

1 if it had been more recent. I believe that  
2 was some six years ago, and when I probed Mr.  
3 Titus he denied having any other instances of  
4 tantrums or loud talking. As I understood it,  
5 he had a brand new car which was damaged and  
6 was an initially quite upset until he regained  
7 his composure. And he says he's had no  
8 further episodes of acting out or sounding  
9 off. Furthermore, I've had occasion to  
10 confront Mr. Titus and discuss matters  
11 affecting the evaluation, but probing and that  
12 is sometimes not employed to maintain whole  
13 stance. He behaved quite appropriately.

14 Q Okay. Dr. Allmon, do you have a  
15 view of whether having a social support  
16 network assists a former sex offender from re-  
17 offending?

18 A I do.

19 Q And what is your view?

20 A Well, in general, to isolate is  
21 not a good thing psychologically for anybody.  
22 It will exacerbate any pre-existing

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1 psychological adversities. So for any person,  
2 isolation is a poor idea. In the case of a  
3 sex offender who has a cycle or pattern of  
4 offense that's current inactive, to isolate is  
5 very bad because they don't have people to  
6 verbalize their stress with. And instead of  
7 doing that, they go and act out sexually as a  
8 means of distracting. If it's a substance  
9 abuse matter, then they go and make use of  
10 alcohol or drugs. If it's some other sex  
11 crime, they go employ a prostitute. Anything  
12 to distract. And in the current instance, I'm  
13 not able to identify any pattern in Mr. Titus  
14 that suggests that when he becomes troubled in  
15 terms of mood that he eventually turns to any  
16 behavior as a means of distraction, and that  
17 would include sexual behavior.

18 And so to answer your question,  
19 isolation is not good for anybody at a time  
20 like that. Go spend some time with a friend  
21 and discuss his stressors.

22 Q Okay. Well, that brings me to my

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1 next question. Do you have the view of the  
2 role of appropriate relationships in assisting  
3 a former sex offender from re-offending?

4 A Please ask me the question again.

5 Q Sure. Do you have a view of the  
6 role of appropriate relationships in assisting  
7 a former sex offender from re-offending?

8 A Well, I'm not quite sure how to  
9 answer the question. I've already said that  
10 I think isolation is a real mistake and that  
11 the polar opposite of that is somebody who is  
12 quite affiliated and develops friendships that  
13 entail trust sufficient to disclose troubling  
14 matters just to kind of talk them out and be  
15 a sounding board. Maybe an expression of  
16 support and affection at that time are highly  
17 desirable. I hope I'm answering the question.

18 Q I think you did. Sir, do you have  
19 an opinion on whether participation in amateur  
20 radio is likely to foster appropriate  
21 relationships?

22 A Well, I don't have a lot of

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1 experience or knowledge of that subculture.  
2 What I do know is --

3 MR. KNOWLES-KELLETT: Objection,  
4 your Honor. Could he lay a foundation for  
5 what he does know? I don't want him  
6 speculating --

7 JUDGE SIPPEL: Beg your pardon?

8 MR. KNOWLES-KELLETT: He's  
9 speculating. He's just said I don't know much  
10 about it. We'd like to know what he knows.

11 JUDGE SIPPEL: I'll sustain it.  
12 It's a little bit on the objection, but yes.

13 MR. LYON: Well, okay, let's lay  
14 the foundation.

15 JUDGE SIPPEL: Lay a little  
16 foundation here.

17 BY MR. LYON:

18 Q Dr. Allmon, what do you know about  
19 amateur radio?

20 A Well, my impression has always  
21 been --

22 Q Go ahead, sir.

1 JUDGE SIPPET: Is this an  
2 objection? You're making an awful lot of  
3 noise on that side of the table.

4 MR. KNOWLES-KELLETT: I apologize.

5 JUDGE SIPPET: Please keep it  
6 down. Go ahead, Doctor.

7 THE WITNESS: Well, my impression  
8 is that people who are involved as ham radio  
9 operators are very well intended and seem very  
10 committed and it's kind of a subculture of its  
11 own. That is the only impression that I have.

12 BY MR. LYON:

13 Q Based on that impression --

14 MR. KNOWLES-KELLETT: I object.  
15 He doesn't have enough evidence, knowledge of  
16 amateur radio --

17 MS. LANCASTER: He stated he has  
18 firsthand knowledge.

19 MR. LYON: Your Honor --

20 JUDGE SIPPET: No, I'm going to  
21 overrule the objection. Please let the doctor  
22 finish his point. You'll have your

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1 opportunity on cross examination.

2 BY MR. LYON:

3 Q Doctor, do you have the question  
4 in mind?

5 A I think so.

6 Q Okay, go ahead.

7 A Well, one, in the course of life,  
8 picks up tidbits of information on television  
9 that so-and-so is a ham radio operator. It's  
10 helpful in one way or another. And I've never  
11 heard anybody from using that role, although  
12 I suppose anything is possible, I'm not aware  
13 of it.

14 Q Okay. Let me ask you this: if I  
15 told you that amateur radio operators use  
16 their radios to contact other amateurs and  
17 have discussions, that they go to conventions  
18 called HamFest, that they are involved in  
19 drills with respect to emergency  
20 communications and disaster relief, if I told  
21 you that, would you have an opinion on whether  
22 participation in those activities would be

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1 likely to foster appropriate relationships in  
2 a sex offender?

3 A Just as a layman, hearing about  
4 those things seem very unlikely to be prone to  
5 serve as a vehicle for treating sex crime.

6 Q Okay. You're actually  
7 anticipating my next question. Let me go back  
8 to, the point of my question was is it likely  
9 in your view that participation in amateur  
10 radio, given the foundation that I laid for  
11 you, whether that's likely to foster  
12 appropriate relationships for a sex offender?

13 MR. KNOWLES-KELLETT: Objection,  
14 your Honor. I'd like to continue an objection  
15 that he doesn't have enough knowledge. That's  
16 been established.

17 JUDGE SIPPEL: Well, I can  
18 certainly listen to it. If you can make that  
19 point in findings, but let's listen to what  
20 the doctor has to say. I don't have to accept  
21 every conclusion he's drawing. Go ahead.

22 THE WITNESS: I guess, your Honor,

1 that everything I know about ham radio  
2 operation, associations developed through that  
3 organization would be quite excellent in my  
4 opinion in avoiding isolation. As I earlier  
5 mentioned, isolation is a very important  
6 thing, and ham radio involvement would seem  
7 likely to provide a wholesome and constructive  
8 use of time.

9 JUDGE SIPPEL: That would be true  
10 of any hobby, wouldn't it, if it involves, you  
11 know, as you say, if it takes a person out of  
12 isolation?

13 THE WITNESS: It could. But any  
14 hobby might have some adverse characteristics.  
15 For example, a photography club might entail -  
16 -

17 JUDGE SIPPEL: We know that's not  
18 good. That's not good.

19 THE WITNESS: Whereas, everything  
20 I know about ham radio operation is good. It  
21 takes care of avoiding isolation, networking.  
22 And it has no adverse goal that I know of.

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1 JUDGE SIPPEL: Okay. But what  
2 about the proximity, the opportunity of  
3 proximity, though, with young people?

4 THE WITNESS: Well, there is some  
5 degree of risk in just having Mr. Titus on the  
6 streets or anybody on the streets. On the  
7 other hand, the probability appears to be,  
8 based on his 15-year history of participation  
9 in society, not very likely. So I don't know  
10 that being involved in ham radio operation  
11 would be any more troubling than many other  
12 activities he might join in. A yachting club,  
13 for example, or a tennis club. I have several  
14 friends who are involved in amateur baseball  
15 and amateur football team. I suppose if there  
16 are kids it could come around, but I don't see  
17 that as the most prominent aspect in that kind  
18 of participation.

19 BY MR. LYON:

20 Q Doctor, in your experience  
21 treating sex offenders, am I correct that your  
22 primary practice is treating sex offenders?

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1 A Yes.

2 Q And you've been doing that for 30  
3 years?

4 A I've been doing it since 1988. I  
5 think I have treated about 4800 sex offenders.  
6 In my personal history, so far as I can  
7 determine, the re-offense rate has been very  
8 low, below five percent.

9 Q The re-offense rate?

10 A Has been very low. I think it's  
11 been below five percent. It's very difficult  
12 to track that. Every indicator that I have  
13 suggests that we've done quite a good job,  
14 frankly, in treating sex offenders.

15 Q Okay.

16 A And, also, I've also evaluated  
17 about 4800 sex offenders and alleged sex  
18 offenders, so I have a very good sense of the  
19 psychology of the sex offender, I believe.

20 Q Okay. And in your 30 years of  
21 treating sex offenders, have you ever known  
22 any sex offender to use amateur radio to

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1 attract his or her victim?

2 A No.

3 Q Have you ever heard of that  
4 occurring?

5 A Never heard of it.

6 Q Okay. Based on your evaluation of  
7 Mr. Titus, do you see any further need for sex  
8 offender treatment?

9 A No, I certainly don't.

10 Q Do you understand that some of the  
11 documents that have arisen in this proceeding  
12 include comments by the treatment staff that  
13 he was resistant to sex offender treatment?

14 A I'm aware.

15 Q And does that give you concern?

16 A Not particularly. At the time Mr.  
17 Titus was undergoing sex offender treatment,  
18 he was post-adolescent himself and perhaps not  
19 as committed as he might have been. What is  
20 important is that he extracted treatment  
21 concepts, which apparently he has made very  
22 successful use of for the past 15 years. And

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1 so whether his manner or participation with  
2 any particular treater was successful or not,  
3 he appears to have benefitted sufficiently  
4 from that treatment to live a fairly  
5 constructive life, avoiding re-offense for a  
6 very long time.

7 MR. LYON: Your witness.

8 JUDGE SIPPEL: You're now going to  
9 be cross examined by the government counsel,  
10 Doctor. You've testified before I'm sure on  
11 many occasions.

12 THE WITNESS: Yes, sir.

13 CROSS EXAMINATION

14 BY MR. KNOWLES-KELLETT:

15 Q On how many occasions?

16 A I don't know. Perhaps 40.

17 Q Okay. In your deposition, you  
18 said 20. Does that refresh your recollection?

19 A Well, it does, but I'm taking a  
20 figure from the sky. I think it was more than  
21 20. And most conservatively, I would say 20.  
22 Less conservatively, I'd say 40.

1 Q Okay. Have you had complaints  
2 lodged against you, ethics complaints?

3 A I have not.

4 Q Are you aware of courts rejecting  
5 Dr. Natalie Novick-Brown's opinion on any  
6 occasion?

7 A I have no occasion, I have no  
8 knowledge of anybody commenting adversely  
9 about Dr. Novick-Brown's work. That doesn't  
10 mean that, for whatever reason, a court of law  
11 might reject her report.

12 Q Okay. With respect to the  
13 statistics on recidivism and re-offense that  
14 you were giving to Mr. Lyon, what is the  
15 source of those statistics?

16 A Marshall.

17 Q What is Marshall.

18 A Marshall is a researcher and  
19 psychologist who specializes in evaluating and  
20 treating sex offenders and doing research on  
21 them.

22 Q Do you have any idea what year he

1 came out with these statistics?

2 A I'm guessing, I suppose --

3 Q I ask that you not guess, but I  
4 would like you to estimate, if you have an  
5 idea that they're recent, last five years.

6 A An estimate is not clear for me.  
7 I would say in the last five years I've heard  
8 those statistics.

9 Q Okay. So you've just heard these,  
10 you haven't read them?

11 A I've read Marshall's material, but  
12 I received, especially in the past, many, many  
13 journals. And I know almost all available  
14 training on evaluation and treatment of sex  
15 offenders.

16 Q Okay.

17 A In handouts from the podium there  
18 are often estimates.

19 Q And so you know that Marshall came  
20 out with these statistics, but you don't know  
21 when or where you saw it?

22 A That's correct. Actually, I've

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1 seen them in many places, but I can't cite the  
2 publication.

3 Q Okay. When I ask you a question  
4 in terms of guess and estimate, when I use the  
5 term guess and estimate, as it's generally  
6 used in legal matters, a guess is when you  
7 don't have a good basis for your answer. An  
8 estimate is when you have a, you don't know  
9 the precise answer, you know. If I ask you  
10 what color shoes I'm wearing today you haven't  
11 seen, you'd only be guessing. If I ask you  
12 when, you know, a particular event occurred,  
13 you might not remember that it occurred, you  
14 know, 2001, February 22nd. However, you  
15 remember it was about 10 years ago. That's an  
16 estimate. Okay. Are we clear on those  
17 definitions?

18 A No.

19 Q Okay. If it comes up and my  
20 questions are unclear, we'll deal with it at  
21 that time.

22 A Very well.

1 Q Okay. Among the tests you  
2 administered, did you administer the  
3 Psychopathic Checklist?

4 A No.

5 Q Wouldn't the Psychopathic  
6 Checklist have indicated an ability to defeat  
7 a polygraph, depending on the score?

8 A The Psychopathy Checklist, no, I  
9 don't believe so.

10 Q Okay. What would that checklist  
11 indicate?

12 A The Psychopathy Checklist I  
13 believe is one of the actuarials that is used.  
14 I don't use actuarials myself, so I'm not very  
15 familiar with that literature. I know the  
16 authors have attended trainings, but it has  
17 not been recent.

18 Q Okay. Are you familiar with the  
19 RRASOR developed by Dr. Karl Hansen?

20 A Yes, I am.

21 Q Okay. Are you aware of the  
22 recidivism rates for sex offenders scoring a

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1 five on the RRASOR?

2 A No. As I just told you, I'm not  
3 competent to discuss anything whatever related  
4 to actuarials. I have some familiarity. When  
5 they were first coming out in the market, I  
6 attended some trainings and had a couple of  
7 meals with Hansen and have seen their rise to  
8 stardom and, more recently, I believe, they're  
9 subjected to considerable criticism. Other  
10 than that, I'm not able to address anything  
11 whatever regarding actuarials.

12 Q Okay. Are you familiar with Part  
13 97 of the Commission's rules?

14 A No.

15 Q Okay. Are you familiar with the  
16 culture of ham radio?

17 A Only to the degree that I  
18 mentioned earlier.

19 Q Okay. Anecdotal evidence from TV?

20 A TV, newspaper articles,  
21 miscellaneous mentions of ham radio operation  
22 in the press, magazines.

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1 Q Okay. So you have no personal  
2 knowledge with anything connected with ham  
3 radio?

4 A That is correct.

5 Q Okay. Would you say that Mr.  
6 Titus is cured?

7 A Well, cure is not a term that's in  
8 the lexicon of psychology. I would say, if  
9 you want medical terminology, a predisposition  
10 standing 5, 15, 20 years ago appears  
11 unambiguously in remission.

12 Q Okay. So you'd say he's in  
13 remission; is that correct?

14 A I'd say he's in remission, and  
15 there are degrees of remission. This has been  
16 a long time of no re-offense so far as I can  
17 detect.

18 Q Okay. Now, is it correct that  
19 anyone with Mr. Titus' record of pedophilia  
20 would have occasional thoughts of children and  
21 has to learn to re-channel those thoughts?

22 A I think that that is not uncommon

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1 that people who have engaged in that sort of  
2 sex crime are trained to not allow themselves  
3 to spend much time dwelling on it. In fact,  
4 within a nano second or two, they should be  
5 able to dismiss any thoughts or images that  
6 come to mind.

7 Q Okay. Do you have in front of you  
8 your deposition that we took in February?

9 A Yes, I have it.

10 Q Could you look at page 116?

11 MR. LYON: Can I ask for what  
12 purpose we're showing the witness a  
13 deposition?

14 MR. KNOWLES-KELLETT: I'd like to  
15 refresh his recollection about his prior  
16 testimony.

17 MR. LYON: I don't think the  
18 witness has indicated a lack of recollection.

19 THE WITNESS: I'm sorry, I didn't  
20 hear that.

21 JUDGE SIPPEL: Yes, well, we got a  
22 little bit of delay here on the signal.

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1 Counsel, are you saying there's an  
2 inconsistent statement from what he's  
3 testified to?

4 MR. KNOWLES-KELLETT: Just  
5 slightly.

6 JUDGE SIPPEL: Just slightly?

7 MR. KNOWLES-KELLETT: I'd like to  
8 --

9 JUDGE SIPPEL: Well, why don't you  
10 just ask him the question straight up from  
11 that page? What page are you on?

12 BY MR. KNOWLES-KELLETT:

13 Q Page 116, bottom of the page,  
14 third line from the bottom, do you recall  
15 testifying, "He denied that he has the urges.  
16 I think anybody who has his history is going  
17 to have a fleeting thought 'gee, that is a  
18 nice-looking kid over there.' If he is still,  
19 what he does is immediately divert his  
20 attention to other matters and employ other  
21 self talk that would dissuade him from  
22 proceeding. He may not overtly have to go

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1 through the whole regimen of sexual deviancy  
2 treatment skills to bring it all out. He can  
3 quickly nip it in the bud and move on."

4 MR. LYON: Your Honor, I don't see  
5 that as inconsistent.

6 JUDGE SIPPEL: Well, I'm allowing  
7 him to proceed down this line. I don't know  
8 if it's going to be inconsistent or not.

9 BY MR. KNOWLES-KELLETT:

10 Q Is that an accurate statement of  
11 your testimony?

12 A I believe so.

13 Q Okay. Did you have a chance to  
14 review and make corrections to this testimony?

15 A No.

16 MR. KNOWLES-KELLETT: Mr. Lyon,  
17 did you provide it to him?

18 MR. LYON: I provided the  
19 deposition transcript to Mr. Titus.

20 JUDGE SIPPEL: Hold it. Dr.  
21 Allmon, do you still agree with that  
22 testimony?

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1 THE WITNESS: Yes, I do.

2 JUDGE SIPPEL: Now, what's your  
3 question?

4 MR. KNOWLES-KELLETT: I have no  
5 further question, your Honor. I asked Mr.  
6 Lyon to provide it to Dr. Allmon is my  
7 recollection. But I can't swear to that. I'd  
8 have to check my --

9 MR. LYON: You did, and I provided  
10 it to Mr. Titus to give to Mr. Allmon, and I  
11 don't know what happened from that. I  
12 couldn't electronically send it to Mr. Allmon  
13 because he doesn't have e-mail.

14 MR. KNOWLES-KELLETT: Okay.  
15 That's fine. I don't think I'm going to have  
16 that many, so I don't think his not having had  
17 an opportunity, he'll be able to review  
18 whatever I go over with him.

19 MR. LYON: I would think so.

20 JUDGE SIPPEL: Another question?

21 BY MR. KNOWLES-KELLETT:

22 Q On page two of your report --

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1 JUDGE SIPPEL: Okay. We're back  
2 to Titus Exhibit 2?

3 BY MR. KNOWLES-KELLETT:

4 Q Titus Exhibit 2, page two, towards  
5 the bottom of the pages there's a paragraph  
6 that begins with the heading "scope of  
7 evaluation," and at the end of the paragraph  
8 you put, "The need for community safety  
9 overrides all other considerations."

10 A I did.

11 Q Okay. Do you really mean that?  
12 By that, I mean would you lock up pedophiles  
13 forever to prevent recidivism?

14 A I didn't say that in that  
15 statement.

16 Q Okay. Taken to its extreme,  
17 somebody else might believe that; is that  
18 correct?

19 MR. KNOWLES-KELLETT: Objection.

20 THE WITNESS: That's conjecture.  
21 I would find it unlikely.

22 BY MR. KNOWLES-KELLETT:

1 Q How about the parents of victims?

2 A The parents of victims who may  
3 have rather a bias stance and they may not  
4 have a greater good of the community in mind.  
5 The sentence I wrote there I stand by.

6 Q Okay.

7 A We could demonstrate, for example,  
8 that there was a strong risk of re-offense, we  
9 have facilities where we place people that are  
10 called civil commitment centers. And without  
11 having committed a crime, somebody in that  
12 category is incarcerated until it looks like  
13 he won't do such a crime again.

14 JUDGE SIPPEL: Let him finish.  
15 Are you finished, Doctor? Finish your answer.

16 THE WITNESS: I believe so, yes.

17 BY MR. KNOWLES-KELLETT:

18 Q Do you recommend that Mr. Titus  
19 and other of your clients avoid particular  
20 situations?

21 A Yes, I do.

22 Q Is that to minimize the risk of

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1 re-offense?

2 A It just seems prudent in the same  
3 sense that a profoundly alcoholic man who is  
4 in remission in his alcoholism might not be  
5 very well served if he spent a lot of time  
6 drinking 7-Up in a tavern. It just is placing  
7 you in a circumstance where risk may be  
8 unnecessarily heightened. So to answer your  
9 question, yes, there are some situations I  
10 would discourage for repeated sex offenders.

11 Q Okay. Are you familiar with the  
12 term risk management?

13 A Yes.

14 Q What does that term mean to you?

15 A I don't know the definition you  
16 might have in mind, but the term, I believe,  
17 is used rather loosely to mean a lot of  
18 things. For example, a pedophile, especially  
19 one who's only been in remission for a  
20 relatively short while, might be placed in  
21 great temptation to work in a daycare center  
22 for children. And so risk management would

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