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NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

REPORT OF PROCEEDINGS

NACDL Task Force on Restoration of Rights
and Status After Conviction
Day 1 of 2

Thursday, February 16, 2012
9:05 a.m. - 5:27 p.m.
Miami Tower
100 SE 2nd Street
Miami, Florida 33131

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NACDL TASK FORCE MEMBERS

Rick Jones
Elissa Heinrichs
Vicki Young
Margaret Love
Geneva Vanderhorst
Lawrence Goldman

PANEL I (Page 4)

Ralph Martin, President & CEO, RKRM of Consulting, Inc.

Mark Schlakman, Director of Florida State University's Center for the Advancement of Human Rights and formerly Special Counsel on Clemency to Governor Lawton Chiles., Jr.

Wayne Rawlins, Community Justice and Economic Development Consultant

PANEL II (Page 67)

Iana A. Patterson, Facility Director of Broward County Bridge TC/Work Release Center

William Evans, Facility Director of Turning Point Bridge Work Release Facility

David Freedman, Executive Director, Transition, Inc.

Luz Norwood, Workforce Program Supervisor of Transition, Inc.

PANEL III (Page 128)

Carlos Martinez, Public Defender for Miami Dade County

Reverend Charles Dinkins of Hosanna Community Church

PANEL IV (Page 187)

Dante Trevasani, Attorney and Equal Justice Works

1 Desmond Meade, President of Florida Rights Coalition

2 Nellie King, President of Florida Association of
3 Criminal Defense Lawyers

4 PANEL V (Page 246)

5 Deacon Edgardo Farias, Archdiocese of Miami Detention
6 Ministry

7 Cleveland Bell, Executive Director of Riverside House

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1 (Thereupon, the following proceedings were had:)

2 PANEL I

3 MR. JONES: My name is Rick Jones. I'm one
4 of the coaches of the National Association of
5 Criminal Defense Lawyers Task Force on the
6 restoration of rights status after conviction.
7 We are pleased, let me say at the outset, to
8 have you-all here.

9 We have been going around the country.
10 This is the second leg of our journey, I should
11 say. Perspectively, we will be going around the
12 country on a listening tour, trying to
13 understand what the issues are, what the
14 challenges are, what works, what doesn't work,
15 with respect to helping folks who have been
16 convicted to reintegrate themselves and
17 re-assert themselves into society in a
18 meaningful and productive way without the
19 hurdles and the challenges and the barriers that
20 we know that lots of folks face.

21 We started in Chicago and we are very
22 pleased to be in Miami today. I'd like to at
23 the outset say a couple of things and I'm going
24 to go in no particular order, just a train of
25 thought.

1 We're operating under a number, or at least
2 one, I am anyway, sort of challenged in that.
3 We're going to have to speak in good voice
4 today, because we want to make sure this is
5 being recorded.

6 What you guys say, obviously, is being
7 recorded by the stenographer/court reporter, but
8 we also are videotaping. Those videotapes have
9 proven to be invaluable. So we hope that this
10 one is as well and that we can get everybody's
11 audio and everybody speaks in good voice.

12 Secondly, if everybody could just power
13 down their phones and their Blackberries and
14 their iPhones and things.

15 We are, obviously, doing our best with the
16 audio. Any competing audio is, obviously, not
17 the greatest thing in the world. So if you
18 could just power down your phones at the outset,
19 that would be helpful.

20 We want to thanks Carlton Fields, the law
21 firm, for having us here. They're very gracious
22 for providing us with this space and all the
23 extras that they have done for us. We're very
24 appreciative also at the outset. Just note that
25 we are assisted in our work. None of this

1 happens without the NACDL staff: Angelyn
2 Frazer, Obaid Khan, who's there, and Norman
3 Reimer, who is the executive director, have
4 really all worked hard behind the scenes to pull
5 this together and we are incredibly appreciative
6 of that.

7 I'm going to pause before we get into the
8 substance of our conversation. We're excited to
9 have this conversation with you. I'll have my
10 colleagues introduce themselves. Then, I'll
11 tell you how the show sort of the operates and
12 we'll get started.

13 MS. HEINRICHS: Good morning. My name is
14 Elissa Heinrichs. I am a criminal defense
15 attorney. I practice outside of Philadelphia in
16 primarily Bucks County. I practice in State
17 Court. I'm a board member of NACDL as well.

18 MS. YOUNG: Good morning. My name is Vicki
19 Young. I'm one of the co-chairs of the Task
20 Force. I'm a criminal defense attorney in the
21 San Francisco Bay area, and I'm a former board
22 member of NACDL.

23 MS. LOVE: My name is Margaret Love. I am
24 a private practitioner in Washington, DC,
25 specializing in executive clemency and

1 sentencing and correction of this policy. I
2 spent 20 years in the justice department. I am
3 a recovering bureaucrat. I'm delighted to be
4 here.

5 MS. VANDERHORST: Good morning. My name is
6 Geneva Vanderhorst. I'm also a private
7 practitioner in Washington, DC. I focus
8 primarily on criminal defense work. I'm
9 starting to do a bit of juvenile criminal work
10 as well. I am also a member of the NACDL Board
11 of Directors.

12 MR. GOLDMAN: My name is Larry Goldman. I
13 am a criminal defense lawyer in New York City
14 and a past president of the National Association
15 of Criminal Defense Lawyers. Good morning.

16 MS. ROBERTS: Hi, Jenny Roberts. I'm the
17 reporter for the Task Force. I'm a law
18 professor at American University and I teach a
19 criminal justice clinic there. So they're
20 criminal law related courses.

21 MR. JONES: We are, obviously, most
22 interested in hearing from you and being able to
23 share in a discussion with you-all. The way
24 that we operated in the past and the way we're
25 going to operate today and going forward is that

1 we're going to give each of you five to ten
2 minutes to give the benefit of your opening
3 thoughts, after which we have a number of
4 questions for you.

5 The questioning is done presently by one of
6 our members who will engage you in the
7 conversation. After which to the extent that
8 there's time, I'm sure there's others of us that
9 will have questions as well and then we will ask
10 you whatever questions we might have that. And
11 that usually works to have a really full and
12 thorough and robust discussion.

13 This panel will be led by Margaret Love,
14 who will be the questioner. But before we get
15 to that, I'd like to give each of you, starting
16 with Mr. Schlakman, I think five or ten minutes
17 to just tell us a little bit about yourself and
18 to give us the benefit of your opening remarks.
19 So I'll stop talking and turn this over.

20 MR. SCHLAKMAN: Thank you, Rick. And, of
21 course, it's a pleasure to join you today. I
22 appreciate the invitation.

23 I've had the privilege over the years of
24 serving as special counsel to Florida Governor
25 Lawton Chiles and then, subsequently, had tours

1 in the White House and the State Department,
2 Department of Defense. I've continued to focus
3 upon a number of issues that I dealt with for at
4 least a few of my several years with Governor
5 Chiles, including clemency and civil rights
6 restoration over the years have directed
7 projects to in effect rethink the civil rights
8 restoration process in Florida that have been
9 funded from time to time by the Florida Bar
10 Foundation and continued to stay engaged in an
11 effort to -- well, help Florida officials, just
12 that, rethink the process and change course.

13 Perhaps in the span of that five to ten
14 minutes, it might be useful to provide an
15 overview as to where Florida has been, where it
16 is now, and where potentially it may go in all
17 of the attentive issues that are at least
18 touched upon in the process.

19 I was talking with Margaret Love earlier.
20 Florida if not unique, is certainly a highly
21 unusual state on many different levels. But as
22 it relates to civil rights restoration, the
23 Florida State Constitution, as many of you may
24 be well aware, provides the governor and cabinet
25 sitting as the board of executive clemency with

1 essentially unlimited discretion.

2 To grant clemency, civil rights restoration
3 in Florida is a form of clemency and
4 specifically, the course we're talking about
5 today is the bundle of rights that in Florida
6 would include voting service on a jury, right to
7 hold public office. Firearm authority is
8 handled separately.

9 Of course, there are other aspects of
10 clemency that aren't relevant for our purposes
11 today: Pardons, commutations and sentences and
12 otherwise.

13 It may be useful just to note,
14 historically, some trend lines. When you go
15 back even 20 years, two decades, in the early
16 1990s, there were -- and these are anecdotal
17 numbers, but they should give you at least a
18 sense as to the number of civil rights
19 restoration cases or files that are granted. In
20 the early '90s, it went from roughly 8,500 a
21 year and then took a significant dip to 1992
22 just less than 5,094, less than 2,000. That
23 pace was more or less maintained for several
24 years.

25 During the early 2000s, 2002, the pace

1 picked up again. That was as a result in 2002
2 approximately 6,500 cases, and then it moves
3 forward, 14,000, 24,000.

4 2007, which I'll talk about very briefly --
5 in 2008, there was a spike of sorts that tracked
6 to a rule change in the Board of Executive
7 Clemency, but matched those numbers up to, say,
8 from 14 to -- in 2007, 38,000; 2008, 85,000; and
9 then it diminished significantly from that point
10 forward; 2009 approximately 25,000; 2010 under
11 6,000; 2011 under 100.

12 Now, to place that into context in the
13 early '90s, I served as a first assistant
14 general counsel and then special counsel to
15 Lawton Chiles. I took that post in '92. Again,
16 to place it in context, Florida was grappling,
17 like other states, but with prison overcrowding,
18 federal court orders as to release populations.
19 That, of course, was pre-election 2000. I'll
20 underscore why that's significant in just a
21 moment.

22 Because of the multiplicity of issues on
23 the criminal justice system, prison overcrowding
24 and otherwise, the clemency process where many
25 people are getting early release of some sort,

1 the clemency processed was used as a tool of
2 sorts to try to manage a population under some
3 highly extenuating circumstances.

4 Jump forward. That bit of a spike that I
5 alluded to in 2002, that correlated to Governor
6 Jeb Bush's decision to implement a process
7 whereby those who had completed their sentences
8 either from incarceration or terminating
9 probation, their information would be routinely
10 passed to the parole commission, which serves as
11 the investigative arm of the board of executive
12 clemency rather than rely upon applications.
13 That was in terms of efficiency, while far from
14 perfect. And there were a number of cases that
15 were case files that perhaps were lost along the
16 way.

17 Much more efficient, the next notable
18 upturn in terms of cases granted or case files
19 granted was as a result of the rule changes
20 adopted by Governor Crist and the cabinet in
21 April of 2007. There has been a loss
22 misinformation about what was done there. There
23 was no automatic right restoration process
24 adopted by Governor Crist and the cabinet.

25 In fact, while there were many cases that

1 were facilitated by way of adjusting the rules
2 to allow for essentially three tiers or three
3 levels of process from the nonviolent cases to
4 midlevel cases to more violent cases, it still
5 was treating the civil rights restoration
6 caseload as if there were public safety issues
7 embedded within it.

8 It would defy one's imagination to try to
9 find a public safety issue that attaches to
10 voting, service on a jury while there are
11 preemptory challenges, right to hold public
12 office. Well, the fundamental aspect of
13 democracy the people decide.

14 So the public safety issue, which many
15 advocates or advocacy organizations missed,
16 related to something that was never intended to
17 be the case. Florida, again, I was speaking
18 with Margaret Love about this briefly before the
19 proceeding began, while there was no universal
20 law or statute that applied, Florida adopted a
21 patchwork quilt to the authorities. And then in
22 some cases, there was a recipient policy whereby
23 rights restoration was leveraged as a threshold
24 test for eligibility for a range of occupational
25 licenses, professional licenses and certain jobs

1 that required State certification -- never
2 intended to be the case as far as the clemency
3 process serves that purpose.

4 So what happened was that the public safety
5 issue was actually conflated into voting rights.
6 The Crist team either missed that or decided not
7 to address that concern.

8 A bit more context -- and I'll start the
9 wind down, because there are a wide range of
10 issues here that perhaps we can catch up in
11 terms of Q. and A. afterwards -- but Governor
12 Bush's ex-offender task force. So, now, we're
13 going back several years.

14 I helped to shape a recommendation that
15 came up through the task force. That was to
16 decouple rights restoration from the employment
17 restriction issues. To clarify, the task force
18 was focused upon that for purposes of re-entry.
19 Again, it was Governor Bush's ex-offender task
20 force. But re-entry was the charge. It was
21 focused upon not kicking the floodgates wide
22 open, so to speak, but to facilitate reasonable
23 access to jobs for ex-felons based upon whatever
24 appropriate review process, but not to have that
25 determined based upon the status of one's civil

1 rights. So it has taken a while.

2 Just this past year as in 2011, the Florida
3 legislature passed a law, and the Governor
4 signed it, that decoupled the civil rights
5 restoration issues from employment restrictions.

6 Let me clarify one last thing for now. The
7 clemency process in Florida is neither subject
8 to judicial review, nor legislative oversight.
9 So when I say that the legislature passed this
10 bill that became law with strong support from
11 Attorney General Pam Bondi -- and that's the
12 last bit of context that I'll share before I
13 defer -- it had nothing to do with clemency per
14 se or civil rights restoration per se. It was
15 dealing with external restrictions again, this
16 patchwork quilt of barriers that have been
17 imposed over time.

18 Now, this is what we're left with last
19 March, Governor Scott and the new cabinet,
20 Attorney General Pam Bondi. As many of you may
21 know, this is not the governor's cabinet. This
22 is the Florida cabinet, which means these are
23 constitutional officers. They're independently
24 elected statewide. They have their own
25 constituencies, their own power base.

1 The clemency board by the Florida
2 constitution, again, is the governor and the
3 cabinet.

4 When the governor and cabinet met for the
5 first time, this current governor and cabinet,
6 last March, they changed the rule of executive
7 clemency, rolling back the changes that were
8 made under the Crist administration. That was
9 never fully automatic rights restoration.
10 Nonetheless, they implemented one of the more
11 restrictive policies for purposes of rights
12 restoration than exists today.

13 Now, there is a minimum five-year waiting
14 period and a seven-year waiting period,
15 depending upon the nature of the offense before
16 ex-offenders can even apply and that's after a
17 completion of sentence. To clarify, that does
18 not necessarily mean that their civil rights
19 restoration was granted. That's for purposes of
20 application.

21 There's cause for some encouragement and
22 then two points -- again, I defer. There's
23 cause for some encouragement in that the
24 landscape was different when the governor in
25 cabinet implemented these more restrictive

1 criteria. That is that bill that I just alluded
2 to that hadn't passed yet. That's significant,
3 because at the time, Attorney General Bondi was
4 framing this as her predecessor. Attorney
5 General Bill McCollum, former congressman, had
6 also emphasized that there was a public safety
7 issue within more routine or automatic rights
8 restoration; and in reality, there was.

9 Now, it's a function of in effect one's
10 perspective in philosophy as to whether
11 completion of sentence means that one has
12 satisfied his or her debt to society.

13 There's an opportunity to take another pass
14 back at this. I'm not suggesting to you that
15 the governor and cabinet will. But the governor
16 has made statements that in response to the
17 Legislative Black Caucus, to some extent and
18 otherwise, that he would be at least open to
19 taking another look. So, again, not to
20 overemphasize that, but the timing is
21 interesting.

22 So in closing, while that law passed and
23 largely will address many State jobs and
24 licenses, there are other aspects of this by
25 analogy that are remarkably inequitable.

1 I'd like to take the opportunity to
2 introduce someone that I met last summer,
3 Jessica Chiappone, in the audience. Perhaps at
4 your discretion, she can respond to questions.

5 Jessica, you had a felony conviction,
6 correct?

7 MS. CHIAPPONE: Yes.

8 MR. SCHLAKMAN: And you graduated from law
9 school when?

10 MS. CHIAPPONE: May 2011.

11 MR. SCHLAKMAN: She's doing some remarkable
12 things to change the world, the Florida Bar to
13 be more precise. The Florida Board of Bar
14 Examiners has a threshold test similar to what
15 on an ad hoc basis the number of State
16 occupational and professional licenses and some
17 other jobs require a state certification. That
18 is rights restoration as your threshold test.
19 You cannot proceed unless you have had your
20 rights restored.

21 Well, in Florida -- and the numbers that I
22 cited to you in the last year to calendar year
23 2011 -- and I can't tell you this is precisely
24 accurate. But with all indications, there were
25 less than 100 civil rights restoration

1 applications granted, less than 100 in the
2 entire state. It is a purely discretionary,
3 some would say arbitrary process. This does not
4 go to party, although the population -- and this
5 does necessarily go to voter suppression.
6 Although the population that's affected is
7 disproportionately -- the demographics are
8 disproportionately skewed.

9 But we also have, it's easy to say,
10 ancillary concerns. But actually, they're real
11 life concerns like Jessica. She cannot proceed
12 unless the Florida Board of Bar Examiners
13 revisits it's standard, which was analogous to
14 the standard that the State just disposed of.
15 The rationale for that, by the way, is that the
16 standard to become a lawyer should be rigorous.
17 Well, clearly, it should be. I think the
18 emphasis that's being placed now by the Florida
19 Board of Bar Examiners and potentially others is
20 misplaced.

21 So I probably exceeded my five to ten
22 minutes. There is much more to discuss, but
23 just due to our limited timing, why don't I
24 defer and, hopefully, we can pick up some of
25 these issues in the Q. and A. portion.

1 MR. JONES: Time well spent. Thank you.

2 Mr. Martin.

3 MR. MARTIN: I would like to take this time
4 to thank everyone for actually inviting me down
5 from Orlando to come be a part of this. The
6 first time I heard about it was when Wayne sent
7 me the e-mail.

8 I'm actually from here in Miami, five or
9 ten minutes away in Overtown, the Liberty City
10 area, which is probably the roughest part of the
11 state of Florida, actually.

12 The majority of us in Overtown, Liberty
13 City, are ex-offenders, convicted felons. For
14 me and my family, there was 26 of us in a
15 three-bedroom housing project and my family of
16 two generations. You have generation of welfare
17 and you have generation of felons.

18 But there's some ex-offenders, not all, we
19 just want an opportunity. We don't want you to
20 roll out the red carpet to us. We want to make
21 sure that when we do our time, our past doesn't
22 dictate our future. For me, that is exactly
23 what has happened.

24 My conviction for burglary and theft is 18
25 years old now. I'm one of the few ex-offenders

1 you may meet who has his bachelors, masters, MBA
2 and law degree.

3 I understand fully what Jessica went
4 through. Because even in law school, I had
5 people who didn't want to be my friend because I
6 was an ex-offender.

7 When I won the moot court competition and I
8 won the Law Review, they said something must be
9 wrong; someone must be feeling sorry for this
10 guy because there's no way he can excel
11 academically the way he did. Even when I would
12 go and win the moot court competitions as part
13 of the traveling team and we would win the best
14 brief awards and when I won the award of
15 barrister award, some people said, something is
16 wrong, an ex-offender does not do this well.
17 Well, the problem was I actually had got on the
18 same playing field as they have when they had
19 mom and dad at home and I didn't have mom and
20 dad, because, see, my mom has been in prison
21 five times and my father has been in prison six
22 times. So if you let society tell you, I
23 shouldn't be as successful as I am. When I
24 graduated from law school --

25 And, Jessica, I've been --

1 Where is she?

2 MR. SCHLAKMAN: She'll be back.

3 MR. MARTIN: I've been in front of the Bar
4 examiners for 7 years and they're still giving
5 me problems.

6 When I had my hearing in front of Florida
7 Board of Bar Examiners, I didn't get not one
8 question about my felony conviction. The
9 majority of the questions for me surrounded,
10 well, what did you do that you didn't get caught
11 for? That's what they asked me. But I'm pretty
12 sure within the next year or so I'll be in.

13 But, see, when you have people who come
14 from certain backgrounds and you excel, but you
15 have a little speed bump where you get in
16 trouble, we make the best role models. Because
17 when you want mentors and you want us to mentor
18 people who have a background similar to my own,
19 who better to mentor at-risk youth than those
20 who have a parent in prison than an ex-offender
21 themselves, who's been through all of that?

22 I don't worry the seven appearances on
23 Oprah. I don't worry about being accepted to
24 law school. I don't worry about that she paid
25 me to go to law school. I don't worry about

1 being on the governor's ex-offenders Task Force
2 and all that.

3 Simply put, I don't want people to hold my
4 past against me. The funny thing is the more I
5 have climbed up the academic ladder, the more
6 resistance I have found. Because for some
7 people, it's simply amazing and untrue, that
8 there's no way you can be this successful man.

9 I've known Wayne 10 to 15 years now. It's
10 because of Wayne that I started my own
11 consulting firm, my mentoring firm and my
12 staffing agency that staffs exclusively
13 ex-offenders.

14 Wayne will tell you, Wayne has people from
15 Orlando, who don't know I'm in Orlando,
16 e-mailing him looking for me -- "We need Ralph."

17 Even as I go into schools and do
18 motivational speeches to some of the average
19 kids, Orange County public schools won't let me
20 in. They told me my felony conviction, unless
21 it was 25-years old or more, was too recent. I
22 couldn't believe that. Who is better to go into
23 these schools than somebody like myself? After
24 three or four hills, they finally let me in.
25 Wayne knew I told them, "I've got a message that

1 they need to hear."

2 We're not asking for sympathy or anything
3 like that. I just wanted the opportunity to be
4 on a level playing field. I think that when you
5 go 18 years without getting in trouble and the
6 most I've gotten is a speeding ticket on a jet
7 ski, I think that shows something about me, my
8 character and what I am truly about.

9 I've spent the last 18, 19 years of my life
10 helping those who have a background similar to
11 my own. It's very personal for me because of
12 what's going on in my family. I've got nine
13 family members in prison in the state of
14 Florida. I have to make sure that when they're
15 released that I can be in a place to help them.

16 Let me give you a personal story and I'll
17 just end with this. My son has never gotten in
18 trouble. I had my son when I was 17 years old.
19 My son is 18 now. My son had graduated from
20 school and everything else and he's getting
21 ready to go to Georgetown on a 75 percent
22 scholarship. I was extremely happy. And
23 because my biggest fear in life was that I would
24 get a call at 2:00 or 3:00 in the morning and
25 someone would tell me that someone has done

1 something to my son. Because when you're smart
2 and you're in the city, it's not cool.

3 There were a lot of people who had a lot of
4 animosity for me ten minutes away, here in the
5 Overtown area.

6 I got a phone call. It was actually 3:30
7 in the morning to tell me that my son had been
8 pulled over with some guy who had cocaine and
9 marijuana and everything else in the car. I
10 said not my -- as far as I know, my son doesn't
11 hang out at 3:30 in the morning, because he's
12 texting and always calling me. But it was true.

13 So, now, I've got to save my son from the
14 exact same system that gobbled me up, gobbled my
15 father up -- even though he wasn't in my life --
16 and gobbled my grandfather up. That hurts me to
17 this day, because everyone knows your father is
18 in and out of all the prisons in the state of
19 Florida helping ex-offenders. But, now, I've
20 got to save the ex-offender that means the most
21 to me in my life. That's why I'm here today and
22 that's why I really do the work that I do.

23 I love the legal field and I will be
24 extremely happy when they let me into the
25 Florida Bar. But I love saving the lives more

1 than anything else.

2 So just thank you for the opportunity to be
3 here. Whatever we can do, just let us know.
4 I'm only a phone call, an e-mail away. What 200
5 miles away in Orlando? So just thank you very
6 much.

7 MR. JONES: Thank you. Thank you very
8 much, Mr. Ralph.

9 MR. RAWLINS: One of the greatest
10 challenges that we have in Florida is our parole
11 commission. All of the advances that we've seen
12 in terms of the legislative mandates have been
13 held up in the parole commission. They are the
14 ones that have been charged to review these
15 applications.

16 I cannot figure out why less than 100 could
17 be approved and gotten through over the course
18 of the time that they've had the opportunity to
19 serve the citizens of Florida.

20 So as you move forward, I would do further
21 examination of the parole commission, who thinks
22 that re-entry is how fast can we re-enter our
23 felons back into the Florida correctional
24 system.

25 Now, my experience with re-entry began with

1 OIC of Dade County. Attorney Heinrichs filed
2 the -- OIC from Philadelphia on Broad Street.
3 Reverend Leon Sullivan started the organization
4 back in the late '50s, early '60s.

5 In Miami-Dade County, my office was based
6 in Liberty City. Half of the people that came
7 into the office to get jobs, jobs training and
8 placement organization were ex-felons.

9 Being in the job training placement
10 business, we had to get paid based on the number
11 of placements that we had. If we didn't make
12 placements, we didn't get paid. So working with
13 ex-felons was not a desirable group in terms of
14 getting your placements and making money for
15 your organization, but that was on a population
16 base. We had no choice. So we worked
17 diligently and we actually had a 92 percent
18 placement rate for the people that came through
19 our doors.

20 I left OIC to take over Regency, which was
21 a justice department initiative, and also based
22 in Liberty City in the working tenure. Because,
23 again, our population base was largely
24 ex-offenders and felons. So we started to see a
25 lot of expungement work. We started community

1 court, where people that committed offenses,
2 misdemeanor offenses, were able to do their
3 sentences, community services. Subjects are
4 back in the community in which the crimes were
5 committed on which they lived, so they could
6 start feeling some vestment in the community
7 because the state of Florida has divested
8 ex-felons and ex-offenders from feeling invested
9 in community and society.

10 So at any rate, after leaving Regency, I
11 took over the consulting position for Project
12 Safe Neighborhoods, which is, again, the justice
13 department initiative. In doing so, I learned a
14 lot from Steven Rickman, who was the director of
15 Regency in Washington over all the regencies.
16 He came with this approach that re-entry was a
17 public safety issue.

18 So you heard a lot that the decisions that
19 are made by the legislature are because of
20 public safety. But it's the very fact that
21 successful re-entry enhances public safety. A
22 person that can get a job, that can pay taxes,
23 that can feel vested in the community is less
24 likely to reoffend than someone that doesn't.

25 You know, what is a fundamental advocacy to

1 an American? Power of the vote. And when you
2 take that away from a person, you've pretty much
3 left them hopeless.

4 I think it's a basic right of the human
5 being, by the grace of the All Mighty that once
6 you repent and you serve your sentence that
7 you're free again. This is a basic human right
8 that's given to us by the All Mighty. And you
9 take that away because you're a tough one-crime
10 state or you feel that these are public safety
11 issues to the contrary of the fact that the real
12 public safety is providing a person with
13 successful re-entry and an opportunity and
14 access to resources that they can be law abiding
15 citizens and tax paying citizens.

16 So in my capacity as the consultant for
17 project safety, my focus is re-entry. There's a
18 few things we're doing, producing a book. It's
19 very small, but very comprehensive and very
20 thorough book, that provides access to resources
21 for ex-offenders in Miami-Dade County. I'll
22 share this with the group.

23 Additionally, one of our primary functions
24 is to go inside the prisons and visit all of the
25 inmates that are within six months of their

1 release and we started an initiative called
2 "Re-entry Fears." We bring in service
3 providers, 20 or 30 providers into a prison,
4 meeting the men and/or women that are being
5 released within six months and connect them to
6 the services that match their needs. We assess
7 their needs in advance. You know I see the
8 classification offices and the transitions
9 offices in the prison and then make a request
10 for our network of providers, some of which are
11 in the book that is going around and some
12 others. We bring those providers into the
13 prisons, meet their inmates face-to-face and
14 start making connections with the family back in
15 the community and, also, of course, with the
16 inmate themselves. So when they're released
17 they have an opportunity to access these
18 resources and services.

19 Finally, we have working groups that work
20 on a number of different issues. We have one of
21 the chairs here, Asaki Gobbo. She chairs our
22 employment training and entrepreneurship working
23 group. We have a juvenile re-entry working
24 group. We have, also, a social marketing and
25 communications working group as well as housing

1 and referral coordination working group.

2 Then one last note in the housing referral
3 coordination. We found Florida has had a large
4 number of foreclosures. A lot of property
5 owners are having a difficult time filling the
6 vacancies. So what we did is we proposed to
7 these property owners, look, you've got a
8 property. You can't fill your vacancy. You're
9 having a hard time paying your mortgage. We
10 have ex-felons that are having a hard time
11 finding a decent place to stay, provide housing
12 to them for a weekly rate, very low security
13 deposit or whatever to move in. And we'll
14 assist you by providing you access to our social
15 and economic service providers that can enhance
16 their living environment.

17 So we can have NA meetings and AA meetings,
18 job training and placement providers come right
19 on site to your location so that you can help
20 those ex-felons connect to social services. So,
21 now, those are the landlords that are
22 participating. They're participating in that
23 transitional housing initiative. They're
24 getting the vacancies. So they're paying their
25 mortgages. The former inmates have a decent

1 safe place to live. We have no liability.
2 We're just a matchmaker. We're just saying
3 here's a place to live and here are people that
4 are in need of housing. It provided an
5 opportunity for people that would otherwise
6 would be homeless. That indeed creates a public
7 safety challenge for us.

8 So I appreciate the opportunity to share
9 these remarks and look forward to answering any
10 questions that you may have.

11 MR. JONES: Thank you very much,
12 Mr. Rawlins.

13 Before we get to the questioning, could we
14 just have Ms. Chiappone -- we have an extra seat
15 right here. Would you mind coming up and just
16 giving us two or three minutes of your story?

17 MS. CHIAPPONE: My name is Jessica
18 Chiappone. I just recently graduated from Nova
19 Southeastern University Law School. I'm a
20 convicted felon. I got arrested in 1997 and
21 have since lived a life of collateral
22 consequences, which I'm a fighter and I'm
23 dealing with and I try to do my best to help
24 others. It troubles me so much in how it
25 affects my children.

1 I brought with me today -- I have a federal
2 conviction and I was a resident of New York when
3 I was released. So, technically, I should have
4 my voting right reinstated already, because in
5 New York your voting rights are automatically
6 reinstated upon success of release. So when I
7 went to -- I applied to the Board of Clemency in
8 February of 2008, before I started law school to
9 have my rights restored in Florida, because I
10 was a Florida resident. I checked every year on
11 my application and every year they told me that
12 they haven't got to the 2008 applications yet.
13 So in January of this year, I called, again, as
14 usual. I was told that my application was put
15 on hold, because they couldn't contact me.

16 Now, the person they sent the letter to to
17 reopen my case was Mr. Herbert, which I
18 personally know, from the FR, because I'm also
19 the vice-president of the Florida Rights
20 Restoration Coalition. He spoke at one of our
21 meetings, so he knows me. And not only that,
22 you could Google my name and you could get my
23 contact information. There was no reason that
24 you couldn't contact me regarding my
25 application. So I went a different route

1 because, again, as the Florida Bar application
2 states, you can't even send your application to
3 the Florida Bar unless your rights are restored.
4 So I can't even get my application in the door
5 to have them look at it to explain my situation.
6 So I called the Florida Bar and I said, "Well,
7 you know, technically, I have my voting right."
8 I said, "Your application doesn't make sense,
9 because even if you apply to Florida and you get
10 your rights restored, not all of your rights
11 could be restored."

12 So the question doesn't even make sense and
13 you can't ever have all your rights restored to
14 answer that in affirmative in order to submit
15 the application. So I called the Board of
16 Elections in Florida statewide and I was told
17 that I can't get my voting right because
18 according to the Florida Constitution, you have
19 to have your rights restored before you can get
20 your voting right. So I pulled up the
21 Constitution. It says that "no person convicted
22 of a felony or adjudicated in this state or any
23 other state to be mentally incompetent shall be
24 qualified to vote or hold office until
25 restoration of civil rights or removal of

1 disability." So, technically, in my mind, I
2 have my removal of disability with regards to
3 the voting right. I contacted my county
4 supervisor to get the application. And the
5 application in order to be eligible to vote
6 says, "I affirm that I am not a convicted felon,
7 or if I am, I have my rights relating to voting
8 restored." Okay. But in the explanation box,
9 it says with regards to Box 3 you're signing
10 this saying that you're not a convicted felon,
11 unless you had your civil liberties restored.

12 So it's so conflicting. And if you're
13 somebody who's not going to analyze it the way I
14 do, they're going to think that they can't even
15 send this application when they can, pursuant to
16 the Florida Constitution. So there's so many
17 barriers that are set forth just with paperwork.
18 And, you know, minute things that most people
19 don't have the education or the experience to be
20 able to deal with.

21 So you have the layman collateral
22 consequences and then you have educated people's
23 collateral consequences.

24 For me, I don't make a lot of money.
25 Because I have a law degree, I owe \$212,000 to

1 my education. I can't pay my loans back. I
2 have two children. I'm a single mom.

3 So my option just recently was to maybe put
4 my younger son into Catholic school. In order
5 to apply for a scholarships for Catholic
6 schools, you have to volunteer to do extra
7 service hours. If I go to volunteer to do extra
8 service hours, I have to submit to a background
9 check, which is not going to allow me to be on
10 the school property.

11 So, I mean, the collateral consequences go
12 on and on and on and they affect my children.
13 They're making my children a statistic when they
14 did nothing. What I did was before they were
15 even born. So it's 15 years old. Like, it just
16 doesn't make sense to me. It kills me because
17 there's people that shouldn't have to fight as
18 hard as I fight just to be a citizen.

19 You know, you do what you do, you get out,
20 you try to make a life for yourself and,
21 eventually, your family and you have all these
22 barriers that stop you. That's why we're all
23 here, because something has got to change. It
24 goes right back to the public safety issue. The
25 more you push these people away, the more you're

1 forcing them into making bad decisions just to
2 pay bills, just to make ends meet, just to put
3 food on the table, you know. How is that not a
4 public safety issue?

5 When you talk about public safety issue,
6 are these people -- are we excluded? Aren't we
7 able to be safe, too? Don't we fall into that
8 population or no? It's only everyone who's
9 never been convicted of a felony that has to be
10 safe. I don't understand it.

11 MR. JONES: Thank you very much for that
12 testimony.

13 Margaret.

14 MS. LOVE: I just want to say I really
15 appreciate you-all being here. I particularly
16 appreciate the testimony of the people who have
17 actually lived there.

18 The problem of collateral consequences, I
19 was struck by something Mr. Schlakman said about
20 how there had been a decision 20 years ago to
21 use the clemency process to manage the
22 population. The people who had been
23 convicted -- I'm on a little bit of a crusade to
24 avoid labels. I don't like calling people
25 ex-offenders or felons or whatever. I'm just

1 trying to talk about them as people. So to use
2 the clemency process to manage the people who
3 have been convicted -- and it does seem to me
4 that -- I mean, I'm astonished to hear all these
5 kind of mysterious rules and barriers, like the
6 barriers that both Mr. Martin and Ms. Chiappone
7 mentioned about not being able to come on school
8 property. Now, where in the world does that
9 come from? What is that barrier? Is that a
10 school policy? May I just ask you two if you
11 know what that --

12 MR. MARTIN: I think it's still from when
13 the young girl Jessica Lunsford was murdered by
14 a sexual predator. I think there was -- and
15 I'll quote what Wayne and Vicki Lukis said, who
16 you'll hear from tomorrow. Right then and
17 there, they painted all ex-offenders with the
18 same brush and made the Jessica Lunsford Act.
19 It said, you know what, if you're a felon, we
20 don't want you on the school properties at all.

21 MR. SCHLAKMAN: So that's a law of the
22 State of Florida?

23 MR. MARTIN: Yes, ma'am. And in
24 conjunction with the Jimmy Ryce Act, so it just
25 encompassed everyone.

1 MS. LOVE: I see. Okay. Well, let me ask
2 a couple of questions about the clemency
3 process. I was struck by this notion of
4 decoupling the clemency process from other
5 opportunities. It sounds to me like that that
6 is not a process that has actually taken place
7 given the rules of the Florida Bar, for example,
8 that they still couple.

9 MR. SCHLAKMAN: If I may, the State law
10 applies to State jobs that my require
11 certification, State occupational and
12 professional licenses. It's not universal, as
13 you may know, and that's the case in many
14 states. The State law of the past was directed
15 toward State action. So the Florida Bar, while
16 it is an oversight for the lawyers in Florida at
17 90-something-thousand lawyers, it's not
18 technically a State agency. So to that extent,
19 it's not at all surprising.

20 However, by analogy, I mean, certainly the
21 policy underpinnings of the law are certainly
22 relevant to the Florida Bar scenario and beyond.
23 There are just this one clarification or at
24 least additional backup.

25 When I said earlier that the clemency

1 process, and in particular the civil rights
2 restoration process, was used somewhat as a tool
3 to manage the early release populations, let me
4 be clear. That was within a unique set of
5 circumstances and unique time. The State of
6 Florida was under federal consent agreement,
7 that prison populations were overcrowded.
8 People that would otherwise have been
9 incarcerated were being released. So it was an
10 effort not to deprive them of their vote. It
11 was an effort to try to monitor the populations
12 that all things being equal would have been
13 behind bars. I was trying to put things in
14 larger context for you and also election 2000.
15 I mentioned it and I didn't close the loop on
16 that. It was unclear. By a time frame, you can
17 associate these issues with a particular party
18 or particular governor. But I think for these
19 purposes, it's best not to necessarily get
20 distracted by potential partisanship issues or
21 other agendas, sub rosa or otherwise.

22 Before election 2000, I think it's fair to
23 say that very few people appreciated the
24 magnitude of the underlying problem. Let me
25 give you an order of magnitude in terms of how

1 many individuals in Florida may actually have
2 completed their sentences may be residing in the
3 state without the right to vote, which is,
4 again, non-privileged, but they seem to be a
5 number of footnotes to that.

6 When the rule change was adopted in April
7 of 2007, the department of corrections and the
8 parole commission did a number of runs and it
9 appeared as though there were in excess of
10 300,000 older cases and sometimes called them
11 "historical cases" that at least it appeared
12 they hadn't received their rights restoration
13 over time.

14 Now, there are a number of runs to try to
15 narrow that number of how many people died, how
16 many people moved out of state. But that
17 population was never reviewed under the criteria
18 of the new rules.

19 The current process each year, roughly
20 between 40 and 60,000 individuals, are either
21 released from custody or terminated from
22 supervision. Those are 40 to 60,000 new cases
23 each year. I didn't really talk about the back
24 log, although the parole commission was brought
25 up. So, again, when we placed that in context

1 before Governor Scott and the Florida cabinet,
2 at the urging of Attorney General Pam Bondi,
3 adopted these more restrictive criteria in March
4 of last year -- again, the five and seven-year
5 wait list time frame -- there was a backlog date
6 processing backlog of in excess of 100,000
7 cases, case logs. What happened in effect when
8 those new -- the criteria were implemented. The
9 backlog was not necessarily eliminated. But it
10 was, essentially, eliminated because now those
11 cases were subjected to a five-and seven-year
12 standard.

13 And then just finally, because I think it's
14 important not to leave here without a clear
15 picture of the process, the parole commission
16 has absolutely nothing to do with the fact that
17 only 100 cases were granted last year. That's
18 pure policy of the board of executive clemency
19 of the governing cabinet. Separate and apart
20 from that, there are capacity issues that the
21 parole commission has been grappling with for
22 years, underfunded insufficient staff to deal
23 with workload and inefficiencies beyond all of
24 that.

25 So, again, when trying to place all of

1 these issues in context, I think it's important
2 because even the current Chair, Tina Pate, is
3 very innovated in terms of trying to fill the
4 gaps and so to speak between resources and
5 processing.

6 And then just, again, finally, the Florida
7 Rights Restoration Coalition, Jessica mentioned
8 she's vice-president. That, as you know, and
9 you will hear from the ACLU later -- and I see
10 Vicki Lukis, who I've worked with over the
11 years. It's a excellent organization dependent
12 upon the day, 60 or so national, state and local
13 community organizations that have aligned, at
14 least to some extent, to promote more routine,
15 if not automatic rights restoration.

16 Again, I've had the privilege of working
17 with it and the ACLU independently, but
18 collaborating with, to try to work some of this
19 strategic landscape.

20 Again, I want to suggest to you despite the
21 challenges and the fact that Florida has
22 potentially hundreds of thousands of people who
23 have completed their sentences and have not
24 regained the right to vote just without even
25 looking at the collateral consequences, and,

1 again --

2 MS. LOVE: I want to ask Mr. Martin a
3 question, if I may, because I'd like to talk
4 about the -- our past here is, in fact -- I'm
5 just looking at our mission statement -- to
6 undertake an inquiry about how the legal
7 mechanisms for relief are working. So what
8 you're saying is tremendously important. But I
9 would like to ask Mr. Martin, who served on
10 Governor Bush's task force, which was a very
11 innovative task force, you made a number of
12 recommendations --

13 MR. MARTIN: Yes.

14 MS. LOVE: -- about the barriers that then
15 existed in various State agencies to employment.
16 Could you tell us what happened to those
17 recommendations?

18 MR. MARTIN: If I'm not mistaken, I think
19 they just took them under advisement, right,
20 Wayne? I don't know. Maybe. I think that even
21 with the decoupling that some of that barrier is
22 moved. But even if you have -- let's say if I
23 wanted to work for the Department of Juvenile
24 Justice. Even if I have the felony, I have my
25 civil rights resorted, under Chapter 435, I

1 believe it is, I would still have to go waiting
2 for the appeal. They would initially deny me.
3 And I would have to go in front of a committee
4 for an appeal here. And I think that's how 435
5 works, right?

6 MR. GOLDMAN: Uh-huh.

7 MS. LOVE: Why would they initially deny
8 you?

9 MR. MARTIN: Because I have the felony.

10 MS. LOVE: So it's an automatic denial?

11 MR. MARTIN: In most cases, yes; even to
12 volunteer, yes.

13 MS. LOVE: Okay.

14 MR. MARTIN: And after that, you would have
15 to go through a 435 and you'd have to just go to
16 a subsequent hearing.

17 MS. LOVE: Does each agency have their own
18 rule or policy that would automatically exclude
19 you and make you appeal; is that the way it
20 works?

21 MR. MARTIN: I think all of them now are
22 under Chapter 435 of the Florida statutes.

23 MS. LOVE: So that means that it's an
24 automatic rejection?

25 MR. MARTIN: Sometimes. It depends on the

1 crime. It depends on who's looking at your
2 application pretty much, too.

3 MS. LOVE: Okay. I just have one more
4 question -- well, maybe I don't. Maybe I should
5 turn it over to my colleagues here. Let me just
6 say one last thing, that it does strike me --
7 and I've got a fair notion about how things are
8 working in other states in this country in terms
9 of restoration of rights. Florida does strike
10 me, just based on what you-all have said, as
11 pretty unique in using this restoration of
12 voting rights, which is automatic in most
13 states, but using that process to exclude people
14 with a conviction from a whole range of
15 opportunity. That's why I mentioned that I was
16 interested to hear you talking about how that
17 manages a population. It continues, it seems,
18 to manage a population. So that's very
19 interesting. And I think truly unusual, if not
20 --

21 MR. MARTIN: Let me say this: When I was
22 getting ready to graduate from law school, I had
23 a job offer from every major law firm in the
24 state of Florida. When we found out that I
25 couldn't even apply to the Florida Bar or sit

1 with the Florida Bar because of the felony, I
2 think that the president of Nova, the dean of
3 the law school, and some of the professors were
4 so incensed that they hired three lobbying firms
5 for me and they hired three Republican lobbying
6 firms. And I think I must haven't gotten my
7 civil rights without a hearing in seven months,
8 in seven months.

9 MS. LOVE: What about the Florida Bar?
10 That's the one that --

11 MR. MARTIN: After I got my civil rights,
12 then I was able to go ahead and do that. I was
13 able to go ahead and apply --

14 MS. LOVE: They were applying within that
15 system as opposed to going to the Florida Bar --

16 MR. MARTIN: They went right to --

17 MS. LOVE: -- to knock out that rule.

18 MR. MARTIN: They went right to Tallahassee
19 and lobbied on my behalf. Within six or seven
20 months, I had my civil rights restored without a
21 hearing so.

22 MS. LOVE: Okay. Well, let me open it to
23 my colleague.

24 MR. GOLDMAN: Let me just ask a couple of
25 questions about The Bar and the certians. Let

1 me just ask a couple of questions with relation
2 to admissions to The Bar. On the one hand
3 admissions to The Bar affects a relatively very
4 small percentage of ex-offenders. Very few
5 people have the drive, ambition, perseverance,
6 guts, whatever after being convicted of a
7 crime -- you know, going through law school,
8 which is the three most miserable years of my
9 life and I suspect -- well, you've probably had
10 more miserable years. But it is important to me
11 in a sense because lawyers who have served time,
12 bring a whole different perspective to their
13 professions, which, hopefully, affects how their
14 colleagues act and the like.

15 I think Mr. Schlakman said -- and I know
16 nothing about Florida. I'm from New York. My
17 world consists of from the Hudson River to the
18 East River with the rare exception of a trip to
19 the Hamptons. So I know nothing about Florida.
20 I admit my ignorance. But I understand from
21 you, sir, that admissions in Florida are
22 controlled by the courts as opposed to -- is
23 that true?

24 MR. SCHLAKMAN: Well, as a practical
25 matter, it's the Florida Bar and the Florida Bar

1 Board of governors with oversight by the courts.

2 MR. GOLDMAN: Okay. Why can't -- and this
3 may be a simplistic question -- and frankly,
4 I've worked in New York with lawyers who have
5 been convicted and done time. They have gone
6 through, you know, hoops and jumps, but they've
7 become members of The Bar, terrific members of
8 the Bar. The courts have generally not been so
9 tied down with these kind of crazy restrictions.
10 Catch-22, why doesn't somebody get to the court
11 administrator's chief judge and say, hey, cut
12 out this catch-22. This poor woman has been,
13 you know, battered around on? The three of you
14 perhaps could give me your views.

15 MR. SCHLAKMAN: Respond to that because in
16 part, again, it's important to remember now the
17 timing. This law that just passed went into
18 effect. It was staggered. Some of it went into
19 effect middle of last year. Some of it December
20 or in February. It's new.

21 I actually invited or asked maybe
22 Jessica -- she might have been coming on her own
23 initiative. But I asked Jessica to try to be
24 here today, because her story is compelling.
25 It's not only eloquent, it's compelling. It

1 invests the humanity into a system that is
2 really not well considered.

3 But just to simply answer your question,
4 the timing is right to do that, and I intend to
5 do that. We have discussed, for instance, that
6 in this instance -- I don't handle typically
7 individual cases, but I plan to, if Jessica is
8 willing to take on her matters on a pro bono
9 basis and work it, not simply for Jessica, which
10 in and of itself would be a -- I mean, the goal
11 speaks for itself. That would be more than
12 justified, but to change the process for others.
13 And the timing is now, because, again, the
14 implementation of this law.

15 And back to Margaret's issue, the law
16 doesn't control what the Florida Bar or the
17 Florida Bar of Board Examiners does. But by
18 analogy, I think the argument is compelling and
19 so that's what we intend to do.

20 MR. MARTIN: I think that there ought to be
21 rules and regulations in place. I have no
22 problem with that. But just look at the
23 totality of circumstances, when you look at
24 individuals who come from a certain
25 neighborhood, sometimes it's difficult not to

1 have a run-in with law enforcement. It is
2 extremely difficult.

3 When I applied to Florida Bar, they told me
4 The Bar examiners would never admit me,
5 because -- they look for rehabilitation. And
6 there's no set definition for rehabilitation
7 with The Bar examiners. But I think once you've
8 gone through the process of having your civil
9 rights restored, that background check in and of
10 itself, I think The Bar examiners kind of say,
11 wow, you've gotten your civil rights restored.

12 It won't be as difficult on you, because my
13 hearing didn't last but 30 minutes and that was
14 totally unexpected for an ex-offender. I walked
15 in and pretty much like, yeah, okay, here, here
16 and here. I walked out. They didn't attack me
17 or anything like that. The guy was like, well,
18 you've gotten your civil rights restored, so we
19 know you've already been through one extensive
20 background check and it was okay. The problem
21 is having to have these civil rights in order to
22 apply. That needs to be talked about on the law
23 school application. Don't have me go to law
24 school and take out 100 to \$150,000 of student
25 loans knowing that there's a possibility I may

1 not get in the Florida Bar. At least talk to me
2 about that beforehand. And that's part of the
3 problem also.

4 MS. CHIAPPONE: I agree with that. I
5 understand, as I said about the rules and -- you
6 know, the overinsight into a particular
7 individual who may have had a troubled past, but
8 stopping me from being able to just send my
9 application, you could send your application and
10 be able to sit for The Bar and not have your
11 hearing until after. So if I graduate now -- I
12 graduated law school. I took the New York Bar
13 and I passed New York Bar. And I'm still
14 sitting here in Florida, because this is where I
15 want to be and this is where I want to raise my
16 children, but I can't even send my application.
17 I just think that doesn't make sense. Because
18 if I can send the application, I can take The
19 Bar and I could deal with the other issues which
20 are -- you know, I understand you have to have a
21 hearing and that's fine. But why can't I send
22 my application and take The Bar? Why should I
23 have to sit for The Bar five years from now
24 after I graduated law school? I mean, that's
25 what bothers me the most right now, because I

1 don't want to be so far out of law school before
2 I have to take another Bar exam. I want to take
3 it and then we'll push these other issues and
4 try to change it. But I think that initial step
5 is the step in the right direction. So I think
6 that's the first one I would like to address.

7 MR. GOLDMAN: So let me just ask one
8 question and then excuse my inter-reference,
9 when you said the term "manage a population," it
10 kind of sounds euphemistic. I mean, am I -- is
11 there -- and I don't know any -- feel free to
12 talk about it. But is -- I suspect with my
13 typical cynicism that there is a deliberate
14 gubernatorial effort by certain people to keep
15 ex-felons, who presumably would vote for one
16 party, disenfranchised as long as possible. Is
17 there some truth to that or am I just a perverse
18 New Yorker?

19 MR. SCHLAKMAN: Are they mutually
20 exclusive? I have taken actually a couple of
21 broad passes at this. As the circumstantial
22 backdrop, I think they're -- whether they're
23 partisan issues -- I mean, whether one is a
24 Democrat, whether one is a Republican, whether
25 one is not affiliated, I mean, there's always

1 strong conjecture as to the sub rosa agenda, if
2 there is one. I would assert that and this has
3 no bearing. I don't believe that there
4 necessarily is. There could be, but I think the
5 connection and the confusion and the
6 obviastation between public safety and the
7 implication, the lack of understanding, which I
8 think to some extent also goes to the courts and
9 the board of Bar examiners, I think they really
10 just don't appreciate what the process is or
11 more importantly, what it is not. It's the
12 restoration of civil rights in Florida as it is
13 handled today and has been over the years, not
14 just this administration, which does have the
15 most restrictive policy that Florida has seen in
16 quite some time. But these issues have cross
17 cut parties. So is it to suppress, voter
18 suppression? It could be. But I'm here to say
19 that I think getting caught up in that -- not to
20 dismiss it -- but getting caught up in that, I
21 think, that the tighter nexus is focusing upon
22 the relationship between public safety and how
23 to now move forward.

24 Because let me give you a visual: Ann
25 Bondi is a career prosecutor. When she was a

1 candidate, she said -- and I'm paraphrasing --
2 it would be dangerous and it was irresponsible
3 for Governor Crist to advocate for automatic
4 rights restoration. Well, again, caveat, that's
5 not what happened in terms of Governor Crist.
6 But certainly, it facilitated a much larger
7 number of cases through the processes. That
8 impression continues.

9 When the policy was adopted in March of
10 2011, Attorney General Bondi serving. And the
11 governor actually determines all. It's the
12 governor, plus a two-or-three-member cabinet.
13 But in the room, the Florida association of
14 police chiefs, the Florida Association of
15 Sheriffs, not the Florida Prosecuting Attorneys
16 Association per se, but a number of individual
17 prosecutors were there on public safety grounds.
18 Those grounds have now been decoupled. So there
19 is opportunity. So, again, I'm not evading or
20 avoiding your question. There could be a number
21 of different motivations. But I think it would
22 be more of a distraction to get caught up in
23 those.

24 MR. JONES: All right. Vicki and then
25 Jenny.

1 MS. YOUNG: I just have a quick question,
2 Ms. Chiappone. You stated that you've taken the
3 New York Bar?

4 MS. CHIAPPONE: Yes.

5 MS. YOUNG: Are you a member of the New
6 York Bar?

7 MS. CHIAPPONE: No. I have to submit
8 because New York is -- you submit like a
9 two-to-three-page application initially. You
10 sit for the Bar and then you send the rest of
11 your application.

12 MR. GOLDMAN: Do you want a job?

13 MS. CHIAPPONE: I haven't sent the resumé
14 application, because, one, it's \$500 to get
15 licensed. I don't have that; and two, I'm
16 waiting for one more law employment affidavit in
17 order to be able to submit it.

18 MS. YOUNG: I was just wondering if, in
19 fact, you could get admitted to the New York
20 Bar, you can't do a reciprocity?

21 MR. MARTIN: Not with Florida.

22 MR. SCHLAKMAN: Not with Florida.

23 MR. GOLDMAN: Otherwise, all of us old
24 people would move down there and take the
25 Florida lawyers' jobs.

1 MR. JONES: We have a few questions from
2 our reporter, Jenny.

3 MS. ROBERTS: There's been a lot of talk
4 about felony convictions and I know the numbers
5 are very high in Florida as in other
6 jurisdictions of people with misdemeanor
7 convictions. I wonder if anybody here can speak
8 to how some of these laws relate to that or any
9 other efforts from organizations like
10 Mr. Rawlins or anyone else that have grappled
11 with the issue with misdemeanor convictions in
12 bars to employment or other things?

13 MR. RAWLINS: We haven't experienced any
14 great challenges with the work that you've done
15 as it relates it to misdemeanor.

16 MS. ROBERTS: You have not?

17 MR. RAWLINS: No, I have not.

18 MR. SCHLAKMAN: And misdemeanor convictions
19 do not impact civil rights decisions. It's only
20 felony.

21 MS. ROBERTS: How about in the employment
22 area?

23 MR. SCHLAKMAN: It's a different set of
24 issues.

25 MR. MARTIN: I haven't seen any. I've seen

1 just very few in Orange County. But once,
2 again, South Florida is more willing to give you
3 a second chance. In Orange County it's much
4 more conservative and they're less willing to
5 give you a second chance, even with the
6 misdemeanors whens it comes to employment.

7 MS. LOVE: Let me just follow up what she
8 said, Ms. Roberts. The laws that address
9 employment don't apply to misdemeanors; is that
10 correct?

11 MR. MARTIN: That's correct.

12 MS. LOVE: Okay. That's good.

13 MR. JONES: Does anybody else have
14 questions? All right. I have a few. I want to
15 weigh into an area that I think we've really
16 directly avoided and that is talking about --
17 not necessarily partisanship, but other agendas
18 and I'm interested in what -- well, let me
19 backpedal for a second. And I probably have the
20 numbers wrong. I think you said something about
21 300,000 historical cases, older cases and then
22 something along the lines of 60,000 new folks
23 every year coming out of prison.

24 MR. SCHLAKMAN: Plus another backlog of
25 about 100,000.

1 MR. JONES: So we're talking half a million
2 people or more going forward?

3 MR. SCHLAKMAN: Potentially, right.

4 MR. JONES: Potentially. Significant
5 number of folks, right? If you know -- if any
6 anybody knows -- what's the demographics of
7 those folks?

8 MR. SCHLAKMAN: I don't know that
9 particular population, but I think it's
10 reasonable to extrapolate. I mean, the
11 demographics in any prison system are skewed
12 more towards minority populations for a variety
13 of reasons that many of you know as well or
14 better than I do, so without having the survey
15 data or access to research methodology for that
16 notional population, I think we can at least
17 extrapolate reasonably that it
18 disproportionately impacted population. And,
19 therefore, the questions that you were asking
20 about whether there's a certain voters
21 suppression or whether it's a party partisan,
22 whichever the right term is, initiative -- I
23 mean, circumstantially it certainly seems like
24 there could be. But, again, my point was -- I
25 know that's not yours -- for purposes of

1 changing the process, I'm noting that and moving
2 beyond it. That's all.

3 MR. JONES: Right. Right. I understand
4 that. So we're talking about a population of
5 folks who are probably to some large percentage
6 people of color?

7 MR. SCHLAKMAN: Just to extrapolate.

8 MR. JONES: And we're also probably talking
9 about folks who are economically speaking
10 certainly not in the one percent, right? We're
11 talking about folks who are in the lower
12 economic ...

13 MR. SCHLAKMAN: Again, I think certainly
14 reasonable to extrapolate, sure.

15 MR. JONES: Right. Right. It seems to me,
16 Mr. Rawlins, that you're testimony has, if
17 nothing else, the force of common sense, that it
18 seems abundantly clear to me and probably to
19 anybody who hears you really, honestly deep in
20 their heart, that it only makes sense to help
21 these folks succeed. It only makes sense to
22 help these folks, you know, become productive
23 members of society. So that they don't
24 reoffend, so that they don't have to be back in
25 the re-entry system the way you said the parole

1 commission thinks about re-entering prison. It
2 only makes a better, richer, fuller, safer
3 society. So what I really want to try to get at
4 with other agendas and those, what is the real
5 motivation here? What are we really up against
6 here when we're trying to bring some sense and
7 some logic and some rationality into our
8 restoration civil rights process? What do
9 people think of the real motivations, the
10 underlying? What's going on?

11 MR. MARTIN: Let me say this -- and I don't
12 know if Wayne was there -- I was at a meeting
13 with every member of the Florida house. We
14 brought in Representative Jerry Madden from
15 Texas. Texas is much more conservative than
16 Florida. Texas got this right five, ten years
17 ago when Bush was governor of Texas. They're
18 less restrictive when it comes to ex-offenders.

19 When Representative Madden talked to the
20 Florida House about getting it right and he
21 said, I have a question for you-all, how many of
22 you will not do this because you're afraid that
23 you're going to be looked at as being soft on
24 crime? They all raised their hand. They won't
25 get reelected if they raise their hand again.

1 And that's part of the problem.

2 Perception is if you do anything to help
3 ex-offenders, you're looked at as being soft on
4 crime and you will not get re-elected. And then
5 he said, I'll change something that Governor
6 Bush told us.

7 When has helping someone change their life
8 around ever been considered being soft on crime?
9 It's part of the reason a lot of people think
10 they won't get re-elected and they think it will
11 look soft on crime.

12 MR. JONES: Mr. Rawlins.

13 MR. RAWLINS: This is a Republican
14 controlled legislature and the governor is a
15 Republican and has been for the last three
16 administrations. It is an issue. I don't care
17 how you slice it, dice it, if you want to
18 sweeten it, if you want to do the Miami two step
19 around it, you're going to face it no matter how
20 you like it. When you talk about Republican
21 administration, you're talking about big
22 business.

23 The privatization of prisons was a major
24 issue. It's still a major issue, lesser today
25 than it was two months ago. But it's big

1 business, nevertheless, the operations of our
2 prisons. Just like cotton was to the slave
3 trade, inmates are to the prison industry. You
4 have to have them. And this is why I think the
5 use -- lack of an incentive between it being
6 Republican-controlled legislature in the
7 Governor's office as well as of the business
8 aspect of prisons and how many of our -- well,
9 three major corporations are on the stock
10 exchange. You're going to have this challenge.
11 You're going up against big business and you're
12 going up against a Republican machine that
13 controls our legislature.

14 MR. JONES: Ms. Chiappone or Mr. Schlakman,
15 either one.

16 MR. SCHLAKMAN: I don't think disclosure is
17 relevant or affirmative, but I'll be happy to do
18 so. I'm a Democrat. I worked for a democratic
19 governor and a democrat President. First of
20 all, the super majority in our legislature don't
21 impact the clemency process at least directly in
22 any way. I don't believe that -- personally --
23 that's all that it is. I don't believe that
24 party, if not partisan voter suppression, is the
25 driver here. Again, I just want to emphasize it

1 certainly wasn't the driver when I was
2 responsible for handling Governor Chiles'
3 clemency issues for the first two of my several
4 years.

5 MR. JONES: What is the driver in your --

6 MR. SCHLAKMAN: Public safety. Public
7 safety, the concern about it misplaced to now
8 completely and before missed. Because even
9 Governor Crist's effort did not, in my personal
10 opinion, adequately address. It tended to be an
11 overlap of the public safety issue, which,
12 actually, alienated to some extent, some law
13 enforcement or at least didn't bring them in to
14 the fold. Therefore, you have this law
15 enforcement split.

16 If you are not aware of this, you may just
17 for purposes of taking a snapshot at the Florida
18 picture, because that is really what we're
19 getting when you have an expansive agenda, but
20 still you'll leave here a day and a half later
21 having much more information and context, but
22 there still will be much more that you won't be
23 able to reach.

24 But one study that you may want to take a
25 look at -- and I'm not even embracing its

1 methodology, but it was conducted by the parole
2 commission, again, the investigate arm of the
3 more executive clemency last summer as a result
4 of the implementation of these highly restricted
5 criteria last March. That study indicated --
6 and it's a parole commission study, so whether
7 it's anecdotal is relevant -- that in instances
8 where ex-felons had regained their civil rights,
9 the incidents of recidivism are significantly
10 less.

11 Out there on the horizon, there are
12 research surveys indicating a number of things.
13 But if you have an opportunity, I would seek out
14 that parole commission study. It's quite
15 abbreviated. But, again, it's compounding. It
16 seems to run counter to at least the notion that
17 is prevailing right now that there is some
18 rationale for withholding this civil rights
19 restoration for a period of in the current
20 policy five and seven years, so in any case.

21 You're framing on the issues about concern
22 about people being slathered with soft on crime.
23 I also happened to serve as chairman of the
24 board of the Unisons project in Florida. Apart
25 from that, I work with former Florida Supreme

1 Court Justice Raul Quintero in terms of death
2 penalty reform issues, not because I enjoyed
3 these issues, but because I was in a position
4 with the governor that at least relatively few
5 are within the context of rights restoration,
6 clemency, general capital cases.

7 Clearly, I think your point is well taken.
8 So my answer to you is public safety. But it's
9 also in many respects fear of being branded as
10 soft on crime or sensitive to victim's issues,
11 left liberal democrat or otherwise. These are
12 labels that probably matter far more than voter
13 suppression.

14 MS. CHIAPPONE: Well, wouldn't that go
15 directly to voting and voting suppression --

16 MR. SCHLAKMAN: Well, there's clearly a
17 relationship and what I'm trying to break. So
18 you're right.

19 MS. CHIAPPONE: Well, I think living the
20 collateral consequences, such as I can't rent in
21 most of the rental communities because of my
22 felony. I can't own in some of the homeowners'
23 associations. And living certain collateral
24 consequences, I think it does relate to voter
25 suppression, absolutely. And they hide it

1 behind the agenda of public safety, which is
2 counterintuitive. It doesn't make sense. It's
3 unjustifiable because public safety would only
4 be improved by enhancing re-entry.

5 MR. JONES: All right. We are,
6 unfortunately, out of time. We have one last
7 question.

8 MR. ROBERTS: Okay. I was just curious
9 about the parole commission study. In one
10 minute if you could tell me why they did that
11 study.

12 MR. SCHLAKMAN: They were directed to by
13 the governor and cabinet. It was incorporated
14 within the policy change that was adopted in
15 March of 2011 and there was a direction from the
16 governor and cabinet to the parole commission as
17 investigative arm of the board to conduct a
18 survey and a study and report back and that's
19 what it was.

20 MS. ROBERTS: Thank you.

21 MR. JONES: This has been a great start to
22 our learning in Florida and we appreciate
23 you-all coming and taking the time and sharing
24 with us your expertise. Thank you very much.

25 PANEL II

1 MR. JONES: Let me start by saying welcome
2 to our second panel. We're very pleased to have
3 you. Just a couple of caveats, you guys, I
4 believe, have the microphone on your table. If
5 you don't, it should be there in very great
6 short order. You can keep it on that table.
7 What you have to say, by and large, is far more
8 important than what we have to say. We're here
9 to learn from you.

10 Because we are recording this and we're
11 interested in making sure that we pick up the
12 audio, I would ask that when you answer your
13 question and when you're giving your opening
14 statements that you just speak into the
15 microphone. The way that we operate these
16 sessions is that we give each of you five to ten
17 minutes to give us a sense of who you are and
18 also the benefit of your opening thoughts, after
19 which we have lots and lots of questions for
20 you. The questioning is generally led by one of
21 us. This particular panel is led by Vicki
22 Young. After which, we'll open up the floor to
23 all of us and have a broader discussion. I was
24 about to turn the floor over.

25 All right. Without further due, I'm going

1 to stop talking and turn the floor over to you.
2 We should probably start with you, Mr. Freeman.
3 If you could just give us five to ten minutes of
4 opening remarks, we'd appreciate it.

5 MR. FREEMAN: No problem. I hope it's
6 working, because my voice is not.

7 I appreciate the opportunity of being here
8 today, although I was surprised when they
9 called me.

10 I had been a new executive director at
11 Transition, which is a vocational training
12 program for former offenders for about one
13 month, maybe two when he called me. And I said,
14 you don't really want me to testify and he said,
15 oh, but we do. So I consented, but I consented
16 and said I just need somebody to be here with
17 me, which is Luz Norwood, who's our senior
18 manager, who has been with the center a little
19 bit longer and knows a lot more about what the
20 center does.

21 By way of background, Transition is a
22 40-year-old agency that has worked with former
23 offenders all that time.

24 We were created because the founder saw a
25 need in our community and started doing some

1 outreach into the prisons.

2 My background is substance abuse and mental
3 health. I've been administrator of residential
4 facilities, drug treatment and alcohol for all
5 my career. On top that, I've ran the homeless
6 shelter. I can tell you that the individuals we
7 run into in all those places, involving my
8 previous positions, are similar. They make for
9 the gamut oftentimes where you would go from
10 when I worked at Spectrum, which is a drug
11 treatment program.

12 I went to the homeless shelter and the same
13 people are coming over to me and saying, I know
14 you. I saw you with Dave Chase or I saw you
15 here or there. So it was not a leave for me to
16 move from where I was to vocational programming.
17 We had the same problems in alcohol and drug
18 treatment that we have on the job front, only
19 things have now gotten worse. The economy has
20 really hurt our ability to keep our people going
21 back into this.

22 I'm going to stop there and turn it over to
23 Lucy. I work well from questions, more so than
24 from -- you know. But that's basically who I am
25 and where I came from.

1 MR. JONES: Fantastic. Thank you.

2 Ms. Norwood.

3 MS. NORWOOD: Good morning, everybody. I'm
4 the center manager at Transition and we do
5 operate at Offenders Service Center. We help
6 anybody who's been arrested find work. The
7 process has changed dramatically. There aren't
8 a lot of jobs and so the offender, in
9 particular, is facing a lot for competition. So
10 we're focusing not only resumé building, but
11 more intensive interviewing skills and we also
12 focus on soft skills.

13 Once they do a general orientation and they
14 sit down with a career adviser, an assessment
15 needs to be done. Instead of just putting them
16 right in front of a job developer like we used
17 to do five years ago, because it was quick to
18 find a job, they now go through a two-day
19 intensive assessment, which starts with basic
20 skills assessment. It goes through identifying
21 needs and barriers. They develop a resumé.
22 They develop a cover letter and more
23 interviewing.

24 On the third day, then they see a job
25 developer, which works with them one on one.

1 You don't get put in front of a computer. The
2 job developer will then take the background and
3 their skills and find an employer in our data
4 base.

5 We have a little over 7,000 employers that
6 we worked with over the 40 years, and it's
7 invaluable. That data base is amazing. These
8 are employers who either themselves were
9 offenders and have built small businesses or
10 even some larger businesses like Walmart is
11 hiring a lot from us.

12 So there are a lot of advantages to coming
13 through Transition. We teach them how to talk
14 about their charges. You have to accept
15 responsibility and talk about what you've done
16 to prevent these issues from coming up again.
17 It's about building a work history and helping
18 them identify their needs and how we're going to
19 take them to where they want to go.

20 We now also have implemented vocational
21 training, which is really, really important in
22 this job market -- short-term meaningful
23 training, small things like computer
24 certifications.

25 I know what some of you may think, it's

1 hard to get an offender a job in technology --
2 not true. There's a lot of tools that we use:
3 The federal bonding program, the tax credit.
4 These are all things that we not only educate
5 our employers about, but we also educate our
6 offenders. Because whether they find a job
7 through us or whether they find a job on their
8 own, their record isn't going to go away. So
9 the sooner they learn how to deal with it and
10 speak about it, the better off they're going to
11 be, not only in their work life, but also in
12 their personal life.

13 We also offer a lot of after-employment
14 services. We follow up with our clients for a
15 minimum of one year. We offer them bus passes,
16 counseling and referrals to other services as
17 they meet. That's about it in a nutshell.

18 MR. JONES: Thank you.

19 MS. NORWOOD: Thank you.

20 MR. JONES: Mr. Evans.

21 MR. EVANS: Good morning, everybody. And I
22 would like to thank y'all for the opportunity to
23 be here.

24 I'm Bill Evans. I'm from Turning Point
25 Work Release Center, Bridges of America. My

1 primary background has been in law enforcement
2 almost 30 years, primarily in corrections. This
3 is a little new to me, too. I've been with
4 Bridges of America for a couple of months.

5 Bridges of America is actively involved in
6 a partnership with the Florida Department of
7 Corrections to assist inmates of successful
8 reentry back into our communities. I hope you
9 noticed when I said "our communities," ladies
10 and gentlemen, these inmates we're releasing
11 statewide on a daily basis are our neighbors and
12 will be interacting with all of us in society.

13 Bridges of America is committed to the
14 successful community re-entry and to reduce
15 recidivism.

16 "Re-entry" and "recidivism" are not just
17 buzz words to us. We are truly committed to
18 assist in our community, in other words, the
19 inmates at our facility to transition as
20 smoothly as possible into society as productive,
21 contributing citizens.

22 Inmates with substance abuse problems are
23 engaged in a cutting-edge program with a
24 holistic approach. That major modality consists
25 of a therapeutic community that generates the

1 main things that discipline and positive
2 environment that effectively replaces
3 self-destructive behaviors with self-control,
4 earn self-esteem and hope.

5 It is also our goal to establish lasting
6 relationships with the inmates and their
7 families. For the inmates to be the leaders of
8 positive examples in their families and positive
9 role models for their children thus, hopefully,
10 breaking the cycle of the children also
11 offending and coming to prison.

12 We're very committed to helping the inmates
13 in our facility. We do consider ourself a
14 community. Everything we can do to help people
15 successfully reintegrate back into society, form
16 a meaning, lasting bond with their families and
17 get on their feet again is what Bridges of
18 America is really about.

19 I'm excited to be onboard with them. I've
20 only been with them, like I said, a couple of
21 months. I think it's very meaningful work and
22 very good to give back to someone and try to
23 help people to better themselves.

24 MR. JONES: Thank you.

25 Ms. Patterson.

1 MS. PATTERSON: Good morning. Thank you
2 for allowing me to be here as well. This is a
3 very great opportunity to speak about what we do
4 as an organization as Bill said, Bridges of
5 America is in partnership and we are in
6 partnership with the Department of Corrections
7 to provide that cutting-edge treatment and
8 cutting-edge tools for our offenders, so that
9 they can re-enter the community.

10 Now, my facility, the Broward County
11 Bridge, we have an intensive substance-abuse
12 component as well as work release. In that
13 substance-abuse component, the offenders come
14 from the Department of Corrections within 24 to
15 36 months of being released. They undergo a
16 nine-month substance abuse treatment.

17 They go through levels, steps and phases in
18 the program, prior to actually going into the
19 work release part where they actually go out
20 into the community and find jobs before being
21 actually released. So for the most part, the
22 offenders at the facility where I am, they're
23 there anywhere from two years to 12 months,
24 depending on their time and also court mandated.

25 They are court-mandated to receive

1 substance abuse. We offer outpatient treatment.
2 We offer aftercare and also preventive for the
3 substance abuse. What I have here is some
4 materials that I wanted to give to you-all about
5 the cost effectiveness of the offenders
6 receiving substance abuse treatment.

7 A study was shown that these statistics
8 show that 82 percent of the offenders that go
9 back into the society, back into the community,
10 who do receive substance abuse treatment, do not
11 reoffend within that three-year period.

12 At our facility, we also offer job
13 training. We offer vocational classes. We have
14 GED classes. We have a six-month culinary arts
15 program where the inmates actually receive a
16 culinary arts certificate and they are from the
17 American Culinary Federation and they receive a
18 certificate. It's an apprenticeship program.

19 Right now, we just started the CDL class,
20 where the offenders will go through the CDL
21 course and also receive a certificate.

22 We also have Florida Ready to Work, which
23 is national career readiness test now, where the
24 inmates take an apprenticeship. They take a
25 test online. This is to assess their readiness

1 to receive a job. They receive a certificate
2 and that will assess whether or not they are
3 career-ready, job-ready so to speak.

4 As you-all can see, I'm a little nervous.

5 MR. JONES: Don't be.

6 MS. PATTERSON: I would like not to be. I
7 do better with questions.

8 I've been with Bridges of America myself
9 for actually five years. Prior to going to
10 Bridges of America, I worked for 17 years in the
11 Department of Corrections.

12 Being on this side of the fence is very
13 rewarding and I really, really love what I do.
14 I see the results in people, actual people.

15 I was listening to the people this morning,
16 the lady this morning, when she was talking
17 about taking The Bar and the collateral
18 consequences of what she did and now how it's
19 affecting her life and the life of her children.

20 We do a lot with our families. We have a
21 lot of families. We have a lot of family
22 integration in our program. When I see the
23 interaction of the families with the offenders
24 and how they actually, too, relate back to each
25 other and I think the relationships are

1 restored.

2 These guys come back to us and they say,
3 how much -- you know, some of them never had the
4 opportunity to be with their family and interact
5 the way that they do. When the family members
6 see how much the program has actually helped
7 them and allowed them to change, they come back
8 as well. They tell us how much it helps for
9 these guys to go through this program and to
10 be -- we focus not only on the substance abuse,
11 but also on the whole person, body, mind and
12 spirit.

13 The holistic approach is what Bridges of
14 America does. It is a very rewarding job that I
15 have to be able to see the results and to know
16 that you-all have taken the time to hear about
17 this so that you can formulate a report to see
18 how well you can help eliminate, or at least
19 limit the collateral consequences, is a great
20 thing that you're doing and I thank you.

21 MR. JONES: Well, we thank you. Thank you
22 very much.

23 MS. YOUNG: So Mr. Freeman and Ms. Norwood,
24 you said your program has been in existence for
25 40 years?

1 MS. NORWOOD: Yes, ma'am.

2 MS. YOUNG: And you have a large data base
3 of employers you've worked with. Certainly
4 employment is a big issue in terms of re-entry.
5 Can you speak to how you approach new employers
6 into coming into your data base to get them
7 interested in hiring and working with
8 ex-offenders? Because, clearly, it's easier if
9 they go through your program rather than you
10 just submitted a resumé --

11 MS. NORWOOD: Yes.

12 MS. YOUNG: -- off of Craigslist or
13 something.

14 MS. NORWOOD: Absolutely. One of the
15 benefits to coming through Transition is our job
16 developers, they have many years of experience
17 working with this population. We do develop a
18 relationship with the employer. We not only
19 educate the employer on the benefits of hiring
20 an offender, they do stay on the job. They just
21 need to learn how to stay on the job and obtain
22 those soft skills.

23 We use on-the-job training as one of the
24 tools to entice an employer. We can reimburse
25 them. Depending on their company, it's like up

1 to 90 percent to offset the cost of training and
2 new employees for three to four months. That's
3 one of the tools that we use; also, that the
4 offenders are eligible for federal bonding. We
5 use that as a tool.

6 More importantly, we get them to focus on
7 the individual's skills versus their charges;
8 that's the easiest way. That with a
9 relationship with a job developer, and then we
10 develop a relationship with the client.

11 We walk them through the interview process.
12 A lot of times they'll interview on the phone
13 with us there coaching them. It's intensive
14 case work. That's what gets our offenders in
15 the door and that's what gets our employers to
16 talk to them.

17 MS. YOUNG: What kind of jobs are we -- you
18 know. Also, I didn't understand, is it mainly a
19 co-ed facility?

20 MS. NORWOOD: Yes. We service anybody
21 who's been arrested. We have a very small youth
22 class where we offer GED services.

23 We also partner with the Miami-Dade Boot
24 Camp where we offer more recognition therapy and
25 vital issues project, which is both related to

1 soft skills, anger management, and employment.

2 MR. FREEMAN: And it's a nonresidential
3 facility.

4 MS. NORWOOD: Yeah.

5 MR. FREEMAN: I think we need to clear that
6 up.

7 MS. YOUNG: Oh, okay.

8 MR. FREEMAN: In the morning, we walk in
9 and doors open at 8:00 or so and there's 20, 30,
10 40 former offenders in the waiting room, who
11 have either been ordered there or found us on
12 the Internet or on the phone, waiting to sign up
13 for services every day, every morning.

14 By the end of the day, people are out and
15 about doing their business. But in the morning,
16 the waiting room is full. There's is men and
17 women. There's children there as well, which
18 was a surprise to me. I didn't expect to see so
19 many children coming in with their moms that are
20 former offenders as well. But that is part of
21 the reality of what we do.

22 MS. YOUNG: So the people that come in
23 every day, what are you hearing from the people
24 that you see that their major -- is it mainly
25 economic? Is it housing? Is it family? Or

1 you're going to say, well, it's everything?
2 What are their primary concerns when they come
3 to your facility in terms of can you help me?
4 How do I re-enter? Can you help me?

5 MS. NORWOOD: The average adult that walks
6 into our facility with a record has a
7 ninth-grade education. Education has been a big
8 barrier in this job market.

9 Most positions are requiring a high school
10 diploma. That is barrier number one. The
11 second barrier is transportation. They can't
12 afford to maintain a car or have a vehicle, and
13 the public transportation is not helping. It's
14 hard to get them from point A to point B, which
15 is restricting them to their area.

16 Our population happens to reside in
17 Northside and Overtown. So there aren't a lot
18 of jobs in Overtown or in Northside. So we're
19 having to provide them with transportation to
20 get them out of the area where the jobs are.
21 Those are the biggest barriers that we're
22 finding.

23 MR. FREEMAN: South Florida's
24 transportation is one of the hugest barriers to
25 all of the folks that are in the low-income

1 category, whether they're homeless, whether
2 they're in recovery, whether they're coming out
3 of prisons, that getting from place to place is
4 not easy here. Our transportation system, is
5 unlike some places up in the Northeast and other
6 parts of the country that are much better.

7 Transportation, people are always asking
8 for bus passes to get from here to there. The
9 time it takes to get from here to there is often
10 almost insurmountable for these folks. I mean,
11 you're talking two to three hours to get from
12 their home to the place where they need to work.
13 It is just a real major challenge that most of
14 us would not even want to take on.

15 MS. YOUNG: Mr. Evans, you've mentioned
16 that primarily you've been in corrections and
17 now you're at a new facility. What have you
18 heard from when you were in corrections?
19 Because, quite frankly, we've got to acknowledge
20 there's a revolving door. So people are going
21 to say -- you know, people are going to come
22 back into custody. What have you heard in terms
23 of, you know, what were their barriers to
24 re-entry so that they ended up either
25 reoffending or violating and coming back? Can

1 you speak to that?

2 MR. EVANS: To be honest, while I was in
3 corrections, they were starting to get into
4 re-entry because it was being realized within
5 the last couple of years that to reduce
6 recidivism that everybody needed to do as much
7 as possible with re-entry to help successfully
8 re-enter someone in the society.

9 The majority of inmates that are released
10 from the Department of Correction in Florida are
11 given \$50 and a bus ticket and, hey, I hope you
12 do okay and that's it.

13 The work release programs and Special
14 Bridges of America, I believe, are a lot more
15 successful. But to be honest, the Florida
16 Department of Corrections for the most part,
17 their mission is to keep people incarcerated and
18 not let them escape. That's pretty much their
19 mission to be honest with you. They are trying
20 to do some re-entry, but it's not near as in
21 depth as what some of your other agencies are
22 and what bridges is trying to do.

23 MS. YOUNG: And where you are now, can you
24 speak to what you've heard from your community
25 of how it is and this economy of trying to

1 reenter, trying to find employment? How has
2 that been working?

3 MR. EVANS: The label of having been an
4 offender and having a record, that, of course,
5 throws up an obstacle. Some people are just --
6 if you mention prison or inmate, it scares some
7 people.

8 I think the media and television have a lot
9 to do with that. A lot of people that have
10 never had any type of a relationship with
11 somebody that's possibly an ex-offender -- you
12 know, a lot of people go by what they see on
13 television.

14 The other obstacles like were mentioned,
15 transportation, the economy, the job market, the
16 unemployment is so high there's not a lot of
17 high-paying jobs out there.

18 When you start trying to pay down on a
19 vehicle and first, last and deposit on rent and
20 insurances -- I mean, it's rough out there. The
21 economy is rough out there, whether you're an
22 offender or not. I mean, if you're just in a
23 low-income bracket, period it's rough on you out
24 there right now.

25 MS. YOUNG: Thank you.

1 Ms. Patterson, your program is a
2 court-mandated program, isn't it?

3 MS. PATTERSON: The program that I have is
4 Bridges of America. And the guys that come to
5 our program are court mandated for substance
6 abuse, yes. And they are actually still
7 Department of Corrections' inmates.

8 MS. YOUNG: So they are still serving their
9 sentence?

10 MS. PATTERSON: Yes, they're still serving
11 their sentence. They come into the program
12 within 24 to 36 months of being released from
13 prison back into the community.

14 MS. YOUNG: So when they're in Bridges,
15 they're still serving their sentence?

16 MS. PATTERSON: Yes, ma'am. They're still
17 incarcerated.

18 MS. YOUNG: And how big is your facility?

19 MS. PATTERSON: My facility has 212. As
20 the 212-bed facility, 128 of those are
21 substance-abuse beds, with 84 of them being
22 work-release beds.

23 Like I was saying before, they enter the
24 program and they go through the substance abuse
25 part of the program and then they are -- they

1 phase -- we call it "phase up," basically, or
2 "phase out" to work release.

3 MS. YOUNG: And then in work release, what
4 have you been hearing in terms of the barriers
5 to finding jobs, the economy? Do you have a set
6 list of employers that you refer people to? How
7 does that work?

8 MS. PATTERSON: To be quite honest with
9 you, we have a very vast and broad data base of
10 employers. At my facility, the 84 work-release
11 beds that I have, the 84 residents that are in
12 work release at this home today, I have nine
13 people that are unemployed and that is because
14 they haven't gone through orientation, which
15 they'll go through on Monday.

16 Because our program is so successful and
17 because of our reputation, within the community
18 the employers know that when these guys come
19 from Bridges, number one, they've been through
20 an intensive program, okay. We're teaching them
21 not just how to go back and get a job, but we're
22 teaching them how to keep their job. We're
23 teaching them. We're giving them life skills.
24 We're teaching them a myriad of things, which
25 makes our reputation so that we get phone calls

1 from employers saying, can you please send me a
2 couple of people? I have six openings. Do you
3 have six guys?

4 So what we're doing at our facility is a
5 really great thing and that's why I said on this
6 side of the fence, it's really good. We do
7 offer the same type of training. We have an
8 employment specialist. They go through an
9 orientation. They take the test.

10 As far as seeing where their skills are,
11 you know, the things that they would be good at
12 we try to place them in those things, in those
13 jobs that they're good at.

14 The average salary right now at my work
15 release facility is \$9.64 an hour. That's the
16 average. However, I have inmates or offenders
17 that are making \$18 an hour because of their
18 skill level and because we take the time with
19 them to find them and place them in that job
20 that they will keep when they are released.

21 MS. YOUNG: But given the state of Florida
22 and the Department of Corrections -- and I
23 forgot. Were they saying 60 -- how many people
24 a year, 60,000?

25 MR. JONES: Forty to 60.

1 MS. YOUNG: Forty to 60,000 a year are
2 being released. So within Florida out of those
3 60,000, between Bridges and Transition, what
4 percentage of the people being released are
5 afforded those kind of services, 10 percent,
6 25 percent, 1 percent? If anyone has an idea of
7 the numbers, because your programs are special
8 is what I'm hearing.

9 MS. NORWOOD: Yes.

10 MS. YOUNG: And so are you the 1 percent of
11 the department? You know, how many people can
12 you address?

13 MS. NORWOOD: We're seeing anywhere between
14 11,000 people a month. So we've been doing it
15 for four years. That's a lot of people. We're
16 the only organization aside from a program
17 called Strive in New York state that does this,
18 just the offender and employment services. I
19 wouldn't begin to guess a number.

20 MS. PATTERSON: There's a number in that.
21 It's 20 percent of the population.

22 MS. LOVE: Twenty percent do what?

23 MS. PATTERSON: Receive the services, the
24 substance abuse services.

25 MR. FREEMAN: Three.

1 MS. PATTERSON: 23.

2 MR. FREEMAN: No, It's a fairly small
3 number. But percentage wise and regularly, it's
4 a fluctuating number because, oftentimes, it
5 regularly gets cut. Because my former
6 employees, also, ran what used to be called
7 Secure. I don't know what they're called now.
8 They used to call be Secure Residential, which
9 is what the Department of Corrections calls
10 drug-treatment beds after you come out the
11 prison. You're still theoretically in prison,
12 but you're in the community getting drug
13 treatment.

14 MS. PATTERSON: Correct.

15 MR. FREEMAN: Secure Residential, those
16 beds have regularly gotten cut year after year
17 so.

18 If I'm not mistaken, up until last year the
19 prison population grew every year. I think it's
20 115,000 folks go in the front door in the
21 Florida prison system every year. I don't know
22 how many of those folks come out and you spend
23 60,000. I'm assuming it's a very small number
24 that actually gets specialized services if you
25 analyze their budget. Because in Broward

1 County, you've got 200 in small beds. I know
2 Broward fairly well, because I've been a
3 resident there for 30 years. Broward County,
4 there's another 40 beds, I believe, over at
5 House of Hope. Other than that, I'm not
6 familiar with any other beds that are set aside
7 for Department of Corrections. That is a very
8 small number for a community of 1.8 million that
9 is seeing a lot of folks coming back, because
10 Broward County has the reputation to put more
11 people into prison than anybody else in the
12 state of Florida.

13 MS. YOUNG: So can all of you then address
14 how re-entry is really assists public safety
15 versus it being this, oh, it's soft on crime
16 that they were talking about in the earlier
17 panel?

18 MR. FREEMAN: I'll be glad to take a shot
19 at that. Basically, if you take somebody who's
20 coming out of prison who now has nothing to do,
21 needs a place to live, and has no income to
22 support that and you get them income so he
23 doesn't have to go out and revert to his former
24 behavior, you will make him into a taxpayer and
25 he will pay taxes. He will not go back to his

1 old habits, whether that was drinking and
2 drugging and committing crimes, whether it was
3 property crimes or other.

4 If you notice, 60 percent of the people
5 going in the front door have substance abuse and
6 mental health problems on the way in. They
7 probably will have similar problems on the way
8 out, even though, theoretically, they've been
9 separated from the drugs and alcohol for that
10 long. The reality is they haven't been
11 necessarily. Just because they've been in
12 prison doesn't mean they can't get the drugs and
13 alcohol. They still have their underlying
14 issues. If you don't provide that treatment and
15 you don't provide that job, they're going to
16 return back to their normal behaviors.

17 So the economics of providing drug
18 treatment, providing re-entry services is,
19 clearly, let's move the money from the
20 incarceration side, preferably we can to the
21 prevention and replacement side on the way out
22 because we can save money in the long run and
23 all the statistics show that.

24 I know the return on drug treatment is 12
25 to one. Every dollar spent on drug treatment

1 has a return of \$12 to the community. I believe
2 that's the same in mental health as well.

3 MR. EVANS: Kudos to everything he just
4 said. I don't know if everybody in this room
5 realizes it, but Florida incarcerates more of
6 its citizens per capita than anybody in the
7 world, including Russia and China. The United
8 States as a country incarcerates more of its
9 citizens per capita than any other country. But
10 Florida actually leads the nation, which is a
11 statistic that personally I'm not proud of at
12 all.

13 If you can just put yourself in the
14 situation of -- imagine right now if you just
15 are making it from paycheck to paycheck, you're
16 making a house note but you're getting along and
17 all of a sudden, you're incarcerated. All
18 right. Your family, how well are they going to
19 do? Your significant other, your children that
20 you were helping take care of, what are they
21 going to now be put into? Are they even going
22 to possibly be doing something they shouldn't do
23 that will help them get into prison? Are your
24 children going to be doing things that are not
25 supervised because the significant other is

1 working two and three jobs? The chances -- it's
2 a set-up for failure.

3 The other thing is when you get out just
4 trying to make it, it's -- I think we're
5 contributing to the problem by incarcerating too
6 many people is what I'm getting at. I think
7 there's a lot of diversionary programs like the
8 work release centers, like what all of the
9 sinners that -- all of the organizations that
10 people sitting at this table are working with.

11 I think a lot more diversion can be done
12 with people rather than just warehousing them in
13 a prison system that is not only setting them
14 back but setting their families back and just
15 contributing to an on-going cycle of not what
16 we're trying to achieve.

17 Getting back to public safety, it is a
18 public safety issue. If a person gets out and
19 cannot take care of themselves, cannot support
20 themselves, put yourself in their shoes. If your
21 only skill sets were not the most law-abiding
22 jobs in the world but you really wanted to
23 change in your heart, if you got released and
24 you still couldn't take care of yourself and
25 feed your children, would you go ahead and go

1 back to those things you were doing that would
2 have put some fast money in your pocket or would
3 you sit there and continue to let your children
4 go hungry and try to do right?

5 MS. PATTERSON: And, of course, I'd like to
6 remind everyone that Department of Corrections
7 is turning out inmates right now with \$50. It
8 used to be 100, now it's 50.

9 MS. NORWOOD: That got cut back too, with
10 no ID to cash that check. They don't have ID.

11 MS. PATTERSON: Correct. So I don't know
12 what they can do with \$50, because I definitely
13 can't do anything with \$50.

14 So to say to someone who's been in prison,
15 been incarcerated and he didn't receive any type
16 of services, any type of assistance, any type of
17 skills and he's got \$50, and more than likely
18 he's going to spend that \$50 to do something fun
19 with it and then he's going to look for a way to
20 get 50 more.

21 MS. YOUNG: Has anyone been receptive to
22 sort of an economic argument of you'd be saving
23 money if you spent more money on re-entry
24 services here in Florida or that's not a popular
25 topic?

1 MS. NORWOOD: It's not a popular topic.
2 And I think they've proved it in Florida with
3 only one center that services offenders with --
4 what was the percentage of people incarcerated?

5 MS. PATTERSON: Sixty-eight percent.

6 MS. NORWOOD: Sixty-eight percent. The
7 cost of replacement is less than \$2,000. I'm
8 sure \$2,000 is a lot cheaper than incarcerating
9 somebody for a year and being able to get them
10 on a career path. There just isn't any other
11 way.

12 Like they said, they're being released from
13 prison with a check for \$50, no ID. An ID is
14 going to cost them \$30, but only if they have
15 the \$18 to get their birth certificate and an
16 address to have their Social Security sent to.
17 But they can't get their Social Security card
18 unless they have their birth certificate. They
19 can't get a birth certificate, unless they have
20 their ID. So it's sending someone -- they're
21 chasing their tail.

22 MS. YOUNG: Can't you just get them their
23 ID before they walk out the door?

24 MS. NORWOOD: That would be nice. I know
25 right now in Miami-Dade County Boot Camp, we had

1 worked closely over -- we've had a relationship
2 with them for a little over 15 years. In
3 working with the program, Captain Bennett, who
4 was the captain over there at the time, said
5 "enough." He got the DMV out there with their
6 truck and they came out and they started getting
7 the kids IDs in Phase II.

8 Phase III, they go into job search. They
9 already had all of the IDs and the birth
10 certificate and the things that they needed to
11 get a job before they even got to work release.
12 And it works. They have a 75 success rate.
13 Seventy-five percent of their kids that go
14 through there don't come back. Those are just
15 facts.

16 MS. YOUNG: Ms. Norwood, you mentioned
17 something. How is it that your program was able
18 to get Walmart on board with hiring
19 ex-offenders? I guess the two never quite
20 seemed in sync to me.

21 MS. NORWOOD: Well, Mr. Freeman actually
22 helped me with that one, so I'll let him. It
23 wasn't easy.

24 MR. FREEMAN: Actually, I think what it is,
25 is Walmart has worked with the offender, because

1 they work with the folks in Broward, too.
2 They've worked with offenders before. It's
3 dependent on the crime. It's not something that
4 they're going to put out in public and say, by
5 the way, we hire ex-offenders. Send them over.
6 It's not something that you put on your banner.
7 So they keep it fairly quiet. Many employers
8 do, but what the brick wall you run into is that
9 it's selective.

10 I understand their selectivity, but it
11 makes it difficult for those that are trying to
12 place people. Having been in that situation of
13 hiring folks myself, and having somebody come to
14 me when I was hiring and saying, by the way,
15 I've been charged with murder after the fact, it
16 was very hard for me personally and as a
17 professional to follow that through and say, how
18 did this happen? Whatever, go to the probation
19 office, find out what really happened. And,
20 eventually, I did hire that person. That person
21 is now a nurse and he's a tax paying citizen.

22 However, crossing that bridge is not easy
23 because I'm a professional in the field.

24 For somebody that is doing hiring and wants
25 to hire the best person for the job, they're

1 going to go right past that and say give me the
2 next applicant.

3 MS. NORWOOD: That goes along with the
4 re-education process not only of the offender,
5 but of the employer. It's just telling them
6 over and over again what the person's skills
7 are, what an offender can offer.

8 Forget the word "offender." Look at this
9 person as an applicant. Because there but for
10 the Grace Of God, who are you or I? It's that
11 simple. We have to show more compassion and
12 educate the community.

13 MR. EVANS: The studies have been done.
14 The statistics are out there. The numbers are
15 out there that the work release beds and the
16 clinical works. The numbers have been out there
17 for years. It's nothing new. I think the
18 biggest problem is the receptivity of it. How
19 much of this is actually getting to the
20 population, the entire population?

21 The taxpayers, I believe, will be very
22 receptive to this. Taxpayers don't want their
23 money wasted, number one. And it's being wasted
24 in a lot of ways. But I don't think the message
25 is actually getting out to the taxpayers.

1 As far as the Department of Corrections, in
2 their defense, they're not incarcerating the
3 people. They're not handing out the sentences.
4 I think we have some serious issues with the
5 legislative and the judicial branches, the tough
6 on crime. Lock them up. Lock them up. Lock
7 them up. Lock them up.

8 I don't want somebody calling up here
9 that -- if I got my house broke in, I call up.
10 I want that person going to prison.

11 There's a lot more problems than just the
12 Department of Corrections. I think there needs
13 to be a serious look at getting the message to
14 the judicial legislative branch about do we
15 really need to be putting everybody into prisons
16 or shouldn't we be putting them into diversion
17 programs?

18 MS. PATTERSON: I was also going to point
19 out, you were asking about the message of the
20 treatment and why the Department of Correction
21 hasn't gotten that message yet. And, I believe,
22 that now the message is being sent out there and
23 it's trickling to where they are getting the
24 message and I think that's because Bridges of
25 America and other private facilities are,

1 actually, now placing substance abuse and
2 re-entry counselors, specifically for that
3 purpose, inside the prison and inside the work
4 release facilities. So that message is getting
5 out there, but it's real slow and it's
6 trickling.

7 MS. LOVE: Yeah. I hear you-all talking
8 mostly about placing the people that you deal
9 with with private employers. Our main sort of
10 charge here is to look at how the legal system
11 adversely affects the people with convictions.
12 I was particularly struck by your comment about
13 the person that you dealt with who became a
14 nurse. Ordinarily, there are legal barriers,
15 specific disqualifications that apply to
16 nursing. Do you know how the person got past
17 that?

18 MR. FREEMAN: I don't specifically know
19 because I've lost touch with the person over
20 time. My guess is that people took an interest
21 because of this person's particular personality.
22 He was an affable, gentle person. It was like,
23 how could he possibly have done this? So I
24 think his probation officer, as well as myself,
25 and others along the way, assisted him in

1 working around the system and enabling him to
2 get to where he got. And he had to drive
3 himself. There's no doubt about it that he
4 wanted to clear this up and he felt terrible
5 about it. And that personal connection, I
6 believe, is what helped him.

7 Within the legal system, Broward County, I
8 know very well, because that's where I've spent
9 most of my career.

10 There are judges. There are probation
11 officers. There are systems that will support
12 people that are not -- that are outside the rank
13 and file for one reason or another, if you can
14 find that judge, if you can find that person.

15 We have a lot of the specialty courts in
16 Broward County. We have the mental health
17 court. We have the drug courts, whatever. I
18 had a part in developing the drug courts way
19 back when. In fact, I was in the community that
20 created our first drug court. Drug courts have
21 been a huge hit in this country, but it has
22 taken two decades to get to where they've
23 gotten, if I'm not mistaken.

24 MS. LOVE: That was the other thing that I
25 wanted to ask you, all four of you, that one of

1 the important things is steering people out of
2 the system so they never get a conviction to
3 begin with; is that something that's happening
4 in Florida now, diversionary programs or
5 deferred adjudication or whatever you call it?

6 MR. FREEMAN: Well, I can answer and then
7 I'll hand it over. But from Broward County, the
8 Broward courts, because we have some specialty
9 courts because we have the misdemeanor, there's
10 misdemeanor drug court now, which is one of the
11 first in the country. We have the felony drug
12 court. We have the misdemeanor mental health.
13 We have a felony mental health court. So in
14 that area, we are getting those people out of
15 the system and keeping them out of the system,
16 providing services.

17 We have the CIT program, which is the
18 program where we train officers when somebody on
19 the street is having a mental health issue. It
20 seems dangerous, but may not be. We try and
21 preserve life, number one, by teaching officers
22 not to go with your hands behind your back and
23 other mannerisms that might be insightful to a
24 person having a mental health problem, at the
25 same time, giving them resources to bring those

1 people to where they're supposed to, taking them
2 to lock up for 24 hours, just like when we had
3 the 24-hour drunk tanks many, many years ago,
4 because it was seen as a legal issue as opposed
5 to a mental health/substance abuse health issue.

6 MS. PATTERSON: The court diversion beds
7 that you were speaking of, Bridges of America
8 does have facilities that have the court
9 diversion beds. We call them the "nonsecure
10 facilities" that we have. We were just awarded
11 more beds. I'm deferring to someone in the
12 audience. I think it was 100 beds that we were
13 awarded. More, of course --

14 MS. DENMARK: Legislature just approved an
15 additional 1,200 beds statewide.

16 MS. LOVE: Statewide 1,200 beds?

17 MS. DENMARK: And that's huge for the state
18 of Florida because, traditionally, money does
19 not go for diversionary beds. It's huge to have
20 that type of money poured into substance abuse
21 diversionary court beds, so we're celebrating.

22 MR. JONES: Could you just tell us your
23 name and who you are for the record?

24 MS. DENMARK: My name is Cecilia Demark. I
25 am with Bridges of America. I do a lot of the

1 legislative pieces and going before the Florida
2 Department of Corrections with issues as it
3 relates to this issue of how can we do a lot of
4 the diversionary pieces, because we can't
5 continue to incarcerate.

6 We have about 102,000 incarcerated now in
7 the state of Florida. Only about 8,000 of those
8 beds are treatment beds. Approximately 40,000
9 people are released every year from the state of
10 Florida. Only 20 percent of that 40,000 getting
11 any type of treatment in the prison beds or in
12 the community residential beds.

13 MR. JONES: Thank you.

14 MS. NORWOOD: If I may add just one thing,
15 in terms of prevention, a lot of funding cuts
16 have -- they were a lot of youth programs that
17 were geared to at risk youths. There was six
18 programs in Dade County less than five years ago
19 and there's none now. There is no at-risk youth
20 program. They're not going into the communities
21 and finding out why the kids are not going to
22 school.

23 There was one kid in our small school, I
24 told them that the truant officer was going to
25 call him and he looked at me and he said,

1 "what's that?"

2 So there's a problem. There needs to be
3 more prevention.

4 MS. HEINRICHS: I'm interested in hearing
5 more about the residents and how they're
6 qualifying for, I guess, Ms. Patterson and
7 Mr. Evans, your programs. You've mentioned that
8 they're court ordered to be there. Is this a
9 court order at the sentencing stage or are they
10 identified through the Department of
11 Corrections? And if that's the case or in
12 either case, who qualifies?

13 MS. PATTERSON: There is a scoring system
14 that -- they are identified by the Department of
15 Corrections and there's a scoring system. We
16 don't get to pick our inmates despite some of
17 the rumors that private facilities pick. We
18 really don't get to pick.

19 There is data base that Department of
20 Corrections has. There is a waiting list for
21 the beds and it just goes by whoever's name is
22 put in there. It depends on the inmate's score.
23 The inmate's score is dependent upon a lot of
24 things as far as his sentence, his sentencing
25 structure, his custody, his time, his behavior

1 in prison, and mainly a lot has to do with his
2 crime. If his crime had anything to do with
3 substance abuse, whether it was selling drugs or
4 using drugs, then more than likely that score is
5 going to be up there and it's going to show that
6 he needs some type of substance abuse counseling
7 or treatment.

8 MS. HEINRICHS: Even if he or she has no
9 history of substance abuse? Because you
10 mentioned if they are accused of dealing.

11 MS. PATTERSON: Correct. And we do have
12 guys -- we don't have a problem with substance
13 abuse, but it's related. But if that crime is
14 related, then they will show up as needing that
15 substance abuse treatment.

16 MS. HEINRICHS: Are there any weapon
17 possession disqualifications?

18 MS. PATTERSON: Do you mean like violent
19 crimes or something?

20 MS. HEINRICHS: Yeah, any sort of violent
21 crime.

22 MS. PATTERSON: They disqualify as a sexual
23 offense.

24 MS. VANDERHORST: I want to follow up with
25 the list of in terms of the demographics that

1 qualify for your programs. Do you know if there
2 are any programs that persons who have been
3 convicted of any offenses would qualify for a
4 sexual offender registration that would have
5 access to similar programs that are similar to
6 yours?

7 MS. PATTERSON: I don't believe there is
8 anything as of yet.

9 MS. VANDERHORST: And particularly,
10 Ms. Norwood, you mentioned that you-all not
11 only, I guess, train your population on
12 interviewing skills and basis skills, but you
13 also do what you refer to as "soft-skill
14 training." Can you give us an example of how
15 you advise a person who particularly would have
16 a felony conviction in their background on how
17 to discuss that felony when they are in an
18 interview, a job interview?

19 MS. NORWOOD: Well, just like anybody else
20 who interview -- I mean, we don't always have
21 good things to say about our past, our history.
22 It's about taking responsibility. Most people
23 are okay with, oh, I made a mistake. I made
24 many mistakes and this is what I'm going to do
25 to not have that happen again. These are the

1 steps that I took in prison either with
2 life-skill classes or drug treatment. This is
3 what I did. Most people are okay with that.
4 It's practice, having them go through it again
5 and again.

6 We try to keep them away from legal jargon.
7 They use it wrong. Just like I'm not an
8 attorney. I'm not a probation officer. I stay
9 away from legal jargon, because we're going to
10 use it wrong. We don't know what we're talking
11 about. Keep it simple.

12 MS. VANDERHORST: Mr. Evans, I'm
13 particularly interested in your statement about
14 how Florida incarcerates more of its citizens
15 than in any other jurisdiction. People aren't
16 getting the message that the way to deal with a
17 lot of the economic issues is to not -- it is to
18 do treatment rather than incarceration.

19 I wanted to know whether or not you feel as
20 if your organization has a voice at the table,
21 the legislative table or the executive branch
22 table in saying, this is what works and this is
23 what doesn't work?

24 MR. EVANS: They do. And they preach it,
25 but it still gets back to politics when you're

1 talking about the overall citizenry of the state
2 of Florida and politics. Florida has a history
3 of being a tough-on-crime state.

4 And your population, what they're actually
5 hearing, what the media is putting out there
6 through the news and through the articles in the
7 newspapers, you still see a lot more of the
8 tough on crime in Florida and the public safety.
9 I believe if the citizens of Florida, actually,
10 really knew how much it is costing them to just
11 warehouse people versus to put them into
12 diversionary programs to help turn them around,
13 get them back in society as contributing
14 citizens, I think the citizens of Florida would
15 be all for it unanimously. But it comes back to
16 what the citizens of Florida actually know what
17 is going on.

18 MS. YOUNG: Mr. Freeman has a response.

19 MR. FREEMAN: I just wanted to comment on
20 the ability of the system to interact with the
21 legislature for a moment. Number one, I think
22 you need to know that, at least on the mental
23 health and substance abuse treatment, the
24 prevention side, Florida ranks somewhere down in
25 the lower 44, 45, 47, 48 out of 50 per capita

1 spending on those issues. However, over the
2 past three years, the professional associations
3 have been able to at least hold those basically
4 stag, which doesn't make us any better. We
5 didn't have to take the reductions that a lot of
6 other systems within the state had to, say
7 education or whatever. So at least substance
8 abuse and mental health were pretty much never
9 one of the areas where -- you now, there's an
10 interface between Department of Corrections and
11 the regular citizens rate, in fact, because
12 using drugs is illegal. So we have been able to
13 hold the time. However, we are still very under
14 funded.

15 To get those additional dollars and to do
16 that cost shifting, which is what I'm talking
17 about, to take money from say an established
18 citizen, which is mostly in the northern part of
19 this state, as opposed to the system being the
20 correction system where the big prisons are in
21 the northern part of the state, which would mean
22 job reductions in a time when we have a very
23 difficult economy would fall on deaf ears, I
24 believe.

25 MS. YOUNG: We are running up against the

1 clock. I want to get Larry --

2 MR. GOLDMAN: I have just a couple of
3 questions, one with respect to Ms. Norwood and
4 Mr. Freeman. One of the concerns perhaps of
5 employers of hiring people out of prisons is if
6 something, which statistically this would happen
7 sometimes, it happens that some negligous lawyer
8 totally different from criminal lawyers, goes at
9 them and claims that they had negligent hiring,
10 that they failed, they hired someone with a
11 criminal record who had been accused of
12 something and, therefore, the employer is liable
13 for an act by this employee. Do you run into
14 that problem, one; and, two -- well, let me ask
15 you first, do you run into that problem with
16 employers worried about liability?

17 MS. NORWOOD: Absolutely. Absolutely.
18 That is the first issue that we get. Employers
19 are a little hesitant to hire an offender. Why
20 would you hire an offender if you have so many
21 people unemployed that are not offenders?
22 That's where the federal bonding comes into
23 play. We tell them about it. It's free to the
24 them. It's free to the offender for six months
25 and it's not even just for offenders. People

1 with bad credit are having problems finding
2 jobs. There are many, many barriers. Again,
3 like you had mentioned, a nurse with a felony
4 conviction, very difficult -- very, very
5 difficult, unless they had -- and I don't even
6 think they can have that sealed or expunged.
7 It's a conviction so they can't. It's very
8 difficult.

9 We have to also re-educate the offender in
10 what field that they can get into. Don't send
11 them to an employer. If you have a felony
12 conviction, I'm not going to send someone to
13 Chase Bank. It's not going to work out.

14 MR. GOLDMAN: Let me ask you, there is --
15 the federal government will provide bonding for
16 a six-month period.

17 MS. NORWOOD: Free of cost.

18 MR. GOLDMAN: Do you think it would be
19 helpful if there were a state law saying that an
20 employer who hires an ex-offender under these
21 certain programs, whatever, will not be liable
22 for any wrongdoing by this person on the grounds
23 that he or she or it made a mistake in hiring?

24 MS. NORWOOD: I think it would, yes.

25 MR. GOLDMAN: Basically increased --

1 MS. NORWOOD: Yes. It would be another
2 tool. Absolutely.

3 MR. GOLDMAN: Let me ask you one other
4 question. This Walmart, which by the way, has
5 now been outed -- but, you know, we are a
6 national organization. This may be just a crazy
7 thought of mine, what do you think if the NACDL
8 went to Walmart and said, we would like to work
9 with you and -- you know, not only us, on a
10 national basis of having a Walmart hiring
11 program for ex-offenders? Do you think there's
12 a shot in hell?

13 MS. NORWOOD: Walmart does have a program.
14 They call it a community jobs programs and they
15 call it a community jobs program because Walmart
16 will never call it an offender jobs program.

17 We have job fairs. We periodically host
18 jobs fairs that we host for our offenders and
19 anybody in the community. Last year, I had four
20 job fairs. Two, I call an "offender job fair,"
21 not one employer showed up. The other two were
22 community job fairs. I had more employers than
23 I had chairs for. So that will give you an --
24 if you can get them to do it, yes, we will take
25 that up.

1 MR. GOLDMAN: Let me ask this one question.

2 MR. JONES: Last one because then I want to
3 get Jenny in on this conversation. Go ahead.

4 MR. GOLDMAN: I just wanted to discuss with
5 Mr. Evans, Ms. Patterson -- you know, I'm
6 looking at this graph and I see that with
7 respect to community programs, it costs the
8 taxpayer approximately two-thirds. It costs in
9 terms of recidivism. It's roughly a ballpark
10 figure of half. Right now you deal with a
11 selective population. I mean, they have to --
12 they're the top priority. And I'm going to
13 assume these are the better risks. Could you
14 double, triple your program or reasonably -- you
15 know, expect the same kind of results and tax
16 savings with maybe a little drop off the same
17 kind of results in recidivism? How far down
18 could you go? Could you double it, triple it,
19 quadruple it?

20 MR. EVANS: That's difficult to say. When
21 you start multiplying, I truly believe that it
22 would still be much better than warehousing,
23 much better, significantly.

24 MR. GOLDMAN: Well, what percentage of the
25 prison population -- it's a tough question. I'm

1 going to be damned for asking it, but, what
2 percentage of the prison population people about
3 to be released do you think it would be a
4 statistically positive benefit from extending
5 your programs as far across the board as
6 possible?

7 MR. EVANS: I believe there would be a
8 significant benefit. I mean, for me to give you
9 an exact, it would be --

10 MR. GOLDMAN: No. We're guessing.

11 MR. EVANS: I would think at least half.

12 MR. JONES: Ms. Patterson.

13 MS. PATTERSON: I agree. I think it would
14 be a big benefit. And if we could get them in
15 prison, not so much within that 24 to 36 months,
16 but actually within five years or even longer,
17 where they had even more time to, you know, go
18 and get an ID or get that birth certificate.
19 The time is not against them and then they're a
20 captive audience more so, you know. They're not
21 that long -- getting a job is a long-term goal
22 and not so much a short-term where I need to
23 hurry up and make some money because I'm getting
24 ready to get out real soon. So I need some
25 money in my pocket, you know. They actually can

1 concentrate on making a change. I do believe
2 that the recidivism rate would most definitely,
3 definitely go down with that.

4 MR. JONES: Jenny.

5 MS. ROBERTS: So this could go to anyone,
6 but Ms. Norwood might be able to answer it best,
7 the restoration of rights, how often do you work
8 with people who are seeking that and how
9 effective have you found that in using with
10 employers if somebody has been restored?

11 MS. NORWOOD: Well, once they've been
12 restored back, they can legally say -- their
13 restoration of rights is very important. At one
14 point, the Department of Corrections was
15 automatically submitting information for that to
16 happen, so they could vote and all of those
17 things. But it's not happened.

18 So every single day we're getting phone
19 calls on restoration of rights and sealing and
20 expunging information. There definitely needs
21 to be more outreach, more marketing and more
22 open dialogue about those two elements of an
23 offender, because most offenders that come in,
24 I'm here to seal something. That's the question
25 that I get. They need to know what they're

1 asking for. And we need to be better prepared
2 on how to service those questions.

3 MS. ROBERTS: Can you speak a little bit
4 about in Florida how sealing and expunging has
5 helped people and who qualifies?

6 MS. NORWOOD: Absolutely. And this is my
7 very, very limited knowledge on this. I am not
8 an attorney or an expert in sealing and
9 expunging or restoration rights.

10 MS. ROBERTS: Well, just from your
11 viewpoint of helping people get --

12 MS. NORWOOD: If you're convicted, you're
13 not eligible, which presents a problem. But
14 they can have their rights restored. So when we
15 talk about it with our offenders, we always go
16 with the restoration of rights, because most of
17 the people that come into our center are
18 convicted.

19 If you're coming to a career center, it's
20 because it's your last stop. Most of them have
21 been convicted. So they don't qualify for the
22 sealing and expunging.

23 If there could be some loosening of the
24 requirements to have your record sealed or
25 expunged, that would -- maybe if someone hasn't

1 been convicted of a crime in 15 years and
2 they're still being punished for that same crime
3 that they've done their crime, they've come back
4 into society. They're productive citizens, but
5 they're still paying for that same crime over
6 and over again.

7 MR. JONES: All right. I have a couple of
8 questions. We're almost out of time. I know
9 Margaret has one last question she wants to ask.

10 MS. LOVE: I wanted to ask the question
11 that Jenny asked, so I don't have it anymore,
12 just what the role of the restoration of rights
13 was.

14 MS. YOUNG: Great. I just have a couple of
15 questions. For this half of the table first,
16 Transition works with folks who are both
17 post-conviction as well as people who have not
18 yet been convicted, but who have been released
19 from detention; is that right?

20 MS. NORWOOD: We work with anybody who's
21 been arrested.

22 MR. JONES: Anybody --

23 MS. NORWOOD: The outcome of your case
24 is -- unless you have an open charge. That
25 presents a problem. If your case is still open,

1 we don't want to find you a job and then you
2 have to quit that job because you may have some
3 other things you have to deal with.

4 MR. JONES: Right. Where I practice law in
5 New York, Harlem and Washington Heights and
6 Inwood and those communities, frequently folks
7 will have been arrested and convicted without
8 really having committed the underlying crime.
9 But because of the way the criminal justice
10 system works and because of expediency and
11 because of their counsel and because of a whole
12 host of reasons, people will plead guilty to
13 things that they did not do, right? We all
14 agree that that happens, right? I even see you
15 guys again. So the thing that struck me right
16 away when we started in opening remarks was this
17 notion that in order to get a job, you have to
18 accept responsibility.

19 I know that the communities where you serve
20 in Overtown and Liberty City and -- was it
21 Norwood, Northwood -- Northside -- I'm sure that
22 there are folks who say to you, but I didn't do
23 anything wrong, right?

24 MS. NORWOOD: (Nods head.)

25 MR. JONES: Particularly folks who may not

1 have resolved their criminal case yet, right?
2 How do you balance this notion, this idea that
3 in order to get employment you have to accept
4 responsibility with the idea that maybe it's not
5 a good thing for me to -- I need a job.

6 MS. NORWOOD: Those are not the people that
7 are coming into our office. The people that are
8 coming into our office and the people that I
9 believe that you're dealing with are one in the
10 same.

11 These, again, the average education is 9th
12 grade. This is generational poverty. That's
13 where this population is coming from. The
14 people that you're talking about, they don't
15 need our help. They're doing just fine.
16 They're figuring it out until they don't have
17 to.

18 Unfortunately, the part accepting
19 responsibility for their actions or lack
20 thereof, those are not rules we made. Those are
21 rules that society puts on us. In order to get
22 this person a job, this is what you're going to
23 have to say.

24 MR. JONES: I suppose that there are people
25 who probably say, I will accept the

1 responsibility -- and the same way they probably
2 plead guilty if they haven't done anything --
3 they accept responsibility just to get the job.

4 MS. NORWOOD: They have no choice, because
5 those are the rules that are being imposed on
6 them. You can't go into an employer and whether
7 you've been convicted or arrested or not, the
8 employer nine times out of ten has no exposure
9 to the criminal justice system. For someone
10 who's been arrested, they don't know the
11 difference between an arrest and a conviction,
12 withheld adjudication and no pros and all of
13 these other things. They don't know. We have
14 to re-educate the employers as well as the
15 offenders.

16 And while they're still in, be careful
17 before you take a plea. Be careful. Sometimes
18 out of fear, a lot of times with the first
19 offenders. And we get them in our office.
20 Every once in a while someone who hasn't been
21 exposed to the system before, maybe they were
22 driving with a suspended license or something of
23 that nature and they're petrified and they will
24 say anything to make this stop.

25 MR. JONES: So it wouldn't work to go into

1 Walmart or anybody in these other 7,000
2 employers and say, listen, I've got a
3 conviction. It was 15 years ago. I've done
4 everything under the sun to become a, you know,
5 positive --

6 MS. NORWOOD: Well, that's different from
7 the guy that you were sending --

8 MR. JONES: But hear me out. But "I didn't
9 do it," those four words are going to cost me
10 the job, right?

11 MS. NORWOOD: Yes.

12 MR. JONES: All right. I just wanted to
13 make sure that that's what you're saying.

14 This half of the table, it sound to me like
15 both of you -- and correct me if I'm wrong --
16 came from law enforcement backgrounds?

17 MR. EVANS: Correct.

18 MS. PATTERSON: Correct.

19 MR. JONES: Right. And it also sounds to
20 me like you're both saying -- and Ms. Patterson
21 you said it explicitly -- this side of the fence
22 is really good, right? Meaning that now I'm not
23 in law enforcement, but I'm actually out in the
24 community trying to help folks get employment,
25 get back on the right track, get themselves

1 together, get their lives together, right? And
2 you said this side of the fence is really good,
3 right? I'm not suggesting that you meant that
4 the other side wasn't good, but, clearly, this
5 side of the fence is really good.

6 MS. PATTERSON: Uh-huh.

7 MR. JONES: And when we were talking about
8 public safety, Mr. Evans, I think that you said
9 that, clearly, the work that you're doing helps
10 public safety.

11 MR. EVANS: Absolutely. Right.

12 MR. JONES: So in the last panel we were
13 trying to understand why it's as difficult as it
14 is for people to restore themselves to society,
15 to regain their status, what the underlying
16 motivations are, right? And why the hurdles are
17 so many, why it's so hard, why it's so
18 difficult, right, for people to reintegrate into
19 society? And one of the answers we got was
20 public safety. That it's against notions of
21 public safety to allow persons with a felony
22 conviction to reintegrate into society.

23 Correct me if I'm wrong, what I'm hearing
24 from both of you who have been on the other side
25 is that the argument about restoration of civil

1 rights and restoration of status being a public
2 safety concern is not in your minds -- and I
3 don't want to speak for you -- completely or at
4 all legitimate.

5 MR. EVANS: I don't think it's legitimate
6 at all. I think it's a catch phrase excuse to
7 throw out there to protect individual agendas.
8 Systems are resistant to change, period, all the
9 way up to the federal government. Try to go in
10 there and just change the federal government for
11 the better. We see it on TV all the time. Go
12 after the school system if you want to, the
13 college system. Go after a system and try to
14 change it. Go after the prison system, the
15 legislature, any system that's in place. And
16 those people at the top that want to protect
17 their system, their way of life, their rules
18 that work the way they want them to work,
19 systems are very resistant to change and that's
20 the problem. That's the hurdles.

21 MS. LOVE: Could you just say a little bit
22 more on that? What are the systems doing and
23 whose agenda? Could we pull out a little bit
24 more? What is the agenda that wants to keep
25 people with a conviction in a certain place?

1 MR. EVANS: I'm not sure. I'm not well
2 versed enough to expound on that in specific
3 detail. But from a common sense standpoint and
4 what we see in the numbers and the statistics
5 that would argue against doing this and the fact
6 that it doesn't change, because the system is
7 resistant to change.

8 From a common sense standpoint, look at
9 where we're at. Look at the intelligence level.
10 Look at the technology we have in the 21st
11 century and look at how archaic some of these
12 systems are. Fifteen years later, she's being
13 punished for something. That's crazy.

14 A common sense standpoint, you know, in God
15 We Trust. We all sin. We all make mistakes.
16 Let's be forgiving and move on. Just get back
17 to our common sense of it. And the system has
18 these things in place. Nobody wanted these
19 hurdles to be put in front of them, but the
20 systems are in place. The hurdles are in place
21 from the system.

22 MR. JONES: I see lunch is here. It's noon
23 and we've run out of time and I apologize to
24 folks I know want to ask some questions.

25 This has been great and we really have

1 learned a lot. We appreciate you-all coming
2 down here and taking the time to spend to
3 educate us in the way that you have. So thank
4 you very much.

5 PANEL III

6 MR. JONES: We are pleased to start the
7 afternoon session of our first day of hearings
8 in Miami with two very distinguished folks. In
9 the interest of full disclosure, the Honorable
10 Carlos Martinez, and his friend, and we're happy
11 to have him here, and Reverend Dinkins as well.
12 We're pleased to have you.

13 The way that these hearings run is that
14 we're going to give each of you about ten
15 minutes to give us the benefit of your opening
16 remarks, your opening thoughts, and tell us a
17 little bit about who you are. Then after you
18 have done that, we have lots and lots of
19 questions, which we hope will foster a fairly
20 robust discussion.

21 The way that we operate the Task Force is
22 that one of our members opens the questioning
23 and does the lion's share of the questioning for
24 each individual panel. And then to the extent
25 there's time, the rest of us will ask questions,

1 as we might.

2 For this particular panel, Geneva
3 Vanderhorst will be the lead questioner.

4 So without any further ado, I'm going to
5 turn the floor over to Carlos Martinez and let
6 him begin with his opening remarks.

7 Oh, by the way, let me just say,
8 particularly for you two folks, we're having
9 some audio issues, so make sure when you're
10 speaking that, to the greatest extent possible,
11 that you use the microphone.

12 MR. MARTINEZ: I will try to do that.

13 Good afternoon. Thank you for the
14 opportunity to be here with you and to actually
15 tell you about some of the things that are
16 happening in Florida which are very troubling.
17 In some respects, they are not new. They've
18 been with us for -- the worse of it has actually
19 been with us since 1994 and things have gotten
20 progressively worse.

21 Since then, we had a little blip -- which
22 was a good blip -- with Governor Crist in terms
23 of civil rights restoration, and, unfortunately,
24 we've gone back even worse than we were before.
25 But that's one aspect of it.

1 What I wanted to focus on is talk about the
2 four primary issues which, to me, they are the
3 first one being pleas without counsel and how
4 prevalent that is in Florida.

5 I'm very happy that NACDL has sponsored and
6 written two reports and one of them specifically
7 on the disastrous conditions in Florida.

8 The second aspect that I wanted to talk to
9 you about is what I call the glass ceiling,
10 which is what is happening with the consequences
11 and the impacts of the consequences of an
12 arrest, not even a conviction, just an arrest
13 and the short and long-term consequences of
14 that.

15 The third item -- they're all interrelated.
16 I just broke them out into form, but they're all
17 really interrelated -- the whole issue of
18 privacy and having the opportunity to grow up,
19 mess up, and then have a clean shot at life,
20 which really relates to the confidentiality of
21 juvenile records and how Florida operates.

22 The last one is one that really is very
23 troubling to me, and it's also closely related
24 to the glass ceiling, and that is the financial
25 burdens we are placing, particularly in Florida,

1 on people who are convicted of anything in terms
2 of what the fines, the fees, the costs are and
3 what the long-term impacts could be on our
4 society, particularly, on those who have already
5 low income to begin with, and who also have the
6 second strike, which they're members of a
7 minority, whether it's Hispanic or Black.

8 In Miami, if you're Hispanic, you're in the
9 majority. But if you're poor Hispanic, you're
10 in a minority. So we have an interesting
11 situation.

12 Let me start the first part with pleas
13 without counsel. I think it's clear from the
14 record that NACDL has already established that
15 it's an atrocious record. Florida has the
16 longed books, which allows the state attorney to
17 make a declaration in court that they will not
18 be seeking jail time on a particular
19 misdemeanor. If they make the declaration in
20 court, that means that person is no longer
21 entitled to have the public defender appointed.
22 The typical thing that happens is somebody gets
23 arrested.

24 (There was a brief interruption.)

25 What typically happens is a person gets

1 arrested. And within 24 hours, they show up in
2 court if they were not able to bond out.

3 Typically, our experience is the people who
4 do not bond out, it's either because they are
5 visiting Miami-Dade County and do not have
6 anybody to bond them out or don't have a credit
7 card or something to be able to post bond or
8 they do not have the resources -- you know,
9 either themselves or a family member -- to be
10 able to post bond and get them out before the
11 first appearance.

12 So they come in. They get fingerprinted.
13 Fingerprints are immediately uploaded into the
14 Florida Department of Law Enforcement and the
15 record starts there.

16 What happens in court the next day is that
17 you have the hearing at first appearance where
18 we only learn about an hour or two before what
19 client is going to be on the calendar. So
20 essentially, there's no time to confer with a
21 client before the hearing. We've been able to
22 actually load it up with paralegals in court to
23 at least be able to assist the clients in
24 getting information from the clients that try to
25 obtain release.

1 But typically, what happens is they come up
2 in a very short period of time. Cases are
3 handled one after the other very quickly. I
4 think the report said that it was three minutes.
5 I think the report is being generous. Three
6 minutes, I think, is when there's a hold-up that
7 we may need an interpreter. So it takes a
8 little longer, but really it's a pretty
9 disturbing scene, if you ever watch it. While
10 you're in town, I suggest that if you get a
11 chance in either the morning or the early part
12 of the afternoon, you should do that in our
13 courthouses on the fifth floor and you can
14 observe the craziness of that hearing.

15 Essentially, what happens is, depending on
16 who the judge is, if it's during the week, we're
17 pretty good most of the time. Because we have
18 judges who are there, who are well-educated
19 about first appearance, who know very well that
20 if you get somebody released ROR, released on
21 their own recognizance, that that person has a
22 better shot to defend themselves on the charge.

23 So the judges are very well-educated and
24 they actually are very good also in that we get
25 a lot of cases dismissed.

1 We have an attorney in the courtroom. We
2 get a lot of cases dismissed for lack of
3 probable cause, just right off the bat; and a
4 lot of times, they won't get refiled. So it's
5 pretty good.

6 The bad news is: The ones that do not get
7 dismissed, they're essentially offered credit
8 for time served, a credit time served plea,
9 which in Florida is an adjudication.

10 They have a pretty quick plea colloquy
11 that, you know, I challenge anybody to sit in
12 there and be able to write that fast as to what
13 is being conveyed.

14 Obviously, some of us -- I think most of
15 us -- are lawyers. If you practice criminal
16 law, you should be able to write the things
17 down; but if you don't, you would not
18 understand. So our clients, obviously, are
19 disadvantaged in hearing, because the speed is
20 astonishing. So that happens at first
21 appearance.

22 You get a lot of people who are pleading.
23 And in those cases, it's not really what I'm
24 talking about. Those cases, there is an
25 attorney. There is no discussion with the

1 attorney. But somebody can say, Oh, well, at
2 least the attorney was present. If you say that
3 the video screen -- you're present through the
4 video screen -- then, yes, you're right, the
5 attorney was present through the video screen,
6 because these are closed circuit TVs.

7 The client is actually at the jail. I
8 don't have enough attorneys to have an attorney
9 at the jail and an attorney in court, so what
10 I'm left with is a paralegal. And I have them
11 doing other duties and running in there, trying
12 to see -- you know, make sure. It's like
13 plugging holes in the dark trying to figure out,
14 okay, what do we do?

15 But that situation is not even the bad one.
16 The situation that I'm talking about is when we
17 are discharged and the person is released from
18 court, the prosecutor could say, Judge, we have
19 a no order of no imprisonment. And before we're
20 discharged, we'll jump in and we'll say
21 something like, Well, Judge, if that's going to
22 be the case, we'll release them ROR.

23 So that way, a person has no hold and
24 they'll get out that day.

25 We've got to put a process in place to make

1 sure that, even if they say "ROR," that they
2 are, in fact, released, because we had certain
3 situations where the person stayed one, two, or
4 three days. And it wasn't until a client called
5 and said, Hey, they said I was going to get
6 released and I didn't get released, and we were
7 discharged on the case.

8 So other than those crazy things, the
9 client then comes to court, either in the main
10 courthouse or one of the branch courthouses,
11 depending on where the ticket was issued. If
12 they go to branch court, in branch court there
13 are no assistant public defenders. Again, one,
14 it's a staffing issue; the second is it's a
15 space issue. They build these courthouses
16 without space for defense counsel. Because the
17 way that they've operated for decades has been
18 without defense counsel present at the
19 courthouses. So in those courts, it is where
20 most of the stuff happens in terms of people
21 pleading guilty without an attorney. There is a
22 prosecutor and the prosecutor typically rides
23 the circuit. They go from courthouse to
24 courthouse. They don't know much other than,
25 I'm going to give you a plea offer today. And

1 if we close out the case today -- you know, if
2 you want to close out the case, you can do that
3 if you plead guilty.

4 So all of a sudden you get all those what I
5 call the "free convictions" and those sales that
6 go on in those courts. And yet, that is not the
7 worst.

8 The worst is actually in our building. In
9 our building, it used to be called the Metro
10 Justice Center, but it got renamed after a
11 prosecutor, so we still call it the Metro
12 Justice Center, only because we feel courthouses
13 should not be named after prosecutors.

14 So in any event, what happens in our
15 courthouse is typically you get a calendar.
16 It's a public defender calendar. And it's all
17 our clients that are on calendar, but then you
18 get the biggest part of the calendar, which is
19 about 70 to 80 percent of the calendar, which is
20 the pro se calendar. And when you go to those,
21 the best way that I could describe it is it's
22 kind of like shot gun justice, that you walk in
23 and if you don't know what's going on, you're
24 kind of surprised about what's happening.

25 They'll line up 10 or 12 people, however

1 many can fit in the front row in front of the
2 judge. The clerk will ask them to raise their
3 right hand, take the oath, and they're going to
4 be questioned and the questioning proceeds in
5 the manner that they start doing the plea
6 colloquy that is required under our rules.

7 Our rules -- when they wrote them, I don't
8 think anybody envisioned that they would do
9 these on mass pleadings. People expected them
10 to be done individually.

11 So in our rules, it doesn't specifically
12 say you talk to one person at a time. We should
13 change our rule to say that. That's probably a
14 good thing to do that, but what happens is
15 they'll do 10 or 12 individuals. The judge will
16 say the first one, you know, So-and-so, you're
17 charged with so-and-so, how do you plead?

18 You have a choice to plead guilty, not
19 guilty or blah, blah, blah, blah.

20 By this point, they know most of the ones
21 that are going to plead guilty. Usually, they
22 line up only the ones that say they're going to
23 plead guilty. So they go one by one and people
24 will be saying guilty, guilty, guilty, guilty
25 guilty, guilty, guilty. Then they ask the next

1 question and it proceeds like that. "Do you-all
2 understand that you're giving up your rights to
3 go to trial?" Okay. "Everybody at least say
4 'yes' out loud."

5 "Yes."

6 "Do you all understand that you're giving
7 up your right to appeal?"

8 "Yes."

9 So you know, all of a sudden, there's no
10 individualized hearing or finding of any kind.
11 The judge asks the prosecutor, "Mr. Prosecutor
12 or Madam Prosecutor, do you have a factual basis
13 for each one of these charges?" And the answer,
14 of course, is going to be, "Yes."

15 And then they move on and then they tell
16 the people exactly where they need to go to pay
17 whatever fine or fee or cost was imposed. And
18 that all takes place.

19 So when I mentioned the three-minute
20 justice, that's probably fast. Because if you
21 divide it up individually, it's a lot less than
22 that per individual. But that happens on a
23 regular basis. We've been in the process of
24 educating some of the judges. And some of them
25 stop the practice if we're around, but then they

1 forget if we're not around. Nevertheless, I
2 think it's just a terrible thing. So that's the
3 number one issue with pleas, essentially,
4 without counsel all the way from not having
5 anybody there, to having somebody by video
6 without being able to consult with that person.
7 Any questions about that or should I go to ...

8 MR. JONES: Keep going.

9 MR. MARTINEZ: Okay, glass ceiling. Glass
10 ceiling is essentially all the consequences that
11 we have in Florida. In Florida, in particular
12 the worse consequences in the book for me are
13 the ones that end up costing somebody their job
14 or not being able to be employed.

15 One of the laws that was passed and,
16 frankly, I forget the name because of the --
17 they called it the "So-And-So Act." There are
18 so many of them that are named after people.

19 Every time there's something bad that
20 happens, typically, in Tampa -- sorry, Tampa --
21 but Tampa or on the west side of the state
22 something horrendous happens on the west side of
23 the state, they'll come up with a law. They'll
24 name it after the child. It was the tragic
25 victim of the crime and then they'll impose the

1 law all across the state.

2 But what happens with a lot of the laws
3 that they have passed is they affect employment
4 in terms of not being able to get a job, losing
5 your own job.

6 Let me give you a brief example. I got a
7 call from -- we go out in the community and I'll
8 talk about this later -- we do something that's
9 called "Redemption Project." What the
10 Redemption Project is are workshops. It's when
11 we go out into the community with different
12 partners, including the churches, including the
13 State Attorney's office, including police
14 departments, and all sorts of folks. What we do
15 is we try to help people so that they can seal
16 or expunge their criminal records.

17 One of the things that I found at one of
18 those events, somebody comes up to me. Most of
19 the people that show up to these events are
20 working-class people. So you're going to see a
21 lot of people in jeans, you know, sometimes in
22 shorts. You're not going to see people in suits
23 other than the people that are working there,
24 volunteering there at the events.

25 So this well-dressed man in a suit a tie,

1 comes up to me and starts explaining -- of
2 course, I'm thinking he's one of the volunteer's
3 lawyers or somebody who is volunteering. But he
4 starts acting -- you know, I want to talk to you
5 because I had a criminal record back in 1973.
6 So I'm looking at him and I'm like, "Oh, and you
7 want to get it sealed?"

8 And he said, "No, I can't get it sealed
9 because they told me I have an adjudication."

10 With a Florida conviction, you can never
11 seal it. If you have conviction at any point in
12 time, you can never seal it. It's done. You're
13 over and done with.

14 So I asked him, "Well, what's the problem?"

15 He was working for Florida Power & Light.
16 He had been working for Florida Power & Light, I
17 think, he said 26 or 27 years and he was given
18 notice that he was being laid off/fired because
19 of one of the laws that had just been passed
20 that prohibited anyone from going on to school
21 grounds who had a prior criminal record. The
22 law extended to Florida Power & Light. Why?
23 Because they bring lights to the school and they
24 have power in the schools.

25 Florida Power & Light did not want to take

1 on the extra burden of certifying that they
2 would not send this person into a school. So,
3 therefore, this person could no longer perform
4 his job and be available anywhere -- model
5 employee, horrible problem, could not get it
6 done, just could not get it done. That's one
7 example.

8 I've heard from people who worked for Bell
9 South or AT&T, the same issue with the schools,
10 that they can no longer work for AT&T.

11 So you are now taking people who had lawful
12 jobs, who were taxpayers, who were earning money
13 and all of a sudden putting them out and making
14 them unemployed. A lot of times, they're going
15 to be a little older, particularly, if you've
16 been working with them for a long time, that
17 you're going to have a hard time making that
18 same salary somewhere else even if it's a
19 private enterprise. So the glass ceiling,
20 that's just one example. And that's somebody
21 actually getting knocked down a peg or two.

22 What the glass ceiling affects most of the
23 time is everyone else, which is all the people
24 who have had any type of charge during the
25 years, where there was a conviction or not even

1 a conviction.

2 Part of the glass ceiling problem is you
3 have a lot of people that have been
4 underemployed. A lot of opportunities are lost
5 with them. One of the things that I'm kicking
6 off with The Greater Miami Chamber of Commerce
7 and with a lot of the local chambers is an
8 educational program that I have designed to
9 educate them how to read criminal histories.
10 Because part of the problem that we have in
11 Florida that we need to fix is the way that the
12 criminal history printout reads. I've shown
13 examples to different people in my office and
14 they have misread it. They have actually told
15 me, "Oh, this guy has three priors," when, in
16 fact, it was only one.

17 The way Florida works is: When you get
18 fingerprinted, your record goes up. When new
19 charges are filed -- you know, let's say you got
20 charged with murder. Initially, you were
21 arrested for murder. The prosecutor decides,
22 I'm not filing murder, I'm filing aggravated
23 battery. You're aggravated battery. All of a
24 sudden, those charges, the clerk has to submit
25 them. They go up. We plea it down from an

1 aggravated battery, which is a second-degree
2 felony. We plea it down, let's say, from a
3 simple battery to a misdemeanor. Guess what?
4 He gets fingerprinted for that conviction and
5 all of a sudden, it shows up.

6 So you have instances with the same case
7 number, but because the transaction number is
8 different, anybody who's reading and will see
9 the transaction number will think, Oh, that's a
10 different one; oh, that's a different one; oh,
11 that's a different one.

12 Also, one of the dates that they put on
13 there is the event date. Well, the event date
14 is not the arrest date or the incident date, but
15 it's the date that the information was
16 submitted. So unless you're trained to read it
17 on a regular basis, you're not going to know.
18 So you have a lot of missed opportunities.

19 The glass ceiling also applies to
20 universities. And I'm not talking about grants
21 and I'm not talking about scholarships. I'm
22 talking about application.

23 I got a call from a doctor out in the
24 community. I won't say how I know her, because
25 of who she is, but she called me up and,

1 obviously, she can afford an attorney. She
2 calls me up and she tells me her kid graduated
3 from high school with a 4.3. The kid was
4 enrolled in AP classes and a bunch of other
5 things. A top-notch student applied to one of
6 the major universities. Florida has several,
7 but one of the major ones is north of Orlando,
8 I'll just say. They had wait-listed her
9 application. She qualified because of her
10 grades. Because of her rank in school, she
11 qualifies for every imaginable grant and the
12 grants were not a problem. All of the
13 scholarships were not a problem. It was the
14 admission. They wait-listed her because, when
15 they asked the question on the application,
16 "Have you ever" -- actually, I have it here and
17 I'll read it, so I don't mess it up. It's an
18 affirmation that the person has to do. It is,
19 "I have been found guilty of or entered a plea
20 of 'no contest' to a felony charge and not had
21 my civil rights restored by the Florida
22 governing cabinet sitting as the examining board
23 of clemency.

24 "If you do not know the answer to the
25 question, ask your attorney or the county

1 clerk's office, non-lawyers of the county where
2 you were charged.

3 Now, you hear that and guess what? She did
4 not know whether she had been found guilty or
5 entered a plea of "no contest." She had
6 actually been sent to a diversion program for a
7 grand theft of a prom dress from Macy's. She
8 was sent to a diversion program. It was a \$310
9 dress. In Florida, over \$300 is grand theft.
10 She went to a diversion program, had no problem,
11 finished the program, did everything, okay. She
12 did not know and she didn't tell her parent when
13 she was filling it out, she didn't ask her
14 parent, "Should I say this or that?" She just
15 answered it.

16 Well, she calls me up and I'm like, how
17 could they have that question on this thing?
18 You know, this is just nuts.

19 Well, what she did not know, that I had to
20 look up, is when I'm reading it, I'm saying this
21 is crazy because a kid with a juvenile record in
22 Florida, that's not really considered a felony,
23 even though it is a felony. But it's considered
24 an offense and considered a delinquency offense,
25 so it's not really considered criminal.

1 So I looked at it and I see a link under
2 the word "felony." I click on the link and this
3 is what I find under the link for the
4 description of "Felony: Under State law, you
5 are not eligible for Bright Future Scholarships
6 if you have been found guilty of a felony or if
7 you have pled no contest to a felony. However,
8 you are still eligible to apply and may check,
9 'I do not agree to the felony question No. 34'
10 if your conviction or plea was removed from your
11 record by the Court or took place in a juvenile
12 court."

13 Now, who's going to find that? You only
14 find it if you see "felony" and you click
15 "felony." She had not seen that. She had not
16 clicked on that. So that's one of the things.

17 There was another one that I found in a
18 college application. When this happened, I
19 contacted the Department of Education and made a
20 request to change the rule and to actually not
21 put it behind in the definition, but actually
22 put it within the question. Why would you not
23 state in the question that, if it's a juvenile
24 case, "This does not apply"? Why not say it up
25 front? And they ended up denying it. And I

1 know why: Because it was too weeks before they
2 published the new set of rules and nobody had
3 filed anything with it. We're going to resubmit
4 that, but that's one example.

5 The one is a regular college application
6 from one of the community colleges. And the
7 question here, it's a "yes" or "no." And this
8 one is another one. "Have you ever been charged
9 with a violation of the law, which resulted in
10 or is still pending that could result in
11 probation, community service, or jail sentence,
12 or the revocation or suspension of your driver's
13 license?"

14 Guess what? Every single charge in Florida
15 qualifies. You would have to say, "yes." What
16 happens if you answer "yes"? You go on a
17 waiting list. And then they have a judicial
18 panel that gets to review it and you no longer
19 have the priority that you had because of your
20 class standing, because of your grades. You
21 have lost your priority for that class. You now
22 have to wait behind everybody else. And so
23 that's a big problem when it comes to the issue
24 of glass ceiling.

25 MR. JONES: I'm going to have to speed you

1 up on these last two because we need to get to
2 Reverend Dinkins.

3 MR. MARTINEZ: Privacy sort of relates to
4 that. Our privacy is very quick. Florida law
5 clearly states that most juvenile records are
6 confidential, including juvenile arrest records.
7 Unfortunately, our Florida Department of Law
8 Enforcement has taken the wrong position that
9 the statute that applies to them allows them to
10 charge -- not only to release the record, but to
11 charge for the record. So it's selling for \$24.
12 It's a money maker for them, so I know that's
13 why they were opposing it. So we need to get
14 that law fixed and that's every charge. A
15 misdemeanor charge, you could actually, right
16 now, purchase every juvenile record for 24 bucks
17 in the state of Florida, even if it was a
18 seven-year old, even if it was dismissed. It
19 doesn't matter. You can get the record.

20 The last one is what I mentioned, which is
21 the financial obligations that people are
22 getting just soaked. This is what's bad about
23 Florida. One, Florida does not have a
24 requirement that, when you're imposed -- the
25 judge is imposing costs, fees or fines, that

1 there's a finding that the person has the
2 present ability to pay. Florida does not have
3 that requirement. So it's imposed on everyone.

4 Two, Florida does not allow for most --
5 almost all fees, fines, and costs to be either
6 waived or converted into community service
7 hours. So they have to be paid. So,
8 essentially, it's an obligation kind of like
9 student loans. It goes with your death and
10 survives death.

11 I find it kind of interesting that you can
12 negotiate with the IRS if you have a debt, but
13 you cannot negotiate with the courts or with the
14 clerk of the court if your debts that you have
15 are past due.

16 Third item, which is the most gross, is
17 that there's a requirement that, if a person has
18 not paid by a certain period of time, that the
19 clerk of the court can submit that case to
20 collections; and collections charges 40 percent
21 on top of the amount. While your case is in
22 collections, you cannot -- even if you're making
23 good faith payments, substantial payments, if
24 your license is suspended because you haven't
25 made your payments, you cannot get your license

1 back until you fully pay the collection amount.
2 So that's my two cents for now.

3 MR. JONES: Great. Thank you, sir.

4 Reverend Dinkins?

5 REVEREND DINKINS: Charles Dinkins is my
6 name. I'm a local pastor in Liberty City. I
7 also grew up here.

8 The take that I take on restoration is that
9 of one conviction. I'll give you a story of a
10 conversation I had a few years ago with the
11 State Attorney's office in reference to their
12 projection of building prisons. It was said
13 that we know how many prisons to build based
14 upon anti-social behavior of children, that the
15 Internet system between the age of birth to six
16 years old. And my question was: "Okay, great
17 information. What are we doing with it?" And
18 the staff person from that office said, "That's
19 not our job. If the community takes that on,
20 that's the community's job."

21 As I listened to Carlos Martinez make
22 comments about the arena in which he works in,
23 my comments are centered around the arena in
24 which I minister and have grown up in. If we're
25 able to sense the problem early, then

1 systematically what hinders us from addressing
2 the problem? The State of Florida is not a
3 prevention state. I'm fully aware of it. There
4 is great resources to be gained from crime.
5 Incarceration is only one of them, not to
6 mention the court systems and many jobs and
7 things that are present there. I say this to
8 say that many of the children in the inner city
9 where I minister and work, certainly is not
10 applicable to all children. It's encouraging to
11 hear you talk about college children and the
12 impact of juvenile mischief that has created
13 havoc in their lives. But in the community
14 where I work, that's the norm, that kids' lives
15 are destroyed as a result of a mischief, a child
16 mischief.

17 High-crime neighborhoods warrant high crime
18 police patrol, which warrants that our kids have
19 a greater frequency, a greater opportunity to be
20 seen being children. And to have it have such
21 an affect on your life to where you really can't
22 rebound and begin to develop an adult life is
23 devastating and prevalent where I live and work.

24 So from a prevention perspective, maybe the
25 way we look at restoration is some of the issue.

1 Looking at restoration from a prevention
2 perspective, if courts understand who's at high
3 risk for becoming criminal statistics, then why
4 is the system of such that we're creating such
5 problems, allowing the community to intervene at
6 this early age where we have our greatest return
7 on the buck to impact not only the person who's
8 standing before crime -- or in the courts
9 because of a crime, but their siblings? Because
10 we all know it's intergenerational. So that's
11 one prevention perspective.

12 The other is that we run a program in our
13 center called "The Children of Inmates Program."
14 And children get the opportunity to visit their
15 parents in prison and establish bonds and work
16 out the psychological issues associated with
17 having a parent that's in prison.

18 It's all too often that, when these parents
19 come home, the issue of restoration is comical.
20 I'm being nice. In terms of housing, in terms
21 of employment, in terms of even reuniting with
22 their family and eradicating the stigma of
23 being -- and that's a convict -- never really
24 goes away.

25 The community in which I serve, most of

1 those families and those who are incarcerated,
2 have shown that they have issues early on in
3 life by not performing academically, by having
4 antisocial behaviors. Yet, we approach
5 restoration from the standpoint of after the
6 fact as opposed to before the fact, not only
7 before they go to jail -- well, even in terms of
8 being released from prison. There's very little
9 prevention activity that's taken place in terms
10 of having a plan and having social support
11 systems in place for those who are coming back
12 into society to be able to deal with the
13 realities that, yeah, you've got your voter's
14 card, but when you show up to vote, you're still
15 not allowed to vote. Yeah, you have your
16 driver's license as ID, but you really can't use
17 a driver's license to drive because of these
18 fines and these other things that's associated
19 with it. Yeah, you have skills to get a job.
20 Expungement and restoration events are great.
21 But greater than 50 percent of the clients in my
22 community have multi-felonies, but the law only
23 allows one.

24 Virtually, we have families that are being
25 destroyed because the male figures of those

1 families, which are -- women are growing now,
2 but are pretty much excluded out of the equation
3 of developing and raising positive children.
4 There's no access or there isn't as the system
5 exists today and as I understand the system and
6 how it exists today. There is virtually no
7 reentry access where a person can rebound.

8 You know, every one of us in this room at
9 some point in our lives have had to come back
10 from something. And that's pretty much
11 eliminated for those who fall in this category.

12 So coming out of prison, to me, a form of
13 prevention would be having systems in place that
14 help those who desire not -- recidivism, to have
15 a system in place that starts as early as 18
16 months prior to release where there's a
17 collaborative effort between the community and
18 the prison systems and the social service
19 systems of the county or the city where they're
20 going to return to where at least this person
21 has a clear understanding of the resources
22 that's available to them and somewhat to help
23 encourage them to continue on the path of right.

24 I don't know about anyone else in this
25 room, but if you've ever been unemployed long

1 enough, you start questioning your values of
2 what's right. If you get hungry enough, you
3 start questioning your values of what's right.

4 So I think with these families with these
5 individuals, you're almost not given an
6 opportunity to rebound. You're almost set up
7 from the cradle to be incarcerated in and out of
8 prison, because a child cannot select their
9 parents. They cannot select the environment in
10 which they are reared in. So having an
11 opportunity to get through childhood, to be able
12 to make some kind of rebounds on the adult side
13 of life, when you begin to understand life
14 differently, it's almost eradicated the way the
15 system is established today.

16 It's interesting to me when I look at the
17 issues of restoration and how we go about doing
18 it. And I don't have the answers and I'm not a
19 lawyer type. I'm a community type that sees so
20 many families destroyed, so many children who
21 believe that their rites of passage is going to
22 jail. So many families and talented people who
23 don't get the opportunity to explore the other
24 side of life simply because of that child's
25 misbehavior and getting caught and getting

1 arrested.

2 So that's pretty much all that I have to
3 say in terms of restoration at this point on the
4 issue.

5 MR. JONES: Thank you. We have questions.

6 MS. VANDERHORST: I want to start with
7 Reverend Dinkins with you and ask if you could
8 describe a bit about the Hosanna Community
9 Foundation as well as the Network for Children
10 of Inmates programs that the churches have been
11 involved with.

12 REVEREND DINKINS: Hosanna Community
13 Foundation was started out of a church youth
14 group ministry, actually, a church not
15 understanding the kind of ministry we're doing
16 in terms of social services. What we do there
17 is provide youth and family services.

18 One of the programs that we run is the
19 Children of Inmates Program. It has received
20 national recognition, just the security and
21 strategies with the lead agency among nine
22 faith-based agencies that are located throughout
23 Miami-Dade County, that provide primarily three
24 things for these families: Funding trips where
25 they're able to go and visit the incarcerated

1 parent; two, support groups where they're able
2 to become each others' allies, each others'
3 friends as it relates to dealing with the loss
4 of that incarcerated parent; and then thirdly,
5 care coordination where we provide social
6 services or make referrals to help that family,
7 in particular that child, deal with the absence
8 of that incarcerated family.

9 One of the other things that we do in this
10 community is we've been able to start the Urban
11 Partnership of Miami-Dade County which is
12 composed of Miami Drug-Free Coalition, gaining
13 alternative and Hosanna Community Foundation.
14 We recently received grant funding from SAMHSA
15 to do a drug-free coalition. Through that
16 coalition, we're now, for the first time, have
17 an opportunity to get professional types and
18 community types together to really address the
19 problems. In this case, it would be marijuana,
20 alcohol, and adult binge drinking among
21 teenagers.

22 But what's happening is that for the first
23 time, in my experience, people from cross
24 sectors of professions are now coming together
25 and talking about the problems in real ways.

1 You know, all too often, we fail to realize
2 the impact of a policy at the ground level, so
3 this gives us some opportunity to be able to
4 talk about some of those things and for people
5 to hear some real stories.

6 MS. VANDERHORST: Within Miami Dade, can
7 you give us an idea of how many children have at
8 least one parent who is incarcerated or some way
9 attached to the system and how many of those
10 children in that group you're able to service
11 through the Children of Inmates Program?

12 REVEREND DINKINS: In the particular
13 community in which I serve, ma'am, throughout
14 Dade County, the number would be -- I don't
15 know, well over 80 percent.

16 MR. MARTINEZ: If it's in State prison, I
17 would say probably 15,000 parents, not children.
18 Children could be up to three.

19 REVEREND DINKINS: In the community where I
20 serve, which is 36th Street, 79th Street
21 Northwest, Biscayne Boulevard, and 37th Avenue,
22 which is certainly on the radar screen in your
23 office, 90 percent of the children that grow up
24 in that community have a parent that has some
25 encounter with the law, either have been

1 arrested or presently serving time or just been
2 released. It's just the nature of the
3 community. Now, of that, we have -- of the
4 children that are in enrolled in our program
5 that have come through our program, about 1,700
6 in that community just about is that we've
7 mentioned, the number I would throw at you is
8 well over 20,000 children. I'm sure the number
9 is much higher than that, but that's a safe
10 number of children that are living in the
11 community.

12 So the children of inmates is a part of the
13 solution, but by no stretch of imagination the
14 total solution. And, yes, the families that
15 we're able to serve, we do great work with them.
16 We see them make progresses. But the long-term
17 effect of the values that's in that family long
18 before we show up are not eradicated easily.
19 It's that simple.

20 MS. VANDERHORST: Are you seeing a number,
21 or at least a significant percentage of the
22 children that you are able to serve, give their
23 own juvenile records or their own contacts with
24 law enforcement?

25 REVEREND DINKINS: What I've sensed and

1 seen is, because of the values that are taught
2 in the family from the parents who have these
3 unhealthy habits, the children begin to think,
4 Well, that's the way life is. That's the way
5 you deal with life.

6 Case in point: In my own life, I grew up
7 in Miami. My two heros when I was growing up
8 was Vida Blue, for those of you who are baseball
9 fans, and Super Fly, for those of you who watch
10 those kind of things. Now, I was going to be
11 one or the other. Thank God I chose to be Vida
12 Blue.

13 All right. I'm telling you, leaving the
14 greatest impact on my life was leaving Miami and
15 going off to school in Baton Rouge, Louisiana.
16 That gave me a whole other perception about life
17 to understand that what I had experienced in my
18 neighborhood and that which my parents were able
19 to afford me, that there was a whole other
20 world.

21 All too often, the children in the cities
22 very seldom leave the intercity so their
23 exposure is very limited. And as a result of
24 what they see from not only their parents, but
25 the cultural norms or community norms, it just

1 breeds into intergeneration of negative
2 behaviors, is my opinion.

3 MS. VANDERHORST: Is it fair to say that
4 the population you're dealing with is
5 significantly people of color?

6 REVEREND DINKINS: It is fair to say if you
7 put that color in terms of poverty. It doesn't
8 matter whether you are Anglo, Latin, or Black,
9 poverty has such an affect on you to where
10 people are doing just all they know to survive.

11 Now, in the particular community where I
12 serve, yes, a large population is African
13 Americans, but that is changing. When I was
14 growing up, it was 90 percent African American.
15 Now, in the community it's like 60 percent
16 African American and like 39 percent Latinos.
17 So we're all living together and going to jail
18 together, you know. Basically, that's what's
19 really happening.

20 I think the common thread though is poverty
21 and we're able to see it early on in the
22 academic performances as well as in their social
23 development, but there's very little that is
24 done. The way the system is structured, it's
25 really not conducive for a whole lot really

1 happening to remedy the problem, is my personal
2 opinion.

3 MS. VANDERHORST: I know that your groups
4 connect or try to keep a connection between the
5 parents and the children. Are there any
6 services that are focused particularly just on
7 parents who are getting out of any kind of
8 judicial system, whether it's probation or
9 they're getting released from some kind of
10 detention center?

11 REVEREND DINKINS: There are services. The
12 challenge there is, is the quality of those
13 services and the availability of resources to
14 perpetuate those services. Case in point, a
15 person gets out of jail, out of prison, where do
16 they live? Chances are you can't go back to the
17 house. Your family, they've pretty much written
18 you off. So where do you live? In terms of
19 employment, how do you really get a job? Some
20 people are getting jobs on the masses, most of
21 them are not.

22 Most of the parents that we go visit,
23 they're in jail for selling, you know, illegal
24 form pharmaceuticals. So it comes back to
25 economics again.

1 The community -- attitudes are of such
2 that, This is what we have to do to live. Those
3 of us who are providing services, our attitudes
4 of are such, I need to get a paycheck, and
5 getting the paycheck means satisfying funders.
6 And the funders may not always be -- most
7 certainly, in most cases, are not critically
8 clear about how things should take place on the
9 ground. We have theories. But most of the
10 people with the theories have never lived that
11 life. And nor is there a system in place where
12 we really take the time to do the grunt work to
13 understand how things are working at the ground
14 level to really give these families an
15 opportunity to rebound. It's the nature of the
16 business.

17 We're more concerned about how many people
18 does it employe than how many people has it
19 impacted when it comes to funders.

20 And so as a result of that, we have
21 programs out there. But when you measure the
22 outcomes, all too often, the outcomes are not
23 there and those who are giving the funding are
24 those who have a political connection, not
25 necessarily those who are really impacting lives

1 of people.

2 MS. VANDERHORST: So with that, I want to
3 back up a bit.

4 Carlos, we have some information of how
5 difficult it is to get records sealed and
6 expunged. Can you give us an idea of what you
7 think or who you think the current laws are
8 actually intended to impact, since it excludes
9 so many people who have criminal records or even
10 plead no contest?

11 MR. MARTINEZ: I wouldn't even take a guess
12 at who they were intending to impact, because
13 there's such a hodgepodge of laws and they
14 passed a whole set initially and then they
15 changed it so that you can only seal it once.

16 And then there are a lot of different
17 things that you can't expunge. In Florida --
18 this is how crazy Florida is, if you're actually
19 found not guilty by a jury, you cannot expunge
20 that record. You can conceal it, but you can't
21 expunge it. Even though a jury of your peers
22 found you not guilty, you cannot expunge your
23 records.

24 The difference between seal and expunge in
25 Florida is sealing the record is actually sealed

1 and you can only -- the record is still
2 available, but only through court order. They
3 actually destroy the records for expungement.

4 Florida law is really problematic. Part of
5 the challenge that we have -- and we've actually
6 been making some headway in converting some
7 people in terms of legislators who actually
8 started even looking at it and thinking about it
9 and even some law enforcement to be looking at
10 it and thinking about it. But now we're going
11 on seven years working on this project from the
12 first time that I wrote the statute to make all
13 the changes to -- you know, I have a senator.
14 She filed it religiously every year. We finally
15 said, You know what, let's give it a break and
16 keep working on some folks and go back at it and
17 try to see.

18 Reverend Dinkins was 100 percent correct.
19 When we have the redemption workshops, it was
20 only to facilitate the very small sliver of
21 people who qualified, facilitated for them to at
22 least get a shot. But I would say that I have
23 never had a redemption workshop where I have
24 more than 25 percent of the people who qualify
25 for a seal; most of the time they don't.

1 In Florida, as I mentioned to you, if you
2 have any find of conviction, you cannot seal it.
3 If you get a conviction for driving with license
4 suspended and your charges for cocaine
5 possession were actually dismissed but your
6 driver's license was suspended, you showed up in
7 court having one of these three-minute specials
8 where you pled guilty, you did your time served,
9 you now cannot have that cocaine possession that
10 you were not guilty of sealed, because you had
11 that conviction.

12 MS. VANDERHORST: I want to wrap up my
13 question with sex offenders. First of all, is
14 there a distinction between the Jessica
15 Lungsford-type offenses versus the teenager
16 involved with the 21-year-old and it's a
17 consensual relationship? And then the second
18 part of my question is: Are there any remedies
19 available or any assistance available for people
20 who are able to be released from a detention
21 center to have any of their rights restored?

22 MR. MARTINEZ: As a sex offense --

23 MS. VANDERHORST: Yes.

24 MR. MARTINEZ: -- or something else?

25 MS. VANDERHORST: Just a sex offense.

1 MR. MARTINEZ: Sex offense, forget it.
2 You're never going to get your rights restored.
3 That's just not going to happen. That's not
4 going to happen. Even if it was a minor sex
5 offense, you cannot get your rights restored.
6 Forget it. Do not pass go. So let's start with
7 that.

8 In terms of any help, there is no help
9 available, because -- well, there's a little bit
10 of help now after the scandal. Really, they
11 only acted because tourists happened to be
12 driving under our bridge where there was the
13 encampment of all the homeless sex offenders.
14 They weren't really homeless. The Department of
15 Corrections really had no other place to
16 supervise them and they came up with a
17 fictitious address and it's under the bridge.

18 After some embarrassing situations where
19 the international media started picking up the
20 stories and making photos and going there
21 actually talking to people, they ended up
22 finding them places throughout Dade County,
23 through The Homeless Trust. It's a set up that
24 we have and they get some tax dollars and they
25 try to help people. So they help some people

1 with rental and some -- few pockets.

2 Our laws are all messed up. We have the
3 state law, which has -- it's a certain footage.
4 It's 1,000 feet. We have local laws that
5 everybody wanted to see who was tougher on
6 crime. So we had some local mayor all of a
7 sudden come up with a 2,500-foot law. And then
8 the next mayor wanted to do it. We have 36
9 municipalities in Miami. All, I think, except
10 seven, passed those laws.

11 So if you look at the map of Miami and you
12 have these concentric circles of where you
13 cannot live, there are very few spaces. One of
14 them is in Pinecrest, which I know Reverend
15 Dinkins knows, I can't live in Pinecrest.
16 Pinecrest's cheapest home is \$1 million. On a
17 public defender's salary, you're not going to
18 live in Pinecrest. Pinecrest is one of the few
19 areas that you can actually have some sex
20 offenders living there because there are no
21 schools nearby. Some of them have no churches
22 nearby and some of them don't have any school
23 stops nearby -- there are lots of different --
24 or parks; so depending on what law it is and --
25 you know, as you're crossing all the municipal

1 lines, okay. And this one, it can't be 1,000
2 feet from a park, this one from a church, this
3 one from a nursery, or pre-K. So it's all over
4 the place. So there's really no help. There's
5 really no relief.

6 And the other aspect of it you mentioned
7 the consensual. Florida consensual, yeah,
8 right.

9 Florida, we have a law that they called the
10 Romeo and Juliet Law, which if the kids are
11 within -- I'm trying to think if it was three or
12 four but, I think it's three years. If they're
13 within three years of each other that you can
14 actually apply to the court that you do not have
15 to register as a sex offender. So a 21-year-old
16 with an 18-year old, well, you're not going to
17 have a problem there anyway. If it's a
18 19-year-old with a 16 or a 15, which is very
19 common in Florida. And let me tell you why.
20 Florida is one of those states where kids get
21 held back if they don't pass what's called the
22 Florida Comprehensive Assessments of the
23 testing. If you don't pass that test, we have
24 13-year-olds in fifth grade. So talk about a
25 mix, a crazy mix of hormones in kids growing up

1 and you're not going to have problems? Come on.
2 Let's get real. So there are lots, lots of
3 issues.

4 Unlike many other states, Florida does not
5 have a level of sex offenders. In Florida, we
6 treat them all the same. It doesn't matter.
7 There's no high risk, low risk, moderate risk.
8 It's just everybody is the same. You all get
9 lumped in. All the laws apply to you and that's
10 it.

11 MR. JONES: We are going to run out of time
12 pretty soon. I wanted to get a couple of other
13 people in this discussion.

14 Margaret, you had a few questions.

15 MS. LOVE: Carlos, I wanted to ask you, we
16 heard a lot from Mr. Schlakman this morning
17 about the restoration of rights. You mentioned
18 1994 as a year that sort of marked the beginning
19 of a dark time or a bad time. I was thinking
20 back a few years even before that when they
21 started having these complex hearings in the
22 restoration of rights process. Can you say why
23 you pinpointed 1994, and can you also speak to
24 what has happened with the restoration of rights
25 procedure?

1 MR. MARTINEZ: You're going to have one of
2 the speakers later on that's going to address
3 the restoration of rights but, essentially, it
4 is a terrible joke in Florida. There's no such
5 thing as restoration of rights. They don't have
6 enough staff. The waiting lists that they have
7 are ridiculous. The rules that they've put in
8 place, for automatic -- essentially, no
9 automatic restoration; there is, but, again,
10 it's not real. Essentially, we have no
11 restoration of rights. Let's not mince words
12 when it comes to that.

13 Going back to 1994, why I think that was
14 where it really got ugly in Florida, that was
15 the year when we had had a lot of tourist
16 murders and some of them done by young people --
17 several of them done by young people, committed
18 by young people. Florida went absolutely hog
19 wild in terms of transferring kids to adult
20 court, making it easier to transfer a 14-year
21 old to adult court for felony offenses. So that
22 was one issue.

23 The second issue that was horrible with '94
24 is that that's when they started whittling, I
25 think, away at the confidentiality of juvenile

1 arrest records. The first year, what they did
2 is -- it only applied to the ones who were
3 transferred to adult court. That's the only
4 time that it would be public. I think next year
5 or two years after, they came back and they
6 opened it up for all felonies. Then, they came
7 back a year or two after that and they opened up
8 if you had a third misdemeanor conviction.

9 Throughout all that, even though the
10 legislature was taking as -- you know, were
11 opening it up more, our Florida Department of --
12 this is how ridiculous their argument is: Our
13 Florida Department of Law Enforcement said,
14 Well, from the first moment that that statute
15 was enacted, it doesn't apply to us.

16 Of course, they forget to read the first
17 sentence of their statute that says that they
18 have to comply with every other statute in
19 Florida. But that's another issue. But that
20 was the year that, essentially, the floodgates
21 were open and records and then FDLE realized
22 they can make a ton of money selling these
23 records to private companies.

24 And then, it kept getting worse than the
25 counties. All our 67 counties got in on the

1 act. Now, every month, they upload all the
2 arrest record information from anything that
3 happens in Dade County. It not only goes
4 through FDLE, it goes through these private
5 companies as well, because they can sell it to
6 them cheaper than FDLE does.

7 MS. LOVE: When Governor Bush established
8 the re-entry task force, the mandate of that
9 effort was to get the public agencies in Florida
10 to take a look at the collateral consequences
11 that were operating and to get rid of the ones
12 that were dysfunctional or creating a public
13 safety problem themselves. Whatever happened to
14 that effort? I know there were recommendations
15 made.

16 MR. MARTINEZ: That was one of the best
17 things that happened in Florida. That was
18 actually a bright moment that happened in
19 Florida. It was not just that he had done that
20 task force. He had also expanded drug courts in
21 Florida. He poured a lot of money into drug
22 courts in Florida. Actually, he was the first
23 one that put a lot of money into public
24 defenders as well.

25 So a lot of people don't know that. They

1 think a conservative is a conservative is a
2 conservative. No. There are different types of
3 conservatives.

4 What happened with that effort was that
5 they started doing it, but there was no
6 follow-through in funding staff to do that. If
7 you don't have staff that are dedicated to
8 actually follow through and report year after
9 year, year after year, what have you done and
10 then have direction pushing it, saying, okay,
11 this year we're going to take it on. And then
12 without a legislative effort, if you don't have
13 that kind of five, ten-year plan, you're not
14 going to get it done, because there's so many
15 forces that get aligned against it that they
16 just water it down and nothing happens.

17 This past year there was Senate Bill 146 in
18 the 2011 session that actually did something
19 good. Now, watered down in committee, this
20 always happens, but at least it says a State
21 agency may not deny an application for a
22 license, permit certificate, or employment based
23 solely on the applicant's lack of civil rights.
24 So that was a big step forward and it directed
25 the same thing that the task force had directed

1 before in its report, the recommendations.

2 It is now a Florida statute that it
3 requires agencies to provide a list of all
4 agency or board statutes or rules that
5 disqualify from employment or licensure --
6 essentially, the same things that they have to
7 go through all of their rules and determine
8 which ones work, which ones don't, which ones
9 are having a negative impact on public safety or
10 anything else and then come back with
11 recommendations. So that was just passed in
12 2011. Hopefully, they'll be going with that.
13 But I can tell you there's an agency that I know
14 that I asked and the agency had no idea that
15 this got passed.

16 MR. JONES: I want to get Jenny in on this
17 conversation real quick.

18 MS. ROBERTS: So you had started,
19 Mr. Martinez, with the issue of the
20 less-than-three-minute courts. So why don't we
21 return to that and just ask: Is there any
22 mechanism in Florida for restoration or relief
23 from misdemeanor convictions? And it's a
24 three-part question. Do you see any problems
25 with clients based on misdemeanor convictions

1 broadly defined? And third, do you have any
2 funding to deal with restoration issues of
3 either felonies or misdemeanors?

4 MR. MARTINEZ: Okay. The first one was
5 relief for misdemeanors. There is no mechanism
6 not only for misdemeanors. There is no
7 mechanism in Florida. Again, Florida is crazy.
8 If you have a felony conviction in Florida,
9 theoretically, you can get your rights restored.
10 But you already know my opinion about that. If
11 you have a withhold of adjudication, which means
12 you don't have a conviction, which means a judge
13 and a prosecutor determine, We're not going to
14 punish you with a conviction, we're going to
15 punish you with something less. If you have a
16 withhold, you can't apply for restoration of
17 employment rights. You just can't do it. It
18 just stays on your record. If you have certain
19 types of withholds of adjudication, you can
20 never get those sealed.

21 Let me tell you what I think is the most
22 egregious one, which is aggravated assault.
23 Typically, what we see is females who have been
24 victims of domestic violence. They're in an
25 abusive relationship. And at one point, they

1 decide to fight back, and they fight back. They
2 don't injure the other person. They just
3 threaten with a knife or with something. That's
4 an aggravated assault under Florida law. So the
5 prosecutor takes that into consideration and
6 makes the offer of, okay, I'm going to give you
7 a withhold, because we recognize -- instead of
8 dismissing the case, which is what we usually
9 try to do -- they say, okay, we're going to give
10 you a half load. Let's see if you withhold.
11 Well, withhold is worth absolutely nothing,
12 because it stays on the record. They can't do
13 anything. They cannot seal that particular
14 record.

15 What was your second one, relief from
16 misdemeanors?

17 MS. ROBERTS: What kinds of problems you've
18 seen for clients based on their misdemeanor
19 convictions.

20 MR. MARTINEZ: Seeing it all the time. We
21 actually had one of our attorneys who got into
22 the Florida Bar, moved, tried to move to Miami
23 Beach. In Miami Beach, if you're going to do
24 rental properties, they have these rental
25 companies and they require a background check.

1 They ran a background check, misdemeanor charge.
2 Not only misdemeanor charge, but misdemeanor
3 charge as a juvenile and the person was not able
4 to get housing on the beach. So the person had
5 to rent from a private person. And I'm talking
6 about somebody who's got money. Imagine if
7 you're in a situation where most of our clients
8 are in, which they don't have money to make the
9 choice to live on the beach or to live on
10 Brickell or anything like that. So their
11 choice, a lot of times, is, you know, public
12 housing sometimes and then public housing,
13 you're not eligible depending on what the charge
14 is.

15 Even misdemeanors, you would be eligible
16 depending on what the one is. Because we have
17 three different housing agencies here. We have
18 at least three and they have different rules on
19 what the charges can be. There are some general
20 rules that apply to all, but they also have
21 their own individual rules. And your third one
22 was money.

23 THE COURT: Money.

24 MR. MARTINEZ: Well, there was never any
25 money coming for us to do our redemption

1 projects. The way we ended up doing was
2 actually all through volunteer efforts, you
3 know, begging this one to come to one of our
4 events. And frankly, a lot of it was by showing
5 different people, different stakeholders in the
6 system, in the criminal justice system, that
7 there was a value to it in terms of there was a
8 lot of interest in it.

9 So some people came to the table and I
10 volunteered their services. For example, early
11 on, we were able to get our Department of
12 Corrections to have one of their people come in.

13 In Florida, in order to get your records
14 sealed, your application done, you have to have
15 fingerprints. But it costs \$7 to get your
16 fingerprints done anywhere. We got a
17 corrections officer to volunteer fingerprinting
18 for free. So that's one less cost. We got the
19 clerk of the court to actually come out and have
20 their people present, so we could process their
21 paperwork right there and then and they would
22 get their certificate for applying. Now, we
23 were able to get the State Attorney's office
24 in -- because for expungement in Florida, you
25 need the State Attorney and the prosecutor to

1 sign off on it. And we would be able to get them
2 in and do that.

3 Our office, no extra money. We now rely
4 primarily on former assistant public defenders
5 who come back and volunteer to do this because
6 they love doing it. The State Attorney's
7 office, they have, I think, 12 employees that
8 get paid to actually do these kind of things on
9 the committee.

10 MR. JONES: We are essentially out of time.
11 I want to just follow up very quickly with two
12 quick questions.

13 The first two -- to you, Carlos -- I want
14 you to maybe put on your American chief defender
15 hat and talk sort of broad picture nationwide.
16 In many places, Miami-Dade County, in New York
17 City where I'm from, the public defender offices
18 on the front end is placed where most people who
19 come through the criminal justice system get
20 their representation. What, if any, role do
21 public defender offices or the public defender
22 community play across the country in the
23 clemency process, the pardon process, the
24 restoration of status process, generally? What
25 role are public defender offices playing, if

1 any?

2 MR. MARTINEZ: I can tell you this, the
3 role that we've played here and across the
4 country depending on who does it, I have the
5 benefit of being an elected official. I'm an
6 elected official countywide, so that gives me a
7 lot of independence. So I can go and advocate
8 for these issues and I have at the legislative
9 level. I've worked on legislation. I can
10 lobby, so I can speak out on these issues. I
11 can try to get, you know, communities to be able
12 to come to the table and be able to try to
13 change the laws.

14 So in terms of the process and of the
15 national level, I think we also need to get --
16 we need to get some national infancy or
17 adolescent protection act going in terms of
18 protecting juvenile records. I think the whole
19 idea that you have all these states having
20 different laws, it's atrocious. Because what
21 happens is a kid from Florida is at a
22 disadvantage where they're competing with any
23 kid from other states, particularly the ones
24 that have records that are not public. So I
25 think we need to have a national discussion

1 about it and we need to actually put some laws
2 in place when it comes to the confidentiality of
3 juvenile records.

4 In terms of other issues on misdemeanors, I
5 would love to see a federal law that does not
6 allow the use in immigration proceedings of
7 any -- any -- conviction that was obtained
8 without counsel whatsoever, just period, end of
9 story.

10 The other thing that I would love to see,
11 but this is more in Florida and I think it's in
12 other states too, but in Florida, I mentioned
13 the orders of no imprisonment. In Florida, what
14 we should do is, okay, let's look at how they're
15 being filed. In Dade County, 70 percent of the
16 time they're being filed. So 70 percent of the
17 people, okay. Why don't we turn those? If the
18 prosecutor is telling the Court, "This person is
19 not bad enough to receive a jail sentence,"
20 let's turn that automatically into a civil
21 charge.

22 You don't need a prosecutor. So you can
23 save your money on a prosecutor. You don't need
24 a defense attorney. Okay. You don't even need
25 a high paid judge. You can use a magistrate

1 that makes less money than a judge or you can
2 even have a hearing officer. So there are ways
3 that we can do these things and maul these
4 things, so that we can reduce the impact of a
5 lot of these low-level things, but we still have
6 to get to the issue.

7 One of the things that I'm thankful for --
8 and this is going to sound really strange -- I
9 am thankful for that we've gone through the
10 Great Recession. Here's why: There's less
11 money for cops doing the sweeps in the Black
12 communities and bringing people in for all these
13 drug charges and all this nonsense of loitering
14 and a bunch other things that really damaged
15 them, so I am thankful.

16 I hope at the federal level, when we cut
17 the budget, that we cut that, because that's
18 created major problems in our communities in
19 terms of creating this permanent underclass that
20 has a glass ceiling.

21 MR. JONES: This would be a good place to
22 stop.

23 Thank you, gentleman, very much for your
24 time and we appreciate it. It's been very
25 enlightening. We're going to break and

1 reconvene in ten minutes for the next panel.

2 PANEL IV

3 MR. JONES: I don't know how much you guys
4 have seen over the course of the morning and the
5 afternoon, but, (a), we're happy to have you
6 here and appreciate the discussion that we're
7 about to have; and (b), we're struggling with
8 our sound system, so I'm going to ask you when
9 you're speaking to hold the microphone and speak
10 loudly. I guess I'm not doing that myself at
11 this very moment.

12 The way that we operate is to give you-all
13 five, ten minutes or so to give us the benefit
14 of some opening remarks, after which we have
15 lots of questions as you've seen that we're
16 interested in discussing with you. One of us
17 usually leads the discussion. For the purposes
18 of this panel, that person will be Larry
19 Goldman, who will lead the questioning. So
20 without anymore from me, really, I think I
21 should turn it over to you and I guess we'll
22 start with you, Ms. King.

23 MS. KING: Thank you. My name is Nellie
24 King. I am the president of the Florida
25 Association of Criminal Defense Lawyers, the

1 statewide affiliate of NACDL here. NACDL has
2 approximately 2,000 members statewide. We are a
3 pretty large voluntary Bar Association and
4 active in these issues, and also we're working
5 more and more collaboratively with NACDL over
6 the most recent years. I think this is a
7 wonderful program and project. I'm happy to be
8 a part of it.

9 I come from Palm Beach County. So some of
10 my comments are based on my experience in Palm
11 Beach County, which is, obviously, smaller than
12 Miami Dade. And so you may find some
13 differences between what I say and what Carlos
14 told you earlier.

15 I was a public defender for the first five
16 years of my career. I've been in private
17 practice for ten years. I do seal expunge work
18 pretty frequently, less restoration work just
19 because it doesn't happen.

20 Florida is very reactionary. We have a
21 part-time legislature -- you know, tough on
22 crime, very easy to be shot down when good
23 initiatives are brought to the attention of
24 those people that matter.

25 I represent people with serious charges.

1 So I can speak to some of the questions that I
2 heard before about sex offenders and their
3 re-entry initiatives and the problems that I
4 would call "banishment" in Florida has caused to
5 sex offenders in this state, and, also, how that
6 approach makes communities less safe from my
7 opinion from a recidivism standpoint.

8 As far as the seal expunge process, I would
9 also state that that is very subject to the
10 political winds.

11 There was a time, when Governor Crist came
12 into office, that one of the very first things
13 that he did was take the opportunity to
14 publically state that he thought some things
15 needed to change as far as restoration of rights
16 and seal expungement.

17 He had a large photo opportunity with a
18 nurse, who was having problems with
19 administrative licensure and that sort of
20 thing -- a big hug to the nurse. We're going to
21 try to get things back on track in Florida. And
22 some of the process was made easier during that
23 initial time period, although it didn't move the
24 peg too much further or move the needle too much
25 further.

1 Then with this recent governor that was
2 swept into office, immediately the attorney
3 general came in and said, We're going to stop
4 this; a convicted felon shouldn't have rights.
5 That's just the way it is. Florida is a -- you
6 know, we've got a lot of crime here. We're just
7 going to shut it down.

8 Effectively, that's what we've seen. That
9 shift is going to be hard to undo, even if new
10 political winds change the direction of the
11 thought process here.

12 So I would say, as far as just general
13 recommendations, some public discourse on
14 education needs to continue as far as what it
15 means to have even a misdemeanor conviction on
16 your record, what it means to have a felony
17 conviction on your record.

18 Florida, as far as immigration policies,
19 has implemented a very aggressive policy where
20 ICE officials are in the jail, literally in the
21 jail, the local sheriffs give them -- you know,
22 they rent them space so to speak. They go cell
23 to cell. And for any reason -- and it's really
24 quite traumatic to the families, because I've
25 represented people who said, "I don't know where

1 my brother is." And I said, "I'll bet I know
2 where he is. He's on a plane." And they don't
3 know. They get a phone call four weeks later
4 when the person ends up in Mexico or somewhere
5 else and says, This is what happened to me.
6 Those issues are shocking.

7 One method of education would be to
8 actually talk about how misdemeanor and felony
9 convictions affect the immigration of Floridians
10 and US citizens, in general, because it takes
11 just the slightest crime of dishonesty or moral
12 turpitude to subject you to deportation.

13 Another issue that was brought up earlier
14 with the misdemeanor convictions and uncounseled
15 convictions is that it sounds good, you know, in
16 these mass pleas at first appearance and at
17 arraignment. Oh, you'll just get a withhold and
18 walk out the door. Nobody is explaining the
19 long-term consequences to those people taking
20 those pleas. It's just easy and then they get
21 the court costs. They walk out the door. The
22 County gets their money and the person gets to
23 go home after a night in jail.

24 So I have been working with NACDL on this
25 new report that they put out on three-minute

1 justice and hope that that could be a good
2 starting point for further discussion on reforms
3 and misdemeanor courts because it is a crisis in
4 Florida.

5 Lastly, what I would say about employment
6 issues is that with the interconnectivity of the
7 Internet, just the arrest, you know, is enough
8 to keep somebody from getting a job. It used to
9 be back in the day that Florida wouldn't talk to
10 Virginia because they just didn't have the
11 interconnectivity or the access. Now, it is so
12 easy just to run somebody's name.

13 The public doesn't know what the word
14 "nolle pros" means. That might be a good way to
15 educate the public, is just to explain to them
16 an arrest does not mean that anything was ever
17 proven or that they had a criminal disposition.

18 So, you know, the advent of technology has
19 really hurt folks just trying to get apartments
20 and getting jobs. Because in this economic
21 climate, particularly with people scratching for
22 jobs, just the hint whether it's accurate or not
23 that somebody had a brush with law enforcement
24 is enough to keep somebody from being employed.
25 And so that's why I continue to do the seal

1 expunge work is because even one brush with law
2 enforcement is enough to keep them out of
3 consideration.

4 MR. JONES: Thank you.

5 MS. TREVISANI: Thank you very much and
6 thank you very much for having me here and for
7 convening this panel. It's a very important
8 topic.

9 My name is Dante Trevisani. I'm an
10 attorney with the Florida Justice Institute,
11 which is a nonprofit civil rights law firm. We
12 mostly concentrate on prisoners, civil rights
13 litigation. I'm an Equal Justice Works fellow,
14 which means I'm funded by an outside
15 organization called Equal Justice Works to do a
16 specific project on felon disenfranchisement,
17 the restoration of civil rights and other legal
18 barriers for re-entry.

19 I'm also on the advisory board of the
20 Florida Rights Restoration Coalition, which is
21 an organization dedicated to reform of felon
22 disenfranchisement laws in Florida and it
23 conducts community outreach in education. What
24 I do mostly is assist and advise people in the
25 process of getting their civil rights restored.

1 I help them gather documents. I help them get
2 certified copies from their criminal cases. I
3 help them prepare personal statements and get
4 letters of support from employers and from
5 family and friends and anyone else that can
6 support their application. I also conduct
7 community presentations on the restoration of
8 civil rights. At these presentations, I'll
9 frequently give brief advice to people who are
10 there. I also conduct these presentations in
11 county jails in Miami Dade County.

12 With my brief time today, I'd like to take
13 a minute to address just a few things and the
14 first is the community perception of the folks
15 who are affected by the rules governing rights
16 restoration. To sum up, there's not a lot of
17 information out there and there is some
18 mis-information. Not a lot of people are aware
19 of the process. They're not familiar with the
20 eligibility requirements. They're not familiar
21 with the consequences of restoration of civil
22 rights. A lot of folks think that it's the same
23 as getting your record sealed or expunged, which
24 in, Florida it's not. It simply restores your
25 right to vote, serve on a jury, and hold public

1 office.

2 In addition to that, there is a large sense
3 of frustration from the folks that I talk to at
4 the community presentations that I do. And this
5 stems from a couple of things. One is that the
6 rules are very onerous. It's very difficult to
7 get the restoration of your civil rights. There
8 is a five- or seven-year waiting period that
9 starts running at the end of your probation or
10 when you come off of supervision, depending on
11 the crime, if you want to go under conviction.

12 If you are eligible for the five-year
13 waiting period, you have to be arrest-free in
14 that time. So you cannot have any arrest or
15 restart the five-year-waiting period, even if it
16 doesn't result in conviction. Or if it results
17 in a conviction for a misdemeanor, that would
18 not have stripped your civil rights to begin
19 with.

20 There is the requirement that you get
21 certified copies of the charging instrument from
22 your criminal case for every felony conviction
23 that you'd like to restore your rights from and
24 also certified copies of the judgment and
25 sentence form, which this can be a problem even

1 for lawyers, which usually requires you to go to
2 the clerk of the court where the conviction
3 occurred. Most of the time, it can't be done
4 over the phone. It just presents a very onerous
5 requirement for a lot of folks.

6 Another source of frustration is the
7 requirement that everyone fully pay their victim
8 restitution for their case before they're even
9 eligible to apply.

10 Of course, folks coming out of prison are
11 presented with a lot of financial barriers and
12 so this presents another financial barrier to
13 entry and to restoring voting rights.

14 Another issue is the delay. Once you
15 become eligible and file an application, there's
16 a lengthy investigation by the Florida Parole
17 Commission. Then they make a recommendation to
18 the clemency board. Then, the clemency board
19 decides if they would like to hold a hearing,
20 which are held only four times per year.

21 In terms of the time, I've never seen this
22 process take less than a year. In most cases, it
23 takes several years. I know folks who have been
24 waiting up to five years for the application to be
25 processed. So the backlog of applications is a

1 serious problem.

2 The last source of frustration, I think, is
3 the disinformation that's out there. A lot of folks
4 think that the process is automatic, that they
5 automatically get their civil rights restored when
6 they come out of prison, which is not the case since
7 March of 2011.

8 This belief in the automatic system stems
9 from the fact that, for a brief period between
10 April 2007 and March of 2011, there was a small
11 category of people who were eligible for automatic
12 civil rights restoration immediately when they came
13 out of prison. So I think that belief has percolated
14 through communities into something that people
15 believe that every conviction can be restored
16 automatically, which is not the case.

17 That sort of leads into the second thing I
18 wanted to mention, which is just briefly the history
19 of the rules.

20 Like I mentioned, since March of 2011, that
21 the was recent change that instituted the
22 five-or-seven-year waiting period. Between April of
23 2007 and March of 2011, there was that one sliver of
24 category of people who were eligible for automatic
25 restoration. It was a small category, but at least

1 it was there. Before that, the rules were in various
2 iterations and versions that -- some had an automatic
3 or a waiting period, some had an automatic section.
4 But there was always, as it is now, discretion by the
5 clemency board. The clemency board, even after you
6 apply, has complete discretion to grant or deny
7 restoration of civil rights. It's not done by a
8 statute. The rules of executive clemency are set by
9 the clemency board, which is made up of the governor,
10 the attorney general, the commissioner of
11 agriculture, and the chief financial officer of the
12 state. So those rules are promulgated right from the
13 executive.

14 The last thing I want to address is
15 employment licensing issues. Of course, employment
16 is a big problem for people coming out of prison.
17 And the criminal convictions don't make it any easier
18 to get employment licenses.

19 Now, the good news is that in Florida last
20 year a bill was passed that prohibits State agencies
21 from denying an employment license based solely on
22 the applicant's lack of civil rights. So they can't
23 have a blanket rule that says you can't have a
24 license until you get your civil rights restored.
25 And this doesn't apply to law enforcement or

1 correctional agencies or to fire departments or any
2 position that a local government deems critical to
3 security or public safety. The problem with that is
4 that it doesn't prevent the agency from simply
5 denying the license based on the underlying criminal
6 conviction. It doesn't prevent the agency from
7 taking the lack of civil rights into account when
8 those agencies have the discretion to grant or deny
9 an employment license. If you take all this into
10 account, oftentimes, it results in folks not being
11 able to get their employment license even with this
12 law that was just passed.

13 And so, again, that's all I want to take of
14 my brief time. Thank you very much for convening
15 this panel.

16 MR. JONES: Thank you.

17 Mr. Meade.

18 MR. MEADE: Good afternoon. My name is
19 Desmond Meade. I'm president of the Florida
20 Rights Restoration Coalition. I'd like to first
21 thank you-all for inviting me. Trust me when I
22 tell you, you will not -- you will not -- know
23 how much I really appreciate being invited to
24 this panel. And you have to excuse me if I get
25 excited at times, because I live, eat, sleep,

1 drink this.

2 Just to give you a brief background so you
3 can understand or have a better perspective of
4 my position to date. Just a little over six
5 years ago, not too far from this building, I
6 stood in front of railroad tracks contemplating
7 suicide. I was homeless, living on these
8 streets right here, addicted to drugs and
9 alcohol and recently released from prison.

10 I checked myself into a treatment facility.
11 After completing that, I enrolled at Miami Dade
12 College while living in a homeless shelter.

13 Today, I'm a second-year law student at
14 Florida International University and president
15 of the Florida Right Restoration Coalition. My
16 undergraduate degree is in public safety
17 management with a concentration in criminal
18 justice. So what I bring to any discussion is a
19 complete perspective from the inside out.

20 Not only did I go through Transition -- and
21 you heard from some people from Transition --
22 but I also served on the Miami Dade Homeless
23 Trust Board as well.

24 I currently co-own and manage Transition
25 Housing for ex-offenders and recovering addicts.

1 I continuously speak on a consistent basis to
2 at-risk youth and what I chose to call
3 "returning citizens." And I do that because we
4 know that the labeling of individuals increases
5 the propensity of them acting out on that label
6 as they tell us not to call our children
7 "stupid" because they'll grow up feeling that
8 way.

9 Florida State, they did a study that shows
10 that when you label someone an "ex-offender," an
11 "ex-con" that you increase the probability of
12 them recidivating and committing a crime. So
13 one thing that we've done in the Florida Right
14 Restoration Coalition is we've tried to
15 institute a new policy or you might say of
16 referring to ex-offenders as "returning
17 citizens" or "individuals who have repaid their
18 debt to society."

19 One of the very unique things about Florida
20 Rights Restoration Coalition is that our
21 leadership is comprised of people who are
22 impacted, so we're guided by people who have
23 intimate knowledge. I was made aware that
24 you-all heard from Jessica Chiappone earlier
25 today. She's our vice-president.

1 Our treasurer is Dr. Roslyn Osgood, who is
2 also formerly impacted. And she's a professor
3 at Nova University.

4 When I took over as president a little over
5 two years ago, the FRC at that time was
6 basically focusing on educating the public about
7 civil rights restoration and trying to influence
8 the policy of the cabinet as well as influence
9 the legislature to put an amendment on the
10 ballot in order to change the Constitution and
11 remove the lifetime ban.

12 However, since I became president, I've
13 kind of shifted that a little bit for a couple
14 of reasons. First of all, in the past, our
15 organization was looked at as an organization
16 that fought for the rights of convicts and
17 that's not true. What we fight for is the
18 rights of everyone, because we realize that the
19 policies that impact people who are incarcerated
20 also have impact on people who are not
21 incarcerated, not only their families, but the
22 general public at large. We've seen over the
23 years how funds have been depleted from the
24 civil courts to apply to the criminal courts,
25 you know. So we know that there are impacts.

1 These new clemency changes that occurred
2 last year, there were beliefs that it was
3 politically motivated and that it didn't make
4 any sense. Well, we have a slightly different
5 take on it. It does make a lot of sense and
6 we're not buying into totally that it's
7 politically motivated. We have instead
8 broadened our view at FRC to where we understand
9 that there are much broader implications as far
10 as with rights restoration than most people are
11 addressing and also that rights restoration is
12 interrelated to voter suppression due to justice
13 reform and privatization of persons. And so
14 that is the direction that we have been taking.
15 We've been trying basically to connect the dots,
16 not too many people really have been jumping on
17 this bandwagon, but slowly, but surely it
18 changes.

19 We know that as far as with the --
20 according to public opinion, there were recent
21 polls that were conducted by CNN that showed
22 that approximately 80 percent of Americans are
23 in favor of rights restoration. A recent
24 release study by a -- a research paper by a law
25 professor from the University of Pittsburg also

1 attest to 80 percent of Americans are in favor
2 of rights restoration, you know. So we know we
3 have some movement there. So we went beyond in
4 the public safety argument. We started putting
5 figures to rights restoration and we started to
6 bust a few myths. One of the main ones were
7 that we looked at the policy changes that were
8 made in March. The first glaring thing that we
9 seen was that it placed a nonviolent offense in
10 a violence offense category, which was a voting
11 infraction in Florida.

12 It's a third-degree felony if you vote
13 without having your civil rights restored. Now,
14 that's a non-violent offense but, however, it
15 placed it in a seven-year-waiting period
16 category.

17 After notice of that, I remember having a
18 talk with the supervisor of elections for
19 Hillsborough County. I was informed that
20 Hillsborough County identified 13,000
21 individuals who were on their roster, who did
22 not have their rights back. When you take into
23 account that Florida has 67 counties and
24 Hillsborough County has 13,000 -- it is nowhere
25 near what Dade and Broward have -- but we knew

1 that it had serious implications because, if any
2 of those individuals participated in a state,
3 county or local or federal election, then
4 they're liable to prosecution, because they
5 signed an affidavit on the voter registration
6 card that attested that they were able to vote.
7 If that individual were to be prosecuted, then
8 they would be placed, after completing their
9 sentence, in that seven-year-waiting period.

10 Now, a discussion that bothers me that its
11 not being had more often is that we often stop
12 it at five- and seven-year waiting period, when
13 in reality, after that five- and seven-year
14 waiting period, there's an additional six-year
15 application process. So individuals are not
16 waiting five or seven years, but rather 11 to 13
17 years. So now you're looking at potentially
18 90,000 individuals who may have voted
19 unsuspectedly that are now facing removal from
20 the voting process for 13 years.

21 As Mr. Martinez and others have alluded to
22 is that, even after the 13 years, you have a
23 less than 11 percent chance of getting your
24 rights restored. So we know that, with the
25 political climate the way it is, that there are

1 strong political implications.

2 Now, I tell people all the time -- they
3 look at me like I'm crazy -- I think that our
4 governor was the greatest governor that Florida
5 has had in the past couple of decades. I am
6 really grateful for him, because he's managed to
7 piss off enough people to actually stimulate
8 enough civic participation, but he's done -- and
9 I tell people this because of his actions and
10 actions of our cabinet, they have actually
11 allowed rights restoration to be the gateway to
12 open up for people to see exactly what's wrong
13 with our system and to understand that it's not
14 exclusively about felonous franchisement.

15 Now, when they made the policy changes,
16 they ordered their administrative body before a
17 parole commission to conduct a study on the
18 people who received their rights. Well, the
19 study was released, I believe, in June or July
20 of last year. And what the study revealed was
21 that Florida had a 33.1 percent recidivism rate.
22 Of the individuals in 2009 who received their
23 rights back, the recidivism rate was reduced to
24 12.4 percent. The individuals in 2010 that
25 received their rights back, the recidivism rate

1 was reduced to 5.4 percent. So that totally
2 destroyed any argument whatsoever that it was a
3 public safety issue.

4 On top of that, what I did was, based on
5 those figures and the 2010 study by Florida
6 Department of Corrections, I prepared what I
7 term a "Republican argument." And, basically,
8 what it's saying was that Florida allocates
9 \$20,000 a year to incarcerate a person. While
10 at the same time, they were only allocating --
11 Governor Scott's budget last year called for
12 3,500 per student. So based on that \$20,000
13 figure and the amount of individuals that
14 participated in that study, which amounted to
15 30,000. Out of those 30,000 individuals, 27,266
16 did not commit another offense. And so the
17 argument that I prepared, basically, stated that
18 based on the \$20,000 per inmate, that those
19 27,266 individuals represented over \$545 million
20 that the State did not have to spend to
21 incarcerate those individuals, partially due to
22 the fact that they received their rights. In
23 addition to that, they represent enough bodies
24 to fill to maximum capacity over 20 correctional
25 institutions.

1 And so my question was that: If these
2 individuals did not receive their rights and
3 would have recidivated at the rate that Florida
4 normally recidivates, where would Florida have
5 gotten the money to pay to incarcerate and where
6 would Florida have gotten the prisons to house
7 them? And that explained to me why we're
8 building prisons quicker than we're building
9 schools.

10 Now, in addition to the financial aspect of
11 it, the other part of the argument, basically,
12 was stating that when you restore these people's
13 rights, automatically you also will increase
14 contribution to the tax base that would allow
15 you to at least maintain the level of taxes for
16 everyone else, or if you did have to raise it
17 not as much as you would have. And in addition
18 to that, it reduces crime.

19 So we made the proposition to the cabinet.
20 I wrote the letter personally and I sent it to
21 everyone and, basically, saying that if you
22 institute this policy, you're going to be able
23 to reallocate the use of dollars. Each year,
24 the programs will need -- such as education,
25 health care, public safety. You'd be able to

1 increase contribution to the tax base and you're
2 going to be able to have a significant impact in
3 reducing crime. It does not cost the State one
4 penny to implement because you do not have to
5 create another agency to administer this policy.
6 They solemnly rejected. And I have the letters.
7 They once, again, said it was a public safety
8 issue.

9 What I learned in law school is that
10 sometimes you have to learn what questions to
11 ask. And before, I was asking: Why would they
12 not accept this Republican argument? These are
13 Republicans. Well, the proper question I should
14 have asked was: Who stands to benefit from
15 these policies not being implemented?

16 Earlier today, I heard, Well, what was the
17 system that is adverse to this change? Well,
18 then that's when I discovered the prison
19 industrial complex system. As I further
20 investigated, I found that this system played an
21 instrumental role in campaign contributions to
22 our cabinet members. And what I've seen and --
23 after investigating that, I've seen the policies
24 that the public had so readily accepted, because
25 they were cloaked in the "get tough on crime"

1 rhetoric or the "No Child Left Behind" or "Zero
2 Tolerance" rhetoric that allows for law
3 enforcement to interact with our kids at a early
4 age. And once that interaction occurs, that kid
5 is stigmatized and that increases the propensity
6 or the probability of that juvenile eventually
7 dropping out of school, which it increases the
8 propensity of them committing delinquent acts.

9 But in addition to that, Florida over the
10 summer passed a law that allowed sheriffs of
11 each county to house juvenile offenders in adult
12 facilities. So now, what I've seen was the
13 further indoctrination of our kids into a system
14 that at the same time was trying to be
15 privatized.

16 We know that they tried to privatize
17 prisons through our appropriations bill. The
18 courts rejected that and just the other day,
19 once, again, we were able to beat that back.

20 The system was designed to privatize these
21 prisons and, therefore, the owners of these
22 prisons, they were getting \$20,000 for it coming
23 in. But because they were privatized, they were
24 allowed to take these inmates and outsource them
25 to businesses. So, therefore, if you own the

1 company that had 20 employees and you were
2 paying them \$20 an hour, as a private prison
3 owner, I could come to you and tell you, layoff
4 18 of them and I'll give you 18 inmates and you
5 pay them \$2 a day. Well, the only problem they
6 were facing after that was that, at some point
7 or another, these individuals that was
8 incarcerated would eventually have to be
9 released because they would have repaid their
10 debt to society. So they had to create an
11 environment that would allow for the probability
12 of these individuals going away and
13 recidivating. We have to take it away.

14 And Governor Jeb Bush's task force
15 identified the areas that we needed to address.
16 And those were the same areas that were being
17 attacked. We need to take away their ability to
18 work. We need to take away their ability to get
19 housing. We need to take away their ability to
20 get an education. And once we do that, once we
21 stop them from regaining their civil rights,
22 then we increase the probability of their
23 committing an offense and coming back to my
24 system to where I would be able to continuously
25 outsource. So we knew that this touched on a

1 lot of areas.

2 I will end with this: We even went as far
3 as even identifying that the same entities that
4 were behind implementation of these policies
5 that caused our kids to enter into this system
6 and have the system become a vicious cycle were
7 also the same entities that were behind the
8 implementation of anti-immigration policies that
9 you're seeing being implemented throughout the
10 county. Because these same private prison
11 companies are also busy building prisons to
12 house immigrants. In that spectrum, they get
13 paid 48,000 a year per person they detain. So
14 we've seen it as not just purely a political
15 ploy with these policy changes, but we've seen
16 it as elected officials carrying out the
17 marching orders of their major campaign
18 contributors. We knew that, by implementing
19 this policy, it made a lot of sense: Create
20 this environment and that would cause taxpayers'
21 dollars to line the pockets of private owners.

22 Thank you.

23 MR. JONES: Thank you.

24 MR. GOLDMAN: Thank you. Let me say I am
25 fascinated by the kind of lobbying economic

1 analysis of this problem, which, I think not
2 enough has been said. I don't believe the three
3 of you were here at the beginning of the day
4 when Mr. Jones introduced it. Let me just tell
5 you our objectives, one of which we haven't so
6 far concentrated on, and I want to at least
7 initially do it. One of them is to educate The
8 Bar. We all know, those of us who are lawyers
9 and those of us who are professionals in this
10 field, that The Bar as a whole, the Criminal
11 Defense Bar, did for many years a woeful, woeful
12 job in advising clients of immigration problems.

13 There are probably thousands of people who
14 are overseas away from their families, who would
15 not have taken a plea, would -- if their lawyer
16 knew better -- have negotiated a separate plea,
17 which wouldn't require deportation and the like.
18 A lot of steps have been done to ameliorate
19 that.

20 The law has changed in the like. One of
21 our goals here is to educate The Bar. And I'm
22 picking on -- not picking -- well, don't get too
23 concerned, don't worry -- but some of you
24 because you're a Bar leader. And by the way,
25 that's a great organization. I was president of

1 the New York State Organization and I always
2 used to say, Why can't we be like Florida? And
3 I didn't mean only the sun.

4 I understand you've been the president of
5 the Bar Association, although you look too young
6 for that. You're supposed to be very old to be
7 the president. That's one exception.

8 Anyhow, let me ask you: What can we do
9 initially? Lawyers, since it's three-minute
10 justice, one, what can we do to educate The Bar
11 so that lawyers are focusing, to the extent they
12 have lawyers, these people, on I am pleading
13 guilty to something?

14 Sure, you're going home today. You're not
15 going to jail. Congratulations. The 12 hours
16 or whatever you've spent in jail were
17 horrendous. You're going home. But you now are
18 going to have a problem with your job and the
19 rest of your life.

20 What can we do with respect to saying to
21 judges, Judge, before you take a plea, advise
22 this person of what this might do. What can we
23 do to educate lawyers? And this is not quite
24 restoration of rights, but this is trying to
25 solve it at the front end, so we don't get to

1 it, about the problems of the collateral effect
2 of convictions. Let me ask you first.

3 MS. KING: One of the things that Carlos
4 Martinez was talking about earlier is that his
5 office is engaged, it seems, from soup to nuts.
6 He was talking about redemption workshops.
7 Mr. Martinez was talking about the way his
8 office in this county works. Even though they
9 are overburdened with cases, he seems to work
10 from the front end to the back end of the case
11 holding redemption workshops and those sorts of
12 things. I would suggest though that he is the
13 exception.

14 I know you're going to hear from Carey
15 Haughwout tomorrow and she's the public defender
16 in my circuit. She does similar work to
17 Mr. Martinez, I believe, in kind of the holistic
18 approach.

19 The problem, as Mr. Jones pointed out, the
20 public defenders are the front line for most of
21 these folks. I don't have the percentages. But
22 at first appearance and sometimes all the way
23 through, the public defenders, particularly
24 given the current economic climate, they are The
25 Bar that we're talking about.

1 So in some counties, the 19th Circuit, for
2 example, they didn't feel it was necessary to
3 staff first appearances with public defenders
4 until we lobbied for the criminal law section of
5 The Bar to get involved with that because of
6 what was happening in those circuits.

7 So I think, unfortunately, we'd have to
8 actually get down to educating the public
9 defenders that are the front line defenders for
10 these folks, which is fine, although, I think
11 there are some counties that are resistant to
12 that sort of thing, because their budgets don't
13 accommodate or they just don't want to do it.
14 Their folks are working around the clock with
15 overburdened caseloads as it is. But that's
16 really one focus.

17 What FACDL has tried to do is bridge the
18 gap with the Public Defenders Association to
19 say, What can we do as far as training and those
20 sorts of things to explain this?

21 Jacksonville is an area where I was
22 apprized of recently this mass plea. This
23 three-minute justice really is in force there,
24 where they use the videos and there are signs --
25 basically, your rights are up on placards in the

1 courtroom.

2 And, unfortunately, the Florida Supreme
3 Court -- I watched the oral argument in the case
4 of Eden Hill the other day where the Florida
5 Supreme Court was taking up some of these issues
6 of people just watching the video about their
7 rights and then raising their hands en masse and
8 saying, Yeah, I understand it even though I
9 speak Creole and there's no interpreter here.

10 I don't believe, after watching that oral
11 argument, that we're going to get any judicial
12 relief from these concerns about mass pleas.

13 If the issue is in the courtroom, the other
14 way to get to the problem is to work with judges
15 and some of the training that they do over the
16 summer during the judicial conferences.

17 In our circuit, we do have judges that
18 spend a lot of time on plea colloquies not just
19 the written warnings, but actually spend a lot
20 of time on the written colloquies. I have asked
21 the public defender in our circuit on this issue
22 of deportation, since they're the first people
23 that come in contact with these folks, to
24 have -- you know, Palm Beach politics often has
25 to do with little cards. Cards that you stuff

1 in somebody's hand when they're at first
2 appearance, let's say. You don't have to talk
3 to an ICE official other than to just give him
4 this information. Or you don't have to talk to
5 the police when they come in to talk to you
6 either. Or even come in and add something like,
7 you know, You do have rights and that your
8 immigration consequences can be affected by
9 anything you say and do in this building and
10 after you walk out of it.

11 I don't think we got too far with that, but
12 that's the only suggestion that I could make is
13 just getting to people quickly before they walk
14 out of the jail after taking the plea.

15 MR. GOLDMAN: Mr. Trevisani.

16 MS. TREVISANI: One thing I would suggest
17 is something that several groups are currently
18 doing and has been done in Florida, which is to
19 catalog all the collateral consequences of
20 conviction. This is -- in Florida, at least,
21 this would result in a very long document, which
22 would be too onerous to present to people, I
23 think, at the public defender's stage, but it
24 could be condensed into maybe a one-page form
25 that it could educate people on what exactly

1 sort of employment consequences that they would
2 be facing. This getting together on all of
3 these collateral consequences is often seen as
4 just writing reports and not necessarily doing
5 anything about the underlying problem. But I
6 think it does have some impact.

7 And in Florida, at least, you know, this
8 sort of thing started back in 2007 with Governor
9 Bush's Ex-Offender Task Force. And part of it
10 was cataloging all the employment consequences
11 of a criminal conviction. And then several
12 reports were written and followed up with
13 Florida Congressional analysis. Eventually,
14 this culminated in some, you know, statutory
15 relief, which was the bill that we called the
16 Decoupling Bill. It made sense that State
17 agencies can't deny a license solely because of
18 the lack of civil rights restoration.

19 I think the first thing is to get all of
20 those consequences into one place, to have folks
21 realize that there are reams and reams of
22 consequences to a criminal conviction.

23 MR. GOLDMAN: Let me ask you both -- and
24 I'm going to ask you in a second, Mr. Meade --
25 if you think about this, I want you to tell me

1 all the things that lawyers should have done
2 that you know of. We're not going to be here
3 that long. What about when this thing fell from
4 the judiciary, what about saying that judges
5 should essentially advise people, judges should
6 be aware of things? Is the Florida judiciary
7 moderately ignorant of the rights that are lost
8 or the judges not as -- New York judges -- just
9 it doesn't come into their minds usually.

10 MS. KING: I think some of them are quite
11 aware, because they either came from the defense
12 practice -- although that would be a small
13 percentage of them -- or they're just in tune to
14 those issues. But I think they're dealing with
15 mass dockets, too. Their goal is just to get
16 through the day so that the next set of cattle
17 can be brought through. So that -- you know,
18 it's systemic in some regard.

19 Now, like I mentioned, the judicial relief
20 doesn't seem to be coming our way. I think the
21 suggestion of cataloging some of the long-term
22 effects could be good if we could get into
23 training some of the judges, even if it's just
24 informally.

25 I had a client who was in her forties

1 trying to adopt a child from Asia. She had
2 stolen a bra when she was 18 and Homeland
3 Security wouldn't allow her to adopt a child
4 some -- however-many years later. So, you know,
5 it's hard to probably catalog everything that
6 can happen. But that sort of just vignette-type
7 education with a judge might be good.

8 As far as lawyers, I think we get it. I've
9 had to file post-conviction motions against who
10 is now our chief judge. Because he was once a
11 defense lawyer, because back in the day, you
12 didn't have to advise somebody of the
13 immigration consequences.

14 So you know, Padia is great. However, it
15 doesn't stretch until we get this ultimate
16 decision far enough back to say that that can be
17 rectified for a client of mine who's now facing
18 deportation. But I think the judges in Florida,
19 for the most part, would want to know these
20 sorts of things. They just don't know it.

21 MR. JONES: Larry, before you move on,
22 Ms. Chiappone wanted to respond to one of your
23 questions very quickly.

24 MS. CHIAPPONE: I just wanted to say I was
25 a law student liaison for the Juvenile Justice

1 Committee for the American Bar Association and
2 we worked on a multi-year project where we did
3 log all the collateral consequences of juvenile
4 adjudications nationally. What we did is we put
5 it into a website. So you can ask for a statute
6 per whatever jurisdiction you're in and it would
7 list all the collateral consequences of that
8 offense.

9 If we put together some kind of statewide
10 voluntary program or something that we could do
11 similar to that, which I'm sure the American Bar
12 Association is now doing after Padia, they might
13 already have started something like this. And
14 if we just maybe work in conjunction with them
15 having some -- instead of like wikipedia. So
16 anybody at any time could send an e-mail, oh,
17 you can add this. And, you know, it's based on
18 all of our efforts so it's easy to look at and,
19 again, I think addressing and having not only
20 the judges, but the prosecutors being more aware
21 of the collateral consequences.

22 So while it shouldn't be the criminal
23 defense attorney's job to maybe print this out
24 or make them aware, if we had something set up
25 like that, it would make it that much easier.

1 You can go and type in the statute, print it out
2 and be like, You do understand that if we plead
3 to this, these pages of consequences are likely
4 to occur? You know, it's just ...

5 MR. GOLDMAN: Thank you.

6 Let me ask, Mr. Meade, what would you
7 tell -- here's your chance, you know,
8 theoretically, we could publicize it. What
9 should defense lawyers know about the collateral
10 consequences of a conviction that they don't
11 know or don't think about?

12 MR. MEADE: That's a tough question for me
13 to answer.

14 MR. GOLDMAN: That's why I gave you some
15 time.

16 MR. MEADE: The reason why is because it's
17 very hard for the people here, for the defense
18 attorneys, to truly understand what's going on
19 in the hands of a defendant. Personally -- and
20 I'm hoping that you're really asking me to be as
21 honest as possible -- there's not too much that
22 a defense lawyer can do in this position,
23 particularly as a public defender.

24 The focus needs to be placed prior to the
25 individual coming to the public defender or

1 after that person has utilized a public defender
2 service. And the reason why I say that is
3 because as an inmate, we don't care about the
4 collateral consequences.

5 When you look at the makeup of a prison
6 population, over 90 percent of the population
7 was under the influence of drugs or alcohol at
8 the time they committed their offense. There's
9 a great deal of that population that, if you're
10 like me, was an addict. The only thing I cared
11 about was getting back on the street to get that
12 drug. I don't care about rights. I don't care
13 about that. I don't care about voting. I don't
14 care about serving on a jury. I don't care
15 about employment. I'm a hustler. I'm on the
16 streets. It matters nothing to me.

17 So you can educate a public defender to
18 make people aware of the collateral consequences
19 all you want, but it means nothing to a homeless
20 person. It means nothing to an addict. It
21 means nothing to a person that's a hustler on
22 the street or whatever. Now, it might mean
23 something to, say, a middle-class individual,
24 who might have a good job paying \$75,000 a year
25 or higher, but those are not the people that are

1 in our prisons.

2 The people that are in our prisons, the
3 majority are there because they're there for
4 quality of life crimes, crimes that they
5 committed based on their economic status. And
6 so these collateral consequences are of no
7 consequence to them. They want to get out of
8 those dreary, dirty broken down state jails, you
9 know.

10 Even when you poll the individuals who have
11 completed their sentence, the majority of the
12 people who have completed their sentence are not
13 trying to get their rights back to vote, you
14 know. A lot of them are not.

15 Florida has over a million people who are
16 disfranchised, but the backlog is maybe only
17 around like -- anywhere between 2- to 300,000.
18 If we have over a million, shouldn't the backlog
19 at least be seven, 800,000? So it's not of
20 great importance. People are not putting a lot
21 of stock on the loss of civil rights. The only
22 thing they're putting stock on is a perfect
23 example, me.

24 In 2000, I was sentenced to 15 years. My
25 release date was actually 2013, which so happens

1 to be the year I'm getting my JD. But right
2 now, I'm supposed to be walking the fields,
3 grazing like a blue cow. But the day after I
4 was sentenced, the prosecutor told the other
5 defendants in the box, Don't be like Desmond.
6 He took it to trial and got 15 years. So the
7 only thing they're concerned about is, I don't
8 want to do that time.

9 Now, if anything, what needs to be changed
10 is that I remember my judge and that's the
11 reason why I took it to trial, Judge Manny
12 Crespo. And he told me, he said, "Desmond, if
13 you're not guilty of this crime, then you have a
14 right to have your day in court."

15 And I took him upon his word.

16 What happens is, when you elect to have a
17 trial, the judges typically will max you out,
18 especially if you don't have a high-paid
19 attorney. The judge will give you the maximum
20 amount of time. No one wants to take that risk.
21 I was innocent of my crime that I was convicted
22 of and sentenced for 15 years, but I took it.
23 How many other people are there that did not do
24 the crime, but don't want to take the chance to
25 roll the dice because a jury might find that,

1 Hey, maybe he's too intelligent to be in there
2 so he must have been guilty. That's the case in
3 my case. And they didn't pay attention to the
4 evidence.

5 MR. GOLDMAN: That's probably -- and we
6 could go on for hours on that, too.

7 MR. MEADE: These people that you're
8 talking about, you can train a public defender
9 to tell their client as much as you want, and
10 they'll tell them until they're blue in the
11 face, You're going to lose this, this, this.
12 You can tell them everything. But at the end of
13 the day, they want to get free. They want to
14 get to their drugs. They want to get back to
15 their families and whatever and they're going to
16 take those pleas.

17 MR. GOLDMAN: Let me just go for one final
18 topic, which I heard and it sort of surprised me
19 because I never thought of it.

20 You both -- you, Mr. Trevisani, also hit on
21 it or close to it. When a prisoner -- when a
22 defendant is fined -- and I'm told in Florida
23 that there's no discretion, the judge cannot
24 suspend the fine; is that true?

25 MS. KING: It depends on the offense.

1 MR. GOLDMAN: The seriousness of the
2 offense and restitution, that restitution and/or
3 the fine and the court costs live with the
4 person. So when he or she is about to leave
5 prison after X years, given the \$50, also given
6 a bill for X-thousand dollars?

7 MS. TREVISANI: Yes. In many cases, that's
8 how it works. There is a statute that requires
9 the clerk of the court to set up a payment plan.
10 It's not always followed.

11 There's also another statute that requires
12 when somebody is so many months behind on
13 payments that it be referred to a collection
14 agency. So there's not much that can be done
15 after the fact, but, yes, some fines are
16 discretionary; but some fines are mandatory,
17 too.

18 MR. GOLDMAN: Let me ask y'all this, do you
19 think it would make a difference in the outlook
20 of someone leaving prison has if he or she knows
21 that he doesn't start off thousands of dollars
22 plus everything else behind the eight ball?

23 MS. TREVISANI: Absolutely. The folks that
24 I've talked to and come in contact with, it's a
25 huge issue for them. The legal financial

1 obligations of the legal debt can be astounding.

2 The Brennan Center has issued a report on
3 the state of legal financial obligations in
4 Florida. I don't remember the average numbers
5 offhand. But the average person coming out of
6 the criminal justice system has thousands and
7 thousands of dollars in debt.

8 MR. GOLDMAN: It's slightly better than a
9 college loan.

10 MS. TREVISANI: It's slightly better with
11 less stigma.

12 MR. GOLDMAN: Thank you.

13 MR. JONES: Margaret.

14 MS. LOVE: Okay. I was going to ask
15 Mr. Trevisani and Mr. Meade to comment on
16 something that Carlos Martinez said about the
17 usefulness of the restoration of rights
18 procedure in terms of your own, obvious, sincere
19 commitment terms of devoting yourself to try to
20 make the system work.

21 Then, Mr. Trevisani, actually -- I think it
22 was he who, actually, fessed up that less than
23 1 percent actually get their rights restored.
24 So that kind of answered my question. So I
25 wasn't about to say that you were either

1 courageous or deluded or demented or something,
2 because I, actually, have to confess that I do
3 this kind of work myself on presidential
4 pardons, and that's even less than 1 percent so.

5 Let me ask you both: If that system is not
6 working now, what would you do to construct an
7 ideal system where somebody coming out of
8 prison, like yourself, maybe you didn't care
9 going in, but coming out you did, what would you
10 do? What kind of system would you construct to
11 help people get over the collateral
12 consequences, the stigma, the social attitudes
13 that keep people in this internal exile
14 situation?

15 MS. TREVISANI: Just to respond to the
16 first part on the difficulty, you're absolutely
17 right. It's extremely difficult and at times,
18 it seems futile. A lot of my work is convincing
19 people that it's not.

20 The second thing is that -- and going more
21 back to the first thing, it's not futile in a
22 global sense, in the sense that we're trying to
23 build the movement and we're trying to -- like,
24 the numbers just keep increasing and keep
25 increasing and it gets more futile for our

1 arguments that there needs to be a legislative
2 change or a constitutional change. And I don't
3 think it's always been less than 1 percent.
4 That might have been since the new governor has
5 come in.

6 So then, back when Governor Crist was
7 governor, it was probably slightly higher, but
8 not that much.

9 To actually answer your question, that
10 would be difficult. I think Desmond is in a
11 better position. The first two, like the vast
12 majority of the states to immediately restore
13 voting rights -- and like Desmond mentioned,
14 voting rights are often the furthest things from
15 people's mind when they're taking a plea.

16 Part of my job though, on the other side,
17 is to convince people that it does matter and
18 that they do -- if they're the people that are
19 most affected from the laws in our country, they
20 need to be the people who are voting to change
21 them and that's civic participation. That, I
22 think, contributes to a lower recidivism rate,
23 although that's sort of a lesser goal. So other
24 than that, I think Desmond would be a better
25 person to answer that.

1 MR. MEADE: On the first part of the
2 question -- and I'm hoping I'm understanding it
3 right -- if the Florida Rights Restoration were
4 to make some kind of compromise or whatever, we
5 think an ideal system would be that the only
6 individuals that would probably lose their
7 rights are individuals who are convicted of
8 capital offenses and then have them go through
9 the process.

10 But everything other than capital offenses
11 and sex crimes would be totally automatic once
12 they -- and we have states that even allow
13 people to vote while they're in prison. So we
14 think that that would probably be an ideal
15 system. But to best implement something like
16 that, I think what it does is it will free up
17 agencies that you've heard from, I guess, today
18 and maybe tomorrow, that it would allow them to
19 help an individual reintegrate back into their
20 community as quickly as possible.

21 We know that that three-to-nine-month
22 window is probably the most critical time that a
23 person who has recently been released from
24 prison has to reintegrate back into society.

25 I want to point out an aspect of losing

1 your civil rights that not too many people talk
2 about all the time is that it has an adverse
3 impact on the ability to find safe and
4 affordable housing. Not only are you restricted
5 from government housing, but there are numerous
6 homeowners' associations that include that
7 provision in their bylaws. And that, basically,
8 it would prevent you from renting or even owning
9 a house if you have not had your civil rights
10 restored.

11 So by removing that, you would be able to
12 help an individual -- you know, these agencies
13 will be able to provide a more comprehensive
14 program or even a more holistic approach to
15 re-entry and assist these individuals in
16 re-acclimating back into their communities.

17 MS. LOVE: Let me just follow that one more
18 step. What do you think would be the best
19 agency or institution to grant the kind of
20 relief that would enable you not simply to
21 vote -- because that, in Florida, is unusual
22 that you don't get your voting rights back
23 immediately. Not just a vote, but to overcome
24 all of those collateral consequences that affect
25 jobs and employment and housing and all kinds of

1 things, what would you say would be the best
2 place to go, the most reliable place to go to
3 get your rights back?

4 MR. MEADE: Are you asking me that from an
5 advocacy perspective or from an impacted
6 individual?

7 MS. LOVE: No, no, no. If you had to
8 construct a system so that lots of people could
9 earn their way back.

10 MR. MEADE: Well, then I think we have an
11 issue between the 10th and the 14th Amendment,
12 because I think really it should be federal. I
13 think we should go to a federal -- because
14 here's the thing is that, interestingly, there
15 was a comment maybe about two weeks ago to a
16 Huffington Post piece that I wrote to where the
17 gentleman said he lives outside of the country
18 and he's not a resident of any state per se.
19 However, he's still allowed to participate in
20 federal elections, because he is a US citizen.

21 So I think that anything that deals with
22 voting and rights restoration should be dealt
23 with on a federal level as opposed to a state
24 level. I kind of, like, relate it to slavery,
25 because the other day I flew into South

1 Carolina. And in South Carolina, I would be
2 able to practice law.

3 The other day, Jessica had to fly to
4 New York to take The Bar because Florida won't
5 allow her to.

6 Back in the slavery days, all the slave had
7 to do was cross that line and he went from being
8 a slave to a free man. So rather than having
9 just four states implement these policies that
10 create that type of environment to where an
11 individual would have to cross the border in
12 order to really experience the freedoms that we
13 have been naturally endowed to experience, then
14 it should be administered federally to prevent
15 these four states from doing it. Did that
16 answer your question?

17 MS. LOVE: Part of it, yes. Let me ask
18 Ms. King if she has a response to that.

19 MS. KING: Back to the earlier question
20 about what I would change, I would change from
21 the cabinet making these simple rule changes
22 because that is just way too easy for the next
23 administration to come in and take it back
24 another notch. So I would say some sort of
25 legislative reform where it took actually the

1 people voting for what standards because it
2 doesn't matter now. We're talking about
3 educating the public. If the rules are in the
4 hands of a few, Pam Bondi, the commissioner, and
5 the governor, it's just not going to happen. So
6 it does seem futile.

7 MS. LOVE: But how about the actual
8 decision-making authority; would you leave it in
9 that order?

10 MS. KING: No. I think, if it was an
11 automatic thing, you know, how prisons do exit
12 interviews? That ought to be the time when
13 they're telling the guy to go register at the
14 sheriff's office and here's your bus ticket.
15 Here's a palm card that tells you you can get
16 your rights back, just go to the local
17 supervisor of elections office or whatever.

18 MS. LOVE: But I'm not talking about voting
19 rights now. I know that's what --

20 MS. KING: Oh, who would administer it if
21 was --

22 MS. LOVE: Well, I mean, if it was a larger
23 thing, dealing with all of the collateral
24 consequences.

25 MS. KING: Well, the only office would be

1 the clemency office and it's just a dead office.
2 So you'd have to fund it and get it back off the
3 ground and you'd, hopefully, have people
4 involved in that process that weren't -- you
5 know, towing that one line, which is: You're
6 not going to get your rights back.

7 I think it's the rule making.

8 MS. LOVE: How about the courts?

9 MS. KING: Well, that would be great. I
10 mean leaving it within the discretion of the
11 courts could be an option.

12 MS. LOVE: Well, I mean, that's sort of the
13 answer I frankly was trying to see whether you
14 guys had. Because when I asked Carlos that same
15 question, he immediately said that the court
16 should do it.

17 MS. KING: Well, he's also in a circuit
18 though where that would happen. It will lead to
19 the situation that he suggests though where one
20 county -- and you get into The Panhandle and
21 north of I-4, none of that is coming back. It
22 is very conservative. They don't believe in
23 re-entry and those sorts of things, so that's
24 nice. But for South Florida, I think for me,
25 that will work. For Pensacola and those areas,

1 I don't think it would work.

2 MR. JONES: Jenny.

3 MS. ROBERTS: Well, this sort of relates to
4 a lot of the questions that Margaret has been
5 asking, so let me start with Mr. Trevasani on
6 the issue of who does the restoration work. Do
7 you have a long waiting list? And have you
8 found that the public defenders are able or set
9 up to do this in any way or is private counsel
10 doing it?

11 I guess my bigger question to everyone is
12 this -- and this goes to Larry's questions: Is
13 it the role of defense counsel to work on
14 restoration of rights issues for their client or
15 does their job end with the criminal case?

16 MS. TREVISANI: You're asking me if I have
17 a long waiting list of clients?

18 THE COURT: For people who want to apply or
19 have issues that you can't serve them all.

20 MS. TREVISANI: The answer to that is: I
21 used to before the rules changed implementing
22 this five- to seven-year waiting period. The
23 biggest part of my job now is really just
24 education. To get people in that situation is
25 difficult. Most of the people I tell that

1 there's a waiting period will say, all right,
2 I'll be back in five years. And then so that
3 leads into my next answer which is why it's very
4 difficult now, at least for the public
5 defenders, to advise their clients in any way or
6 help them with the process, because the five to
7 seven years starts running when probation ends.

8 So, you know, five-year prison sentence,
9 five years of probation, we're talking ten more
10 years down the road, plus the waiting period,
11 plus paying restitution, then looking at less
12 than 1 percent. It's almost a dead end. So
13 it's very difficult. And I think there was one
14 other issue that you asked me about.

15 THE COURT: Just the bigger question of
16 should it be the role of the lawyer -- I mean,
17 assuming some of these obstacles were relieved,
18 should it be criminal lawyers' role to work on
19 restoration of rights, expungements, sealing
20 issues with clients? Assume they were
21 immediately available.

22 MS. TREVISANI: I think, yes. I think
23 that's the place it needs to start, because
24 that's where the person is coming in contact
25 with the system. And that's where the lawyers

1 are in the best place to advise the client in
2 terms of how to go and navigate that system
3 post-conviction or post-plea.

4 Like it has been mentioned, the PD's office
5 in Miami has been committed to that, as I
6 understand it, and they do hold periodic
7 workshops for sealing and expunging. And then,
8 restoration of rights has been incorporated into
9 that recently.

10 MR. MEADE: There is at least one state
11 that allows for the courts to play a role in the
12 restoration of rights to where it's actually
13 either the governor or the courts can restore an
14 individual's rights. So on that note, yes,
15 there is a role that a defense lawyer can play
16 in helping that individual regain their rights.

17 However, I think that the other aspect of
18 it is that we have to understand that civil
19 rights restoration, the loss of civil rights,
20 is, basically, a civil sanction in the criminal
21 setting, you know. So there might be some kind
22 of movement to say, Well, if it's a civil
23 sanction, then criminal defense lawyers would
24 not be funded to defend a person. Because we
25 know in civil courts we're not -- the

1 Constitution is not going to afford us
2 representation. So that might be a little
3 tricky there as well.

4 MS. LOVE: There are those of us who don't
5 think it should be called a civil sanction,
6 because it's not a civil sanction. It is part
7 of the punishment.

8 MR. JONES: We are almost out of time. I
9 have just a couple of questions for you folks.

10 Is there some value in this
11 disenfranchisement? Is there some value in
12 having someone who has been convicted of a crime
13 having to go through this process of restoring
14 their civil rights? Is there any value in any
15 of this, anybody?

16 MR. MEADE: There's a lot of value in it.
17 In anything in life, you know, whether it's a
18 piece of trash on the ground, it's going to be
19 of value to someone. The key question is: Who
20 gets to take benefit of its value?

21 Our contention is that the only value in
22 the disfranchisement of individuals is towards
23 private industries that would profit from these
24 individuals being disenfranchised, but it does
25 not value the public one bit.

1 MR. JONES: So there's no value in saying
2 to someone, "You took for granted your
3 citizenship rights the first go round and so now
4 we're going to make you earn them back so that
5 you have a greater appreciation of them once you
6 ultimately five, ten, 15, 20 years down the
7 road."

8 There's no -- no one would agree, no one
9 would suggest there is value in the road back;
10 am I right about that?

11 MR. MEADE: Deep down inside, yes.

12 MR. JONES: Okay.

13 MR. MEADE: At the end of the day, once a
14 child of the family might commit a
15 transgression, they don't no longer become a
16 part of that family. Oh, you're not a Jones
17 anymore because you skipped school.

18 MR. JONES: Well, I don't know about that.

19 MR. MEADE: I'm going to punish you, but
20 you're still going to remain a part of that
21 family. At the end of the day, you're still
22 part of the family. Disfranchisement says that
23 you're not part of the family anymore.

24 MR. JONES: Well, if that's the case --

25 Go ahead, Mr. Trevisani.

1 MS. TREVISANI: I'm not going to say that
2 it never could, that that kind of punishment
3 forcing to someone to earn back those sorts of
4 rights never could be useful. But in this
5 situation, I don't think it is. It doesn't help
6 public safety. It doesn't force people to have
7 a greater appreciation. The way that it's
8 playing out in Florida, it just makes people
9 more frustrated and less engaged with their
10 society.

11 MS. KING: Well, that's particularly true,
12 especially, if we don't tell them you're going
13 to lose it to begin with, you know. If they
14 don't understand that, then how is it
15 rehabilitative if it's never fully explained?
16 And that's the fear, I think, in the courts that
17 they say, And by the way, if I take the five
18 extra minutes it's going to explain to you how
19 it's going affect your life, they wouldn't get
20 what they want, which is the next round of
21 defendants in the courtroom.

22 MR. JONES: If that's the case and we're
23 going to abolish the disenfranchisement and this
24 whole notion of having to restore your rights,
25 why would we not do it across the board? Why

1 would we apply it to capitol cases, but not to
2 any others?

3 MR. MEADE: The simple answer to that is
4 that it's a compromise. It's just a compromise
5 that we know. I mean, as far as getting our
6 position is that everyone has a right to have
7 their civil rights restored. But we know that,
8 in this day and age where there's so much
9 emotions involved with particularly even in
10 crimes against children or certain sexual
11 offenses, we know that that would never fly in
12 the public's face and we know that, when you're
13 talking about someone who might have had a
14 family member that was brutally murdered, some
15 things the public just can't forgive.

16 MR. JONES: So it's a compromise position?

17 MR. MEADE: It is, basically, a compromise
18 position, just like the courts have allowed the
19 compromise and allowed for sanctions against
20 sexual predators for a lifetime.

21 MR. JONES: In Florida, particularly when
22 we talk about civil rights restoration, what's
23 the package of rights that we're talking about,
24 Mr. Trevasani or Mr. Meade?

25 MR. MEADE: The right to vote, the right to

1 serve on a jury, the right to find safe and
2 affordable housing, and the right to employment.

3 MS. KING: Right to bear arms.

4 MR. MEADE: Well, that's separate.

5 MS. KING: I don't think so.

6 MR. MEADE: That's separate. That's
7 separate. When you're dealing with civil rights
8 restoration, it's to vote, to serve on a jury,
9 run for office, safe and affordable housing, and
10 employment.

11 As far as with the decoupling bill, that's
12 a whole different story there. That's a whole
13 different story. That was never anything that
14 really barred it. It was just a perception.

15 The bill that was passed cleared up the
16 perception that civil rights restoration was a
17 requirement to apply for licenses.

18 MR. JONES: Then the last question that I
19 have is just when you were talking about this
20 notion and talking about collateral consequences
21 and the fact that it -- you know, if you advise
22 folks on the front end and you talk to them in
23 advance of their taking a plea or them going to
24 trial or doing whatever mechanism happens,
25 whatever happens to resolve a matter, a criminal

1 case, you said that most people aren't thinking
2 about anything other than that time they're
3 going to have to be in jail. They're not
4 thinking about this other stuff. And I wonder
5 if that would be the case if they actually were
6 advised on the front end, if they actually had
7 the ability to know. I know that, in our
8 practice, we actually do talk to folks about
9 collateral consequences in my office and in
10 New York.

11 Many times, we find that folks are often
12 more concerned about the fact that their
13 families may be kicked out of their homes
14 because of this conviction or that they may lose
15 their children because of this conviction or
16 that they may be deported because of this
17 conviction. So I'm just wondering whether or
18 not if we actually did, in a sort of
19 comprehensive meaningful way, advise folks on
20 the front end about what they were giving up,
21 what the road back was going to be, what the
22 collateral consequences were going to be,
23 whether or not their thought process would
24 expand beyond just it's going to be rough doing
25 that time or whether or not they're thinking

1 about some bigger broader pictures. I don't
2 know if you --

3 MR. MEADE: Well, those consequences that
4 you just mentioned were tangible consequences
5 and so -- you know, it's hard to really equate
6 "my family is going to get kicked out of the
7 house" to "I'm not going to be able to vote." I
8 can grasp that real quick. Also, you have to
9 understand, too, that I don't know about other
10 states. I know that a great majority of the
11 individuals that are incarcerated do not even
12 have a high school diploma. They really don't.
13 So they're not understanding about not being
14 able to do certain things.

15 Now, when you start talking about something
16 up close and personal that they can wrap their
17 mind around, then, yes, it would have an impact.
18 But to serve on a jury, to live in community
19 housing, they're really not --

20 MR. JONES: That's disconnected.

21 MR. MEADE: Yeah.

22 MR. JONES: We'll have to end it there,
23 unfortunately. Thank you guys very much for
24 this discussion. We appreciate it.

25 PANEL V

1 MR. JONES: Let's get started. Deacon
2 Farias has to leave us and so we want to give
3 him ample opportunity to give us the benefit of
4 his thoughts.

5 Welcome to both of you. We're pleased to
6 have you here. We are interested in having a
7 discussion with you. And I understand that
8 Deacon Farias has to leave in 30 minutes. So
9 we're going to change up a little bit in the way
10 that we operate. We're going to give each of
11 you 10 minutes or so to give us the benefit of
12 your thoughts, your opening remarks; after
13 which, we have lots of comments for both of you.

14 What I think we're going to do, because we
15 want to get you out of here on time, is to start
16 with you and let you give us the benefit of your
17 opening comments and then we're going to direct
18 some specific questions to you. The way that we
19 work is one of us leads the questioning. For
20 this particular panel, that will be Elissa
21 Heinrichs, who will be responsible for the
22 majority of the questioning.

23 So not to forget about you at all,
24 Mr. Bell, but just because we're operating under
25 time constraints, we're going to have Deacon

1 Farias speak first, asking him questions and
2 then make sure we get him out the door on time
3 and then we'll come back to you.

4 The other thing I would say is that we're
5 laboring under some sound issues, some audio
6 problems. So make sure when you speak that you
7 speak in a good voice and that you hold the mic
8 close to you so that we can make sure that you
9 get heard on the audio tape.

10 Having said all of that, I'm going to turn
11 the floor over to you, Deacon.

12 DEACON FARIAS: I know the microphone
13 because I had every Tuesday and Friday a regular
14 problem. It's okay. Let me tell you something,
15 I feel guilty right now in front of many
16 lawyers.

17 MR. JONES: You shouldn't.

18 DEACON FARIAS: We need to see this. It's
19 a wonderful opportunity to speak about the
20 criminal charges and especially the re-entry
21 process.

22 Let me tell you something about my
23 experience. I am involved in a Christian
24 ministry for 14 years right now. I am a
25 director of the Downtown ministry called

1 Archdiocese of Miami for seven years. This
2 ministry I am serving, I tried to provide
3 Catholic services in three counties: Miami
4 Dade, Broward and Monroe.

5 We have 34 facilities between state prison,
6 federal prison, county jails, juvenile detention
7 centers, and immigration detention centers.
8 It's too much. We have in three counties around
9 45 people in prison, in jail, or in detention
10 facilities.

11 I don't know what happened, but really it's
12 a serious situation I think for all of the
13 United States. Our country has a problem. I
14 remind a judge seven years -- ten years ago, I
15 reminded a judge in the criminal court moving
16 his finger in the air saying to the lawyer and
17 prosecutor, the public defender, and the
18 prosecutor that say this, "We have a crack in
19 the system" -- "crack in the system." And I say
20 today -- 10 years today, I say, "The system is
21 broken." The criminal justice system is broken,
22 because we had 2.4 million people in prison in
23 the United States.

24 We have 5 million people under probation
25 time and we had 90,000 juveniles that

1 pass-through the juvenile system -- 90,000
2 around the United States. That's too much.
3 What happened? I don't know. Really, I don't
4 know.

5 I have four parts to that question because
6 as a deacon and ordained minister and in my mind
7 I had a pastor in mind, Pastor Delhard
8 (phonetic). Something happened in our country,
9 something happened in our society and we need to
10 do something serious.

11 The four questions for you lawyers is to
12 ask yourself, What is going on? Why it's going
13 on? What ought to be going on? And how might
14 we respond?

15 Because it's not only money, my dear
16 lawyers, because I listen to the complaints of
17 the families: "We try to look for a lawyer and
18 they look for money." And they spend all their
19 resources to try to free their loved ones that
20 is in prison.

21 I receive every day many call-ins from
22 families of ex-offenders. I say, "I'm sorry. I
23 can't help you, because the resources are full.
24 It's complete."

25 If I give you an address, if I give you a

1 problem, they're going to say they don't have
2 the space. They don't have money. This is a
3 problem in Miami, okay.

4 They suffer so much. The ex-offender, they
5 suffer so much to find a job and housing. They
6 have problems.

7 This is the problem with the probation
8 officer, they don't have money to pay the fee.
9 And for not paying the fee, they return to the
10 prison. It's a problem in the system. It's a
11 problem, because we forgot that we are human
12 beings.

13 We forgot as a human being, our human
14 condition. During my 12 years -- 14 years
15 visiting prison, I learned something about our
16 human condition, that we are weak, that we are
17 limited and we are vulnerable. Everybody makes
18 mistakes every day as a human being. Nobody is
19 God.

20 We need to realize that we need to revise
21 our criminal justice system and to reform, to
22 try to do something that I'm going to say
23 quickly in their response, because maybe we can
24 find a solution in this way.

25 If we have people that stands for the

1 people, we need to find a place to do something
2 for them right now, for these people because
3 it's dangerous. But if we find people that they
4 are no violence, we need to make it -- we need
5 to give like a penalty, okay. No imprisonment.
6 This is the way they are thinking, because we
7 need to think.

8 We need to reflect. This is the time to
9 reflect. You invite many people here to
10 reflect. We come in here to reflect and we need
11 to do those things. I hope that we need to work
12 in the national, state and county levels -- all
13 the judges, all the lawyers, with social
14 workers, with law enforcement, educators. We
15 need to do something together, coming together
16 with local organizations, city organizations,
17 religious organizations, we need to come
18 together, to talk, to listen, like you.

19 I am thankful to be here. I don't know how
20 you find me, but I am grateful to you.

21 MR. JONES: We found you.

22 DEACON FARIAS: I think that we need to do
23 something for the ex-offenders because they are
24 human beings. They're human beings. They need
25 the chance to restore their life. I was

1 participating in the work office in Rome with
2 Catholic chaplains around the world with our
3 Pope, Benedict XVI, and this Congress.

4 I have three points. We tried to advocate
5 in the work no more death penalty. The other
6 advocate is no more life sentences, because
7 people need a chance, a second opportunity, a
8 second opportunity.

9 The problem is that the prison system, the
10 criminal justice system is not working. It's
11 not working because everything I think we know
12 you're here, I think, yes, is the prison
13 complex, industrial complex. But I say the
14 criminal justice system is complex. Everything
15 is money. And say you don't have money, I'm
16 sorry. You're going to receive a good sentence.
17 If you have money with a good lawyer, you're
18 going to maybe be free. This is the way I see
19 for many years. The justice is not justice
20 right now. I don't know if you have questions.

21 MR. JONES: Thank you. We do.

22 MS. HEINRICHS: We do have questions.
23 Thank you for that. I would like to talk to you
24 about the detention ministry and, I guess,
25 specifically, if you could -- you mentioned, as

1 far -- well, as far as the detention ministry,
2 the first question would be, at what stage are
3 you getting involved with, I guess, your
4 clients? Are you visiting them in prison when
5 they're still inmates or are you getting
6 involved once they are released?

7 DEACON FARIAS: Florida, I got involved
8 weekly, daily. Because as in my position, I
9 visit them daily in prison, federal prison,
10 state prison, whenever they call me for service
11 or for advice of the -- I speak to advise here
12 in Miami, in Broward or in Monroe. This is my
13 (inaudible portion) with 250 volunteers, okay,
14 Catholic volunteers, lay ministers, with
15 priests, bishops, deacons and religious. This
16 is the way we serving in the area, the religious
17 area. But right now for many years, I realize
18 that we need to work in the social area and we
19 try to find that we had a group of teachers to
20 try to go to prison to teach second languages,
21 English or Spanish, or whatever they need. But
22 the other thing that is impossible to find right
23 now is the legal support, a lawyer that helps us
24 to understand the system because they're busy.
25 All the lawyers, they are busy.

1 You know Carlos Martinez was here. I know
2 him very well and he's overwhelmed as a lawyer.
3 He's overwhelmed. Too many cases they had. How
4 they resolve? How they had opportunity to
5 investigate every crime? Impossible. We don't
6 have justice. The only (inaudible portion) from
7 my position is Miami Dade, Monroe and Broward
8 County.

9 MS. HEINRICHS: In addition to the
10 spiritual guidance that you provide, do you and
11 perhaps the volunteers provide any sort of
12 specific re-entry services?

13 DEACON FARIAS: No. We don't have right
14 now because we don't have the resources in the
15 parishes, in the churches. Between the
16 Archdiocese of Miami, we have 110 parishes.

17 The people is not prepared to receive the
18 ex-offenders. It's very difficult. Society,
19 they don't want to help the ex-offender, okay.
20 And this is the problem, to restore all the
21 rights of the ex-offender is one point, but to
22 restore the life is impossible right now in the
23 situation that we have because the economic
24 crisis, everybody suffers right now. It's
25 impossible to find resources to find money and

1 to ask for a house or to ask who you give a job
2 to an ex-offender that was 15 years in prison.
3 It's the reality. No one wants this kind of
4 person.

5 MS. HEINRICHS: Well, you've posed the
6 question to the panel as far as attorneys what
7 are the things that should be done. You asked
8 four questions, turning it to us to look at how
9 we can contribute to changing the system.

10 DEACON FARIAS: Yes.

11 MS. HEINRICHS: Do you see a role for the
12 archdiocese in perhaps helping to either change
13 the system or even perhaps provide education to
14 your parishioners who may share some of societal
15 fears that you've mentioned? Is there anything
16 that you've seen that has been any initiatives
17 that have taken place or do you see room for
18 such initiatives in the future?

19 DEACON FARIAS: Thank you so much for your
20 question. We have right now initiative problem
21 that we are going to in the prevention area
22 because it's another area. I see that the
23 re-entry problem is okay. We are focused on the
24 entry problem, but we need to focus on the
25 prevention area to talk to the community, to

1 talk to the parties. And right now, we are
2 going to open a program for juveniles that had
3 difficulties with their behaviors and to talk
4 with their parents to try to prevent to the
5 arrest of their son, their daughter, their
6 children because their area is not good. And we
7 are going to start in four parishes right now
8 little by little.

9 I was talking with one priest in Homestead,
10 I said, "Father, could you give me a house to
11 give the opportunity to one ex-offender?"

12 "I'm sorry, Deacon, nobody wants in the
13 backyard the ex-offender."

14 And I said, "Wow, we need to change the
15 mentality of the people."

16 And this is the reason from their values --
17 little by little because we are human beings.

18 I am alone working in this ministry. I am
19 the only staff, okay. I am the secretary, the
20 treasurer, and I clean my office. But because
21 of the economic crisis everybody agrees? No?
22 It's the reality. And we need to -- and I do by
23 heart, because it's a calling for me to help the
24 people in prison, that they are suffering, to
25 help the families.

1 And another topic in the criminal justice
2 system that we forgot is the victims, includes
3 the victims in this process of healing, and we
4 forgot this. We forgot the victims, too.

5 Sometimes in one court I was in the middle
6 of a conflict, because I was a companion. A
7 mother of one inmate, but the other side was the
8 mother of the young guy that was killed by this
9 man. And I said, I need to be over there, too.
10 I said what happened with mother? What happened
11 with the system that creates sense of healing in
12 this process?

13 I think about we need to talk about the
14 restorative justice system, restorative justice
15 system for those, for defendant, for the victims
16 is too much.

17 I am not a lawyer. Sorry my English is so
18 bad. I hope that you understand my concept, my
19 idea. But you invite me to talk with you about
20 my opinion. This is from my heart, okay.

21 MS. HEINRICHS: Thank you. Do other
22 panelists have questions?

23 MS. VANDERHORST: You mentioned restorative
24 justice, which I've become familiar with in DC
25 over the last few years. Typically, even when

1 churches don't have the resources to do the most
2 familiar arrest or re-entry programs, they do
3 have some type of mediation where they are
4 putting those who have been accused in contact
5 with members of families who feel they've been
6 victimized by offenses. I want to talk
7 particularly about those in this situation
8 labeled as "sex offenders" and whether or not
9 you're aware of any archdiocese in Florida or if
10 you're aware of any Catholic church policies
11 nationally that are dealing with sex-offender
12 issues, particularly for folks who are not being
13 released and staying incarcerated?

14 DEACON FARIAS: Remember the candle of the
15 church with the priest. All archdioceses are
16 the confidants of the American bishop. It's a
17 very difficult topic right now in the Catholic
18 church, okay, because it is very delicate. We
19 don't know how to handle the kind of situation.
20 We don't know how to handle right now. We are
21 learning. But in my case, I know very well that
22 we had ex -- I'm helping two ex-sexual
23 offenders, okay.

24 In my case, from the Catholic church, we
25 are helping in some way. We have resources.

1 We'd like to help them, but it's too many
2 people. We don't have the resources. And we
3 don't have -- the parties open or the church is
4 open right now to help them.

5 But we help them in some way because I am
6 very concerned about the sexual offender living
7 under the bridge and nobody cares. It is our
8 new leprosies. And we need to do something for
9 them. We need to because I know that they are
10 not dreaming for them. They are not dreaming
11 right now. It's an inclination that they are
12 callous. It's a psychological wound -- wound.
13 And they are not very -- I don't know if they
14 seek psychiatry therapies. They don't have any
15 dreaming for them. It's to keep them from the
16 children, keeping them from the children. This
17 is -- they said another kind of pastor, but
18 right now -- I don't know how we helped them,
19 okay. With this man, I lend him so much with
20 this to amend. Little by little we are human
21 being. As I say, we are weak, limited and need
22 to help them.

23 MR. JONES: Larry?

24 MR. GOLDMAN: No.

25 MR. JONES: Jenny?

1 MS. ROBERTS: No.

2 MR. JONES: I have just one or two
3 questions.

4 DEACON FARIAS: Yes.

5 MR. JONES: Clearly, the Catholic church
6 has an interest in the criminal justice system
7 and you direct the archdiocese office of
8 detention ministry. So, clearly, the Catholic
9 church is going into prisons and working with
10 the population, the inmates, the folks who are
11 imprisoned and also you're working with them
12 when they come out of prison. Is it your sense
13 that with respect to disenfranchisement, the
14 loss of civil rights for people who have been
15 convicted, that the Catholic church's position
16 is that we ought to (a) work with those people
17 so that they can be restored to society,
18 restored to their status and (b) that on the
19 front end it might be a wise idea that these
20 folks ought not lose their status and their
21 rights in the first place; is that generally
22 speaking where the Catholic church is on these
23 issues?

24 DEACON FARIAS: Yes.

25 MR. JONES: So the question that I have

1 then it seems -- and for the first time in the
2 last panel, I think we explicitly talked about
3 the abolishment of civil disenfranchisement that
4 you're accused of something. If you're
5 convicted, you go to prison. You serve your
6 time and when you come out, you are restored to
7 your citizenship and you can go back about life.
8 And abolishing all of these civil rights
9 disenfranchisements, clearly, the Catholic
10 church -- and we've seen this within the last
11 few days and weeks. And the way that they were
12 able to get directly to the Obama Administration
13 on contraception and those issues, clearly, they
14 have a powerful lobby and a voice. Do you think
15 that we could bring the church, the Catholic
16 church and what is the correct role for the
17 church, the Catholic church, in terms of
18 lobbying and bringing their considerable
19 presence to bear on these very issues in a
20 legislative capacity to talk about abolishing
21 disenfranchisement or changing the restoration
22 process significantly? What do you think the
23 role of the Catholic church should be in this
24 area?

25 DEACON FARIAS: It's going to be really an

1 impact because the power for all the Catholic
2 church, we have right now the American Catholic
3 Correction Chaplain Association. It's all the
4 chaplains, all the Catholic chaplains in the
5 nation, we come together talking about prison,
6 talking about the issues around the criminal
7 justice system. Yes, yes, of course, maybe we
8 can go to the bishop, to the confidant bishop,
9 to talk about this. We have in Florida seven
10 bishops that they are concerned about prison.
11 This is the reason that one a year we are going
12 to Tallahassee, the director of prison ministry
13 of each of the seven archdiocese directors and
14 in front of the secretary of the Department of
15 Corrections to talk about issues, problems.
16 Yes, the Catholic charities, it's an advocate.
17 It's our expansion. It's social justice. It is
18 part of doctrine of the social justice.

19 MR. JONES: Well, thank you for coming.

20 DEACON FARIAS: You're welcome.

21 MR. JONES: I'm glad that we found you and
22 I'm glad that you came and you gave us this
23 testimony.

24 DEACON FARIAS: Thank you so much. And I'm
25 sorry about my English.

1 MR. JONES: We appreciate you being here.
2 Thank you.

3 Mr. Bell, the floor is yours.

4 MR. BELL: My name is Cleve Bell. I'm the
5 executive director of Riverside House.
6 Riverside House is a 24/7 residential facility.
7 I like to think of ourselves as recyclers. We
8 recycle broken lives that have been despaired on
9 the streets of our society.

10 My own experience has been one that I
11 myself -- as I look at these red seats, it kind
12 of reminds me of Valentines, because it was
13 February 14th, 43 years ago, that my life was
14 changed. My sobriety date now is --
15 February 14th, I've been clean 43 years. So
16 that, to me, is a big accomplishment. And we
17 try and that's basically the gist of what we try
18 and do at Riverside House with those individuals
19 that we have a chance to work with.

20 I, myself, when I was released from the
21 institution just happened to be fortunate enough
22 to come across some people, and those folks took
23 a special interest in me and enabled me to go to
24 Miami-Dade Community College where I got an AA,
25 an associate in arts. Another friend helped me

1 to go to the second two years, which was at FIU.
2 So I got a bachelors in music. At the end of my
3 educational experiences, I was faced with the
4 same decision that most people have which is,
5 what in the world am I going to do with a degree
6 in music?

7 A friend of mine knew about Riverside
8 House. And he asked me would I go to Riverside
9 House and do a weekly Bible study. So 43 years
10 ago I went and it was one night a week. I said,
11 I can do one night a week. That's not a big
12 deal.

13 So I get there and the executive director
14 at that time decides that he wants to take a
15 one-year sabbatical. So they asked me, "Would
16 you fill in until he returns?" Well, that was
17 43 years ago. I was waiting on him; now, I'm
18 looking for him.

19 I think that when we talk about restoring
20 folks' rights, I just think it's very important
21 that we do that so that people can engage.

22 Now, I must admit even though, I'm a
23 proponent of restorative -- of people's civil
24 rights, I kind of used it to motivate myself.
25 In other words, I'm going to do everything you

1 say could be done by a person that had their
2 civil rights, even though I don't have them, I'm
3 going to do it anyway. So I used that as a
4 motivating factor to go to school, a motivating
5 factor to go to college, a motivating factor to
6 do what I'm doing today.

7 So for me, I'm a big proponent of attitude,
8 adjustment. Because if one waits for the system
9 to get right, it will never -- nothing will ever
10 happen. And I think that I worked with the
11 system. In fact, I'll be in Washington on the
12 19th through the 21st.

13 I'm a part of a group called the ICCA,
14 International Community Corrections Association.
15 We meet annually in Washington. We work The
16 Hill. We make our rounds. And this has been a
17 discussion point that we've been discussing for
18 at least 15, 20 years by now. But I must say
19 that we have made progress. Progress has been
20 made. But there's a whole lot more we've got to
21 do. I think for me, from the little
22 contribution that I have to make, I think my
23 role is to try and get the inmate population to
24 realize that they have to be participants in the
25 process, that they can't wait on something to

1 fall right because it won't.

2 People sometimes in substance abuse
3 programs we say that some of our clients that
4 people in recovery are the only ones that sit
5 around wanting to be congratulated because they
6 got up and went to work on time. We said
7 millions of people do that every day and nobody
8 ever says a thing. So the point is that we
9 really need to find -- I'd like to find a way to
10 begin to make this restorative thing work. How
11 did we do it? How does it work in other states?
12 And what can we learn from it? Some of the
13 things that we've been doing in Tallahassee is
14 trying to chip away at it.

15 It's always tough to overturn something
16 completely. So you see if you can get your foot
17 in the door, if we can make a little
18 consideration here and a little leeway here. So
19 that's what we've been working on in the last
20 ten or 15 years here in Florida.

21 The population that I work with now, I work
22 with federal inmates. We run a 80-bed facility.
23 Our daily count runs about 80. About ten
24 percent of those are women; the others are men.

25 The big challenge that we face with our

1 population, I guess, it's the same we face with
2 any and that is employment. And, again, my
3 thing is that I have found that if you're able
4 to tell -- if you're able to help people to
5 understand what it is that you're trying to
6 accomplish, I have found that people are
7 100 percent supportive in trying to help people
8 to be successful in re-entry and recovery.

9 So my thought today is that, you know, we
10 just got to keep working at it, keep working at
11 it. And, you know, when we get a victory, we
12 celebrate it, but not rest on it, because
13 there's more we've got to do. I think we've
14 done a lot, but a lot more still needs to be
15 done. So I hope that this kind of answers some
16 of the -- at least gives you some thoughts of
17 some of the things that I'm involved in.

18 MR. JONES: Thank you.

19 MR. HEINRICHS: There are previous
20 panelists that have mentioned in some form or
21 fashion how -- I guess, the importance of
22 educating society. One panelist mentioned that
23 many people -- I don't think he said most
24 people, but many people have not had personal
25 contact with somebody who is reintegrating back

1 into society from prison. And because of that
2 media, for a variety of reasons, people are
3 fearful.

4 Now, in researching Riverside House, I was
5 on the website and you talked about how the
6 program started with one building, one home
7 behind the church; is that correct?

8 MR. BELL: Correct.

9 MS. HEINRICHS: It's since expanded, but
10 the website also discusses community involvement
11 and outreach.

12 MR. BELL: Yes.

13 MS. HEINRICHS: And although it doesn't say
14 it specifically, while I was reading it, I was
15 wondering, does that include educating in the
16 immediate community? Did you have any
17 resistance when the facility was first opened?
18 Have you faced resistance since then or has it
19 been, you know, rosy existence in the
20 neighborhood? I'd like to hear how that's
21 worked for you and if there are successes.
22 You've had successes, obviously, along the way.
23 What do you attribute to that, specifically to
24 the community interaction with your residents?

25 MR. BELL: When we first opened, we had to

1 have a public hearing, which is part of zoning.
2 And it was a very tense time, but we finally got
3 it through. We also had folks working on our
4 board, who were very familiar with zoning. I
5 think the other thing that has been a big plus
6 for us is that we have a positive history in the
7 community. We really do work hard to honor
8 those things that we said we're going to do in
9 terms of security of the system.

10 I have a right to gamble with my life, but
11 I don't have a right to gamble with yours. So I
12 need to keep in place all of those systems of
13 accountability. Accountability is a big deal.
14 So we really work hard on accountability, making
15 sure that people are where they're supposed to
16 be, when they're supposed to be there. If
17 they're not going to be where they're supposed
18 to be, then they need to find other places where
19 they can reside. Because I think it's important
20 that if I say that a person is accountable that
21 they're accountable. So that is the case.

22 I'm also involved with the Homeless Trust
23 Coalition here in Miami. We started out with
24 that group probably about 15 years ago. And we
25 was able to put together a one-cent sales tax on

1 all food establishments that does over \$400,000
2 a year. I think that probably generates about
3 12 million and that way we work along with HUD
4 providing housing. We went from, oh, four or
5 500 beds to we now have 5,000 beds on any given
6 day for homeless individuals and their families.
7 We had to work, even with district zoning. At
8 first when we first got our zoning here in the
9 city of Miami, we had to show -- we only won by
10 one vote on the city commissioners. And the
11 thing that was funny was they were kind of
12 treating us like we were the millionaires that
13 had all the money. We simply wanted to help
14 homeless people. But I've gone through this
15 whole thing of siting of locations.

16 And I think for us that if there's any one
17 contributing factors that -- we've had a
18 positive history in the community. We work hard
19 to protect it. And we're involved in the
20 homeless. We're also involved with mental
21 health. We also work extremely hard here in
22 Dade County to be a part all the coalition of
23 providers -- you know, Camillus House, Lotus,
24 all of them. So we try and stay very up to date
25 on all of the services that are being provided,

1 because sometimes there are other groups that
2 have services that can be rendered to the people
3 I served that I don't have myself. So we do a
4 fairly good job on collaborating and working
5 together.

6 MS. HEINRICHS: I would imagine that that
7 collaboration and the history that you have both
8 with Riverside House and with the Homeless
9 Trust, you've built a level of credibility in
10 the city --

11 MR. BELL: Yes.

12 MR. HEINRICHS: -- a larger community. How
13 do you see that credibility? How do you see the
14 experience that you and those you work with, how
15 do you see that helping? And do think there's
16 room to help the population of those returning
17 to the community who are sex offenders? Because
18 as you know, there are housing restrictions in
19 place that keep them out of the neighborhood.

20 MR. BELL: Right.

21 MS. HEINRICHS: You're talking security
22 steps that have been taken in your facility and
23 I think security and public safety is an issue
24 that's often looked at specifically when we're
25 talking about sex offenders.

1 MR. BELL: Right.

2 MS. HEINRICHS: What role do you see your
3 coalition and the service providers that you
4 work with, how can they use their credibility to
5 help that population?

6 MR. BELL: Well, we haven't been very
7 successful yet. We've been working on it for
8 the last five years here in Miami and now we
9 have an ordinance that says you can't -- I think
10 it's 2,500-square feet from a daycare center or
11 school or a bus stop. There are probably 70,000
12 bus stops in Dade County. So we haven't really
13 had a lot of success with that. We still are
14 working on it.

15 Probably about six months -- well, maybe a
16 year ago -- we had a group living off of the
17 beach under the overpass over there. You may
18 have heard about that. We finally were able
19 through the Homeless Trust to try and find some
20 people to help us to work with those folks. But
21 that's something that we really need to go back
22 to the drawing board on and try and figure out.

23 Our community doesn't really know how to
24 handle it. And when it becomes public and
25 political, the chances of getting anything done

1 is slim and none until you can find some movers
2 who are able to help you to move the agenda
3 forward. But right now we are very depressed in
4 this community at least from my perspective in
5 how we treat sex offenders.

6 And the other thing, too, is the way we
7 categorize them. We branch everybody under one
8 heading. And that maybe -- you know, they may
9 not all be there for the same. For example, a
10 person who texted somebody could be a called a
11 "sexual predator" as opposed to somebody who
12 raped somebody. It's like they've got a pot and
13 they just put everybody in it. And they call
14 them "sexual predators." Because once you do
15 that it's over.

16 So what we're trying to do and the
17 coalition is trying to do is we're continuing to
18 voice those things. We lost a battle on the
19 ordinances. One time what was happening is that
20 people were sending their folks from other
21 places to here. And once that happened, then
22 the city commission and the county commission
23 and once you get that going, it's reactionary.
24 We can't say today that we had a case that said
25 we had to do it this way. But it was a bad

1 topic of the year. It's not a topic you wanted
2 to talk about because it gets emotional.

3 I think part of the problem is is that a
4 lot of folks have people in their families that
5 have sexual issues. But I don't think we know
6 how to talk about it. So as a result, we don't
7 get anything done with it. But it doesn't stop
8 us from at least trying. I don't know of any --
9 you know, we're pushing. In fact, there's not a
10 meeting we don't go to that that doesn't come
11 up.

12 Our chairman has gotten to the point now
13 where he loses his cool as soon as it comes up,
14 because we have no solution at this point. But
15 that doesn't mean we shouldn't try and find one.

16 MR. HEINRICHS: I should have asked this
17 question to some of the other panelists. It
18 just crossed my mind now. But I practice in
19 Pennsylvania and a lot of the ordinances that
20 are affecting sexual offenders have been
21 challenged successfully now at the state Supreme
22 Court level and now they're rolling back these
23 ordinances. Have you seen anything like that in
24 Florida?

25 MR. BELL: No.

1 MR. HEINRICHS: That doesn't surprise me
2 based on what I've heard all day. I thought it
3 was worth asking.

4 MR. BELL: But I tell you what, I really
5 would love it if I could get some of that
6 information that you're talking about, because I
7 would love to bring some of that up here in the
8 city with some of our leaders. If we got some
9 actual cases where those things are being looked
10 at, I think I'd love to -- I'd like to push
11 something like that in the community, because
12 there are people that we can talk to in the
13 community, but we need examples or we need to
14 see some cases that perhaps you think would be
15 good cases to discuss, because the will is here.
16 We just have to do a better job of educating
17 people.

18 MR. HEINRICHS: I want to go back now to
19 the services that are provided by Riverside
20 House.

21 MR. BELL: Yes.

22 MR. HEINRICHS: You provide drug and
23 alcohol inpatient -- or extensive inpatient? Do
24 you do inpatient services or is it outpatient?

25 MR. BELL: Outpatient. In other words,

1 when they come to us, they are there
2 residential. Now, what the feds have is they
3 have a program called "Teed Out," which, I
4 think, is a national group. And they contract
5 with them to do all of their mental health and
6 substance abuse treatment.

7 So I have the person in my facility, this
8 group comes in and does the treatment. I do the
9 case management. I do the job placement. I do
10 life skill classes. I do a family
11 reunification. I do things like getting them
12 back into the community. I have community
13 relation board meetings where I bring in the
14 public so that they can see a little of what
15 we're doing and who we are.

16 We have quite a few -- like last night, for
17 example, we had Valentines night. Families, we
18 had probably about 150 people there last night,
19 the families of the clients as well as friends
20 of Riverside House. So we do five of those
21 kinds of events every year. We do Thanksgiving,
22 Father's Day, Mother's Day, Christmas and
23 Thanksgiving. And that's our connection to the
24 community.

25 MR. HEINRICHS: With the family, what was

1 it that -- how did you describe it, working with
2 the families?

3 MR. BELL: Yes.

4 MR. HEINRICHS: Let me just back up. First
5 of all, when you're talking about those who are
6 placed with your services --

7 MR. BELL: Right.

8 MS. HEINRICHS: -- is this post-release or
9 is this a pre-release program? How does that
10 work?

11 MR. BELL: This is post-release. When they
12 come to me, they still have probably -- let's
13 say they're at the end of their sentence and
14 they probably are there with 120 days on their
15 sentence. They finish those 120 days, they then
16 go on probation. Some will go on to probation.
17 In fact, most of them go on probation. Because
18 if they don't come through me, many of them go
19 directly to the street. So they come to me and
20 then they go to probation. We have to prepare
21 them for re-entry back into the community, jobs
22 and whatever may be needed in order to get them
23 back into the community.

24 MR. HEINRICHS: So the work that you're
25 doing with the families, it's going to be

1 somewhat of a limited --

2 MR. BELL: Yes.

3 MR. HEINRICHS: Okay. Then moving to the
4 employment services that you provide, what is it
5 that you do? What do you provide for them? And
6 if you could also talk about what contact, what
7 partnerships you may have with employers.

8 MR. BELL: Well, the thing that we do
9 internally is that we work on the basics of
10 employment like resumés, application filling
11 out -- you know, how to complete an application,
12 some of the basic kind of things. We have a
13 staff person whose task it is for them to go out
14 into the community and try and find venders and
15 companies that will work with us.

16 Over the years, we've developed a list of
17 companies that work regularly with us. And so
18 whenever we have people come in, we always go
19 back to those. We're always trying to increase
20 that number. So that's the way we do it at this
21 point is we develop our own contact and we have
22 a full-time staff that does just employment
23 placement.

24 MR. HEINRICHS: Do you find that the
25 employers that you're working with on a repeated

1 basis, are they coming from specific industries?
2 Is there a range? How would you describe the
3 types of jobs that your residents are securing?

4 MR. BELL: I would say it would be
5 basically re-entry kind of work in terms of
6 maintenance, restaurants, some hotels. I would
7 think those would be the main industries --
8 construction. But, of course, some of those
9 things are in decline right now. But those are,
10 basically, the fields that we have here in Dade
11 County. And so those are the markets that we
12 usually try and copy into. Those are the ones
13 that have been helpful to us.

14 MS. HEINRICHS: Do you provide any wrap
15 around or, I guess, follow-up services for lack
16 of a better term?

17 MR. BELL: We have what we call
18 "aftercare," but it isn't -- at this stage in
19 the game when the person leaves me because
20 they're in the federal system and when they're
21 released to probation, there's no longer any
22 guidelines on their coming. But we do provide
23 opportunities for them to come back and
24 participate in any way that they can. But we
25 have no strings on them. So when they finish,

1 they are finished. But we do have what we call
2 "aftercare," and they can come back. Let's say
3 for example, they lose their job or they're
4 having family issues, anything that they may
5 have, they can come back to us and we will work
6 with them (a) by directly addressing it
7 ourselves or making referrals into the
8 community. So we don't drop them once they
9 leave.

10 MS. HEINRICHS: Based on your experience
11 working in the various aspects that you work
12 with Riverside and -- I'm forgetting the name of
13 the other.

14 MR. BELL: The Homeless Trust.

15 MS. HEINRICHS: Yes. What do you see as
16 the most significant barriers to re-entry with
17 those that you've worked with?

18 MR. BELL: I think that -- I'm just
19 thinking. A couple of things that come to mind
20 is that we've had a problem perhaps with
21 employment and housing. And some of those have
22 been, I think -- there's a trend of thought that
23 we've been dealing with that if a person's
24 family is on Section 8 housing, that that person
25 that was incarcerated can't live in that home.

1 Now, there is some information from the feds
2 that says that's not the case. And they say
3 it's based on each jurisdiction and how they
4 care to interpret that. But we do have some of
5 that happening in our situations where -- in
6 fact, right now I've got 11 people that when
7 they leave my program will be homeless.

8 So what we're doing now is looking at
9 opening up a three-quarter-way house and trying
10 to find a way to -- because if we got them jobs
11 and if we've got them kind of on their feet,
12 it's kind of a sad thing to just drop them on
13 the street because we've invested an awful lot
14 of money in them. And so right now we've
15 correlated with about four or five different
16 homeless shelters and they're trying to help us
17 with some of these. We've probably got about
18 six of them that haven't left yet. But five or
19 six have already left and we've been able to get
20 them in the housings.

21 So we'd like to open a 40-bed residential,
22 a three-quarter-way house, which is a lot less
23 structured. It's a place where like they're
24 reporting, where people can kind of still be
25 connected, but still be encouraged to be on

1 their own as well.

2 MR. JONES: Larry.

3 MR. GOLDMAN: Let me ask you, sir, a couple
4 of questions in a couple of areas; one with
5 respect to these people you're working with
6 there, re-entry, do you run into legal barriers
7 often that prevent them from getting jobs,
8 housing? What, if anything, do you do about
9 that?

10 MR. BELL: The only cases we ever run into
11 is sometimes when a person has come out of
12 prison with an alias and under the other name
13 they have about five or six other charges and we
14 didn't know about it, that they've had driving
15 violations for driving without a license and all
16 those kind of things. And when those kind of
17 things happen, we have to try to regroup with
18 them. And we have to call the bureau to find
19 out (a) Are we going to let this guy stay here
20 or (b) What are we going to do with them?

21 In most cases, they let them finish out
22 their term here because they don't have access
23 sometimes with all the other information having
24 to do with the alias. But we do have guys
25 picked up from time to time. And we have to

1 work with them. And what we do is we have to
2 follow through with them and get them reassigned
3 back to our facility. So I don't know if that's
4 what you're asking, but that's probably the big
5 reason.

6 MR. GOLDMAN: I was asking what things have
7 the law got in the way of your work or have you
8 not yet got to that point?

9 MR. BELL: Well, I think what I said
10 earlier, probably the housing part in terms of
11 Section 8 housing where we're told that if a
12 family member -- we have quite a few people that
13 come through our program that have family
14 members that are in Section 8 housing. And so
15 when that becomes the case, we have to then work
16 with that person until we can find alternatives.
17 And in a case like this, that person would
18 probably be designated as homeless and we then
19 would have to try and find some shelter for them
20 temporarily until something can be worked out.

21 MR. GOLDMAN: Let me go to another area,
22 which is slightly off topic perhaps, but maybe
23 not. Riverside is faith-based?

24 MR. BELL: Yes.

25 MR. GOLDMAN: Do you, as a faith-based

1 organization, run into any restrictions in terms
2 of government funding, government support?

3 MR. BELL: I don't. Because one of the
4 things that I've done early on is that I do --
5 you know, anything having to do with faith
6 based, Bible studies, or anything along that
7 nature, I raise money for that separately. I
8 have a separate budget, a separate program.

9 And what I do for the feds is what --
10 they'll ask in the RFP. I work strictly with
11 that. And my task then is to try to make these
12 things work out in a way that would be helpful
13 for people. But I raise money separately for
14 the faith base.

15 MR. GOLDMAN: I'm going to ask a question
16 that I think I know the answer to. I know your
17 answer. But I'm going to ask you why. Do you
18 feel that a faith-based organization has a
19 better chance, it's more successful in helping
20 people re-enter society successfully?

21 MR. BELL: Yes, I do think so.

22 MR. GOLDMAN: And why?

23 MR. BELL: Why? Well, I think I have to
24 probably curse it and say that in the case of my
25 program, I'm pretty sure that folks get a better

1 shot at my shop than they do a lot of places.
2 And the reason for that is that I really -- I
3 feel -- in my case, I feel called to do what I'm
4 doing. I don't do it for money. I do it for
5 notoriety. I do it because I feel called to do
6 it. And part of my call is that somebody 42
7 years ago was on the front step and when I came
8 and asked for a cup of water, they gave it to
9 me. I'm here today because people believed in
10 me. And it made all of the difference, you
11 know. I wouldn't be here if somebody didn't
12 believe in me.

13 I have a family that heard me speak at a
14 place. And the gentleman asked me about my
15 schooling, whether I was interested in going to
16 school or not. At that point, I wasn't really
17 interested. He said, "Well, if you're ever
18 interested in school, let me know. I want to
19 help you."

20 So I found about a year after he had asked
21 me, I went down to his house and I told him, I
22 said, "Well, I think I want to try this school
23 thing." I wasn't sure. I dropped out in high
24 school. So I wasn't sure if I was up for this
25 school thing.

1 So I go and he takes me into his den and he
2 gives me a check for \$5,000. And he gave me
3 \$5,000 for 4 semesters for five years. That's
4 how I got through school. My point of telling
5 you that is that I see that happening every day.
6 For me, it happened because of the faith base.

7 Now, let me just clarify: When it comes to
8 the faith base, I'm not a Bible thumper. I
9 don't think you have to say things the way I say
10 it and I don't think you have to believe exactly
11 like I believe. I don't have conditions that if
12 you don't do this, you can't come. Because I
13 don't think that's the gospel. I think the
14 gospel is about accepting and loving people the
15 way they are. We may have differences, but I'm
16 just not one of those guys that has it all
17 figured out. I'm still trying to figure it out.
18 Some people got it figured out already. I
19 don't. And so that's the way I run it.

20 Now, I don't think that some faith-based
21 programs are as effective as others, because I
22 think some of them are too rigid and too -- too
23 rigid, I think, is the word. But I do think
24 that if we look at the statistics with prison
25 ministries like Chuck Colson and those guys, we

1 find that in the institutions where these
2 programs are run that there is a decrease in
3 events there in the prison. And so we have some
4 good stats on some of that today.

5 MR. GOLDMAN: So I assume or let me know --
6 let me ask you, would you favor government
7 funding for more faith-based programs?

8 MR. BELL: I'm not sure I would today.

9 MR. GOLDMAN: Why not?

10 MR. BELL: Because I really do think
11 there's a separation between church and state.

12 MR. GOLDMAN: Okay. Well, let me ask you
13 the question because, obviously, we're not
14 getting into first amendment issues. But would
15 you think that -- putting aside first amendment
16 issues, like government funding. We're here to
17 try to fact find, not make decisions yet. Would
18 you think that more government funding for
19 faith-based programs like yourself would be
20 helpful in moving people into society quicker?

21 MR. BELL: I think that just today in terms
22 of us talking, I would have to study that a lot
23 more because I'd like to know what that entails.
24 I mean, I hear it and the sounds of it, but what
25 does that entail? And I need to be able to talk

1 about what that entails.

2 MR. GOLDMAN: Okay. Thank you, sir.

3 MS. VANDERHORST: I want to first ask you
4 what are the racial, cultural and economic
5 demographics of the populations that are seeking
6 your services from Riverside?

7 MR. BELL: Right now at Riverside House we
8 have -- today's population -- now, for the year
9 to date starting 4/1 through to today, 16
10 percent was African American, 11 percent
11 Caucasian, and 55 percent Hispanic.

12 MS. VANDERHORST: And with such a
13 significant Hispanic population in particular,
14 do you have interpreters working with you?

15 MR. BELL: We have both English and
16 Spanish. We have bilingual staff.

17 MS. VANDERHORST: And then the hard
18 question --

19 MR. BELL: It really creates a challenge.

20 MS. VANDERHORST: The hard question I want
21 to ask you has to deal with sex offenders. I
22 listened to your comments about how Florida does
23 now have a category that separates serious
24 offenses from somewhat minor offenses, but kind
25 of labels everyone who has an offense either

1 slightly related to a sexual issue as a sex
2 offender. If you had a receptive platform for
3 Florida's executive and legislative branches and
4 resources were not an issue and whatever you
5 said they should do, they were willing to do it,
6 what would you propose as a solution on how to
7 begin working with reintegrating persons who
8 have been labeled as sex offenders?

9 MR. BELL: You know, when you've been
10 around as long as I have, you've seen certain
11 plates that are circulated that we had before.
12 Twenty years ago, we did an excellent job in
13 Dade County with the sex offenders. We had a
14 couple of doctors, Dr. Charles Mutter and a
15 couple of other people who spearheaded it. And
16 we had a couple of facilities where sex
17 offenders were there and they went through one
18 year of treatment. And part of that
19 treatment -- in fact, Riverside House we've
20 worked with sex offenders for five years 20
21 years ago. And it was kind of normal the way we
22 did business. We also had a sex offender
23 treatment center in Gainesville. So the state
24 itself was even committed to the whole process.
25 But over the years, I guess as things changed,

1 but if I was to have my way, I would go back and
2 take a look at some of the things we did 20
3 years ago, because we did a good job. In fact,
4 I still have contact with some of those sex
5 offenders that I worked with 20 years ago.
6 They're in the community. They're doing fine.
7 They're doing well. I think that if we could go
8 back and look at some of those and make maybe
9 some minor adjustments here or there or tweak
10 them here or there, I think that we could really
11 use that whole system, again, in trying to
12 address this issue with sex offenders. I've
13 worked with them. I don't see it any different
14 than drug addiction or anything else, because --
15 but, again, I've worked with them. And now, was
16 everybody a perfect case? No.

17 There was one incident where I had a young
18 guy that had a tendency to -- he was in a
19 situation where he would go and peek in windows
20 of people's houses. So he would come back to
21 the facility. And when he told me, I said to
22 him, "You can't do that."

23 So he said he understood.

24 The next night he went and did it again. I
25 took him in my car, took him back to jail and

1 had him locked up, because he didn't understand
2 that he was to tell me that when he had the
3 urge, not after he had done it. There was a
4 difference. Tell me when you feel like you're
5 getting ready to, because then I can help you.
6 But once you've done it, I can't help you
7 anymore. So what I did is took him back to jail
8 so that he could receive some more treatment.

9 But I think that what has happened is that,
10 you know, anything in our society, in my
11 experience has been once it gets emotional, you
12 lose all perspective and sometimes we overreact.
13 I think with sex offenders, we're doing the same
14 thing. I think we're overreacting. There's
15 some folks there that really do need help. Most
16 of them need help. But we can do that. We've
17 done it before. We can do it again. But we
18 have -- you know, times have changed and as
19 you-all are aware at this table.

20 But to answer your question, what we did 20
21 years ago, I could go back and look at it again
22 and roll out some of it because I thought it was
23 very effective.

24 MS. VANDERHORST: Can you tell us a bit
25 what factors were used 20 years ago,

1 particularly in the one-year treatment program
2 that you were telling us about?

3 MR. BELL: One facility was located out on
4 27th Avenue. And what they had is a rigorous
5 program where starting at 8:00 in the morning
6 you were engaged in something having to do with
7 dealing with your issues. They had treatment.
8 They had therapy. They had groups. They had a
9 very comprehensive program. And probably about
10 three months or four months before they were to
11 be released, they would then contact agencies
12 like Riverside House and we would start working
13 with them on an entry level and we would work
14 with them until it was time for them to be
15 released. And then when it was time for them to
16 be released, then we would bring them to
17 Riverside. By that time, we had known them for
18 three months at least.

19 And the other thing that was a key factor
20 is that we also used to tie the family into it.
21 That's a very important ingredient. I've had
22 people that have been pretty dangerous.

23 The one condition that I have used to work
24 with dangerous people or individuals is that if
25 they have family, we stand a chance. Family is

1 always a key ingredient in that. So what I
2 would always do -- for example, I have people in
3 jail that the judge used to send me and he'd ask
4 me would I take them and they were kind of
5 suspect cases. And the first thing I would want
6 to know is, does he have a family? And what I
7 would actually do is go and meet the family.
8 And I'd say to them, Ms. Johnson, you know,
9 Daryl is in jail. But he can get out but this
10 is what we have to do. Ms. Johnson, can you
11 help me do that? Can we do this together? And
12 if she said, yes, then that's all I needed. If
13 she said, no, then I didn't have anything to
14 work with.

15 But those are some of the things that we've
16 done and tried in the past.

17 MR. JONES: Thank you.

18 Margaret.

19 MS. LOVE: Yes, sir. I have two questions.
20 As long as we've been going down memory lane, my
21 guess -- I invite you to go even further down
22 memory lane back to the time when you started in
23 this business in the mid '70s -- 1977, I
24 believe, if I recall from your description here
25 in your file and ask you -- we talked a lot

1 earlier today about the restoration of rights
2 system in Florida for restoring civil rights, a
3 system that somehow has gotten linked up with
4 restoring a lot of other rights -- jobs,
5 housing, all kinds of stuff that's all kind of
6 linked into this voting rights for better for
7 worse. Back in the '70s that was an automatic
8 restoration procedure. And I wonder if you --
9 and it wasn't until the early '90s Governor
10 Chiles, I think, changed it to a hearing type of
11 procedure. And I'm wondering if you can sort of
12 give us your thoughts about how things were
13 different back in the early days and maybe the
14 first 15, 20 years that you were working in this
15 business in terms of kind of restoring rights
16 and status. That's what we're about here is
17 this legal rights and status business. Have you
18 noticed over those 35 years that there's been a
19 change?

20 MR. BELL: Well, if you go back beyond the
21 '70s, early '60s and mid '60s, we were a very
22 segregated city. We were still not able to go
23 to lunch counters. In the mid '60s, we still
24 had signs that said, "Color served in rear."

25 Virginia Key Beach, we couldn't even go to

1 the beach then. So this whole idea of rights
2 and stuff was -- I don't know. I mean, we just
3 never thought about it in the lights of perhaps
4 we think about it today. But we've come a long
5 way in terms of those number of years.

6 I think that we find ourselves lying as a
7 community with all of the different languages
8 and cultures in the community of trying to
9 figure who's who anymore. So when you say has
10 it gotten better, I think as a whole things have
11 improved. I don't think that -- you know, I
12 think we've had some improvement. Now, I'd have
13 to think a little bit to kind of point out what
14 some of them are. Is that not what you were
15 asking?

16 MS. LOVE: Well, I mean, it was an
17 interesting answer for me because you
18 immediately sort of shifted to the issues of
19 racial segregation.

20 MR. BELL: Yeah.

21 MS. LOVE: And so for me, you know, we all
22 kind of understand that there's a major
23 overlap --

24 MR. BELL: Right.

25 MS. LOVE: -- in those two systems. But it

1 was interesting to me, because I wasn't thinking
2 about that. I was thinking about the way we
3 treat people with a criminal record, whatever
4 their race. So that's -- and we've heard so
5 much testimony today about how really bad things
6 are right now, where there is no more
7 restoration of rights. So that's why I was sort
8 of -- I have to ponder a little bit your answer
9 to me because it's interesting that you think
10 we're better off now than we were in those years
11 when it was automatic and now it doesn't happen
12 at all.

13 MR. BELL: Right.

14 MS. LOVE: So that's just -- I mean.

15 MR. BELL: But when I was talking to you, I
16 was talking though from the perspective of civil
17 rights.

18 MS. LOVE: I understand you were, sir. I
19 know I do. I thought it was a very interesting
20 kind of a shift on your part that -- you know,
21 because there's so much intertwining in those
22 sets of issues.

23 MR. BELL: Right.

24 MS. LOVE: We're real aware of it and we're
25 kind of got our antennas up for the sort of

1 agenda that isn't always terribly transparent.
2 It's sort of a hidden thing there.

3 MR. BELL: Well, in Florida, we always want
4 to make sure that it's understood, that we're
5 not -- we don't go easy on crime.

6 MS. LOVE: Well, indeed.

7 MR. BELL: We want to always be tough.

8 MS. LOVE: We understand.

9 MR. BELL: We always want to be tough on
10 crime.

11 MS. LOVE: We do.

12 MR. BELL: We don't know what it means but
13 we like ...

14 MS. LOVE: Well, here's another thing and
15 this is sort of related. You mentioned the
16 Section 8 housing problem. And you also
17 mentioned that you've gotten some sort of
18 advisory from Washington about whatever your
19 local housing authority thinks it's supposed to
20 do really isn't what it's supposed to do.

21 MR. BELL: Well, they kind of implied that,
22 yeah.

23 MS. LOVE: Well, I know exactly what you're
24 talking about. These are the so-called "myth
25 busters" --

1 MR. BELL: Right.

2 MS. LOVE: -- that are coming out of OJP.

3 MR. BELL: Right.

4 MS. LOVE: And let's say, hey, don't do
5 that. You don't have to do that.

6 MR. BELL: Right. Exactly.

7 MS. LOVE: So it interests me, again, here
8 you've got your local housing authorities
9 interpreting federal law, federal law, let me
10 remind you. This is not a state law they're
11 interpreting. It's federal law.

12 MR. BELL: Right.

13 MS. LOVE: In a way that the federal agency
14 says, "Don't do that."

15 MR. BELL: Right.

16 MS. LOVE: But your folks are suffering
17 because of this local interpretation.

18 MR. BELL: Sure.

19 MS. LOVE: And you're a federal halfway
20 house, right?

21 MR. BELL: Yes.

22 MS. LOVE: Well, I'm wondering whether you
23 really have to put up with that.

24 MR. BELL: Well, you remember politics is
25 local. So the question is, how do we get there

1 and, yeah, how do you get there?

2 MS. LOVE: We should talk.

3 MR. BELL: Okay.

4 MS. LOVE: Because I know the people who
5 set up that myth busters.

6 MR. BELL: I mean, I thought it was
7 interesting.

8 MS. LOVE: The attorney general has been
9 very interested.

10 MR. BELL: Right.

11 MS. LOVE: And has written to the Attorney
12 General of every state.

13 MR. BELL: Exactly.

14 MS. LOVE: To please look at these
15 collateral consequences --

16 MR. BELL: Right.

17 MS. LOVE: -- and stop doing the ones that
18 are a problem and a public safety problem. So I
19 don't know whether it's not -- it's been my
20 impression that there are a lot of attorney
21 generals that aren't paying too much attention,
22 but this is a chapter and verse that strikes me
23 as most interesting.

24 MR. BELL: Yeah. But I do think that --
25 you know, for example, we have a story of a

1 young lady who was trained to be a dental
2 hygienist while in prison but when got out
3 couldn't be licensed.

4 MS. LOVE: The reason being that?

5 MR. BELL: In Florida, you can't be
6 licensed if you have a felony, if you have a
7 felony record.

8 MS. LOVE: Unless you get your rights
9 restored.

10 MR. BELL: Unless you get your rights
11 restored.

12 MS. LOVE: But now it's decoupled, right?

13 MR. BELL: I'm not sure.

14 MS. LOVE: They'll get you coming and
15 going.

16 MR. BELL: I know. So on one hand you say,
17 for example, we have people who are cutting hair
18 at flea markets because they can't get their
19 license as a barber. So you then say, well, why
20 do we have underground economy? I don't know.
21 You told me to work, right? You said to pay my
22 bills, right? What do you want me to do? You
23 won't give me a license, so what do you want me
24 to do?

25 MR. JONES: Jenny, questions?

1 MS. ROBERTS: No.

2 MR. JONES: I have a couple just really
3 following up on the things that everybody has
4 said, a couple just housekeeping so that I
5 understand. The Riverside Christian Ministries,
6 what's the geographical area that you serve?

7 MR. BELL: Right now we're located in
8 Little Havana. So we would serve anyone from
9 836 south all the way down to Homestead.

10 MR. JONES: Is that pursuant to an RFP or
11 contract with the city?

12 MR. BELL: RFP.

13 MR. JONES: RFP. And I come to your door
14 for a cup of water and you take me in. Am I
15 obligated to participate in the religious life
16 of the place to some degree or can I opt out of
17 that completely?

18 MR. BELL: You can opt out.

19 MR. JONES: Completely?

20 MR. BELL: Uh-huh.

21 MR. JONES: Okay.

22 MR. BELL: We do what we call
23 "orientation." And in that orientation session
24 if you indicate that you're Catholic and you
25 want to go to a Catholic church, then that's

1 where you go. If you say you're Muslim and you
2 want to go to a mosque, that's where you go.

3 MR. JONES: If I say I'm agnostic or I say
4 I'm nothing, can I just sit at home on Sundays?

5 MR. BELL: You can sit at home.

6 MR. JONES: Okay. I'm wondering about a
7 couple of things you said that I found
8 fascinating, very interesting. I'm not really
9 sure how to turn them into questions. But
10 initially, you talked about your loss of civil
11 rights as a motivating factor for you.

12 MR. BELL: Yes.

13 MR. JONES: And I'm wondering if you think
14 that there is some value in societies taking
15 away of people's civil rights as a result of a
16 conviction for that very reason to make it for
17 them a motivating factor to turn their lives
18 around.

19 MR. BELL: No, I wouldn't think that would
20 necessarily be the way it works. It's just the
21 way I'm wired. As I kid, if you wanted
22 something to be done, tell me it couldn't be
23 done. I'm kind of wired that way. But I
24 wouldn't advocate that as a policy to be a
25 motivating factor. It's just something that I

1 use because I'm kind of wired that way.

2 MR. JONES: And you wouldn't advocate it as
3 a policy because --

4 MR. BELL: That we take people's rights?

5 MR. JONES: Right.

6 MR. BELL: I don't see it working. Because
7 I've got thousands of friends that don't have
8 it. It hasn't changed. I don't think that --
9 I'm trying to say this right, Rick. I don't
10 think taking people's rights is a motivating
11 force for change. I just happen to use it for
12 me.

13 MR. JONES: More harmful, more detrimental
14 than it is ...

15 MR. BELL: I think it's more harmful.

16 MR. JONES: When you were talking to Elissa
17 about reforms in Pennsylvania, you said you
18 wanted that information from her because -- your
19 words, "The will is here." And I really want to
20 focus on that will, the will that you see being
21 here. Will to do what?

22 MR. BELL: I think, first of all, the will
23 to take a look at the whole issue. I think we
24 have polarized -- we made such a big -- nobody
25 has really sat down and had a decent

1 conversation about sexual predators and what it
2 means. Everything here has been reactionary.
3 Everything.

4 I remember when I went down to the county
5 commissioners when they were getting ready to
6 pass this ordinance about the 2,500 square feet.
7 I stood up. You would have thought that I had
8 just killed somebody when I simply said, "You
9 can't do this." And they immediately just got
10 up -- not physically -- they ushered me out of
11 the room and changed subjects. My experience
12 has been is that you just can't -- this is
13 un-American. You can't do this.

14 MR. JONES: That's your philosophy?

15 MR. BELL: Yes.

16 MR. JONES: But now you think that people
17 are coming around to your philosophy?

18 MR. BELL: I think people can be won to my
19 philosophy, because that's what I've done for
20 the last 40 years is won people to my
21 philosophy -- my way of -- I haven't completely.
22 They don't go 100 percent, but at least they get
23 me in the door. And if can I get in the door, I
24 stand a chance.

25 MR. JONES: And when you say "the will is

1 here," you're talking about I think they have
2 it. Who's the "they"?

3 MR. BELL: Some of the leaders, the
4 leadership of this community. There is the will
5 to do that. In this town, the way things have
6 always worked is somebody has got to have the
7 will to take it on. And if they take it on and
8 if they've got a decent reputation and they're
9 known in the community and not seen as a
10 bleeding heart liberal or whatever but a
11 practical person, my experience in 40 years has
12 been you can get something done. And I think
13 that this issue on sexual predators we need to
14 address it as well as restoring people's civil
15 rights. This needs to be taken on in
16 Tallahassee and it needs to be taken on here.
17 And if we have the rights folks framing the
18 issue properly, my experience has been the will
19 is here to do it.

20 MR. JONES: Why do you think the system is
21 as it is? Do you think it's just about people
22 wanting to appear tough on crime? Is it just
23 about this notion of public safety? Why is the
24 system such as it is in Florida?

25 MR. BELL: I think most people who -- I

1 think a lot of people really do think that chain
2 gangs work. They think they work. And they
3 don't, but people think it.

4 And so when you've got politicians who are
5 running for office and they're saying, we need
6 to get tough on crime, then they give you a list
7 of how we get tough on crime and the average
8 citizen, you know, if they've been having
9 trouble or if anybody has had trouble, their
10 neighbors had trouble, then the next thing you
11 say is, well, that makes sense to me. Well, it
12 doesn't always makes sense. I mean, we now have
13 built ourselves into a real mess.

14 MR. JONES: The last thing I wanted to
15 raise with you was this notion: You said that
16 one of the things that you wanted to be a
17 catalyst for, one of the things that you thought
18 was important, was the inmate population is
19 participants in the process.

20 MR. BELL: Yes.

21 MR. JONES: And that they lose
22 accountability --

23 MR. BELL: Yes.

24 MR. JONES: -- being accountable for
25 themselves. And then in this conversation you

1 just had a minute ago, you were talking about
2 the 1960s. And you said that you know it was a
3 segregated city. They had the colored-only
4 signs and the white-only signs, and the
5 color-sit-here signs and you said that this
6 whole idea of rights, we didn't even think about
7 it, right?

8 MR. BELL: Right.

9 MR. JONES: Because you had so many other
10 challenges and obstacles and historical
11 oppression and stuff to overcome.

12 MR. BELL: Right.

13 MR. JONES: And I'm wondering if part of
14 this whole notion of accountability, part of
15 this whole notion of inmate population as
16 participants is sort of the -- you know, badges
17 and incidents of slavery sort of this -- the
18 legacy of historical impression in that people
19 don't really -- you know, the folks who we're
20 talking about, the folks who come to your door
21 looking for a cup of water, oftentimes don't
22 really believe that The Constitution applies to
23 them, have seen generation after generation
24 after generation of their family members and
25 their loved ones treated as though The

1 Constitution doesn't apply to them. And so the
2 educational piece is a tremendous undertaking in
3 and of itself just to get people to even think
4 about their rights and the restoration of their
5 rights and their status when they didn't have
6 status. So if you could just speak to that as
7 you take us out, that would be great. I would
8 love to hear your thoughts about that.

9 MR. BELL: Okay. I think that with all of
10 the things that you had mentioned, you know, I
11 most certainly have been a recipient of all of
12 those kinds of activities remembering when I was
13 a kid that there was only three things that you
14 could be when I was a kid: A preacher, a
15 teacher or an insurance man. And if you didn't
16 want to be one of those three, then you were out
17 of luck.

18 And so I think when we talk about this
19 issue today and when I talk about being a
20 promotor or a pervader of attitudes, I've come
21 to the conclusion of awareness that it's really
22 an inside job and that if I wait for the outside
23 to give me what I need, I'm never going to get
24 it. I'm going to have to dig deep and I'm going
25 to have to do it myself. And I think for me my

1 experience in jail that year that I was there
2 and after that, the one thing I've learned, I
3 think, from that and one reason I talk about
4 educating is that -- have you ever heard, "I
5 might be poor, but I'm somebody"? And I need to
6 dig deep to find out who that somebody is. And
7 I've got to get -- I've got to get away from all
8 of that history stuff that's there because it
9 won't help me. It's there. It was done. It's
10 on, but now I got to go deeper and find
11 something that will enable me to like who I am
12 now. And that's what I find missing in the
13 institution when we -- they keep saying, "the
14 system," well, the system ain't going to change.
15 I'm going to change. And then the only chance
16 the system has to change is for me to change and
17 then for me to take it on. But it's got to be
18 me. I've got to do it, but there are people
19 around here to help me do it.

20 But I've got to take my eyes off of --
21 whatever I called -- I said "the enemy."
22 Because when I look at the enemy, it ain't
23 helping me. Because all it does is make me more
24 angry. It makes me more hostile and I'm not
25 going to get anywhere.

1 So when I talk about the attitude, that's
2 what I need is that I've got -- I do a -- I run
3 a group. I run groups every week at a church
4 called Celebrate Recovery. And the one thing
5 that I see as a hinderance for many of the folks
6 that come is that they keep thinking that
7 somebody else is going to make it right and
8 they're not. There's nobody to make it right.
9 I have to start with me. And so I'm a big
10 proponent. That's why I kinda didn't do the
11 restoration of civil rights, that why I took on
12 working with offenders. That's why I take on
13 issues because I want them to know it's an
14 inside job and it ain't going to change.

15 And there ain't nobody going to love me
16 until I learn to love me. And I'm worth loving.
17 And when I believe it, then I act like it. And
18 when I act like it, you treat me that way. You
19 treat me the way I act. You treat me the way I
20 am and for who I am. So when I go somewhere and
21 people say hi to me, it's because I feel pretty
22 good about me. In fact, I feel real good about
23 me. But if I had of kept looking at the system
24 and all of the injustices, I would have never
25 gotten anywhere, because it's depressing.

1 And so I've worked hard and I continue to
2 work hard and that's the thing that I talk with
3 the inmates when I go out and speak. For
4 example, we started -- I was a part of a group
5 called Kyros that started 35 years ago. Today
6 they're in 30 states and six countries.

7 And the whole idea and the reason that I
8 got involved in it back in those days is that I
9 saw here was an opportunity to get some inside
10 work done. Because if I don't do inside work, I
11 don't stand a shot. I'm behind. You know, for
12 example, I got into the education game late in
13 the game. I didn't grow up reading Newsweek. I
14 didn't grow up reading all those things. And so
15 as a result, I sometimes have deficits, because
16 I didn't have it. Well, but I can't. But
17 eventually, I've got to move on. I can read
18 Newsweek now. You know, I can read Time
19 magazine. I can use my iPad now and I can do
20 all of those things now.

21 So at some point or another, the people
22 that I'm trying to expose a message to is that
23 it starts now. It starts here. And it starts
24 with you, because nobody else can do it.

25 We have a group -- and I'll shut up. We

1 have a group at our meeting we call
2 "co-dependents." And codependency, you know, is
3 when we have these toxic relationships where
4 we're sick and make each other sick. For the
5 men's we call it "codependency." And so we
6 found that we weren't having any men come to it.
7 So we decided to call it "anger management."
8 And now we have a room full of guys. They're
9 not codependent, but they're angry.

10 MS. LOVE: The women will come to it.

11 MR. BELL: Yeah, the women come to the
12 codependency. My point is that I think that we
13 need all of what's being done here today. And
14 over the last 40 years, this is what we're used
15 to being in a part of these kind of groups. But
16 at the end of the day, the people in the
17 institution has to know, they've got to do the
18 work. It's not easy, but it can be done. It's
19 not easy, but it must be done.

20 If you're going to succeed, if you're going
21 to have any shot at life, you've got to do the
22 work. So I've already talked more than I need
23 to, but that's my story.

24 MR. JONES: Amen. Thank you. Thank you
25 very much.

1 The hearing stands in recess until tomorrow
2 morning at 9:30. See y'all then. Thank you
3 very much.

4 (Thereupon, the proceeding was adjourned at 5:27
5 p.m.)

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CERTIFICATE

I, Laura Fish, certify that I was authorized and did stenographically report the foregoing proceedings and that this transcript is a true record of the proceedings before the Court.

I further certify that I am not a relative, employee, attorney, or counsel for any of the parties nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 18th day of March, 2012.

LAURA FISH