and ready to talk about it and other people don't, and some people won't ever come to grips with that. You know, I mean, like, I'm not saying that everybody who goes to prison is guilty. I do think most people who go to prison are guilty of some of the things that they were associated with. Maybe not all of them, maybe not, you know, maybe not, maybe not even, you know, a large amount, but probably something that they were charged with. Maybe that's fair, maybe it's not. But it seemed like it worked out that in the groups that I was in that that was generally the case and that most people would come around. And there's also I think, this secondary problem, which is that a lot of times you have your kind of social universe connected to the idea that you're not going to admit guilt at any level. So for instance, you've told a family that you're, you know, that you're just innocent, you know, straight up innocent and so if you were ever to admit it, that would put at risk all of your connections. And so I don't think denial is always an attempt to not take accountability as much as a survival strategy, if that makes sense.

Sure.

But I don't really know why. I mean, maybe it's because, you know, I guess a couple of theories. The first one is, I think for me, if I'd been in a room and you'd been there and telling your story, the parts of your story that were similar to my story would make it very hard for me not to be touched or open. Now, I don't know about people who, you know, I kind of have a suspicion although I know that a lot of people disagree with this, that there was a lot of people who end up regardless of the type of criminal background that trauma foregrounded that somehow absolutely, Bruce and I think Bruce Western talks about how

most people who commit violence were also both the witness and a victim of violence at some point in their life. And so I think that there's some kind of thing that when someone is really being honest in a way that you weren't prepared for about something that you is deeply true for you to that it's probably easier to connect, if that makes sense.

Makes perfect sense. I don't know what to do think.

Yeah, I mean, that's the sense that I get that when, when you say something that resonates with somebody, especially in such a vulnerable way that common humanity comes out, right? You see yourself in somebody else, you can't hide that. And the fact of the matter is, is that most of us are survivors of something. So it's easy to connect on that level when you've created the safe space to do so. And so I make sure you know, the starts at the start of these groups. The first thing I say is like, I'm here to learn from you. In the same way, I hope you learn from me, there's no anger, there's no judgment I'm I'm not here to judge you. It doesn't even matter what you've done or why you're here. What matters is that we can connect and I think that starts to put people at ease. And even if the first time I come to a group, they're not fully invested. second or third time they're listening. So how do you think the you know, I mean, it seems like, you know, we're a country full of people who in some way, shape or form at least if you mean I think it's, you know, like when I was I probably knew very small percentage of people that when I got to know them didn't have some, you know, terrible thing that happened to them in their past. And if that is really what the nation is made up about, do you think that that has something to do with the insistence that there's a difference that you know, to constantly construct this difference between us and them in terms of people who've committed offences and people who at least have it you see, hey, yeah, so I think it is much easier to believe this us versus them. paradigm that is To recognize that people that you love and including yourself, are capable of harm. So it's much easier to point the finger at somebody else and say, Well, you did this terrible thing you deserve to rot in prison, I could never do something like that. It's easier to keep up that persona than it is to actually look at yourself and realize that you are capable of that, that every one of us is capable of it.

And I think some of that is is shown in the doubling that happens in the sense that, you know, it seems like the people who really enjoy heaping punishment on people who've committed offences of some kind seem not to catch that they're doing exactly what they're saying is absolutely, and I think as long as that narrative remains, we're not going to see much change in these really draconian punishments that we have.

It's very easy to look at the, you know the cases of Jacob Wetterling and Polly klass and Megan Kanka, Jessica Lunsford. see monsters. But if you think that those are the only people who commit sex offenses, then you're sorely disappointed when you find out the truth. And so if you could just think of everybody, as the type of people who everybody who

commit sex offenses as that type of a vendor, then you can absolve yourself of any guilt you might have for anything that you've ever done.

Well, I think this is where we get to one of the tough questions around this to what about the people who are that kind of offender, whatever that means, you know, you know, what is what do we do with that situation? Because, you know, I think in my work, I work very hard to try to come up with systems and ideas that treat everybody with humanity. Right?

Yeah, I agree. I agree with you. I think that there are there's a small fraction of people, a very small fraction of people who committed very, very heinous offenses, they do not play well with others. And they probably do not belong in the public. But that doesn't mean we don't treat them with humanity. I don't know what that necessarily looks like, but it's certainly not 2.3 million people incarcerated, right? It's a very small number of people that don't play well with others. And I think you can hold that prison is traumatic and we want to decarceration and at the same time, there are some people who just do not belong in the public and they will tell you that they don't belong in the public, you can incapacitate them in ways that are still humane.

Yeah, sometimes the, you know, we make all of our rules based on the tough cases.

Right. And I think sometimes the reasons our response then is to say, Well, if we just don't treat everyone like the tough cases, but sometimes we forget that you know, when those tough cases are probably that way for A lot of terrible reasons and while they and sometimes it's not sometimes it's a in a kind of psycho magical problem, I think, I don't know.

And it's odd to me that we, you know, then, if it is an innate psychological problem, it's odd to me that we somehow blame people for being if it's genetics or psychology you know, why are wrong You know, I understand why we maybe don't, they can't like as you say, play well with others, but you know, that's not really their fault. I know that's crazy to say, and I'm not saying that, you know, I want to, you know, then go into the playground with someone who says that they don't play well with others, but at the same time, I think brutalizing them for something that's really beyond their control is a weird, really weird and kind of disturbing response.

Absolutely. You know, my first job actually, I was still in my undergraduate degree and I didn't internship with the county probation office works with juveniles with mental health disorders. They were incarcerated, and I would read their case files. And these are young kids 11, 12, 13, 14 years old. But I'd read their case files and you'd look back over their history. And they were already coming to the attention of authorities when they were four, and five, and six and seven, and we did nothing. Now they're 13, 14, 15 and they commit a

violent offense and all of a sudden we blame them. But it was very clear all of those years prior that something was going on. And I think that's the case for some of these offenders who really don't play well with others that are high risk that will continue to offend. If you look at their past. There's something there people don't wake up one day and go search out to harm and murder a child. Right? Those are the kinds of cases and it's about 3% Of all cases, no matter what institution that you look at, it's about 3%, look at their pasts. And I think we we we don't take the time to that we don't necessarily have the resources for that because we're putting them all into these reactionary policies that don't work in the first place. So if we work towards prevention and early intervention, I think we would see a big change.

Well, you've done a lot of research on registry. So I think we both would pretty quickly agree that, you know, there's it's hard to even conceive of what they do that's positive, you know, it's like if you were going to develop a system, it's the most possible counterproductive system you could if you wanted to help in any way, shape or form, bring people back in a way that would sure that they're safer or less of a risk to society? Would we agree on that, or 100%? So the question then becomes what you know, I mean, I think and I think I've had this discussion with policymakers. Before What? What is the answer? You know, what? If that's not the answer? What is the answer? I think you don't have to have a great answer to this.

Now, my answer is to abolish the registry. The registry does not work. There is nothing positive about it at all. It does nothing for people who have caused harm. It does nothing for family members. It does nothing for people who have been harmed, it only causes more harm. And there's absolutely no reason to have a public registry like we have that goes for residents restrictions as well. There's nothing there's no evidence that shows that they're effective in any way, they just cause more harm. And if you think about what it is that survivors need, what the research shows is that we need a voice we need some control over the process that happens after we disclose. We need some acknowledgement that what happened to us was wrong and that it's not going to happen again. There is nothing about our policy. That does any of that. So we can say all day long that we stand with survivors, our policies don't show that if we stood with survivors, we would have prevention efforts in place, we would have money to pay for counseling that they needed to pay for medical services if they needed them. And that would be long term, but instead saying that somehow we care for survivors by making the lives of people who have caused harm tremendously difficult. And these are typically people that the survivors know right, then we're talking out of both sides of our mouth, I say abolish the registry,

And is there anything else we could do that might you know, in terms of prevention or in terms of education or in terms of, you know, better services when people are younger that

might deal with some of the problems that were you know, that the society faces in terms of sexual abuse?

Yeah, I think comprehensive sex education that begins very, very early. would be tremendously helpful, I think anonymous hotlines for people to call into if they fear that they are at risk of offending, if somebody has a sexual attraction to two children, somewhere where they can go and talk to somebody about that none of those services exist in any pragmatic way. And I think that if they did, people would seek out those services. If there was no stigma attached to it, they would seek out those services to get the help they needed before they offended in the first place. I think better comprehensive mental health care both for people who have been harmed and for people who are at risk of harm would be a really positive step. But all of that that's all prevention, right? All of all of the money that we're spending in reaction if we took that and put it in prevention, like I said, comprehensive sex education, consent education with young people. I mean, I'm teaching 18 year olds, they have no idea what affirmative consent is. So I think a lot of times people engage in behaviors that are harmful, and they don't even realize they're causing harm, because they've never been taught that they're harmful in the first place. And then we blame them when some kind of harm happens. So I think it all comes down to education and awareness and the acknowledgement that we're not going to stop all offending from happening. But we can stop a lot of it if we just reach out a hand to people who may be struggling

Well, before I ask my last question for you, do you have any last questions for me?

No, I don't think so. I think this was a really engaging and fruitful conversation. I enjoyed it a lot.

All right. Well, my last question, it's always the same. I always go back to my old my old habits. My last question is, what did I miss? What should I have asked that I didn't.

I guess the only thing is how these these vicarious restorative justice sessions work what they look like, I think I asked you earlier, what would you envision a person is like this looking like and and I had wondered if it was different in your head from what I actually do during the process?

Oh, yeah. I guess for me, it's, you know, kind of like what I was saying happened in prison where we were 15 people. And we all sat around and we had to, well, the problem with it is we were forced in a sense to talk but, you know, it's still was very productive. I don't know if that's similar, but I guess the other you know, in a less kind of forced and, you know, I there were things I didn't like about the, the program that they work I didn't think that, you know,

their goal in a sense was for all of us to kind of like get into the shame Olympics in a sense, which I think shame based models are generally very counterproductive, But I imagine the circle and everybody sharing might be similar as that somewhere

Yeah, so the circle is similar. We work in a very, very trauma informed way, not in a shame based way at all. And the first session is usually we go around in a circle and share whatever it is we choose to share. But then I come back and usually engage in a role playing exercise with one of the men in the group and where I use my experiences as a survivor, but use the information from their police report to sort of play the victim in their case. And then the rest of the group acts as a sounding board to hold the person accountable when they went in. Or if they say things that might come across as victim blaming in any way we role play what it might be like to, to actually offer an authentic apology to the person that was harmed and and so that's a little different than just going around in the circle and talking which is also really, really profound. In fact, I think for the men who have participated in that part of the process that has been the most challenging, but also the most rewarding for them is talking to me as if I was the person that was harmed in the case. And I said, just one more question. I will ask just one more, you know, if you had one, you know, if you can boil this all down to kind of one thing that you hope everybody takes away from this discussion, you know, that be all of us are capable of being harmed all of us are capable of causing harm. The only way that we are going to end sexual victimization for everybody is if we connect with one another. I honestly believe I wholeheartedly believe that healing from sexual violence requires connection. And I think that that connection comes from places that you don't necessarily think that they would come from and for me that has been men and women who have committed sexual offenses. And so I stand with, this work and I stand by that connection.

Well, thank you so much for the work that you do and for taking the time to talk to me. I'm glad we could do it in kind of a different format than my usual I really enjoyed this.

Thank you for having me.

Yeah, talk to you soon. Bye.

Bye

bye.

And now my take. That was a tough discussion to have, but also a good one to have. I think it is important to continue to confront the uncomfortable truths about myself, and also be willing to do the hard work to get to the bottom of what caused me to make the mistakes I made in my life. I also think that it's critical to find alternatives to a criminal justice system

that conflates punishment with justice and incarceration with healing. Dr. Ackerman has taken a lot of grief for her work, and it's hard to imagine the bravery it takes to be the victim of a sexually violent crime but also have to defend work trying to help both victims and perpetrators heal in the face of often withering criticism rather than rant like usual about some current justice reform issue or other which I do enjoy doing, I'm simply going to thank Dr. Ackerman for being my friend and for having the courage to be open to conversations like this and just let our discussion speak for itself. Our tagline for damn empathy was crime hurts, Justice should heal. I believe this deeply is part of why been putting such an emphasis on restorative justice in 2019 is time for a new model. incarceration doesn't work. It doesn't heal crime victims. It doesn't make perpetrators better. It doesn't make the world a safer place. We need to find better answers to complex problems. And we do encourage healing, not just punitive justice.

Okay, next week is my 50th episode and I'm celebrating with an extra special guests, so make sure not to miss next week's episode. As always, you can find the show notes or leave us a comment at [decarceration Nation. com](http://decarcerationNation.com) and make sure to check out the new t shirts, sweatshirts and hats, which is kind of crazy but real if you want to support the podcast correctly you can do so from [patreon.com slash on pirate satellite](http://patreon.com/slash/on/pirate/satellite). I also want to shout out the newsletter which has really been growing over the last few weeks. You know, I do a special take at the beginning of each newsletter and then it gives you kind of the updates of what's been going on on our site. It's really been catching on. I hope everyone joins in, you just have to go to [decarceration Nation. com](http://decarcerationNation.com) and sign up for the newsletter. You can also support us by leaving a five star review from iTunes or like us on Stitcher and Spotify. Special thanks to Andrew Stein who does the editing and post production for me and Robert Alvarez has been helping with the website. Thanks so much for listening to the decarceration nation podcast. See you next time.