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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 2 of 2

Friday, February 17, 2012  
9:37 a.m. - 2:19 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 3)

Kionne McGhee, Defense Attorney  
Carey Haughwout, Public Defender for Palm Beach  
County

PANEL II

Julie Ebenstein, Policy & Advocacy Counsel, American  
Civil Liberties Union of Florida  
Newton Sanan, President and CEO of OIC of Broward  
County, REXO-Project Second Chance  
Muhammad Malik, Director of Statewide Rights  
Restoration Coalition

PANEL III

Vicki Lopez Lukis, Government and Public Affairs  
Consultant, and the former Chairman of Governor Jeb  
Bush's Ex-Offender Task Force

PANEL IV

Mary McCarty, Former Palm Beach Commisioner  
Marcia Grant, Assistant Project Manager of Opa Locka  
Community Development Corporation  
Brenda Valencia Aldana, Adminstrative Assistant of  
Girls Advocacy Project

1 (Thereupon, the following proceedings were had:)

2 PANEL I

3 MR. JONES: This is really informative and  
4 we're pleased that you're here. I'm looking  
5 forward to an interesting discussion. Let me  
6 tell you that what you have to say is more  
7 important than what anybody else has to say.  
8 But the audio here is not the greatest. So make  
9 sure when you're speaking, at least, that you  
10 have the mic and that you speak through the mic.

11 We're interested in hearing and learning  
12 from you and having a discussion with you about  
13 your experiences here in Florida with  
14 restorational rights and status of folks after  
15 convictions.

16 The way that we operate, really, is to give  
17 you five, ten minutes or so to give us some  
18 opening remarks and benefit of your thoughts.  
19 And then we have lots of questions for you. The  
20 question will be principally by led by one of  
21 us; and for this panel, it's Margaret Love,  
22 who's going to be doing the questioning. After  
23 she has exhausted all of her questions, the rest  
24 of us, I'm sure, will have some questions for  
25 you as well.

1           So I'm actually going to stop talking and  
2 turn it over to you and we will get started.

3           MS. HAUGHWOUT: Okay. Well, thanks for  
4 having me.

5           Just to give you an idea of who I am, I'm  
6 Carey Haughwout. I'm the elected public  
7 defender in Palm Beach County. I've been in  
8 that position since 2011. Prior to that, I was  
9 a criminal defense lawyer for a number of years.

10          I want to tell you first a little bit about  
11 what I do with re-entry and then talk about the  
12 issues I see. I think you probably realize  
13 Florida has some very special challenges for  
14 re-entry.

15          Number one, we embarked on mass  
16 incarceration of our residents for about 20  
17 years. And while crime is down and people are  
18 getting out, we have not made the appropriate  
19 accommodations for folks who have served lengthy  
20 sentences who are now being released in our  
21 communities.

22          Just as a criminal defense lawyer, I think  
23 I've saw for so many years, particularly with  
24 poor people, the cycle of in jail, out of jail,  
25 back to jail for so many years that when I

1 became public defender and then, obviously,  
2 working solely with poor people, it became a  
3 very important issue to me. I started in 2001.

4 In 2002, I was fortunate to obtain some  
5 funding to do a pilot re-entry program with our  
6 county jail. We really had not been doing  
7 anything with folks being released from  
8 incarceration up until then.

9 So I started a small program with a social  
10 worker and a job developer. We would work with  
11 folks in the jail prior to their release, trying  
12 to ensure that they had housing, worked with  
13 them on resumés, all sorts of the traditional  
14 things. We ran into a lot of hurdles with that.  
15 It was a worthwhile experience to learn from and  
16 I really think we're still learning on re-entry  
17 a lot; but, anyway, so we started that in 2002.

18 About a year or two later, we started a  
19 re-entry task force. We have in Palm Beach  
20 County what is called the Criminal Justice  
21 Commission. It is a body of public officials  
22 and private sector folks. So it's an  
23 interesting combination of people looking at  
24 criminal justice issues.

25 We got the Criminal Justice Commission to

1 designate a re-entry task force, which I  
2 chaired, and, actually, still chair, to take on  
3 the issue of really looking at re-entry on a  
4 bigger scale than just what we were trying to do  
5 in the county jail.

6         In Florida, the way prisons have exploded,  
7 much of the prison growth has been in North  
8 Florida. It is truly the economic engine in  
9 many of the rural communities in North Florida.  
10 But as you probably realize, Florida is a very  
11 big state. So what we were finding is people  
12 who were sentenced to state prison were being  
13 incarcerated 500, 600 miles away from home.

14         At the time of their release from their  
15 sentence, they would be given a bus ticket and  
16 100 bucks for a while, as I would tell when I  
17 was out talking to folks -- you know, and then  
18 arrive back in our community anywhere between  
19 midnight and 3:00 in the morning at the bus  
20 station with literally nothing. Their prison ID  
21 was it. So they could not even cash the \$100  
22 check that the Department of Corrections had  
23 given them.

24         So we, with the Re-entry Task Force, took  
25 on sort of studying the whole county. Where are

1 the places that folks being released are likely  
2 to reside? What are the issues? What are we  
3 dealing with?

4 One of the findings, of course, was the  
5 problem with folks who are incarcerated -- you  
6 know, far distance from home and then,  
7 literally, put on a bus and returned to the  
8 community after anywhere from five years to 20  
9 years of being away. Incarcerated so far away  
10 that they hadn't had visits with family, they  
11 hadn't had any sort of connection to their  
12 community in that time.

13 And so one of our priorities was how do we  
14 get folks closer to home so we can start  
15 building bridges prior to their release and  
16 address the issues that they're facing.

17 I'm sure you're very aware of just the --  
18 you know, the issues that folks being released  
19 from incarceration face -- housing, family  
20 reunification, mental health, substance abuse  
21 treatment, than simple issues like getting an  
22 ID, dealing with things like their child support  
23 that has never stopped while they've been  
24 serving in prison.

25 So they get out owing \$100,000 in child

1 support so then they can't get a driver's  
2 license because they owe child support. And  
3 then we get warrants issued because they haven't  
4 paid their child support. People are getting  
5 ready to be released and learning there's an  
6 outstanding warrant in another community for  
7 them that has never been served on them and  
8 having to just yank them back and deal with  
9 those issues.

10 So for Palm Beach County, our priority was  
11 let's at least see if we can get folks closer.  
12 We did embark on really courting the Department  
13 of Corrections. There, we had a secretary of  
14 the department, Walter McNeil, in, I think, it  
15 was 2008, 2009, who was a very forward thinking  
16 person and very interested in re-entry.

17 So we reached out to the Department of  
18 Corrections. We brought them to Palm Beach  
19 County. We talked about our need to start a  
20 re-entry facility and, eventually, the  
21 Department of Corrections agreed to do that.

22 So we have a prison in Palm Beach County,  
23 one of the state facilities that is designated  
24 for people who are returning to Palm Beach  
25 County, Sago Palm. And then, we were fortunate



1 to get a second chance at a grant to fund  
2 community providers. Now, they're doing this in  
3 Jacksonville, as you may know, but the sheriff's  
4 department is running it.

5 I always say a lot of folks get out of  
6 prison that don't necessarily want to deal with  
7 somebody in uniform. So it was important to us  
8 to work with community providers and we have now  
9 set it up.

10 So, basically, the system is a person whose  
11 sentence is about to expire anywhere, what will  
12 eventually be up to three years prior to their  
13 expiration, returns to the Saga Palm Facility.  
14 There, there are special services with regards  
15 to vocational training, education, substance  
16 abuse, family reunification that work with the  
17 inmates to begin the process of release.  
18 Eventually, we're hoping that it will all be  
19 tied into a work-release camp.

20 Also, with Florida is that many folks who  
21 are serving sentences are not allowed to go to  
22 work release, which makes no sense, because  
23 they're being released eventually anyway.

24 Why we say, Oh, with that charge, you can't  
25 go to work release, but you can get on a bus and

1 go home when your sentence is up. Of course,  
2 we're hoping some of that will change so that  
3 there would be sort of a step-down process --  
4 facility services, work release and then into  
5 the community.

6 We use the Second Chance Act Grant to fund  
7 three community providers. Palm Beach County is  
8 a huge geographic county. So we divided the  
9 county up geographically into south, north and  
10 central and have community providers in all  
11 three areas. So the area in which the person is  
12 returning, that's the provider that works with  
13 them.

14 We have a portal. Department of  
15 Corrections transports them to the portal, which  
16 is where felon registration is. We have a  
17 social worker in there. So they can register,  
18 which they have to do, and meet with the social  
19 worker and connect them with the service  
20 provider. It's still very much a work in  
21 progress.

22 One of the things that was important to me  
23 was when we obtained a funding to sort of do  
24 this whole project that we build in evaluation,  
25 because I think we're still learning about

1 re-entry.

2 I always say it's easy for me in my  
3 comfortable office to talk about what people  
4 need. It's a different issue in terms of what  
5 really do they need, what's really going on.  
6 And there's a lot of different issues. There's  
7 the physical issues -- the housing, the health  
8 care -- those things.

9 Particularly with, I think, folks who are  
10 returning from some of the lengthy sentences  
11 that we've been imposing, there are a lot of  
12 mental health and emotional issues that we have  
13 yet to address. You know, just kind of what  
14 happens to folks and what we saw in Florida, you  
15 know, among other issues, proudly led the nation  
16 in direct filing juveniles into the adult court  
17 system and putting them in prison. Palm Beach  
18 County led Florida in that initiative. So for a  
19 period of time that also finally is dropping.

20 We were incarcerating 16 and 17-year-olds  
21 for five years, 20 years in prison. So we have  
22 also these folks who have literally been raised  
23 by the prison system -- children who have been  
24 raised by the prison system. So I think that  
25 there are a lot of issues that we don't even

1 know yet that are affecting their ability to  
2 make it when they are released.

3 I always remember I had a fellow I  
4 represented after he had been serving about -- I  
5 think, he served about 15 years before I met  
6 him. He came into my life. He had gone to  
7 prison when he was 18. He finally got out. We  
8 got him out about five years after I met him.  
9 So he served 20 years. He came to my office.  
10 This was when I was in private practice. I  
11 said, "Let's go have lunch."

12 And so we're walking to lunch. I said,  
13 "Oh, turn here."

14 And he said, "You know, that's the one  
15 thing I can't get used to is not walking around  
16 in circles."

17 And things of that nature that we just  
18 can't even anticipate that he had spent 20  
19 years. This was the only way he could walk.  
20 And so not to mention, you know, of course, he  
21 had never seen a cell phone, had never worked  
22 with a computer or just everything. He was  
23 really like a child again in a man's body.

24 So I think, you know, I'm looking forward  
25 to -- we have this evaluation. We've contracted

1 with a university to conduct our re-entry  
2 program and I'm really looking forward to  
3 learning as we go about what we need to do  
4 better to address these hurdles.

5       One of the things that's fortunate, I  
6 think, Carlos Martinez was here yesterday. I  
7 reached out to the fellow public defenders in my  
8 area, so I find out from the folks before  
9 they're being released if there's outstanding  
10 warrants. We put together a system for having a  
11 designee in each of the public defender offices  
12 so they can get warrants withdrawn, clean up  
13 records, figure out what needs to be done so  
14 that when they walk out the doors, they really  
15 can feel that they are free.

16       We explore. There were those in our  
17 community that were advocating for a re-entry  
18 court. I have always been opposed to that in  
19 terms of, you know, the studies really show that  
20 people don't succeed with that kind of -- with  
21 too much supervision. And yet I think we do  
22 have issues with the fact that it's all  
23 voluntary programs. We have people who just  
24 understandably don't want anybody on their back  
25 about anything.

1           And so some of it is working more with  
2 getting the buy-in from the offenders prior to  
3 release. And I think that's going to take --  
4 and we are working with the Department of  
5 Corrections trying to bring in training for  
6 corrections officers, who really have only been  
7 concerned about control and supervision and not  
8 about, you know, building up some self-esteem,  
9 some sense of independence, the things that are  
10 necessary to make it in the world, which are  
11 completely contrary to what is necessary to make  
12 it in prison. So, you know, those things are  
13 all issues we're still dealing with and I think  
14 will continue to deal with. I think it's a  
15 lesson and, you know, we just are progressing  
16 and learning as we go. So that's kind of a big  
17 thing, I think, I have to offer in terms of what  
18 we're doing with re-entry in Palm Beach County.  
19 And I would be happy to answer questions.

20           MR. JONES: Thank you.

21           MS. LOVE: Yes, thank you so much. It's  
22 very encouraging. We heard from Carlos also  
23 yesterday that the public defenders are taking a  
24 role and being concerned about what happens to  
25 people after they come out. I may ask you some

1 questions that are a little different of an  
2 angle from what you've been talking about. It's  
3 related to the continuing defender role after  
4 someone has been convicted and the criminal case  
5 is done.

6       The other thing that we're interested in,  
7 which is related to that, is how do the legal  
8 mechanisms that are available in a jurisdiction  
9 sort of encourage or confirm rehabilitation?  
10 How are they working? And we've had a real ear  
11 full yesterday on how the restoration of rights  
12 system either works or it doesn't work. There  
13 you go. You're doing exactly what Carlos did --  
14 "non functional" as he would say.

15       Anyway, let me ask you to comment first on  
16 how you feel about the role of a defense lawyer  
17 after the client who may or may not go to prison  
18 needs to try to "pay his debt," as they say, to  
19 society. Could you just comment on that?

20       MS. HAUGHWOUT: Well, I'm sure as you are  
21 well aware, of course, indigent defenses are  
22 completely underfunded and we're overwhelmed,  
23 too many cases, blah, blah, blah. So we have  
24 challenges with on-going assistance. I do think  
25 it's important. I'm always saying I would love

1 to be without a job. I'd love to have people  
2 not charged with crimes and I'd have to have 200  
3 personnel and all of that stuff. So we do try  
4 to, you know, as I'm sure does Carlos, with  
5 social workers, work with them up front.

6 I'll tell you, in my ideal world, I would  
7 like to have sort of the social worker be able  
8 to do something -- you know, post-sentencing.

9 One of the things we see is we don't do  
10 sort of a needs analysis until the end of their  
11 sentence when we really could be doing that up  
12 front and then having, you know, I say sort of a  
13 college curriculum for what they could be doing  
14 during the time they're serving their sentence,  
15 that then at the conclusion of their sentence,  
16 they have accomplished rather than us dealing  
17 with it at the end of their sentence. We try to  
18 do some of that, little things like do you have  
19 an ID for when you get out and so we can start  
20 working on it. I do this a little with the  
21 county jail folks and we are trying to do it  
22 with DOC.

23 I did get some grant funding to try to help  
24 people get driver's licenses and things, because  
25 they lose their Social Security card. Now, we



1 have to get birth records and all of this  
2 nonsense. So I can't say that we do it. Yet,  
3 we're actually not really supposed to have  
4 social workers. We have to call them  
5 "disposition specialists." But I would like to  
6 be able to do more and I think it's an important  
7 part of what we do is trying to help folks not  
8 come back to the system.

9 MS. LOVE: Can you comment on how the legal  
10 system, sort of, kind of, helps or hinders the,  
11 sort of, collateral consequences problem for  
12 people who may not even go to prison, but who  
13 pick up a conviction? And we're also interested  
14 in misdemeanors -- I mean, the small stuff.

15 MS. HAUGHWOUT: Right.

16 MS. LOVE: How does the legal system sort  
17 of help or hinder those folks? And the next  
18 question I'm going to ask is: What mechanisms  
19 are there to deal with that?

20 MS. HAUGHWOUT: One of the -- well, I'm not  
21 sure there is much in the legal system that  
22 helps. We do have a terrible problem with the  
23 restoration of rights.

24 When I took office, we were making some  
25 progress. We did restoration clinics. And I've

1 had so many folks that all they want to do is  
2 vote. They want to be participants in our  
3 system. And then in the last couple of years,  
4 it's literally shut down in terms of being able  
5 to restore anybody's voting rights, which I  
6 think sends a message in terms of what we want  
7 of their participation in our community. But  
8 the other big issue that I think our clients  
9 deal with are driver's license issues, which are  
10 impacted by misdemeanors as well as felonies.

11 MS. LOVE: How?

12 MS. HAUGHWOUT: Well, you know misdemeanor  
13 possession of marijuana conviction, you lose  
14 your license for two years.

15 MS. LOVE: Really?

16 MS. HAUGHWOUT: Yes. And virtually  
17 everything affects your driver's license.  
18 There's an impact for writing worthless checks  
19 on your driver's license. So I actually have  
20 somebody, a lawyer, who is fabulous. She's very  
21 good at this and I'm so glad she's happy doing  
22 it and that is helping people get their driver's  
23 licenses back. Because what happens is it  
24 starts as sort of a civil citation process and  
25 so they don't know. They just go in and pay the

1 tickets and then their license gets suspended  
2 for five years because they're adjudicated and  
3 they never realize that on the civil side.  
4 Then, they drive. Their license has been  
5 suspended on a civil infraction and then they  
6 get a criminal charge for driving with a  
7 suspended license.

8 MS. LOVE: But the beginning of it is  
9 linked to the misdemeanor conviction.

10 MS. HAUGHWOUT: It can be or it can be  
11 linked to a traffic infraction.

12 MS. LOVE: Right. Right.

13 MS. HAUGHWOUT: But it can be just linked  
14 to a misdemeanor conviction.

15 MS. LOVE: Just linked to a conviction.  
16 That's the sort of collateral consequence issue.

17 MS. HAUGHWOUT: Yes.

18 MS. LOVE: Have you-all been considering  
19 what the defender's role, in sort of warning  
20 people, advising people about this kind of stuff  
21 from the front end?

22 MS. HAUGHWOUT: Yes, we do. We work very  
23 hard to prevent convictions. I will say that,  
24 generally, in terms of the judicial system, it's  
25 pretty sensitive to that. The problem is the

1 number of people on minor offenses that don't  
2 have lawyers and so they're not aware of those  
3 consequences, and prosecutors are not warning  
4 them of those consequences.

5 MS. LOVE: So they enter into guilty pleas  
6 without understanding what's going to happen to  
7 them?

8 MS. HAUGHWOUT: Right.

9 MS. LOVE: So that's the new issue after  
10 Padia, I guess, is what's the defense --

11 MS. HAUGHWOUT: Right.

12 MS. LOVE: -- The Bar's responsibility. Is  
13 there any effort that you know of going on in  
14 Florida to sort of catalog and compile the  
15 collateral consequences to help defenders do  
16 their role better?

17 MS. HAUGHWOUT: I'm not sure there's a  
18 centralized effort. I know we have something in  
19 terms of our office with all of that. And I  
20 send lawyers to, like, immigration training so  
21 that they then can train the other lawyers about  
22 those. Fortunately, we have a number of private  
23 lawyers that work with us to consult with  
24 clients that have immigration consequences. And  
25 that continues to be a very serious issue for

1 folks, clearly.

2 MS. LOVE: Are you finding that the  
3 prosecutors are -- I'm thinking of the driver's  
4 license thing now, in particular, where there  
5 may be an opportunity to charge a little  
6 differently; is this something that you're able  
7 to do to try to avoid these?

8 MS. HAUGHWOUT: Yes. And that's what I  
9 say. I think the prosecutors a lot of times,  
10 not all the time, are sensitive to those  
11 consequences as are the judges on the minor  
12 offenses. So, yes, and it's certainly something  
13 we take into account in terms of negotiating and  
14 all that.

15 So if you have a withhold of adjudication,  
16 you don't lose your driver's license. So a lot  
17 of times we can't convince them -- even with  
18 somebody who is a convicted felon -- to withhold  
19 on a subsequent drug case if they have a valid  
20 driver's license. For a while, I was  
21 successful, but then things changed in Palm  
22 Beach County with our prosecutor in having,  
23 really, like a diversion program for driving  
24 offenses, where I had the lawyer that just  
25 worked with those folks to get their driver's

1 license back. We postponed the case for however  
2 long, worked with them on their driver's  
3 license, go to administrative hearings, do all  
4 of that and that's kind of changed with a  
5 prosecutor not wanting to do that. But we still  
6 do a lot of that on the side.

7 MS. LOVE: I just have one more question  
8 then I'm going to turn it over to my colleagues.  
9 Do you have any views about the role of the -- I  
10 mean, I was very taken with what you said about  
11 how -- not sort of allowing people to vote sends  
12 a message about what we expect of them. That  
13 was really a very elegant way of succinctly  
14 putting it. Do you have any views about the  
15 role of that restoration process in this sort of  
16 process of "rehabilitation," for lack of a  
17 better word? What's the role of the process  
18 when it's working well?

19 MS. HAUGHWOUT: Well, I think it's an  
20 important part of it in terms of folks feeling  
21 like they're part of a community and  
22 participating in it. I was really so taken when  
23 we would do the clinic for restoration of  
24 rights. How many folks -- it's all we could do.  
25 It's not like we could erase their convictions

1 or anything. All we could do was restore their  
2 right to vote and how much they wanted to be  
3 able to say they could vote. So I think it's a  
4 very important part.

5 I also am a cynic and think that that's  
6 part of why we don't want to restore their right  
7 to vote, that it does disenfranchise a -- you  
8 know, a significant percentage of the  
9 population, particularly the poor and the people  
10 of color. And you know, one has to wonder if  
11 that's not part of the goal of not restoring  
12 their right to vote. My cynicism comes with a  
13 little bit of experience in that, when I  
14 practiced initially early in the '80s in North  
15 Florida, it was -- I mean, it was an accepted  
16 goal to have people adjudicated guilty of  
17 felonies to prevent voting. Literally, it was  
18 sad. I had the same reaction when I heard it.  
19 And so I have always kind of looked at it like,  
20 Huh, well, it does work that way.

21 MS. LOVE: I'm sorry to press you on that.  
22 It's fascinating. I just saw a TV program about  
23 the late 19th Century, "The Slavery By Another  
24 Name." And that's just --

25 MS. HAUGHWOUT: Right.

1 MS. LOVE: Oh, my Lord.

2 MS. HAUGHWOUT: No, it was. Really, it was  
3 accepted. They routinely would adjudicate  
4 people guilty of felonies. They'd sentence them  
5 to the bus ride to the state prison and back.  
6 And this is in Tallahassee in the outside, the  
7 areas around Tallahassee, the rural communities.  
8 They would sentence them literally to the bus  
9 ride to FSP and back again. And it was enough  
10 to teach them a lesson and disenfranchise them.  
11 Many of the rural communities in North Florida,  
12 that was how we kept people of color from  
13 holding office in a lot of areas that were  
14 primarily the majority of the population where  
15 folks of color were. But that was now 35 years  
16 ago or so, hopefully, things have changed.

17 MS. LOVE: The restoration of rights  
18 process doesn't seem to have improved very much.  
19 And it seems to be linked to a whole bunch of  
20 other more practical opportunities.

21 MS. HAUGHWOUT: You know one of the issues  
22 that was good and this was really -- Crist  
23 really did some surprisingly good things and  
24 that was on the licensing issues that are  
25 impacted by convictions. That's a whole other



1 ballgame in terms of what -- how people are  
2 prohibited from getting certain licenses, as a  
3 result. We did make some real progress with  
4 that, but that also sort of continues to go  
5 backwards.

6 MS. LOVE: Well, thank you very much for  
7 that. I'm going to turn it over to ...

8 MR. JONES: Larry.

9 MR. GOLDMAN: You say your lawyers are  
10 aware of collateral consequences and  
11 communicated to a client in an ideal situation  
12 before a client takes a plea. Can you tell us  
13 exactly, to the best of your recollection, what  
14 they tell them? What are the issues? And let  
15 me explain. Obviously, we're trying to figure  
16 out, among other things, what we can suggest for  
17 lawyers that's the kind of best practices, how  
18 to deal with it. I said this yesterday and I'll  
19 tell you quickly, for years, lawyers did not do  
20 a very good job with immigration consequences.  
21 I know you don't have anything in front of you,  
22 but as best you can.

23 MS. HAUGHWOUT: Well, you know, I certainly  
24 wouldn't say all of my lawyers do it the same or  
25 the right way. I can tell you we certainly

1 train them to talk to folks. One of the issues  
2 that -- with the immigration consequences that I  
3 think continues to be a hurdle is we sort of  
4 say, Do you think there's immigration issues?  
5 And people are afraid to tell us if there are.  
6 And so I think we probably don't address them in  
7 some cases when we need to. But they're trained  
8 on making sure they understand there may be  
9 immigration issues and who to go to if there  
10 are.

11 I cannot expect my lawyers to know  
12 themselves what the consequences are for all of  
13 them to know that. It's hard enough for them to  
14 know search and seizure law and all the other  
15 things that they need to know.

16 So we sort of designate folks in the office  
17 for them to come to if they have a client that  
18 there are concerned about. So they are trained  
19 to ask about, Are there issues that we need to  
20 look at, and then go to somebody else for it.

21 MR. GOLDMAN: The client has to essentially  
22 indicate immigration. It isn't a standard role  
23 for your lawyers to say, Look, I want you to  
24 know you're going to lose your driver's license.

25 MS. HAUGHWOUT: Oh, no, they do that.

1 MR. GOLDMAN: Okay. I'm trying to think  
2 what they do tell them.

3 MS. HAUGHWOUT: Okay. They know --

4 MR. GOLDMAN: Non-immigration.

5 MS. HAUGHWOUT: Okay. Non-immigration as  
6 to any offense where their driver's license is  
7 impacted, they talk to them about that. And  
8 they know that's a priority as well as,  
9 obviously, people being convicted of felonies  
10 that means it does affect their civil rights and  
11 what that means.

12 The other thing -- I don't know how much  
13 you've looked into it and I don't know it off  
14 the top of my head, but the way it impacts  
15 public housing and that's an issue. Our social  
16 workers are trained on how that will affect not  
17 so much them as usually like their grandmother  
18 or their mom that they're planning to live with  
19 that all of a sudden is going to lose their  
20 public housing as a result of it. So we try to  
21 identify those issues also.

22 MR. GOLDMAN: Let me ask you one final  
23 question and, you know, we are in a real world  
24 where we're dealing with costs and three-minute  
25 arraignments. I hope it's a little longer where

1 you are, but we all know, especially in  
2 arraignments, everyone is rushed. What if there  
3 were a well thought-out, relatively brief litany  
4 or something that a lawyer could explain to a  
5 client? "In other words, you got to understand,  
6 in addition to this, that you will lose your  
7 driver's license. If you plead, you will lose  
8 this." I always wonder if people are so upset  
9 about not sitting on juries. Most people I know  
10 would be thrilled to be punished that way.

11 MS. HAUGHWOUT: Right.

12 MR. GOLDMAN: But could you handle it?

13 MS. HAUGHWOUT: Yeah. And I really think  
14 we do it for the most part. I'm sure there are  
15 times that we don't. I'll tell you the whole  
16 issue with the three-minute arraignments is  
17 where there is probably the biggest problem and  
18 what we, you know, have such a struggle with and  
19 this is, you know, what I think we also have to  
20 address is that the court system is so  
21 inconvenient for people that we beg our clients,  
22 please, enter not-guilty pleas. Let's set this  
23 for trial. Let's look into it. Let's do  
24 something. And it's like, Well, that means I  
25 have to come back and come back to this

1 courtroom where there's 100 people scheduled and  
2 it's going to take me another day off of work.  
3 No, I'm not going to do it.

4 I really think while, obviously, what the  
5 defenders need to do is very important, we also  
6 need to make our court system more people  
7 friendly for folks who have regular lives. It  
8 just becomes so inconvenient that people take  
9 guilty pleas just to get out and get on with  
10 things.

11 MR. GOLDMAN: My final question is, have  
12 you ever thought that perhaps the system is  
13 designed to make it so inconvenient that people  
14 take guilty pleas just to get out of it?

15 MS. HAUGHWOUT: Well, I have thought that.  
16 I certainly have thought it's designed to be  
17 inconvenient to people, so it can be convenient  
18 to the people whose jobs it is.

19 MR. GOLDMAN: Thank you.

20 MR. JONES: Geneva.

21 MS. VANDERHORST: There are a lot different  
22 stakeholders in this whole pool of restoration  
23 of rights. Some of them advocate that the  
24 reason for a lot of rules that exist are for  
25 public safety or some tough-on-crime kind of

1 propaganda. What it seems that we're -- at  
2 least what I've been hearing in the few months  
3 we've been doing this -- is that it's highly  
4 skewed to disenfranchise particular communities.  
5 So I wanted to find out, and particularly to  
6 compare Palm Beach to Miami Dade, which we heard  
7 from Carlos yesterday, what are the racial,  
8 cultural, and economic demographics of Palm  
9 Beach?

10 MS. HAUGHWOUT: Well, it is different than  
11 Miami. I would not say we're just a smaller  
12 Miami. I think Palm Beach is a little  
13 different. We have extreme differences between  
14 the people of means and the people without. We  
15 have extreme sort of geographic differences with  
16 the coast and the folks on the water and near  
17 the water versus, sort of, as you go west. And  
18 then we have an area on the western end of Palm  
19 Beach County, Bell Glade, Pahokee, South Bay  
20 that has one of the highest unemployment rates  
21 in the country is primarily minority folks and  
22 very, very poor. Then we have pockets in the  
23 cities of poverty.

24 Palm Beach County, I do think, has tried  
25 to -- I mean, as I say, I lived in North Florida

1 before and I'm familiar with some other  
2 communities, and I do think there have been a  
3 lot of resources -- not enough, but a lot of  
4 resources devoted to social services for people  
5 in need. And one of your speakers might be able  
6 to talk about this more in terms of sort of the  
7 county and how the county has used its dollars.  
8 It's a little bit divided up, where I think  
9 sometimes people in need really aren't getting  
10 some of the services they need. So, generally,  
11 I think we're probably considered a little  
12 better-off county than Miami, but you don't have  
13 a lot of poverty.

14 MS. VANDERHORST: To the degree that the  
15 prosecutor's discretion in deciding what charges  
16 would have a person in the situation where they  
17 can do diversion as opposed to a misdemeanor or  
18 a felony, do you see any lines being drawn at  
19 least across those different neighborhoods that  
20 you spoke of between the beach and South Bay in  
21 particular? In other words, are people of means  
22 getting the charges where they're not losing  
23 their driver's license, but they may be on  
24 diversion for a while, as opposed to folks who  
25 have been charged with misdemeanors, they're

1 going to lose their driver's license? They may  
2 even do some time and the charges or the facts  
3 are pretty similar?

4 MS. HAUGHWOUT: Well, that's an interesting  
5 question. I don't know. What I do know is that  
6 the poor communities -- you know, I always say  
7 you can possess marijuana in a gated community  
8 and nobody knows about it. But when you live in  
9 a poor community, you're on your front step.  
10 And so you're more likely to be arrested for  
11 those charges.

12 The other thing is you -- I don't know what  
13 other states have, but Florida has a group of  
14 offenses about possession of drugs within a  
15 1,000 feet of schools, daycares, parks,  
16 convenience stores. What else is on the list?

17 MS. LOVE: Bus stops.

18 MS. YOUNG: Bus stops.

19 MS. HAUGHWOUT: That elevate crimes from  
20 third-degree felonies to first-degree felonies,  
21 30-year felonies. That clearly has a disparate  
22 impact, a racially disparate impact because it  
23 is in our poorer communities that everybody is  
24 kind of living right next to the church and the  
25 nursery versus the gated community where they're



1 not within that distance, and those offenses  
2 have very much a different affect on people of  
3 color and poor people.

4 MS. VANDERHORST: My last question is: Do  
5 you know of anyone in Palm Beach who is dealing  
6 with sex offenders -- I'm sorry, dealing with  
7 sex offenders. Miami Dade seems to have an  
8 under-the-bridge kind of fictitious address  
9 system working. How does it look in Palm Beach  
10 for sex offenders?

11 MS. HAUGHWOUT: Well, bad. We had one  
12 recently on these Jimmy Ryce proceedings, the  
13 sexual predator civil commitment proceedings  
14 that we also deal with. We had a person who was  
15 released and the lawyer literally gave him his  
16 car to sleep in for a couple of days and then  
17 bought him a tent in the probation parking lot,  
18 because that was the only place they were  
19 allowed to live.

20 We had a place out in the western community  
21 where a minister actually tried to take over a  
22 little development and make it into a place for  
23 sex offenders, because it wasn't within 1,000  
24 feet of all the crap they can't live close to.  
25 Unfortunately, they were sued. Matthew 25 sued

1 and got a huge verdict against them for,  
2 basically, telling the folks who lived there  
3 that they needed to move so they could make this  
4 into a community for sex offenders. That place  
5 was our last resort.

6 So the issue with sex offenders is just a  
7 very, very difficult issue.

8 If I remember right, I think there's a  
9 trailer park outside of Bradenton that is like  
10 the one place sex offenders can live in Florida.  
11 I mean, it's just horrible.

12 MS. VANDERHORST: Thank you.

13 MR. JONES: Vicki.

14 MS. YOUNG: What we learned yesterday is  
15 that if a prosecutor says, We're not going to  
16 ask for jail time or something like that, then  
17 they're not entitled to counsel. And so then  
18 they're only speaking to the prosecutor and/or  
19 the Court. Since we know through Padia that  
20 someone has to advise them, I believe, of  
21 immigration consequences in this three-minute  
22 proceeding, do they even address immigration  
23 consequences as opposed to any other  
24 consequences? Does anyone tell whoever is  
25 standing there during the three minutes or

1 minute and a half that they're going to do  
2 anything other than plead guilty and get out of  
3 jail that day or not have to come back?

4 MS. HAUGHWOUT: Well, I do think -- and I  
5 haven't been to where those proceeding occur in  
6 Palm Beach County, which is in a separate  
7 courthouse. But for the most part, the plea  
8 colloquies include, you know, the warning about  
9 immigration, if you're not a resident, but it's  
10 done rapidly. I'm not sure if it's anything  
11 anybody understands, but the Court does that.  
12 Prosecutors do not do any advising about  
13 collateral consequences.

14 MS. YOUNG: So the people who, during this  
15 three-minute process, also could be entering  
16 pleas where they could lose their driver's  
17 license. These aren't going to be felonies so  
18 they won't lose their right to vote, but they  
19 could lose their driver's license and so nothing  
20 at all is said about that?

21 MS. HAUGHWOUT: I don't think much is said.

22 MS. YOUNG: But if no defense counsel is  
23 there because that's just the structure, where  
24 would -- within the court process should that  
25 obligation or that requirement go? To the

1 Court? To the prosecutor? Any thoughts?

2 MS. HAUGHWOUT: I think it should be part  
3 of the plea colloquy, because it really goes to  
4 whether they're knowing a plea and intelligently  
5 entering pleas. So I think it should be the  
6 Court's responsibility to do that. Of course,  
7 that does get in the way of ...

8 MS. YOUNG: Moving things along.

9 MS. HAUGHWOUT: The train going, yeah.

10 MS. YOUNG: Do you know if the judges are  
11 having any training regarding advising of  
12 collateral consequences, or are they concerned  
13 at all?

14 MS. HAUGHWOUT: I don't think so. I don't  
15 think there's any particular training that I  
16 know of in those sort of expedited proceedings.  
17 I will say in Palm Beach County it is an issue.  
18 It's a problem in some cases, but not the  
19 problem it is in other circuits in that we  
20 actually have a lot of misdemeanors. I think we  
21 have one of the highest misdemeanor case counts  
22 in the state in that we -- the public defender  
23 gets appointed on misdemeanors a lot of times  
24 and so then I think it is our responsibility.

25 I don't think there's much training with

1 the courts and I think there's virtually no  
2 training with the prosecutors. Now, on the  
3 other side of that, I think that, when we have  
4 attempted to set aside pleas done in those  
5 proceedings, we've been pretty successful.

6 MR. JONES: We're going to give you a break  
7 and let you take a drink of water.

8 We've been joined by Mr. McGhee, who I had  
9 heard was stuck in court. We appreciate you  
10 getting over here to join us for this  
11 conversation. Obviously, we are a little bit  
12 down the road but not so far that your  
13 participation won't be meaningful and welcome.  
14 So why don't you take five or ten minutes and  
15 just give us sort of the benefit of your  
16 thoughts, a little bit of your background and  
17 who you are and some of your opening comments  
18 and then we have some questions for you.

19 MR. MCGHEE: Okay.

20 MR. JONES: Thank you.

21 MR. MCGHEE: Thank you-all for allowing me  
22 this opportunity to be here this morning with  
23 you. I apologize for the tardiness. My name is  
24 Kionne McGhee. I'm a former assistant state  
25 attorney here within this county. I served in

1 that capacity for about five years. Currently,  
2 I am a partner at the Jones McGhee firm. I'm  
3 also a college professor. I'm also an author.  
4 I've also traveled the country speaking of  
5 issues relating to ex-offender's issues.

6 Currently, I'm also a candidate for the  
7 District 118 Congressional --

8 MR. JONES: Let me just interrupt you for  
9 just one quick second. We're having some audio  
10 issues, which is why you have the microphone.  
11 I'm not sure if it's picking you up. Hold it  
12 closer to you.

13 MR. MCGHEE: Can you hear me now?

14 MR. JONES: Yes, we can.

15 MR. MCGHEE: Would you like for me to start  
16 over?

17 MR. JONES: No, we got it.

18 MR. MCGHEE: So pretty much, that's where I  
19 am now. I memorialized my experience with the  
20 criminal justice system. I wrote a book called  
21 "A Mere I Can As American." Inside of the book  
22 actually memorialized a process and some of the  
23 issues that I found to be very detrimental to  
24 rehabilitation in this country as it relates to  
25 individuals who have been arrested.

1           Two issues that I found through my research  
2 that are causing major issues and major  
3 roadblocks are the terms "ex-offender" and  
4 "ex-con." The problem is what we're finding is  
5 many individuals -- it's especially employers --  
6 do not understand the difference between  
7 ex-offender and ex-con.

8           I went into that roadblock myself when I  
9 applied to become a jack officer in the United  
10 States Army. It was pretty much seen as a  
11 condemnation with that particular arrest that I  
12 had on my record because I was arrested also and  
13 charged with battery on a law enforcement  
14 officer, two counts, also with other charges.  
15 That was subsequently reduced.

16           The charges that were reduced were later --  
17 I was acquitted at trial on those charges.  
18 Again, I ended up suing the Florida Highway  
19 Patrol for violating my civil rights, which we  
20 were victorious at the end. But end of the day,  
21 the title "ex-offender" will forever be with my  
22 name. So the reality of it is is: Once we -- I  
23 feel once we get the public to understand that  
24 there's a difference between ex-offender and  
25 ex-con, they will be able to then give those

1 individuals who so necessarily need an  
2 opportunity to become part of the society again.

3 The difference between ex-offender and  
4 ex-convict is that most folks don't know that an  
5 ex-con doesn't necessarily have to serve prison  
6 time.

7 If you get credit for time served on a  
8 felony charge without even serving a day in  
9 jail, you've essentially lost your civil rights  
10 here within the state of Florida because that is  
11 a conviction without serving one day in jail.  
12 The ex-offender is someone who simply has had  
13 contact with the law. Despite the outcome, the  
14 fact that the individual had some sort of run-in  
15 with the law and was fingerprinted and taken  
16 into custody makes that individual an  
17 ex-offender.

18 What we're finding is the majority of the  
19 folks that I help and that my community help,  
20 these people are not hard criminals. They're  
21 not the ones who want to blow up the World Trade  
22 Center. They're just individuals who simply,  
23 because of they didn't want to miss work, they  
24 decided to take a simple plea of credit time  
25 served, which in the end has come back to haunt



1 them tremendously. So that's where I am.

2 That's a little bit about myself.

3 I'm a loving father, three beautiful  
4 children. I've been married eight years. I've  
5 been with my wife for ten years and this is  
6 where I am.

7 MR. JONES: Great. Thank you very much.

8 Margaret.

9 MS. LOVE: I'm so glad you were able to  
10 join us. Thank you so much. I'm also really  
11 happy that you raised the issue of terminology,  
12 which is a pet subject of mine. I'm not sure  
13 that I like any labels whatever they are. I  
14 don't like "ex-offender." I don't like "felon."  
15 But you yourself, having had this brush with the  
16 law, one of the things that we're looking at  
17 here is how the legal system either helps or  
18 hinders a person who's had an adverse experience  
19 with the law to pay whatever debt there is. I  
20 take it that you were acquitted so you don't  
21 have a conviction?

22 MR. MCGHEE: Correct.

23 MS. LOVE: But for those who do -- and you  
24 were a State attorney's --

25 MR. MCGHEE: Yes.

1 MS. LOVE: -- at one point. Can you  
2 comment on how you see the law in Florida  
3 functioning to help or hinder people?

4 MR. MCGHEE: Well, the short answer is --  
5 and I totally despise terminology as it relates  
6 to a negative connotation -- felons, ex-offenders.  
7 And I don't believe necessarily it's the law. I  
8 think it's those individual who actually  
9 interpret the law.

10 What we're finding is that lack of  
11 education as it relates to these individuals,  
12 especially those who sit on the bench and who  
13 hand down the punishment, that individual may  
14 well deserve or not deserve. They must be first  
15 educated to understand that there is a  
16 ramification that will have a detrimental effect  
17 and create some sort of quagmire at the end of  
18 day for these individuals.

19 For instance, growing up in high school, in  
20 elementary, sitting here today, many of you  
21 would not even notice it, but I was labeled  
22 "emotionally handicapped." I was suspended from  
23 school more than 20 times and missed over 100  
24 days of school. Well, because of that label, I  
25 had to live up to it. Therefore, I become a

1 very defiant individual -- a defiant individual.  
2 Didn't care about the system, didn't care about  
3 the legal system, but the only thing I was doing  
4 was simply acting out for attention because  
5 there was an expectation that I had to live up  
6 to. I had to live up to the expectation that I  
7 had some sort of mental retardation in order to  
8 satisfy whatever labels that were already placed  
9 on me.

10 We transfer this over to the criminal  
11 justice system. Now, we have individuals who  
12 are ex-offenders or ex-felons and the doors of  
13 opportunities are closed on them because of  
14 that. Now, you've forced them into a position  
15 where they have to now answer that question that  
16 we all answer every single day without knowing:  
17 How do we feed ourselves and protect our family  
18 and provide for our families?

19 Well, when an ex-offender such as myself or  
20 another individual who is an ex-con goes out for  
21 a job, well, the answer is not going to be "No"  
22 his stomach; and the stomach doesn't know the  
23 difference between right or wrong. The only  
24 thing they know is it wants to eat. It's  
25 hungry. Kids, they want to eat.

1           So I think what needs to happen is the  
2 terminology definitely needs to go. I think the  
3 rehabilitation portion of it needs to come back,  
4 because I haven't seen it yet in our criminal  
5 justice system. I think judges need to be  
6 educated as to how the quick colloquy or the  
7 quick plea -- because, remember, in the  
8 colloquy, I do not recall there being a phrase  
9 in the colloquy in court that basically says, Do  
10 you understand by taking this plea that all of  
11 your State of Florida constitutional rights will  
12 be stripped at this particular moment? I don't  
13 believe that's in the colloquy.

14           What I do believe is in the colloquy is:  
15 By taking this plea, you're pleading guilty.  
16 And you understand about pleading guilty you're  
17 subject to deportation if you're not a citizen.

18           I do not recall seeing in the colloquy  
19 where it says: If you take this plea to a  
20 credit time served, because of convenience  
21 because you don't want to leave work and the  
22 extra, you know, \$10 an hour that you're making,  
23 you don't want to lose that. You just want to  
24 take this out of convenience. I don't believe  
25 that that phraseology is inside of that

1 colloquy, which would actually in a sense reduce  
2 the number of ex-cons, because they normally  
3 wouldn't take that plea if they knew they were  
4 going to lose their right to vote, their right  
5 to get a license in the state, the right to  
6 participate in a jury, the right to participate  
7 in all other rights and privileges that this  
8 great state provides for us.

9         So the education part to the judges is a  
10 must and the education part to many of our  
11 attorneys, our colleagues, is a must. Because  
12 without it, what we're going to see is a  
13 perpetual door of lack of understanding that  
14 will forever feed the criminal justice system in  
15 a way that's going to -- end of the day, it's  
16 going to become detrimental. When I say  
17 "detrimental," it's because, currently, you have  
18 about a million individuals out there who, if  
19 they just simply had a job and didn't have to  
20 worry about the label -- and I'm not talking  
21 about the sex offenders. I'm not talking about  
22 the hard murderers, but I'm talking about the  
23 individuals who have committed quality of life  
24 crimes.

25         If these individuals could be brought back

1 into our system and made to pay some sort of  
2 taxes instead of having the underground  
3 resources provide for their needs, I think we'll  
4 all be in a better position. But until the  
5 phraseology and the terminology changes, we may  
6 be in a situation where we're going to be here  
7 again discussing the same topic.

8 I can honestly say to you this, there's a  
9 book I read. It's called "The Corrections."  
10 I'm teaching it over to my students at the  
11 college. And I think it's Baldwin, he made some  
12 very great conclusions, based upon his  
13 understanding of the system. And his  
14 conclusions are simple: If you take away all  
15 opportunities for an individual to survive  
16 and/or feed his or her family, what ends up  
17 happening is you force them into a recycling  
18 system based upon what they've known all their  
19 lives. In a sense, it negates the actual  
20 rehabilitation.

21 MS. LOVE: This is my last question and  
22 then I'm going to turn it over to my colleagues.  
23 You are an assistant State's attorney.

24 MR. MCGHEE: Yes, ma'am.

25 MS. LOVE: You talk about the need to

1 educate the judges. We all know, as defense  
2 lawyers, we need to know what about the  
3 prosecutors. What do you think the role and  
4 responsibility of prosecutors is, if anything?

5 MR. MCGHEE: Right. To be frank, all of us  
6 in that -- the legal system, all of us have a  
7 constitutional duty to protect the rights of  
8 each and every last citizen in this state and/or  
9 nation, no matter what prosecutor, what defense  
10 attorney.

11 The role of the prosecutor is to serve as  
12 the safe guard, as the gatekeeper for our  
13 criminal justice system to prevent innocent  
14 individuals from ending up going through the  
15 system. It's also a role where the person  
16 serves as the gatekeeper for rights. And we  
17 know the quickest way to become less of a  
18 citizen in this state is through the criminal  
19 justice system, which is the primary way of  
20 decivilizing yourself. So the first and  
21 foremost thing is the citizen -- not the  
22 citizen, but the prosecutor has to understand  
23 his or her role is to serve as the gatekeeper of  
24 rights. If that is done appropriately and  
25 accordingly, what ends up happening then is

1 these cases are evaluated not based upon some  
2 guidelines and some rigid laws that were made  
3 years ago, but they're based upon the facts  
4 within that simple A form. Because I don't  
5 believe it's fair for a prosecutor. And even  
6 when I tell you when I was a prosecutor, I  
7 reviewed pretty much every case by case, not by  
8 a procedure or not by some sort of guideline.  
9 But it is incumbent upon a prosecutor to look at  
10 each A form, and once that A form has been  
11 reviewed, to be able to make the determination  
12 that a young man who takes Pampers in the excess  
13 of \$300 in order to take care of his child  
14 versus a young man who is caught depriving a  
15 senior citizen of her hard-earned money should  
16 not be treated the same. Albeit they both,  
17 according to the law, they committed the same  
18 crime. But there are factors that must be had.  
19 You must understand that this is a person. This  
20 is just not a simple paper. This is not a  
21 simple system where there's no human emotions  
22 involved. This is a system where there are  
23 causes and affect.

24 We have to understand, even as prosecutors  
25 that, you know, by the grace of God many of us



1 are not sitting behind the bars with the cuffs  
2 on. Only by the grace of God that many of us  
3 didn't get caught doing what we did. By the  
4 grace of God, many of us know, had we gotten  
5 caught, we wouldn't even be where we are now.

6 So to cast judgment and put the same person  
7 in the category as a person who is a hardened  
8 criminal versus an individual who's doing it  
9 because he's got to support their family, and,  
10 you know, he doesn't have a run-in with the law,  
11 I think it's wrong. I think now we have to  
12 review that and give that information over to  
13 the defense attorneys who also want their  
14 clients to plead that are not appropriate  
15 because of their lack of preparation and because  
16 of their lack of understanding in the criminal  
17 justice system.

18 So at the end of the day, it's incumbent  
19 upon both the defense and the prosecutor to do  
20 what needs to be done, but also to thoroughly  
21 review the cases. How realistic is that? I'm  
22 not quite sure it's realistic considering the  
23 case load that comes through this county and  
24 through the state of individuals who commit  
25 crimes. I look forward to that day. But right

1 now, I look to the day where I say, Well,  
2 hopefully, we'll have a day where each case is  
3 looked at on an individualized basis. And once  
4 it's reviewed on an individualized basis, we can  
5 come to the conclusion that, you know, John Doe  
6 who robs senior citizens of their hard-earned  
7 money versus John Doe, who because he fell hard  
8 on his luck and he couldn't provide for his  
9 family because of the title that he carries with  
10 him to get Pampers to clothe his kid, you know,  
11 hopefully, one day we don't have those two  
12 individuals in the same boat.

13 MS. LOVE: Thank you.

14 MR. JONES: Elissa.

15 MS. HEINRICHS: I have a question first  
16 for -- I would also welcome your input. I want  
17 to talk a little bit about the colloquies. Can  
18 I presume that statewide colloquies are given by  
19 judges?

20 MS. HAUGHWOUT: Yes.

21 MR. MCGHEE: Yes.

22 MS. HEINRICHS: Okay. And I ask that  
23 question. I practice in Pennsylvania where,  
24 county by county, things are very different. In  
25 the county I practice, colloquies are given by

1 judges.

2 A neighboring county where I also practice,  
3 they are provided in written form. The defense  
4 attorney has to review each provision and have  
5 the client initial it and then it's marked and  
6 entered into evidence during the guilty plea.  
7 So with that, it's sort of my background and the  
8 perspective that I'm bringing to this  
9 discussion.

10 We've talked about what role does the  
11 defense attorney play or should the defense  
12 attorney play in notifying and advising their  
13 clients of collateral consequences of the civil  
14 rights that are being stripped of them when  
15 their clients are entering guilty pleas. I  
16 wonder based on, really, both of your  
17 perspectives, I guess, without suggesting there  
18 should be a global change to how things are  
19 handled in Florida regarding the pleas, would it  
20 be realistic to have defense attorneys maybe  
21 perhaps in your office have a written colloquy  
22 that they review with clients prior to the  
23 formal process?

24 MS. HAUGHWOUT: Well, and we do. We  
25 actually have a written rights form like you're

1 saying is used in some counties. We have that  
2 plus the plea colloquy that is done by the  
3 court. I think that's statewide that there's a  
4 written rights form and an oral pre-colloquy.  
5 So the lawyer does have to review those things.  
6 And in the written plea colloquy, the written  
7 rights form, it does address just the  
8 immigration issues and it addresses the sentence  
9 being used later to enhance other sentences.  
10 And so that is the time when lawyers also talk  
11 about other consequences of the plea.

12 MS. HEINRICHS: Who developed the form that  
13 you're talking about?

14 MS. HAUGHWOUT: Well, I -- you know, I  
15 should know that, shouldn't I? I think it's  
16 developed by the rules committee. I think it's  
17 part of the Florida Rules of Criminal Procedure.  
18 It mirrors the plea colloquy in many ways.

19 MS. HEINRICHS: Is that provided to both  
20 the clients who have misdemeanor charges and  
21 felony charges?

22 MS. HAUGHWOUT: Yes.

23 MS. HEINRICHS: Why have we not seen that  
24 in the -- we talk about the three-minute  
25 justice.

1 MS. HAUGHWOUT: Right.

2 MS. HEINRICHS: That was never discussed.  
3 It was never seen. Clearly, the people that  
4 were charged in those cases, there's no  
5 suggestion that they saw that form. So how in  
6 practice is that form being used, if you can  
7 talk about it outside of your office?

8 MS. HAUGHWOUT: I don't -- I really can't.  
9 I don't know what to say outside of Palm Beach  
10 County. It is used in every plea. I don't know  
11 about in the -- I would assume when the  
12 person -- because the lawyer has to sign it as  
13 well as the client. So I would assume that  
14 maybe when there is no lawyer, it's not used. I  
15 can tell you I have had an on-going battle with  
16 the judges about, sort of, fareta inquiries in  
17 misdemeanor -- in these minor cases, because  
18 they really do. I mean, they kind of want it to  
19 move along without lawyers getting in the way.  
20 I keep saying, Well, you really need to do a  
21 full colloquy before you do that. It's just a  
22 misdemeanor. It's something minor.

23 So that's where I think there really is  
24 tension. With the issue about -- because not  
25 only -- I mean, they're told their rights in the

1 plea colloquy, they have a right to a lawyer,  
2 but they're never really -- it's never any sort  
3 of fareta inquiry on their waiver on the minor  
4 cases.

5 MS. HEINRICHS: Is there a post-conviction  
6 relief act, a PCRA state statute here?

7 MS. HAUGHWOUT: There's a Rule of Criminal  
8 Procedure 3.850.

9 MS. HEINRICHS: For PCRA?

10 MS. HAUGHWOUT: For post-conviction, yes.

11 MS. HEINRICHS: Can they bring their cases  
12 back under PCRA for an ineffective --

13 MS. HAUGHWOUT: Yes.

14 MS. HEINRICHS: Not so much of a counsel or  
15 colloquy.

16 MS. HAUGHWOUT: Voluntariness on the  
17 colloquy, yes. One of the things that -- I'm  
18 going to let you answer this, too, but I will  
19 say, you know, again, in terms of -- and this is  
20 where we have the struggle with immigration  
21 consequences as well as other consequences in  
22 that what clients are faced with is, you know,  
23 do I want to spend more time in jail or take  
24 this plea that's going to have these  
25 consequences? I think sometimes that's the

1 bigger issue than their awareness of what the  
2 consequences of the plea is -- their liberty.  
3 And so you know, in a lot of ways, I see the  
4 bigger issue is the prosecutors have this hammer  
5 that really comes down to forcing people to  
6 enter pleas that have consequences that are not  
7 considered in as part of the punitive measures  
8 that are being levied. And while absolutely the  
9 clients need to be aware of what they're doing  
10 and what they're giving up, you know, the  
11 jailhouse doors have more power than anything  
12 anybody else can say to them and same with  
13 immigration consequences.

14         We have this issue over and over again  
15 where it's, Well, except I can get out of jail  
16 and I'll take my chances with Immigration. If I  
17 can get out quickly before ICE gets me while I'm  
18 in jail.

19         Despite us saying, But down the road, this  
20 may mean -- you know, you leave your family  
21 behind.

22         But it's going to get me out today, right?

23         And that becomes the question. To me, the  
24 problem is that the hammer of loss of liberty is  
25 so great that we lose -- you know. And as I

1 say, the collateral consequences are not  
2 considered as part of the punitive measures to  
3 the extent to which they should be in  
4 determining appropriate sentencing both by  
5 prosecutors and by judges.

6 MR. MCGHEE: And to piggyback on her  
7 statements, the colloquy is -- in my opinion, it  
8 is the one document that can reduce  
9 ex-offenders, ex-cons in our system. The reason  
10 being, if you put it in writing and/or put it in  
11 the video and you express this to the defendants  
12 in the beginning and you say, Listen, you're  
13 charged with a third-degree felony, grand theft,  
14 and this person is already out of jail. He's  
15 standing at the podium. He's got a three-minute  
16 justice, two-minute justice, the Court is moving  
17 really quick. Instead of saying to him, There's  
18 a right -- he may be deported, you know, you're  
19 going to have a conviction. If you were to say  
20 to him, Listen, you take this plea, you're not  
21 going to be able to sit on the jury, the license  
22 that the State of Florida issues, you're not  
23 going to be able to get those, you won't be able  
24 to vote, you're not going to have a lifestyle  
25 that -- other individuals who are without



1 felonies, you're not going to be able to  
2 duplicate that lifestyle for quite a while.  
3 There's going to be a stigma there when folks  
4 see you. When you get ready to apply for a job,  
5 you're going to see these things come up. You  
6 may not have an opportunity to explain yourself  
7 because they're going to put you in File 13,  
8 which is the trash. Do you want to take the  
9 plea?

10 I am convinced, based upon my review and my  
11 research in that courtroom -- and I just left  
12 the courtroom now -- I am convinced the majority  
13 of the folks on third-degree felonies, cases  
14 where they are willing to take a chance and  
15 they're not facing a substantial amount of  
16 prison time, they will probably say no. Let's  
17 take it to trial. I want my rights. I want to  
18 fight this thing, because to close the case out  
19 in three minutes versus the collateral affect of  
20 having your life forever ruined, it is almost  
21 unacceptable and unbelievable to suggest that an  
22 individual would take a plea with the facts laid  
23 out in front of him. I don't think it will  
24 happen. I represent clients who -- and I'll  
25 give you an example without calling a name -- I

1 have an individual who's preparing for trial,  
2 attempted first degree murder -- well, he's  
3 still in custody right now. And my last jail  
4 visit with him a few weeks ago, I explained to  
5 him the ramifications of taking a plea or going  
6 to trial and how things may work out. The only  
7 thing he's concerned with is: I don't want to  
8 lose my rights. I don't want to lose my rights.  
9 I don't want to lose my rights.

10 Buddy, you're facing more issues than  
11 simply losing your rights. You're facing life  
12 in prison.

13 I didn't do it and I'm not going to take a  
14 plea because you explained to me the  
15 ramifications if I take a plea or if I'm found  
16 guilty. I didn't do it. So, therefore, I'm not  
17 going to lose my rights.

18 The same thing with another client that I  
19 have who has a third-degree felony. And he's  
20 out. Once I explained to him what he's really  
21 looking at losing, the cost down the road, they  
22 ultimately come back and say, You know what,  
23 it's not worth it. I'm going to remain a  
24 citizen. I've worked so hard to help this  
25 county, this state, this nation. Therefore, I

1 want to maintain my citizenship. And,  
2 essentially, if he takes the plea -- or when  
3 they take the plea for a certain period of time  
4 in the state of Florida, Miami-Dade County,  
5 let's be honest, they are stripped of their  
6 rights.

7 MR. JONES: We are over on time,  
8 unfortunately.

9 Jenny Roberts is our task force reporter.  
10 She's got just a couple of questions to round  
11 out the record.

12 MS. ROBERTS: I think it's one.

13 MR. JONES: She's got one question to round  
14 out the record. I'm going to ask that your  
15 responses be succinct.

16 MS. ROBERTS: Yeah. I think it's a pretty  
17 targeted question I'm looking for here, which  
18 is: On the driver's license issue that you  
19 addressed earlier, are there any mechanisms in  
20 place for relief from that and can you describe  
21 it briefly and also talk about the role of the  
22 defender or if there's any counsel needed or  
23 available to help with that?

24 MS. HAUGHWOUT: There is and I can't tell  
25 you the specifics. There is a provision for a

1 work permit. If you go through an  
2 administrative hearing and we don't -- we give  
3 them the information about all of that, but  
4 we're not authorized to represent people in  
5 administrative proceedings.

6 MS. ROBERTS: Thank you.

7 MR. GOLDMAN: Can I just ask you --

8 MR. JONES: This will be the last question.

9 MR. GOLDMAN: It's not a question. Could I  
10 trouble you to send us a form? I don't think we  
11 have one.

12 MS. HAUGHWOUT: The rights form, sure.

13 MR. GOLDMAN: Yes. Could you? I'll give  
14 you my card.

15 MR. JONES: Send it to Angie.

16 MR. GOLDMAN: Thank you.

17 MR. JONES: Thank you both very much. This  
18 was great, very informative. I'm glad you made  
19 it.

20 MR. MCGHEE: Sorry about the tardiness.

21 MR. JONES: Your contributions were  
22 important and valuable. So thank you both very  
23 much.

24 MR. MCGHEE: Thank you.

25 MS. HAUGHWOUT: Thanks for doing this.

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PANEL II

MR. JONES: All right. Let's get started.  
Welcome. Thank you very much for being here.  
We're happy to have you. Let me say again  
welcome. We're pleased you guys are here.

The way that we operate is that we're going  
to give each of you five or ten minutes to give  
us the benefit of your opening thoughts. Tell  
us a little bit about yourself and any other  
pertinent, relevant, insightful, and useful  
information you would like to share, we would be  
happy to have. Then we have a bunch of  
questions for you.

MR. SANON: Okay.

MR. JONES: The way that we're going to do  
the questioning is that one of us is going to be  
responsible for leading the questioning of each  
panel. For this particular panel, it is going  
to be Lisa Heinrichs who's going to be doing the  
questioning. After she's done, we may have some  
additional questions for you. But we hope that  
this, as it has in the past, works to facilitate  
a really robust and useful discussion for us.  
So once again, thank you. I'm going to stop  
talking.

1           The last thing I should say really is: We  
2 are recording this. We're having some issues  
3 with the sound in the room, so you guys have a  
4 mic on your table, because what you say is much  
5 more important than what we say. So make sure  
6 that, when you're talking, you have the mic up  
7 and you're in good voice so that it gets picked  
8 up on the table. Other than that, I'll stop  
9 talking and turn the floor over to you.

10           MS. EBENSTEIN: Good morning. My name is  
11 Julie Ebenstein. I'm the policy and advocacy  
12 counsel for American Civil Liberties Union of  
13 Florida. Thank you very much for inviting me  
14 here today to discuss the issue of felon  
15 disenfranchisement and thank you for the work  
16 that you're doing nationwide to investigate this  
17 issue further and make your recommendations on  
18 what must change when it comes to the loss of  
19 voting rights. The ACLU in Florida is a  
20 membership organization with approximately  
21 20,000 members and another 130,000 supporters.  
22 We're based in Miami with three regional offices  
23 in Jacksonville, Pensacola, and Tampa. We do  
24 work statewide on the issue of felon  
25 disenfranchisement. Specifically, we hold

1 seminars, provide education materials, and try  
2 to assist the individuals with having their  
3 rights restored. It's often said that the right  
4 to vote is the most fundamental right, because  
5 it's preservative of all the rights. We forget  
6 that sometimes in Florida that the right to vote  
7 is a right, not a privilege.

8         The US, as you know, now incarcerates  
9 approximately 2 million people and one of the  
10 collateral coincidences of felony conviction and  
11 often incarceration is the loss of the right to  
12 vote in some states.

13         Florida is one of four states that has a  
14 constitutional lifetime ban on felony voting on  
15 folks with felony convictions, voting following  
16 their conviction. This means that the only  
17 avenue to restore one's right to vote is through  
18 the clemency process.

19         And while a number of states have clemency  
20 as the avenue towards rights restoration,  
21 Florida is uniquely situated in that the rules  
22 change more often than some can people can keep  
23 track of. It's highly, highly irregular for  
24 clemency rules to change based on a vote of the  
25 Florida Executive Clemency Committee.

1           The main thing that I want to discuss with  
2 you today is how the rules have recently changed  
3 and the impact that that's had on folks who are  
4 trying to have their rights restored.

5           I assume you have a lot of the stats, the  
6 nationwide statistics on who's convicted, who is  
7 incarcerated and, therefore, who loses their  
8 right. I'll just give you some Florida-specific  
9 information. In Florida, the incarceration rate  
10 of African Americans to White Floridians is 4.4  
11 to 1; 1,179,687 people are disenfranchised in  
12 Florida due to felony convictions, 1,179,687.  
13 That's 9 percent of the voting-age population.  
14 And the 293,545 of those people who are African  
15 American make up 18.8 percent of the African  
16 American voters in Florida.

17           Felony disenfranchisement in Florida is not  
18 only a problem for voting rights, it's a problem  
19 of diluting the African American vote and the  
20 Florida ACLU addresses voting rights and  
21 dilution of voting rights and retrogressive  
22 voting policies in a number different of ways.

23           Now, back to the clemency process and the  
24 change in clemency rules. From April of 2007,  
25 there was a change in the clemency rules, which



1 created a near automatic restoration of  
2 somebody's civil rights following their  
3 incarcerated sentence. So once they were  
4 released from prison, their application for  
5 restoration would be automatically forwarded by  
6 the Department of Corrections to the clemency  
7 board and they would all but automatically have  
8 their rights restored. That was for nonviolent  
9 offenses. Other offenders had to wait for a  
10 longer period of time and had to produce more  
11 documentation that they had not only served  
12 their time, but really resuscitated their  
13 citizenship in a number of other ways.

14 On March 9th, 2011, the clemency rules  
15 suddenly changed. This was without notice to  
16 the public, without time to have a substantial  
17 debate. The board voted in this 24-page change  
18 in the rules, some say without even reading the  
19 full extent of the rules.

20 As it currently stands, there is a  
21 five-year wait for those who want to have their  
22 rights restored following some convictions and a  
23 seven-year wait following other convictions.  
24 The five-year wait requires a parole commission  
25 hearing, that the parole commission then forward

1 that application to the clemency board, a  
2 clemency board hearing in which the victim of  
3 that person's crime, if there is one, is  
4 entitled to make a statement to the clemency  
5 board, and the clemency boards gets to decide  
6 whether or not they want to restore that  
7 person's right.

8         Some of the other requirements in this  
9 five-year with a hearing category are that the  
10 person has no pending charges or detainers, that  
11 they have paid all court-ordered restitution. I  
12 think that's significant because some people  
13 cannot afford to pay restitution for their  
14 previous crimes, particularly in a state where  
15 there are a number of barriers to receiving job  
16 licenses if you have felony convictions. Those  
17 two intersect quite heavily to prohibit the  
18 restoration of voting rights or even eligibility  
19 for applications towards restoration in quite a  
20 few instances.

21         And finally, the requirement that somebody  
22 remain not only crime-free, but arrest-free for  
23 the five years following their incarcerated  
24 sentence. That means if you're arrested, you're  
25 not eligible to have your rights restored,

1 regardless of the disposition of that case,  
2 whether charges are brought, whether charges are  
3 dropped. An arrest prohibits you from  
4 eligibility.

5 The other category is the seven-year  
6 category for what are considered more serious  
7 offenses. The requirements are the same except  
8 that category does not include the arrest-free  
9 requirements and a parole commission hearing is  
10 required.

11 Now, five to seven years following the  
12 sentence to have one's voting rights restored  
13 sounds heavy enough. That doesn't really  
14 capture the weight that people have in practice.  
15 The reason for this is that there's a two-to  
16 six-year wait with the parole commission before  
17 people's restoration applications are heard.  
18 The parole commission released a report back in  
19 July that gave some of the data on how the  
20 changing in clemency rules requiring them to  
21 process all applications, not just the  
22 violent-offense applications, has really slowed  
23 down their process even more. So what is  
24 written as a five-to-seven-year wait, in my  
25 experience and our experience assisting

1 individuals in the process, can often be a  
2 seven-to-12-year wait.

3 I'll just give you some of the Florida  
4 parole commission statistics because I think  
5 those speak quite well. The majority of cases  
6 that they took, prior to the change of the  
7 rules, took under an hour to complete.

8 Now, with the amended rules, from what the  
9 parole board says, they have to certify that all  
10 those specific requirements are met. And  
11 because of this arrest-free requirement, they  
12 have to check somebody's arrest records manually  
13 in a number of different data systems, which  
14 leads to a 5.1-hour investigative process even  
15 for the most minor or nonviolent felony  
16 offenses.

17 Prior to the March change in the rules,  
18 there are 105,341 backlogged "RCR", as we call  
19 it, rights restoration applications. That means  
20 that over 100,000 people were eligible to have  
21 their rights restored, had applied to have their  
22 rights restored and were waiting to have their  
23 case determined.

24 Now, many of those people -- and to me,  
25 this is one of the more troubling issues that's

1 come up since the rule change -- many of those  
2 people were eligible under the old rules, went  
3 through the procedure to apply under the old  
4 rules. The rules changed and they became  
5 ineligible because they had not finished the  
6 five-or-seven-year wait. So although they were  
7 eligible, they did everything they were asked to  
8 do and they were, basically, waiting in the  
9 queue to have their rights restored. Once they  
10 became ineligible, having not heard from the  
11 parole commission sometimes for three or four  
12 years, they suddenly received a letter saying  
13 "We're very sorry, you're not eligible to have  
14 your rights restored and you'll be required to  
15 reapply after you complete this five-or  
16 seven-year wait."

17 That means for example, that I could have  
18 applied -- if I had a conviction and had been  
19 released, I could have applied four years ago,  
20 been eligible for rights restoration during  
21 those four years. Suddenly, in March, the rules  
22 changed. I receive a letter that says wait  
23 until your five-year term is done. Even if my  
24 five-year term was done, one month later, I'm  
25 now at the back of the line of 100,000 people to

1 go through the two-to six-year wait to have my  
2 rights restored.

3 I can't imagine the frustration -- I can  
4 imagine the frustration because I've spoken to  
5 many of these people. But you may not be able  
6 to imagine the frustration of having waited for  
7 a year, done everything that's asked of you and  
8 being told to come back in a month and apply,  
9 come back in two or seven years and maybe we'll  
10 be able to restore your rights. And that's  
11 quite a big "maybe."

12 Just to give you one more statistic, the  
13 number of applications since the rules changed,  
14 the number of applications to the parole  
15 commission since the rule has changed has  
16 decreased by about 95.4 percent. Now, some of  
17 that -- so we've slowed this to a trickle. Some  
18 of that is because of the rules are more  
19 stringent and I think some of that is a  
20 difficulty in re-educating people every couple  
21 of years when the rules change what feels like  
22 haphazardly.

23 Part of what we focus on doing is not only  
24 providing direct assistance or direct  
25 information, but we encourage education around

1 the rules. We give out brochures. I have  
2 something available today. We have a website  
3 called restorerights.org that gives up-to-date  
4 information on the current state of the clemency  
5 rules. And we provide service through a  
6 helpline. People can call a separate number of  
7 the ACLU to receive information about their  
8 particular application. Or we at least try to  
9 help them follow up on their application.

10 One more thing that I just want to draw  
11 your attention to before we speak to my  
12 colleagues here is how the dilution of minority  
13 votes due to this change in clemency rules takes  
14 effect.

15 Once the clemency rules changed in March of  
16 last year, we wrote a letter to the Department  
17 of Justice seeking administrative preclearance  
18 for the new rules under Section 5 of the Voting  
19 Rights Act. We haven't heard back from them  
20 yet. We do believe that this is something  
21 that -- that changes in the clemency rules that  
22 impact those felony convictions have a  
23 retrogressive effect on minority voting power.  
24 We think it is something that Florida should  
25 submit to the Department of Justice for

1 preclearance before it can take effect.

2 I just want to thank you again for having  
3 me come here today and I'm looking forward to  
4 answering your questions.

5 MR. JONES: Thank you very much.

6 Mr. Sanon.

7 MR. SANON: Good morning, folks. I thank  
8 you for having me. My name is Newton Sanon.  
9 I'm the president and CEO of an organization  
10 called OIC in Broward County.

11 To contextualize my points today, first let  
12 me start by thanking you for your leadership in  
13 this important matter. I'll be very, very  
14 interested in seeing the outcomes and who  
15 receives this data so that we can do some things  
16 here, because Lord knows we hate to just meet.  
17 We want to see if we can get some actions on the  
18 table.

19 OIC was established in 1964 by a gentleman,  
20 Reverend Leon Sullivan, in Philadelphia. We  
21 have about 60 affiliates strong throughout the  
22 country and another 46 internationally.  
23 Organizations help people with social ails in a  
24 lot of different way. Reverend Sullivan always  
25 believed the job is the best social service in



1 the world.

2       So as I share my points and sentiments with  
3 you-all with regard to the subject matter and as  
4 I read your mission statement, I'm particularly  
5 interested in talking to you about the status  
6 after conviction, a little bit prior to  
7 conviction, but within the context of your  
8 mission statement. Certainly, the restoration  
9 of the rights are a critical matter. But I'd  
10 like to focus on the status after conviction and  
11 I'll share some points in that regard.

12       OIC Broward County, we are funded and have  
13 led with the local work force board of Broward  
14 County in particular, a lot of the job training  
15 initiatives of providing work force development  
16 opportunities to job training, case management,  
17 job placement opportunities for individuals as  
18 they are released from incarceration.

19       We're now in our seventh year running in a  
20 partnership with the US Department of Labor  
21 running the Re-entry of Ex-offenders Initiative  
22 with the past and current administration. And  
23 we acknowledge the US Department of Labor for  
24 its value, seemingly, on this very, very  
25 important issue.

1           Again, there's so many ways that folks  
2 approach social ills in this community. But we  
3 just believe that -- let's focus on the word  
4 "correction." I think that that's something  
5 that we all need to really, really take a look  
6 at with regard to this subject issue of  
7 individuals having opportunities to restore  
8 their lives and become productive members of the  
9 community.

10           We hear the word "correctional facilities,  
11 correctional institutions." Our concern and our  
12 position is that: What exactly are we  
13 correcting? If you take a look at the budgets  
14 of the various states, in some instances the  
15 federal government -- although, again, I express  
16 our thanks for their investment in this area to  
17 some degree, but specifically talking about the  
18 local states and the levels to which they are  
19 seemingly serious are not about true  
20 corrections. And I want to preface this in  
21 saying this: OIC's position, one of our  
22 principles is offering a hand up and not a  
23 handout.

24           So there was this level and tone of  
25 accountability. I always preface this when we

1 talk to folks in the community, whether it's the  
2 business community or social service partners.  
3 I say that because we always acknowledge the  
4 fact that there are people who commit crimes in  
5 this country and they need to deal with that  
6 reality. So I always start there to all the  
7 pundits who might not believe that, well, they  
8 did the crime so they should do the time. I  
9 understand that.

10           So what we're talking about is two  
11 measures: One, how do we proactively deter  
12 folks from engaging in risky behaviors that  
13 ultimately lead them to be incarcerated? When  
14 they do commit those crimes, to the extent that  
15 we can't prevent them, for whatever reason, do  
16 we offer a true opportunity for corrections,  
17 starting primarily in the correctional  
18 institutions? And then, what do we as a society  
19 at large, business community, government  
20 official, et cetera do in terms of policies to  
21 make sure that they have not only done their  
22 time, but they have the opportunity for true  
23 success, if we're serious about preventing  
24 additional crimes?

25           So let's talk about the prevention element.

1 I've always heard of it. I've not seen this, so  
2 I'll disclaim that, but there are studies that  
3 essentially correctional institutions use to  
4 predict the extent to which they're going to  
5 have people to be enrolled from incarceration.  
6 As a matter of fact, I only say it because I  
7 continue to look for this report and I've seen  
8 some semblance of it, but not entirely  
9 preliminary reports where, in fact, correctional  
10 institutions begin to forecast their income or  
11 the extent to which they're going to build  
12 prisons based on academic reports on students  
13 who might be -- ultimately get into a life of  
14 crime.

15 I think it's really important that we study  
16 our educational institution. There's no secret  
17 to why education and training and job  
18 opportunity is the number one deterrent to  
19 recidivism. So how do we take a look at a  
20 competent analysis of things, what social ills  
21 or economic challenges of our communities lead  
22 and might we impart to help deter folks from  
23 becoming incarcerated altogether?

24 Way too often, I think that there's a  
25 disconnect between the workforce system and

1 educational institutions. Because what we find  
2 so often with a lot of our mission at OIC, young  
3 people that are engaged in an opportunity to  
4 assess what their innate abilities are with  
5 regard to this broad menu in our country of  
6 workforce opportunities tend to very, very  
7 likely not to engage in risky behaviors that  
8 ultimately lead them into crime. So I think  
9 that there's a lot of discussions that we can  
10 have about prevention.

11         And when you talk about all the needs to  
12 save and cut the budget from a federal level and  
13 even a state level, when you take a look at the  
14 cost of incarceration, when you take a look at  
15 the cost of our welfare systems and even law  
16 enforcement, there's so many things that we can  
17 do proactively that would deter those costs and  
18 defray those costs that, ultimately, we have to  
19 deal with that not only is it good for us in  
20 terms of deterring these elements, I think, from  
21 an economic perspective, when we talk about  
22 costs, because that's typically why people say  
23 they can't invest into these workforce elements.  
24 There's a lot that we can take a look at there.

25         So having said that, now corrections. It's

1 interesting what my colleague alluded to is that  
2 we have a system where, a lot of times, folks  
3 that are engaged to be incarcerated, but way too  
4 often, some of the first things to be cut in  
5 these correctional institutions are efforts that  
6 might help them to learn a skill, get  
7 substance-abuse treatment services, which is  
8 another issue and then give them just the  
9 opportunity to compete for what we know is what  
10 deters them from being recidivists and that is  
11 an opportunity to earn a wage and live a  
12 productive life. There are so many licenses  
13 that folks can try to obtain post-incarceration  
14 if they have a felony conviction, in particular,  
15 that they're not eligible to be able to do now.

16       Again, going back to accountability, in  
17 some instances that makes sense. If I rob the  
18 bank, well, I probably shouldn't be working at  
19 Bank of America. I can live with that one. But  
20 so many of our men and women are interested in  
21 cosmetology. I can't seem to gather how a  
22 felony conviction for a drug infraction and my  
23 wanting to obtain a cosmetologist license, I  
24 can't see the public risk there, because  
25 certainly, we acknowledge that anything that

1 might imply public risk that we should, in fact,  
2 align with any penalties accordingly. So I  
3 think we need to do a comprehensive study. If,  
4 in fact, the crime is not interconnected with  
5 that work force opportunity or does it further  
6 cause public safety issues. We really need to  
7 take a look from a state, local, and even  
8 federal level, how do we make sure that we're  
9 serious and we're serious about corrections. We  
10 take away those barriers that might otherwise  
11 give a person an opportunity to truly be  
12 corrected and to honor what a lot of them say to  
13 me and I see wholeheartedly, their reference to  
14 be productive member of our respective  
15 communities. I think we've got to take a very  
16 comprehensive look at that.

17 I think the other issue is when you talk  
18 about some of these infractions, you know I  
19 think we have to take a close look at folks that  
20 are arrested as a result of substance abuse  
21 infractions. And in my mind, there are two  
22 elements. There are people that abuse  
23 substances for a whole lot of reasons and there  
24 are people that tend to want to sell on the  
25 street. I'm particularly talking about those

1 that abuse substances. Life happens to  
2 everyone. And we study this so much because we  
3 also run a substance abuse treatment initiative  
4 through the federal government, SAMHSA in  
5 particular, and so we see this often. People  
6 have all kinds of social and life ails that did  
7 cause them to abuse drugs. There's a myriad of  
8 reasons. Certainly, everyone should be held  
9 accountable for their actions. But to have the  
10 extended and lengthy sentences for someone that  
11 might have abused a substance as a result of a  
12 social ill, depression, loss of a child, spouse  
13 and so many other ills that kind of drive people  
14 to those things, I just think we just need to  
15 take a different perspective on how we approach  
16 incarceration in that respect. Should there be  
17 a penalty of sorts? Absolutely. Again, I  
18 continue to reiterate to everyone that OIC  
19 doesn't take this bleeding-heart approach. We  
20 believe that everyone should meet their  
21 infraction where it is and be accountable for  
22 that. But we need to contextualize some of the  
23 infractions with the levels of incarceration  
24 that people are dealt with. You see a lot of  
25 that with crack cocaine and cocaine substance



1 and the discrepancies in the sentencing with  
2 regard to that as well. I know that there was  
3 some legislation that took place -- at least it  
4 started to take place several years ago, but  
5 until this day, we still have a lot of  
6 challenges in that regard.

7 I think the most important thing for us to  
8 concentrate on is to what extent are we  
9 correcting? To what extent our institutions  
10 held accountable to make sure that everything  
11 they do is truly about having this person, yes,  
12 meet their infraction, but are we truly focused  
13 on just a temporarily isolation from communities  
14 and/or a subcommunity that fosters sometimes  
15 even more criminal activity? Or are we truly  
16 focused on rehabilitation and correcting these  
17 individuals and to take a look at all of our  
18 policies post-incarceration to make sure that  
19 there aren't further hinderances, that people  
20 truly have the opportunities to correct their  
21 behaviors, lives, earn a wage and be productive  
22 members of our society? That's a broad  
23 discussion, obviously, but I would suggest that  
24 we use that paradigm as we approach corrections  
25 and this whole incarceration deal. I think not

1 only will you see a substantial reduction in the  
2 cost of the these facilities in incarceration, I  
3 think even the community at large, if we are, as  
4 the folks whether it be government, federal,  
5 local or state, if we held the same -- we hold a  
6 particular paradigm and attitude towards inmates  
7 that are released, I think we sometimes find the  
8 business in the community at large to follow  
9 suit. So the idea is: How do we, again,  
10 acknowledge what we think is appropriate in  
11 terms of sentencing yet make sure that  
12 everything that we're doing is consistent with  
13 true corrections so that our folks can have a  
14 good opportunity to be a productive member of  
15 our respective communities? Thank you.

16 MR. JONES: Thank you.

17 MR. HEINRICHS: I want to talk with you a  
18 little bit about how you ended your  
19 presentation. You've talked about  
20 accountability and the need for appropriate  
21 corrections. At what point -- I think as you  
22 were talking about accountability with  
23 sentencing, you're saying -- and I want to make  
24 sure I understand it, that there needs to be  
25 appropriate sentencing so that the individual is

1 held accountable for the crime that they were  
2 convicted of; is that accurate?

3 MR. SANON: Yes, ma'am.

4 MR. HEINRICHS: How then would  
5 accountability -- I guess, at what point do you  
6 believe that individuals have paid their debt to  
7 society? At what point should society stop  
8 asking an individual or stop asking institutions  
9 to hold an individual accountable for the crime  
10 they were convicted of?

11 MR. SANON: I would say that that's also  
12 contingent upon the nature of the infraction.  
13 Obviously, there's all sorts of infractions  
14 that, in turn, merit various levels of  
15 incarceration.

16 One of the most sensitive matters that we  
17 deal with here at our office is the sex  
18 offenders, but, again, we've got to  
19 contextualize that. You have the issues of the  
20 classic -- what is it they call it, Romeo and  
21 Juliet, where I was 17 and in high school and I  
22 graduated and I turned 18 or 19, yet I was  
23 dating a girl that was maybe a junior or  
24 sophomore. And because of the age difference in  
25 a consensual relationship and maybe the parents

1 got upset and something happened -- who knows --  
2 and because of that difference that person is  
3 now labeled a "sex offender." Now, we know how  
4 our society feels about that but you've got to  
5 contextual it. And so it's hard to give you a  
6 specific answer except to say that -- we've  
7 almost got to look at each crime individually.  
8 But aside from that, once we agree what we  
9 consider appropriate -- and obviously, there's a  
10 lot of contingencies to determine appropriate  
11 levels of incarceration, once we agree on that,  
12 if that person has, in fact, lived out that  
13 sentence, then I think if, in fact, we're truly  
14 doing corrections, i.e. skills training,  
15 behavior modification, cognitive reconstructing,  
16 et cetera, and they've earned the skills set,  
17 hopefully, we make a reason for that while  
18 incarcerated, I think we should give them the  
19 opportunity to have been -- assuming they've  
20 been corrected, if we're focused on that, to be  
21 able to earn a wage. Those stigmas shouldn't  
22 still carry.

23         If you think about it and we're honest to  
24 ourselves, aren't we all ex-offenders? I mean,  
25 really. All of us lack a degree of perfection

1 in some form or fashion or another. Granted you  
2 can contextualize that, again, the severity of  
3 any of these infractions, but I just think we  
4 have to be honest about, are we truly providing  
5 an opportunity? Are we truly intending to  
6 provide corrective services and facilitate that  
7 process for a person? Is the ultimate ending  
8 goal to have this person to be rehabilitated and  
9 come back into the community to be a productive  
10 member of our respective societies? And if  
11 that's the case, attested by what? Those are  
12 the parameters that I would suggest we have a  
13 discussion with, with all levels of all vested  
14 re-entry folks.

15 MR. HEINRICHS: Well, as that relates to  
16 the practical application with the work you do  
17 in helping people re-enter the employment  
18 sector, could you talk a little bit about, I  
19 guess, the challenges and the methods that you  
20 use to overcome the challenges in educating  
21 employers?

22 MR. SANON: Yes. Well, I always say to  
23 folks: We have two customers. I have the folks  
24 that are needing the skill sets to be able to  
25 have the opportunity to earn a wage. And the

1 key word is "earned." Earned assumes that  
2 they've gained those skill sets and have the  
3 requirements to earn that wage. That's why my  
4 previous comments are so important, because,  
5 again, that takes place -- that's more important  
6 that it place if not pre-incarceration so that  
7 it doesn't place in the first place, while folks  
8 are incarcerated as long as they have all the  
9 time in the world.

10 I also have an obligation to say to an  
11 employer, not just hire him or her because it's  
12 the right thing to do in the community because I  
13 understand that that person is trying to run  
14 their business. It's an exchange. I'm  
15 exchanging my skill set to meet an employer's  
16 demand or requirement to get a certain job done  
17 for a wage. And that's the biggest challenge.  
18 Our biggest challenge has been the extent to  
19 which our folks have certifications, have the  
20 training needed to be able to even have a  
21 discussion, for me to negotiate a wage and  
22 opportunity with that respective employer. Or  
23 the employers, again, I think we have a lot of  
24 work to do because if we as a society continue  
25 to say that even past incarceration folks have

1 done their time and earned their right to be  
2 free, they too in turn believe into that hype.  
3 They see and hold on to those stigmas. So I  
4 think we have a comprehensive degree of work to  
5 do, to make sure that we're talking about what's  
6 the philosophy. Are we talking about true  
7 corrections here, giving people an opportunity  
8 to live productive lives? Because I think  
9 employers hold on to that as well. So we  
10 constantly tell employers that we negotiate a  
11 skill set, not necessarily a philosophy. We  
12 negotiate the fact that this person can help you  
13 meet your workforce demands. But, again, if  
14 that's not taking place with true corrections,  
15 it hinders our ability to do that. And because  
16 oftentimes life happens. I have to pay  
17 restitution. I have to pay child support, back  
18 arrearages in that regard, which is a whole  
19 another discussion with non-custodian parent  
20 files in particular. And I need to earn a wage  
21 right now. So my ability to spend time with  
22 training, get these folks up to polish skill  
23 because they get didn't get them while  
24 incarcerated, that urgency to earn a wage, our  
25 needs gets compromised. Because they can't sit

1 in the seats because they don't know where their  
2 next meal is going to come from. Yet, I've got  
3 employers saying to me, "Newton, it sounds  
4 great, but I need a certain job done."

5 And so you see the continue of the  
6 challenge here and why we really got to focus on  
7 true corrections because that means that we've  
8 done a pretty good job while incarcerated of  
9 correcting behaviors and lack of skill sets in  
10 work places and academic, et cetera, that so  
11 they could have an opportunity to be productive  
12 members of society and not reoffend. Because  
13 when we don't provide those opportunities, then  
14 all these pressures surmount and then they're  
15 confronted with some very difficult challenges.

16 And here's what's interesting and I'll wrap  
17 up on this, you know I found it really  
18 interesting when we went through -- we've gone  
19 through this whole economic downturn, those of  
20 us who were sophisticated, those of us who had  
21 Ph.Ds, M.D.s, execs, et cetera, when people are  
22 confronted with no income, your job stripped  
23 away from you, like our folks continue to do,  
24 the kind of behaviors that you see, so, again,  
25 all of us need the opportunity to be able to



1 earn a wage. And so it's no wonder if you don't  
2 provide those opportunities while incarcerated  
3 so there's true corrections taking place, that's  
4 why you find so many people recidivating  
5 oftentimes.

6 MR. HEINRICHS: I want to shift gears a  
7 little bit and ask you a question,  
8 Ms. Ebenstein. Did I say your name correctly?

9 MS. EBENSTEIN: Yes.

10 MR. HEINRICHS: I appreciate what you  
11 brought in your presentation regarding voting  
12 rights in the state and as sort of a companion  
13 piece to that -- and I'm sorry if we didn't  
14 provide you with more -- this is something that  
15 I'm interested and I was hoping you could talk a  
16 little bit about it, I want to first of all  
17 congratulate you on your work and the success  
18 that was recently reached with Senate Bill -- I  
19 think it's 2033?

20 MS. EBENSTEIN: Yes.

21 MR. HEINRICHS: If you could talk a little  
22 bit about that. I believe it does directly  
23 relate to the voting rights issue, specifically  
24 it's dealing with privatization in prisons. If  
25 you could just talk a little bit about that

1 effort what recently transpired in the state and  
2 then if you could also -- well, let's just start  
3 with that and then I'll --

4 MS. EBENSTEIN: Do you mind if I back up  
5 and just answer the two questions that you ...

6 MR. HEINRICHS: Absolutely.

7 MS. EBENSTEIN: Okay. At what point has  
8 someone paid their debt to society? I just want  
9 to add to that. I believe in many cases, they  
10 have paid their debt to society long before the  
11 end of their incarcerative sentence, that  
12 sentencing laws and mandatory minimums in the  
13 state of Florida are far too long. When have  
14 they paid their debt to society in terms of when  
15 they should have their voting rights restored?  
16 At a minimum, I think on completion of their  
17 incarcerated sentence they should automatically  
18 and immediately have their voting rights  
19 restored. And I say at a minimum because of --  
20 one of the things the report said, ACLU has  
21 done, one specific report called "Out of Step  
22 with the World that looks at how other  
23 democracies treat voting rights.

24 Many other countries, more than half of  
25 European countries, South Africa, New Zealand

1 and a number of others, allow for voting from  
2 jails and prisons. So at a minimum, we should  
3 restore people's rights upon completion of their  
4 sentence.

5 As far as employment licenses, there was a  
6 law passed last year in Florida that decoupled  
7 employment licenses from the rights restoration  
8 process. That means that while you can still  
9 have requirements related to felony convictions  
10 before you grant somebody a job license, that's  
11 no longer linked to their rights restoration  
12 process. So you can say, for example, I need to  
13 wait five years felony conviction for following  
14 release from prison before getting a cosmetology  
15 license, but I no longer need to go through that  
16 rights restoration process. It's purely linked  
17 to the conviction, not through the parole  
18 commission clemency board. So I think that's a  
19 significant development that the panel should be  
20 aware of.

21 As far as the prison privatization,  
22 recently -- well, last year there was a bill  
23 introduced seeking to privatize a number of  
24 prisons in Southern Florida through a general  
25 appropriations bill. This is, again, last year

1 in 2011, as opposed to looking at that provision  
2 as a stand-alone matter.

3 The unions at the time, corrections  
4 officers were represented by the PDA. The  
5 unions challenged that law after it passed. And  
6 the Court decided that while the legislative  
7 could privatize prisons, they could not use this  
8 general appropriations process.

9 Fast forward to 2012, we're in the middle  
10 of our legislation session now. There were two  
11 bills, Senate bill 2036 and 2038, one of which  
12 would immediately privatize 28 prisons in Region  
13 4, which is Southern Florida and the other would  
14 create an exemption towards the usual  
15 outsourcing process, specifically for the  
16 privatization of prisons. So not only would  
17 this call for -- would these bills have called  
18 for the largest prison privatization that the US  
19 has ever seen, but it would do so without the  
20 normal requirements for an outsourcing of state  
21 government function greater than \$10 million. I  
22 think a few weeks ago it looked -- this was a  
23 priority of the Senate. A few weeks ago it  
24 looked like it was going to go through. In the  
25 last few days due to quite a bit of work on a

1 number of people's time the unions came out very  
2 strongly against it. It would lead to the loss  
3 of a number different correction officers' jobs.  
4 Other groups came out against it, including the  
5 ACLU, because we believe that incarceration  
6 rates should not be linked to profits for  
7 corporations.

8         We put out another report recently from our  
9 national office called "Banking on Bondage,"  
10 which highlights, first of all, some of the  
11 drawbacks of private prisons, some of the  
12 dangers of private prisons, some of the -- a lot  
13 of people claim cost savings, some of the ways  
14 in which private prisons do not save costs to  
15 the State in the long term and also the general  
16 argument that a corporation should not profit by  
17 incarcerating people. That was last week.

18         There's never a dull moment in Florida when  
19 it comes to these issues. A few days ago in the  
20 Huffington Post, they released a CCA, one of the  
21 two major private prisons corporations letter  
22 offering to buy state prisons and create a  
23 windfall of funding to a state. In order to be  
24 able to run those prisons, the State could all  
25 but guarantee that those prisons would be at

1 90 percent capacity.

2       So as we're working towards -- let me say  
3 this, along with the ACLU's voting rights  
4 work -- and we're involved in litigation right  
5 now on a couple of funds to defend against the  
6 dilution of voting rights -- we also do  
7 sentencing reform work and criminal justice  
8 reform work. And I think for me, rights  
9 restoration is at the center of those two issues  
10 because it's a way in which -- the NACDL is  
11 highly aware of this, voting rights solution is  
12 what happens when poor criminal justice policy  
13 meets voting rights and meets the suppression of  
14 voting rights and voting power dilution.

15       So like you said, we did quite a bit to  
16 block the prison privatization. Thankfully, the  
17 proposal was voted down 21 to 19 just a few days  
18 ago. We continued to work for other measures  
19 that will save money as this privatization bill  
20 purported to do, such as sentencing reform,  
21 substance-abuse programs, increased employment  
22 opportunities, and other ways where we can  
23 safely and humanely decrease incarceration and  
24 decrease spending on incarceration.

25       MR. HEINRICHS: Well, I asked you about

1 that because in looking at voting rights, if you  
2 don't have the convictions, if you look at it  
3 from the front end, it's a preventative way to  
4 help with the efforts to not have an entire  
5 group of people disenfranchised. In the effort  
6 to block these bills with their new  
7 partnerships, are there new allies that have  
8 been identified, who could assist in the front  
9 end reform efforts that would -- that look at  
10 costs, which was the primary argument that was  
11 used by the other side, but to look at costs but  
12 also to look at the criminal justice reform that  
13 relates to diminishing the number of people who  
14 are incarcerated to begin with?

15 MS. EBENSTEIN: I think we're one of many  
16 states that have seen unusual alliances between  
17 different groups who all come at the  
18 de-incarceration issue from a different angle.

19 In Florida, there's a group called Florida  
20 Tax Watch, that takes more of a fiscal view of a  
21 very valid fiscal view on why incarceration is  
22 bad as a State spending issue. Like you said,  
23 there are better ways to spend money. If you  
24 want to decrease incarceration, for example,  
25 education, substance abuse, diversion programs

1 and a number of other programs. And we talk to  
2 them frequently. We use their statistics. We  
3 come at this issue for more of a civil rights  
4 human rights angle, but we recognize that if  
5 money comes out of somewhere, for example, the  
6 corrections budget, it can be put towards  
7 somewhere else. We believe very strongly that  
8 if we can appropriately decrease incarceration  
9 rates, we not only do a service to the people of  
10 Florida, but we won't have this dilution of  
11 voting rights on the back end.

12 MR. HEINRICHS: I have one last question  
13 before I turn it over to my colleagues. The  
14 question is for each of you. Granted, this is  
15 our second hearing and as we move further into  
16 the process, we have new ideas. As a task  
17 force, we are still exploring and certainly we  
18 have no idea what the end result will look like.  
19 But knowing what our mission is, knowing  
20 generally the questions that we've asked, due to  
21 the things that you brought to us, the overall  
22 topic that we are discussing, when you learn  
23 that we have a final report and we're putting  
24 together a list of who the report should be  
25 shared with, do you have any suggestions for the



1 unlikely addition to the mailing list? Who do  
2 you think could benefit who's not already at the  
3 table? Who do you think could benefit from  
4 being educated by the information that we're  
5 gathering in our process here?

6 MR. SANON: Not knowing who you have, who  
7 your target audience is, I don't know who's on  
8 that list to say who you might have left off.

9 MR. HEINRICHS: That's fair. But who would  
10 you -- I guess, if we were to assume who the  
11 target audience is, and that would be we're  
12 preaching to the choir, who's outside of the  
13 choir? Who from your work, do you see some end  
14 roads have been made, but they're not at the  
15 table yet. I guess really that's what I'm  
16 getting at. Do you see that there's been  
17 progress but they're not quite there?

18 MR. SANON: I would say the judicial  
19 system, because if you think about it, that's  
20 the point by which a person's future and the  
21 extent to which they may be incarcerated, their  
22 sentencing structure, et cetera, is established.  
23 Now, granted judges are also -- to the extent to  
24 which they provide those sentencing structures  
25 is to some degree prescribed, which my colleague

1 talked about sentencing terms and the minimum  
2 terms that folks have to adhere to once they're  
3 incarcerated, so that's somewhat prescribed.  
4 But there is some flexibility that I've seen  
5 with our judicial system. Judges where they  
6 have opportunities as opposed to incarceration,  
7 they bring them to programs such as ours to give  
8 people an opportunity to right some of the  
9 wrongs.

10 Remember something, people are incarcerated  
11 and when we have prison systems as a result of  
12 certain actions, these actions take place as a  
13 result of a lot of ills of our communities:  
14 Economic, educational, work force preparedness  
15 and so I think that, again, that's why it goes  
16 back so much to corrections, because I don't --  
17 I've not entirely said let's throw out the idea  
18 of privatization yet. But what concerns me  
19 because I read the RFP that came out to the  
20 community at large for these institutions to bid  
21 on, there was very little requirement for them  
22 to do the things that we know deter recidivism.  
23 It's funny because a lot of them approached me.  
24 Because they thought okay, fine, by getting Newt  
25 to OIC we can show the world we're really trying

1 to do the right thing. I noticed that my  
2 ability to negotiate what that might look like  
3 was the diminished after the RFP came out,  
4 because we didn't require it that much.

5       So how you talk about cost savings, well,  
6 what does that mean? It's not just about  
7 efficiencies. But the greatest thing that costs  
8 more money is the prison population continues to  
9 go up. And a substantial reason why that takes  
10 place is if you take a look at not just new  
11 arrests but recurring arrests and so if we truly  
12 corrected them by the opportunity for true  
13 corrections, wouldn't that mean we could save  
14 costs there? I mean, studies show you over and  
15 over and over if I get -- our recidivism rate is  
16 7 percent. So that means if I train this  
17 person, if I get them a job, give them a sense  
18 of aspiration and sense of self-worth, I can't  
19 tell you the glee that these folks feel when  
20 they walk across the streets of our graduation.

21       We just had our graduation three weeks ago  
22 and we were honored to have the secretary of  
23 labor come be our key speaker. And I can tell  
24 you she thought she got it. But when she saw  
25 the faces and the glee of these folks having

1 earned this skill, not earned this wage -- I  
2 mean, I can't tell you there were too my dry  
3 eyes in the room. And so we see that so often.

4 We see industries who we used to help us  
5 train say to me flat out -- and I'll be very  
6 honest with you -- pride of this, I was like,  
7 man, you want me to deal with some ex-cons? I  
8 had all the stereo types, but when they engaged  
9 them and they saw these people just want an  
10 opportunity to turn their lives around and earn  
11 a wage, there was a substantial difference. And  
12 I didn't want to volunteer and I didn't want  
13 them to come hang out in my office. I've got to  
14 kick them out sometimes.

15 But I would start with saying that there's  
16 two primary focuses. To answer your question, I  
17 would say this: Our judicial system, we need to  
18 think about how they are approaching  
19 incarceration and alternatives to incarceration,  
20 but, again, it has to be about corrections. If  
21 we're trying to correct behaviors, it has to be  
22 a total paradigm shift in the culture of these  
23 institutions maintaining safety always, but it  
24 has to be a paradigm shift in the culture of  
25 these institutions. These are my colleagues

1 now, as we were all on the State secretary's  
2 advisory counsel when we established so many  
3 policies to help with this issue.  
4 Unfortunately, not a lot of them were honored  
5 with a new administration and, hopefully, that  
6 changes. But there are a lot of answers. And I  
7 think -- and I appreciate you-all's efforts  
8 here. I just hope that you listen and work with  
9 us. Because at the end of the day, we all have  
10 to live in these communities.

11 I don't want my house burglarized just like  
12 anybody else. But I believe that there's a way  
13 to deter someone to continue to do that if we  
14 truly correct their behavior and give them an  
15 opportunity to not be tempted to do so.

16 MS. EBENSTEIN: As far as who should be at  
17 the table once this report is released or to  
18 receive this report, I think there's three  
19 categories of folks that should; first, is the  
20 Governor and the Board of Executive Clemency. I  
21 think there is a misunderstanding about the  
22 impacts of restoring somebody's right to vote.

23 A report put out in July by the parole  
24 commission, showed that there's a lower  
25 recidivism rate for those who have had their

1 records restored than for those who have not.  
2 That in some ways is a self-selecting group as  
3 far as those who have taken the initiative to  
4 apply. But overall, those two things are  
5 correlated. If somebody is allowed and able to  
6 integrate back into their community and back  
7 into our society, they have a better chance of  
8 not committing another crime following their  
9 sentence.

10 I think the second category is legislators.  
11 I think that there should be a constitutional  
12 initiative to put on the ballot the option of  
13 taking away this lifetime disenfranchisement,  
14 which is so out of step with nearly all other  
15 states in the country.

16 I think, third, is the people at large,  
17 both people directly impacted by felon  
18 disenfranchisement and those who are not.  
19 There's quite a bit of mis-information out  
20 there. I think that the first thing that  
21 everybody should know is that rights restoration  
22 increases public safety by decreasing recidivism  
23 rates.

24 MR. SANON: And savings.

25 MS. EBENSTEIN: And savings on a number of

1 funds. I think that the right to vote is  
2 fundamental. The right towards self-government  
3 is fundamental. If we must take people out of  
4 that political conversation, bringing them back  
5 into it as quickly as possible is helpful for  
6 everybody involved.

7 MR. JONES: Margaret, any questions?

8 MS. LOVE: Yes. I have three questions.  
9 The first one is there's been a law in Florida  
10 for a long time, I think, that states that --  
11 that public employment may not be denied solely  
12 because of a conviction record. There was also  
13 a law that said a license may not be denied to a  
14 person whose civil rights have been restored  
15 solely because of a conviction. And that  
16 linkage with the right to restoration process  
17 has been a problem. I understand. We heard  
18 yesterday that that linkage has now been broken.  
19 So we now have a law that simply says a license  
20 may not be denied solely because of the  
21 conviction. I guess my question is, how  
22 effective is that law applied to public  
23 employment? Was that law ever enforced? Was  
24 there a way to enforce it? And I'm just  
25 wondering, because a lot of states have these

1 sort of pseudo non-discrimination laws that have  
2 no mechanism other than through something like  
3 the Administrative Procedure Act to enforce.

4 Has that nondiscrimination law and public  
5 employment ever been enforced in Florida?

6 MR. SANON: It's kind of like, Hey, Vicki.  
7 It's kind of like what happened, our past  
8 secretary -- and Vicki and I sat on the state  
9 secretary's advising counsel talking about these  
10 kinds of policies. I remember saying to him so  
11 he had been pushing this mantra of re-entry as  
12 the approach -- truly corrections, et cetera.  
13 And I asked him, I said, so this is a policy.  
14 It's a paradigm. How do you now get your  
15 corrections officers who have been with you for  
16 15, 20 years operating in one mindset? How do  
17 you avert the culture? How do you get people to  
18 yet even if a policy is administered in Florida  
19 to change the entire culture of that  
20 organizational institution? And so I think it's  
21 similar to the same question.

22 MS. LOVE: I guess my question though is,  
23 has that law ever been enforced in court?

24 MR. SANON: I don't believe so. As a  
25 matter of fact, I know that there were several



1 attempts to do it. I know a lot of the efforts  
2 that we had put on the table has since been  
3 derailed. There's a change in administration,  
4 so I know that we're kind of at a standstill to  
5 some degree to see what's going to happen with  
6 privatization. There's even a change in  
7 administration with who the secretary is going  
8 to be and or has been. And so a lot of us is  
9 kind of held back a little bit, because we're  
10 concerned that we can do all this work, but  
11 until that environment has been stabilized, it's  
12 hard to say what the approach will be or can be,  
13 so I don't believe so. I really don't.

14 MS. LOVE: My second question has to do  
15 with pardons.

16 MS. EBENSTEIN: Should I answer that?

17 MS. LOVE: Well, yeah, if you can answer.

18 MS. EBENSTEIN: Let me just answer that. I  
19 don't currently know of any court challenge to  
20 those under the specific circumstances that  
21 you're talking about. I think it will take a  
22 little while since this law passed last session  
23 and only took effect January 1st of this year.

24 MS. LOVE: I'm talking about the other law  
25 that's been on the books for a long time

1    though --

2           MS. EBENSTEIN:   Right.

3           MS. LOVE:    -- that regulates public  
4    employment.

5           MS. EBENSTEIN:   So this law says that a  
6    denial of the license -- I believe it says it  
7    must be linked to the specific offense.  So  
8    within the law that you're talking about, you  
9    said it says solely because of a conviction?

10          MS. LOVE:    Yeah.  But it relates to public  
11    employment.  This is not a licensing thing.

12          MS. EBENSTEIN:   I think the sticking point  
13    for a case would be solely because of  
14    conviction.  But I don't currently know of any  
15    cases that have been brought under that law.

16          MS. LOVE:    So that's never really been  
17    explored in how that statute might affect?

18          MR. SANON:    Not that I know of offhand.

19          MS. LOVE:    Okay.  The second one has to do  
20    with pardons.  We've heard a lot about  
21    restoration of rights.  But there's also a  
22    pardon possibility in the state.  And, actually,  
23    I think, you know, the pardons are actually  
24    given.  I've got some numbers.  There have been  
25    somewhere -- I mean, it's not a lot, but there

1 are between 20 and 40 pardon given each year.  
2 I'm wondering what's the role of the pardon  
3 process in the scheme? We're kind of looking at  
4 the scheme for restoration of rights and status.  
5 How does the pardon piece of that work? Maybe I  
6 should ask Ms. Ebenstein.

7 MS. EBENSTEIN: The pardons are also a  
8 clemency process. So in some ways, it's  
9 susceptible to the same pitfalls as the rights  
10 restoration process.

11 MS. LOVE: Why would somebody apply for a  
12 pardon as opposed to restoration of rights?

13 MS. EBENSTEIN: Restoration of rights  
14 includes the right to vote. There's a number of  
15 different rights under a full pardon. So, for  
16 example, there's firearm rights that are also  
17 affected by a felony conviction. There's voting  
18 rights. There's a right to serve on a jury. A  
19 pardon would take care of all those rights in  
20 one sweep, but it's still under the clemency  
21 process.

22 As far as the numbers go, before the rules  
23 changed in 2011 between April of 2007 and  
24 September of 2009, there were 147,000 instances  
25 of rights restoration. So that does present

1 another avenue, but I think that it's  
2 susceptible to the same pitfalls and it doesn't  
3 really deal with the current problem of the  
4 clemency process first of all, eligibility;  
5 second of all, heavy, heavy discretion on the  
6 part of the board of executive clemency to  
7 decide even after eligibility who's granted  
8 restoration and who's not.

9 MR. SANON: I promise I'll say this briefly  
10 yet again. And part of the challenge that we  
11 continue to face is we lose our luster to make a  
12 case for provision such a pardons, rights to  
13 restorations if recidivism continues to  
14 increase. Because then you get the, "I told you  
15 so." So it goes back to are we providing the  
16 best opportunity for corrective support so that  
17 we don't have those challenges?

18 A lot of times Vicki and I talk when we're  
19 in these meetings with the secretary. It's as  
20 much of a PR thing and challenge as it is  
21 sometimes. Because you know like we do -- and  
22 I'm not knocking CNN, because we have been on  
23 there as well and they did come shoot one of our  
24 success stories, but they're probably not going  
25 to come to the graduation where 170 people are

1 graduating who have done the right thing. If  
2 one of them were to run me over with their car  
3 because they were ticked off at me, they would  
4 probably be there. So we have to make sure  
5 we're providing opportunities for these -- we  
6 really need to take a look at this, again.

7       What might help give us a strong position  
8 and/or an argument for any of these provisions,  
9 I think it's the extent to which people are  
10 successful in correcting their lives, behaviors,  
11 et cetera, because that is what begins to  
12 progressively permeate a sense the confidence  
13 that we're heading in the right direction,  
14 because that's typically what always derails our  
15 arguments is public safety and the fear of when  
16 a big issue happens. And so I can't stress that  
17 enough.

18       MR. JONES: Thank you.

19       Vicki.

20       MS. YOUNG: Mr. Sanon, you were talking  
21 about the employers that you were able to  
22 introduce your members of OIC to that would be  
23 able to work for -- you know, that they would be  
24 able to get jobs. Assuming now that was a  
25 separate problem, they have the right skills set

1 so, number one, there's a problem because it  
2 sounds like in Florida people do kind of long  
3 sentences and so somebody getting out of a very  
4 long sentence is not going to have a skill set  
5 for the current job requirements. But how are  
6 you able to bring industry, bring the employers  
7 to accept that there are people that they're  
8 willing to employ? I mean, just because they  
9 go through your program so they will look at the  
10 applicants because they have certification from  
11 OIC, but if someone else came to them and  
12 they've checked the box that they have a  
13 conviction, they won't look at their record -- I  
14 mean, they won't look at the application. Can  
15 you address some of that because, you know, they  
16 have a relationship with you and your  
17 organization but that may or may not translate  
18 to the general public.

19 MR. SANON: Yeah. One part of your point  
20 was the extent to which they might have been  
21 incarcerated for a long time and the relevance  
22 of the vocational opportunities that they would  
23 even had the opportunity to realize while  
24 incarcerated. It's funny that you say that.  
25 One of the recommendations was on our behalf to

1 the State was to provide more vocation  
2 certifications and opportunities. But we had  
3 someone on the workforce investment board from  
4 the State, Luis, our colleague. What we said  
5 was to make sure that we continually monitor  
6 and/or update the vocational training that was  
7 in alignment with the high jobs, wage list,  
8 demand that the State Board puts out every year.  
9 That was one of the recommendations that we  
10 would have to modify that to make sure that  
11 we're not training people in an industry that  
12 was obsolete.

13         Secondly, to your point -- you know and  
14 that's why I say we try to do a broad degree of  
15 campaigning or marketing of our successes, not  
16 just to the employers that we work with, but  
17 just broadly speaking about the opportunities  
18 that I would be offered and afforded to  
19 individuals who might have a less than a  
20 desirable past. I say it like that because  
21 we're also conscious about calling them ex-cons,  
22 ex-offenders, et cetera because it stigmatizes,  
23 et cetera. It's challenging.

24         I can tell you that one of the benefits  
25 that employees feel a sense of confidence,

1 because they're just not well versed and/or  
2 sensitive and haven't sensitive to all the  
3 challenges that people that are incarcerated  
4 face.

5       The reality is it can be broad in nature.  
6 There's homeless that have HIV and AIDS,  
7 substance abuse, these re-occurring disorders.  
8 So they get a sense of confidence that they've  
9 gone through an organization that has a  
10 comprehensive career services, not to mention we  
11 act as an extension of their HR unit, because we  
12 don't just place them and walk away.

13       One of the things that we guarantee and we  
14 live up to is once we place them, we stay with  
15 them. We call the employer, how is it going?  
16 We still interact with that respective person  
17 who we placed. And so it provides that support.  
18 So there's two perspectives. It's needed, our  
19 services and that's realized by the employers.  
20 So they gain a sense of confidence when we are  
21 placing with someone from OIC. Folks outside of  
22 that spectrum, they still need those continued  
23 services as well. So I can see how in some  
24 instances it reduces the level of confidence.  
25 Largely in part, because, again, the service is



1 needed; and secondly, employers aren't equipped  
2 to want to deal with that care, to deal with  
3 that and know how to deal with that and so  
4 they're a little bit more reluctant and so it's  
5 a tough juggling act. But when we talk about  
6 our services, we try to extend it to the  
7 community at large and not just for those  
8 individuals coming through OIC. Does that make  
9 sense at all?

10 MS. YOUNG: Yes. So once some employer has  
11 people from OIC and they see the work ethic and  
12 they see that things are working out, have you  
13 heard anecdotally that that's made the employer  
14 more receptive to broaden who they would look at  
15 in future applicants?

16 MR. SANON: Absolutely. And almost  
17 verbatim we've heard them say literally -- we  
18 were negotiating -- we just worked out a program  
19 with FNGLA, the Florida Nursery, Growers and  
20 Landscape Association and University of Florida  
21 training people in the broad scheme of all  
22 landscaping irrigation, et cetera. And  
23 incidentally one of the people in this  
24 organization is an employer who said flat out to  
25 me -- and he pulled me aside because he was

1 embarrassed about it. He said, "I'll be very  
2 frank with you. I was intimidated. There was a  
3 lot of stereotypes. I just didn't know."

4 All people know is the surface that they  
5 hear. These bad stories that come as a result  
6 of all the things we talked about before.

7 And so he did say to me, "It's totally  
8 different now."

9 And I captured that working with our PR  
10 team now to use one of our success stories, but  
11 he said, "I have a totally different perspective  
12 now, totally different perspective."

13 So that's why I think that a lot of this is  
14 about PR and marketing, sharing some of the good  
15 news. But, again, I need the system to help me  
16 truly correct and provide the skill sets, et  
17 cetera needed so that we can have the  
18 opportunity for this good news. Otherwise, it  
19 derails all of our opportunities.

20 One bad story in national press is we  
21 almost see a correlation when there's a big, big  
22 major hit on some federal national crime that  
23 takes place and the extent to which our  
24 employers begin to tense up a little bit. And  
25 so it's a constant effort for us to continue to

1 engage and have that relationship with them.  
2 For further understanding we'll be able to  
3 support those challenges.

4 MR. JONES: Let me just jump in here.  
5 Jenny Roberts is the reporter for our task force  
6 and she has one quick question.

7 MR. ROBERTS: It's a pretty directed  
8 question. We've heard mentioned from a couple  
9 of witnesses and I think Ms. Ebenstein mentioned  
10 the parole commission study that we were talking  
11 about whether the causal link is there in the  
12 soft selection issue that you raised, but is  
13 there any data in that study that shows or  
14 surveyed those with rights restored exercising  
15 those rights or does that exist as your  
16 organization talked about such a study?

17 MS. EBENSTEIN: I don't know of such a  
18 study. You mean once someone's rights are  
19 restored how often they actually are voted? I  
20 actually don't know. I'm not sure if there's a  
21 study.

22 But if I can just also answer the question  
23 on employment opportunities and stigmatization,  
24 the way that the ACLU tries to contribute to or  
25 against stigmatization is drawing attention to

1 the fact that a felony conviction is not only a  
2 criminal act. There are levels between the  
3 criminal act and the conviction. For example,  
4 arrests, conviction, there are targeted -- we  
5 try to draw attention to the fact that police  
6 practices and who the police target has  
7 something to do with who is arrested. We try to  
8 draw attention to the fact that where police are  
9 deployed in public schools and which young  
10 people they're arresting. It has an impact on  
11 who's arrested and who's convicted.

12 We try to remind people that, for example,  
13 if you look at substance-abuse issues, that  
14 affects all communities. And it doesn't only  
15 affect those people who have been arrested,  
16 convicted and lost their voting rights. I think  
17 the more that people understand what some of the  
18 contributing factors are towards felony  
19 convictions and towards prison sentences and  
20 that they're not solely in the individual  
21 person's control, the more they'll understand  
22 that this is not a us-them. This not an other  
23 issue. This is an issue that should affect  
24 everybody.

25 I think part of this is a public education

1 campaign and an advocacy campaign. So that  
2 those who do not have direct experience with  
3 employing or otherwise interacting with somebody  
4 with a felony conviction understand why they  
5 don't and that it's not just a question of that  
6 person's behavior.

7 MR. JONES: Wonderful point upon which to  
8 end. Thank you both very much.

9 MR. SANON: Thank you.

10 MS. EBENSTEIN: Thank you.

11 PANEL III

12 MR. JONES: Welcome.

13 MS. LUKIS: Thank you.

14 MR. JONES: We're happy to have you here  
15 and excited to engage in a discussion with you  
16 about these very important issues that we've  
17 been learning about over the last day and a  
18 half. We're looking forward to this discussion.

19 The way that we operate is that I'm going  
20 to give you ten minutes or so to give us the  
21 benefit of your background, your history, your  
22 experiences, your thoughts with respect to this  
23 topic of restoration of rights and status after  
24 conviction. And then once you've done that, we  
25 have lots of questions. I'll start the

1 questioning. But at some point, most of us will  
2 get in on the discussion. And so we're looking  
3 forward to it.

4 MS. LUKIS: Thank you.

5 MR. JONES: The one thing you should know  
6 and I think you do because I just saw you do a  
7 test, we're having some audio issues with  
8 videotaping. So you have to keep the microphone  
9 close and speak in a good loud voice to make  
10 sure it's picked up on the videotape. But other  
11 than that, the floor is yours.

12 MS. LUKIS: Thank you. My name is Vicki  
13 Lopez Lukis. I think I present a very, very  
14 different and unique perspective on this issue,  
15 both because I have been a convicted felon, had  
16 the felony vacated and continue to advocate on  
17 behalf of those that I consider myself very  
18 blessed to have been at some point associated  
19 with. And somehow, I think once a convicted  
20 felon, always a convicted felon. I'll talk a  
21 little bit more about that as I move through my  
22 testimony today.

23 I was a public official, a local county  
24 commissioner in Dade County. I come to this  
25 work as a result of personal experience. I'm

1 pretty certain that public safety and those  
2 issues related to the collateral sanctions that  
3 ex-offenders face would not have been a part of  
4 my journey, if not for the personal experience  
5 that I actually went through.

6         During my tenure as a county commissioner,  
7 I found myself indicted by the federal  
8 government on one count of bribery, one count of  
9 honest services fraud, and seven or eight counts  
10 of interstate commerce.

11         This gist of that case was that husband  
12 today, who was my boyfriend then, was a federal  
13 lobbyist and represented clients before my  
14 commission. The federal government alleged that  
15 my husband had bribed me for votes in favor of  
16 his clients by paying for our long-distance  
17 telephone calls and a deposit on our apartment.

18         So we went to trial, both of us. We were  
19 both indicted. He was found not guilty on all  
20 counts and I was found not guilty on all counts  
21 but found guilty on count one, which was the  
22 honest services fraud. That took place in 1997.  
23 I appealed that conviction all the way to the  
24 Supreme Court who refused to take certiorari on  
25 the case and was sentenced to 27 months in a

1 federal prison and began serving that sentence  
2 on August 9th of 1999.

3 Fifteen and a half months into my sentence,  
4 my sentence was commuted by President Clinton.

5 I came home. As you can well imagine, I  
6 was a very changed person. I liked to say that  
7 if not for that experience, I'm pretty certain I  
8 wouldn't have what I call now "street crud" on  
9 both the inside and the outside. That's why I  
10 think I have a very unique perspective.

11 I was a Republican. I think, and as many  
12 of my Republican colleagues have said in the state  
13 capitol, "You have brought a new face to this  
14 challenge." Because as I like to remind them,  
15 it could be you.

16 When I testify, both nationally and at the  
17 state and local levels, it's hard for someone to  
18 understand how someone like me, who had a very  
19 charmed life and who was used to having all the  
20 resources available to me to have been anything  
21 or anybody.

22 I'd like to tell you that at some point, I  
23 was considered for lieutenant governor and also  
24 for Congress. Take a look at what an  
25 interesting change that that single experience



1 led me into a totally different world that I had  
2 no concept about. However, I had even  
3 researched this, I know I could never have  
4 spoken with a passion or worked with a passion.  
5 Because having lived through it is a very  
6 different story for me than having studied it.

7 I have a lot of respect for the colleagues,  
8 those that I know personally who have appeared  
9 you before, because none of them until the next  
10 panel, I think, will have had that same  
11 experience. So I'm grateful that they've come  
12 to this work, as well as yourselves.

13 But what happened when I came home was I  
14 simply could not believe that this experience of  
15 mine would have been for not.

16 I had always been an advocate. I had  
17 always been a -- I considered myself not a  
18 politician, but a representative of the people  
19 that I had served. I had done the same in  
20 prison, you should know. I took up every case.  
21 I filed administrative hearing appeals.

22 I am the kind of person that when I see  
23 injustice, I simply can't stand by. So I only  
24 continued -- I used to say in prison that the  
25 only thing that changed was my constituency and

1 the issues that many of them face.

2       When I came home from prison, it took me a  
3 very long time to try to get my footing. I  
4 think most probably, mostly because I had been a  
5 very high-profile defendant, high-profile  
6 inmate, you should know that somehow my high  
7 profileness caused me to be classified as a  
8 security threat group inside a prison, me along  
9 with the Unabomber and everyone else that I  
10 couldn't understand.

11       Again, I guess I am a person who was a  
12 lightning rod in the system. When I came home,  
13 I found that the collateral sanctions were  
14 fierce. It wasn't just that I had lost my civil  
15 rights as a result of my conviction, but it was  
16 difficult to recover. I find that that is the  
17 case with most people that come home from  
18 prison. When I tried to decide what I was going  
19 to do, it took me a long time just to be  
20 deinstitutionalized. Fifteen and a half months,  
21 it doesn't sound like a long time. Believe me,  
22 it is a very long time. I'd like to say one day  
23 in prison is long enough.

24       I couldn't get my bearings, because this is  
25 what I knew to do. Yet it was that very

1 conviction that did not allow me to do the work  
2 that I was so passionate about and was so  
3 qualified to do, I think both from a personal  
4 experience and from I would say I guess from  
5 what I had learned and what I had studied. And  
6 so I had to make a commitment to rebuild my  
7 life. In doing so, I decided, well, what best  
8 can I do but give voice to what I have  
9 experienced personally, not only behind the  
10 walls, but then as I was coming out those things  
11 that I was personally experiencing like, you  
12 would be a great legislative aide, but. You  
13 should run for office again, but. You should be  
14 appointed to lead an executive agency, but. So  
15 the "but" was always there. I'm cognizant of  
16 the fact that my "but" is different than the  
17 "but" of other ex-offenders. But they are  
18 consistently being faced with the notion that  
19 somehow their conviction whether their civil  
20 rights are restored or not really defines them.

21 I have a very different approach to the  
22 civil rights restoration, because I did, in  
23 fact, get my civil rights restored, which is  
24 kind of interesting because once you get your  
25 conviction vacated, it's as if this really never

1 happened. So the journey I think was an  
2 important one. I'd like to say that I think it  
3 was destiny.

4       There's no way I could do the work that I  
5 do if I had not gone through every single phase  
6 of what it is to be arrested, tried and I'd like  
7 to say "falsely convicted" -- you know, falsely  
8 incarcerated and then to have had to have lived  
9 all the collateral sanctions then to have my  
10 civil rights restored, then to have the  
11 conviction vacated and then to tell you that it  
12 doesn't even matter, because I am still defined  
13 by the entire journey, which I find even more  
14 incredible that in America today, you could get  
15 a conviction vacated and no one cares. All they  
16 remember is all of the other stuff.

17       During the time that I was trying to  
18 redefine myself, thankfully, Governor Jeb Bush  
19 took a real chance on me. He appointed me to  
20 probably the only thing he could appoint me to  
21 that wouldn't be controversial and that was to  
22 his ex-offender task force.

23       I think it was in response to President  
24 George W. Bush's 2004 state of the union  
25 address, as you-all recall, he said, "When the

1 gate of prison opens, it should lead to a better  
2 life." Well, that took place in 2004.

3 By April of 2005, Governor Bush has created  
4 this task force to really look at what the  
5 challenges are that people coming home from  
6 prison are facing and why, in fact, the  
7 recidivism rates are so high. I think it was  
8 very telling that he would do it as a Republican  
9 governor of the state that had the third largest  
10 prison population in America and growing leaps  
11 and bounds at that time. So I found that to be  
12 a real blessing because no one thought it was  
13 controversial that you would put an ex-offender  
14 on an ex-offender task force. So that was kind  
15 of almost one way to get my foot back into  
16 public policy work.

17 And then my rights were restored. And  
18 because I was a federal inmate, it did not allow  
19 me to get my firearm authority back. That is  
20 only granted by a federal pardon. So I have a  
21 different experience because I'm a federal  
22 ex-offender versus people in my state that I  
23 work on behalf of now, which are all state  
24 offenders, ex-offenders. So for me, it was very  
25 difficult, because I didn't really feel whole

1 anyway.

2           Obtaining my civil rights would have  
3 allowed me to serve on a jury, which I've never  
4 been asked to do, because you have to put down  
5 if you've been convicted and if you've had your  
6 civil rights restored. So I think that in and  
7 of itself, kind of disqualifies me because  
8 people don't want anyone who's been through the  
9 process to serve on a jury.

10           It's a right to vote, which I do and I do  
11 always. That is one thing that they can't take  
12 from me. So I exercise that and take that  
13 extremely seriously having lost that right.  
14 Which, again, I find who's going to give me back  
15 the 14 years that I was a convicted felon before  
16 the conviction was vacated? Who can restore  
17 you? Because this restoration of civil rights,  
18 to me, is just something in name. I think you  
19 should know that.

20           And then the right to hold a public office,  
21 well, I don't know how anyone with my past gets  
22 to do that again. So the only thing that it  
23 probably did for me was allow me to do things  
24 that in our state the laws prevented me from  
25 doing, because I didn't have my rights restored.

1           So when I look at this civil rights  
2 restoration issue, I'm probably one of the few  
3 people that doesn't share the same enthusiasm  
4 about making sure these people get it, because  
5 quite, frankly, that won't get them a job  
6 really. That doesn't give them housing, really.  
7 That doesn't even allow them to go and volunteer  
8 in schools if they're parents. You see, because  
9 it's really not the civil rights restoration  
10 that matters, it's the conviction that  
11 overshadows everything.

12           So I've spent now -- let's see, I came home  
13 in 1999. November 21st of 2000, I began doing  
14 this work in 2005. As long as I have breath  
15 left in me, I will continue to do this work.  
16 You should know I am the only person in  
17 Tallahassee doing this work in our state  
18 capitol. Everyone else who comes to the table  
19 is a Johnny-come-lately. They all have personal  
20 agendas. There isn't one real voice in  
21 Tallahassee to describe what I'm describing to  
22 you today. They know me. I have credibility.

23           We have a Republican majority in The House  
24 and Senate, a Republican governor. I have  
25 credibility there as a result of my own

1 experience and my own -- I would say political  
2 experience before personal experience. But it  
3 isn't a priority.

4         So the civil rights restoration movement,  
5 just recently last year when we had an entire  
6 cabinet elected, was just yet another indication  
7 that anyone with a conviction is a second-class  
8 citizen. I have to say even anyone without it  
9 but that had it remains. Wearing is this sort  
10 of strange banner that says, you're less than.  
11 We will always judge you. We will always think  
12 there was something wrong with you even if you  
13 fix it.

14         So pardon me for not being really excited  
15 about this notion that the civil rights  
16 restoration is the end-all be-all, because it's  
17 not. And it's not in this state. It actually  
18 has been as a result of the good work of the  
19 Task Force that first noted we did not -- by the  
20 way, we only looked at what were the barriers to  
21 re-enter. We didn't really delve into the civil  
22 rights restoration because it's been so  
23 controversial in Florida. But the report did  
24 say that we should take a look at that. The  
25 only part of our work in 2006 that even touched



1 upon it was its direct correlation to employment  
2 opportunities. I think you know that we spent a  
3 great deal of time working on that.

4 I, personally, after the task force ended,  
5 spent from 2007 until last year working on  
6 changing that legislation or decoupling civil  
7 rights restoration from employment  
8 opportunities, public employment and public  
9 licensure. So that's the only thing that we  
10 accomplished with respect to civil rights  
11 restoration. Because even under Governor Crist  
12 when he changed the rules, everyone thought it  
13 was an automatic civil rights restoration; it  
14 wasn't. He had to still apply, you know. The  
15 onus was on the ex-offender to try to figure out  
16 what that process was and whether you were level  
17 one, level two, level three -- I mean, it's  
18 always complicated.

19 You should know that the average reading  
20 level for our prisoners in Florida is a  
21 fifth-grade reading level. So to ask them to do  
22 all this paperwork and ask them to somehow  
23 understand the process, I think, is also set up  
24 for somewhat of a failure for the person who is  
25 having to do it.

1           And, so I guess, I am now really spending  
2 most of my time trying to negotiate any kind of  
3 progress in our state, whether it be at the  
4 Department of Corrections level, because,  
5 obviously, I am known as the re-entry expert in  
6 the state of Florida. And so I have -- I think  
7 that there are different places. I work with  
8 the executive agency in trying to advance what I  
9 think would be proper ways of helping people get  
10 their civil rights restored under the new rules,  
11 which is very difficult. I work very closely  
12 with the clemency board and the parole  
13 commission on these issues and funding is an  
14 issue. So even if we say we're serious about  
15 this, we don't fund the effort. So the waiting  
16 line, it just keeps growing and growing. So  
17 we're trying to figure out ways in which we can  
18 help people understand that they're just not  
19 eligible for it and not to have them lose hope  
20 on that notion, but to maybe connect with people  
21 like Newton Sanon's organization that will help  
22 them get back on their feet even if they're not  
23 fully restored as citizens. Because really  
24 there's an immediate concern for people coming  
25 out of prison and that is, how am I going to

1 support myself?

2           And the only thing that my work with the  
3 civil rights, the decoupling issue with  
4 employment, was so critically important because  
5 it wasn't so much the civil rights I was  
6 interested in, it was the employment I was  
7 interested in. I needed to get these people  
8 back to work, because the option of not going to  
9 work is committing a new crime. And so that  
10 work, in my opinion, is now done. But there's  
11 so much to do.

12           I think from the perspective of civil  
13 rights restoration, it's going to be a long time  
14 in Florida before we see a reversal of the trend  
15 that took place last year. So that is sort of  
16 me in a nutshell.

17           I do also want to say that -- and I was  
18 just having a conversation with my good friend  
19 Mary McCarty about this -- I have been doing  
20 this work as a volunteer for many years, footing  
21 the bill myself, because there's no one actually  
22 very interested in funding this work. I think  
23 that that's probably the single most important  
24 factor. Because at some point, I won't be able  
25 to continue to fund my own self and fund my own

1 work and I'll probably have to go off and do  
2 what everyone else does and that's make a  
3 living. I've been grateful to a wonderful  
4 husband, who has believed in me and believed  
5 that this work is important.

6 But at some point, how can it be that I'm  
7 the only one who thinks this is important? How  
8 can it be that knowing how important the state  
9 of Florida is and the way that it has changed  
10 its policies back and forth and back and forth  
11 to at this point it's so punitive that one  
12 wouldn't consider this an important effort. I  
13 think that that's probably going to impact the  
14 situation as well in Florida.

15 I think the fact that there is no -- and,  
16 look, in all difference and respect to my good  
17 friend, Julie, from the ACLU, you're in Florida.  
18 And you know ACLU, is doing great work. But you  
19 know you can't go to the capitol in Florida and  
20 say you're with the ACLU and think anyone is  
21 going to pay any attention to what you have to  
22 say. You should know that. So we have to be  
23 real about this. These are real conservative  
24 political officials, all of whom see this from a  
25 very different light. So it requires that the

1 voice not be the ACLU. It requires that the  
2 voice not be Newton Sanon if we're going to make  
3 any progress whatsoever.

4         The only way that I got Attorney General  
5 Bondi to agree to help me advance the  
6 legislation that would decouple it is because  
7 she trusts me. I'm a Republican conservative  
8 person. She knows that I wouldn't be bringing  
9 to her something that law enforcement wouldn't  
10 be able to stomach and she knew that I had  
11 worked many years with law enforcement to get  
12 them to negotiate this position. But, again, at  
13 this point, I think we're losing the battle.  
14 We're losing ground.

15         I can tell you I've just flown from  
16 Tallahassee last night. I will go back tomorrow  
17 morning. And I will continue to fight this good  
18 fight. But at some point, we've got to raise --  
19 we've got to look at it from a different  
20 perspective. The voice has to be different.  
21 The message has to be different. And if we  
22 don't do that, then we're just wasting time.

23         MR. JONES: I have a draft of questions for  
24 you, but limited time.

25         MS. LUKIS: Go ahead. I understand.

1 MR. JONES: And I know that the other folks  
2 do to, so I'm really going to cut to the chase  
3 or at least I'm going to try. The last thing  
4 you said is, where I'm going to pick up -- the  
5 voice has to be different, the message has to be  
6 different. Whose voice? What message?

7 MS. LUKIS: The voices in Tallahassee  
8 traditionally that are pushing for restoration  
9 of civil rights policy reform is the tradition  
10 of voices that you would expect, the NAACP, the  
11 ACLU and a broad coalition of very liberal  
12 organizations. They will talk until they're  
13 blue in the face because no one will listen to  
14 them. It needs to be conservative voices.

15 For instance, I am a national signatory of  
16 the right on a crime movement out of the Texas  
17 Public Policy Foundation.

18 The Center Right Coalition, which I belong  
19 to, it's actually taking a leadership role in  
20 the conservative circles around reform in these  
21 areas. It's that voice that has to be heard in  
22 Florida. I imagine that the liberal voices do  
23 really well in New York -- you know, in places  
24 and we can't even mention that state here in  
25 this town. You mention Texas and we're good to

1 go in Florida. Mention any other place outside  
2 of maybe Georgia, Alabama or the Southern states  
3 where we know things are really like us, very  
4 red, and it doesn't work. They don't care.

5 MR. JONES: What's the message?

6 MS. LUKIS: The message is how does this  
7 really impact the economy? How does this not  
8 improve public safety? How does this cost us  
9 more money? Because you see there's only two  
10 things conservatives care about, increased  
11 public safety, decreasing costs. These are this  
12 discussion. I'm really good at giving that  
13 message, because I really understand that  
14 message. Their message is these poor people  
15 deserve to be restored. These poor people need  
16 to vote. Well, I don't ever talk about voting.  
17 I don't really talk about voting because I don't  
18 know the last time you really actually asked a  
19 group of ex-offenders.

20 MR. JONES: So then let me ask you this  
21 then: Assume you get the right voices -- and I  
22 think that one of the things we begun to learn  
23 is that the power of the message is there and  
24 it's a common sense message. I think that  
25 whether it's public safety, whether it's

1 physical restraint or cost effectiveness, it  
2 seems to me that the statistics and the  
3 arguments about to restore is there. Those  
4 arguments seem to have been very compellingly  
5 made. Maybe not by the right voices. But if  
6 you give the right voices that message, it seems  
7 to me that you can persuade reasonable people  
8 that the public safety argument is in the other  
9 direction, avoiding recidivism as opposed to  
10 locking people up, throwing away the key, not  
11 giving them opportunities, not allowing them to  
12 be fully enfranchised, right? And maybe you  
13 disagree. But then it become a question, in my  
14 mind, of will and is there really the will,  
15 right?

16         One of the things we've been talking about  
17 is this notion of forgiving versus forgetting,  
18 right? And it sounds to me like you're  
19 saying -- you start out, I'm a convicted felon  
20 and I'm always going to be a convicted felon,  
21 right? So nobody is ever going to forget that,  
22 right? But can we create a society and how do  
23 we go about creating a society that forgives?  
24 Because it seems to me that that is the road you  
25 are -- I'm hearing you say that it has to be a



1 forgiving society as opposed to a forgetting,  
2 because we're never going to forget. You're  
3 always going to be and your but is different  
4 than my but, but you've got a but. So I  
5 understand that. So how do we get to and who  
6 are the voices for faith-based Christian  
7 conservatives or whoever it is? How do we get  
8 to a place where we are a forgiving society that  
9 says, let's re-enfranchise folks? How do we get  
10 there?

11 MS. LUKIS: I will tell you there's just a  
12 philosophical difference. Many conservatives  
13 feel that a person who is convicted or has  
14 committed a crime actually -- the onus is on  
15 them not only to serve their sentence, but to  
16 prove to society that, in fact, they are worthy  
17 of being restored. It's a very different notion  
18 than you've served your sentence. You're done.

19 The philosophical difference is glaring in  
20 Florida, because that is the point. People  
21 say -- look, everybody forgives me, now more so.  
22 They feel terrible about the fact that I was a  
23 convicted felon and I actually went to prison  
24 for a crime that I shouldn't have gone to prison  
25 for. Okay. So that's great. But I had to do

1 the same thing. I had to prove to everybody. I  
2 had to come home and work really, really, really  
3 hard to do all the right things.

4 Because, you see, if you sit on any given  
5 week in front of the clemency board, someone  
6 will come for a restoration of civil rights and  
7 you know they do an extensive background check  
8 and, of course, there will be the inevitable  
9 speeding ticket. That's it. That's it. You  
10 haven't proven to us that you actually care  
11 about it, because you have to be perfect. Now,  
12 anyone else can get a speeding ticket. We don't  
13 think oh, my God, this person is a terrible  
14 person.

15 You see, in that period of time where  
16 you're trying to restore yourself, you have to  
17 almost be perfect. Well, the onus, again, is on  
18 the person to prove that not only have I served  
19 my sentence -- so you see, it's not really --  
20 the arguments that you've just made, Rick, is  
21 like, oh, well, we've already shown them that it  
22 increases public safety. They don't care about  
23 that.

24 MR. JONES: I think they did. I thought  
25 they did care about public safety.

1 MS. LUKIS: They only care about that if  
2 you finally prove yourself. Then, we'll take a  
3 chance on you. Because that's probably going to  
4 improve public safety because everyone is going  
5 to see us as having said, we restored the right  
6 of a person, who actually did the right thing  
7 after he or she came home from prison. They  
8 proved it.

9 MR. JONES: So then we've got these -- you  
10 know, who is convicted, right? And we were told  
11 that four out of every five inmates are African  
12 American, right? Who is incarcerated? There's  
13 1.12 million people who are disenfranchised.  
14 Who is disenfranchised? Eighteen percent of the  
15 African American vote is disenfranchised, right?

16 So then I ask, are we having an honest  
17 discussion? If you're telling me that you've  
18 done everything, but you've got a parking ticket  
19 and so because of that parking ticket, I'm going  
20 to hold you back, I wonder if there really is  
21 the will to or if it's a ruse to really keep  
22 this overwhelmingly poor and of-color population  
23 disenfranchised or are we really having an  
24 honest discussion? Because if we're not having  
25 an honest discussion, then it becomes --

1 then it's a waste of time, right?

2 MS. LUKIS: Well, I have seen White, Black  
3 and Hispanic be denied their rights, civil  
4 rights restoration applications. So I don't see  
5 it in terms of race as much as I see it in terms  
6 of a very law-enforcement type of perspective  
7 here.

8 Now, in Florida, I don't think that  
9 Attorney General Bondi, because she led that  
10 charge for the change, ever once thought about  
11 race and all that. She's has been a state  
12 attorney for 20 something years and she comes  
13 from this from a humongous law enforcement  
14 situation, right? So her thought is, no, you've  
15 committed a crime. No, absolutely not. You  
16 don't get to just walk back in.

17 MR. JONES: If 80 of the folks coming  
18 through the criminal justice system were White,  
19 and two percent were African American, would we  
20 have a different policy?

21 MS. LUKIS: I don't think so. To be  
22 perfectly honest with you, what I saw up there  
23 of those five cabinet members acting as clemency  
24 board members, it was very law-enforcement  
25 oriented -- very, very driven. Maybe in the

1 past it's been that way in Florida. But I have  
2 to tell you that my feeling -- and I'm there all  
3 the time and my sense of it is not about race.  
4 I just think that that just -- as Julie  
5 correctly pointed out previously, it's who we're  
6 arresting and who we're convicting. That's for  
7 sure. The fact that we've got an  
8 overrepresentation of minorities in the system  
9 is really one thing. This comes at the very end  
10 and I really don't see it that way. I've never  
11 had that feeling, that gut feeling that this is  
12 really just another way to enslave people, if  
13 you will, whether or not there's undertones  
14 about the voting patterns of these people,  
15 possibly. That has never even risen -- I mean,  
16 not even in backrooms do I hear it.

17         So I really want you to understand that my  
18 experience here with this particular situation  
19 is really coming from a law enforcement-driven  
20 arena. Look, we're talking about law  
21 enforcement in Florida who says just because you  
22 were found not guilty doesn't mean you didn't do  
23 the crime.

24         MR. JONES: We were told earlier today  
25 about situations in Northern Florida where

1 people would be convicted of a felony just so  
2 that they would be disenfranchised and their  
3 penalty would be the bus ride up to FSP and then  
4 the bus ride back. But know that they had the  
5 felony conviction, we knew that they were going  
6 to be disenfranchised. Does that ring hollow  
7 for you? Does that sound foreign, alien, like  
8 not really what happens?

9 MS. LUKIS: Well, I don't think I could  
10 speak to that. I know that there is policing  
11 that goes on and arresting that goes on that  
12 targets minorities. I know that when a person  
13 comes to court, chances are if you're White, you  
14 may get diversion; chances if you're Black or  
15 Hispanic, you won't. But I never dreamed of  
16 that and couldn't even begin to tell you that  
17 I've ever seen that the actual disenfranchising  
18 is what drives it. No, I would not be able to  
19 say that.

20 MR. JONES: I'm going to stop.

21 Larry.

22 MR. GOLDMAN: Let me ask you -- and thank  
23 you for your presentation. And if nothing else  
24 if we don't all agree, it was interesting.

25 Let me ask you something and we're a

1 criminal defense lawyers. We think a certain  
2 way and I'm sure none of us are Republicans.

3 MS. LOVE: Speak for yourself, Larry.

4 MR. GOLDMAN: Some of my good friends are.  
5 In any case, let me ask you a few questions and  
6 I agree with you, there's been very little  
7 attention paid to this issue in terms of  
8 foundation, money and money. And one of the  
9 reasons we have this task force is because we  
10 have maybe belated the -- come to the  
11 conclusion -- you know, criminal defense lawyers  
12 have -- and you have, unfortunately, I guess,  
13 had to deal with them.

14 MS. LUKIS: I actually love my criminal  
15 defense lawyer, so I would suggest that I'm  
16 happy that you're here, because, clearly, it  
17 wasn't his fault. He's a great lawyer. So I  
18 consider you-all -- I hope that you treat your  
19 clients the way my lawyer treated me.

20 MR. GOLDMAN: And you missed the law  
21 change, unfortunately, by ten years or so.

22 MS. LUKIS: Something like that.

23 MR. GOLDMAN: In any case, where should  
24 these dollars be spent? That's our first  
25 question. They're very scarce dollars. Where

1 should they go if there's dollars to this? If,  
2 for instance, I were a Soros, which I'm not, and  
3 I had criminal justice money to spend, where  
4 should I invest those dollars?

5 MS. LUKIS: I would look to the  
6 nontraditional voices. I would look at  
7 faith-based communities who have taken this up.  
8 Because, traditionally, they are viewed in our  
9 capitol as conservative. Voices, many of our  
10 legislatures today are staunch Christians. I  
11 can tell you I was just in the criminal justice  
12 committee where scripture is now being quoted.  
13 So knowing that, you've got to know your  
14 audience. So I would look for conservative  
15 organizations and I would also look for business  
16 organizations.

17 In Florida, our business community has  
18 actually begun to -- I call them our new unusual  
19 suspect. I think businesses now recognize that  
20 the cost of corrections and the cost of all  
21 these collateral sanctions is actually impacting  
22 all of the other budgetary subjects that they  
23 need in order to attract employers and new  
24 businesses. So I would look for what I call the  
25 "unusual suspects." See, all the money always



1 flows to the usual ones -- the ACLU or the  
2 NAACP. I think that they -- you're right, there  
3 are limited dollars. And so we should maximize  
4 them by insuring that whoever it is that we  
5 fund, actually has the ear of the policy maker.

6 MR. GOLDMAN: Let me ask you one more  
7 question and it may be my lack of broad  
8 thinking, what are the -- you would know,  
9 because as you say you more or less speak their  
10 language and think their thoughts. I have had a  
11 lot of trouble understanding the strong law  
12 enforcement response to restoration of civil  
13 rights. I can understand it with guns. I can  
14 understand you don't want people who have been  
15 convicted of crimes being cops. But the broad  
16 kind of let's punish them for life, is it just a  
17 punishment? Is it a moral thing? What is law  
18 enforcement's rationality that communities  
19 objection to restoration of rights?

20 MS. LUKIS: I think it's related to having  
21 to prove that you are a different person. I  
22 don't think that they think lifetime. I work  
23 very closely with our sheriff's association, the  
24 State Attorney's Association, Florida Police  
25 Chiefs' Association. I think they are just very

1 leary of someone who has committed a crime.

2 MR. GOLDMAN: I'm sorry?

3 MS. LUKIS: Leary of someone who has  
4 committed a crime. They think it speaks to a  
5 character defect. I don't think that they  
6 necessarily believe that you're unable to redeem  
7 yourself. I do think that the concept of  
8 redemption is out there, but the onus is on you  
9 to prove that you have earned the right to be  
10 redeemed.

11 MR. GOLDMAN: And --

12 MR. JONES: Larry, Jenny wants to follow up  
13 on your question.

14 MS. ROBERTS: I have a related question.  
15 It's slightly different, but the same idea. We  
16 heard from a couple of people who had a lot of  
17 decades of corrections experience yesterday and  
18 I think now both worked in the bridges program,  
19 one of them was still Department of Corrections,  
20 I guess, and the other wasn't. They certainly  
21 weren't taking what you're describing as a law  
22 enforcement perspective.

23 I think we've all talked to prosecutors who  
24 are quite supportive of restoration and other  
25 things all over the country and all different

1 kinds of communities. So I wonder if there's  
2 a -- is this in Florida a disconnect regionally  
3 between what's going on in Tallahassee and  
4 what's going on down here or is it a law  
5 enforcement mentality amongst legislatures that  
6 is not the same mentality amongst prison  
7 officials?

8 MS. LUKIS: Yes. The answer is when  
9 Attorney General Bondi was advancing this new  
10 change, she was surrounded by state attorneys,  
11 so I don't know -- they really liked the fact  
12 that she was going to change it and make it  
13 harder. Sheriff's were really liking it. She  
14 was -- you could see it right outside the rooms  
15 they were everywhere.

16 Corrections is a very different animal. If  
17 you work for corrections and you have for the  
18 last say maybe six or seven years, the shift in  
19 corrections moved towards re-entry as a result  
20 of the good work that Governor Bush's  
21 ex-offender task force did. So it changed its  
22 mission and so now, re-entry is everywhere --  
23 top to bottom.

24 Now, I'm not going to tell you that  
25 everyone signed on to that. The 30,000 people

1 that worked for the department, certainly  
2 management -- upper management, middle  
3 management -- it has taken its sweet time to  
4 filter to like say the correctional officer on  
5 shift A, because some of them this was very much  
6 a good ole boy network. You know, there was a  
7 lot of nepotism -- you know, the prison  
8 triangle. And so we had to change that sort of  
9 culture.

10 I think Newton spoke about the culture  
11 change that has to take place. That is not law  
12 enforcement. In my opinion, when I talk about  
13 law enforcement, I am not talking about  
14 correctional officers. I'm talking about  
15 sheriffs, police chiefs and state attorneys.

16 MR. JONES: We are over on time.

17 MS. LUKIS: Sorry.

18 MR. JONES: So am I. Thank you. This was  
19 really great and I appreciate your candor and I  
20 appreciate you're coming here and sharing with  
21 us. Thank you very much.

22 MS. LUKIS: Thank you.

23 MS. VANDERHORST: Ms. Lukis, can I ask you  
24 a question?

25 MS. LUKIS: Yes.

1 MS. VANDERHORST: Given the desperate  
2 treatment that the restoration of rights -- who  
3 gets arrested, who gets convicted, who's not  
4 having their rights restored seems to be keenly  
5 skewed in Florida, particularly, in race and  
6 economics. So it's kind of obvious who is being  
7 disenfranchised. Who do you think is benefiting  
8 from the lack of having rights restored? And  
9 while you're thinking about it, the term "public  
10 safety" in Florida to me is starting to mean to  
11 keep certain people in their place, that is kill  
12 their voting rights politically and kill their  
13 economic rights and housing and education. So  
14 who's benefiting? Who is getting money out of  
15 this, basically?

16 MS. LUKIS: Do you want me to put it on the  
17 mic or not?

18 MS. ROBERTS: We're not recording.

19 MS. LUKIS: It's funny. I don't see this  
20 as someone thinking they're benefiting from it.  
21 Really, I'm telling you, I'm there every day and  
22 all I hear is -- and it has been the same, I  
23 want you know. It has been the same since I  
24 started doing this work. It's really all  
25 about -- these must be really bad people. You

1 know, it's not this is a person who has changed  
2 his or her life. What were the circumstances  
3 that brought this person into prison? We  
4 abolished parole in Florida. And people that  
5 are parole eligible that have to serve at least  
6 25 years, they are still judged on the crime  
7 they committed 25 years earlier, not on what  
8 they've done for 25 years while they were  
9 incarcerated. Those are the decisions that are  
10 made. And so, again, I don't see it ever as  
11 someone is benefiting from disenfranchising all  
12 these people. But it could be also that,  
13 remember, Florida's history, if you will, has  
14 been a -- we've had our racial issues. So maybe  
15 it's just so inculcated in our history that it  
16 now doesn't even rise to the level of anybody  
17 even thinking in those terms. It's just so --  
18 it's just --

19 MS. VANDERHORST: That's a concern that I  
20 have. It seems public safety has become a code  
21 word for keeping people in their place. And  
22 just based on what we've been hearing or what  
23 we've been reading, Florida seems to have one of  
24 the most challenging ways for people who have  
25 convictions, whether they're incarcerated or

1 they're out on release or probation, the most  
2 difficult challenges and hurdles for people to  
3 overcome in order to get the most simple things  
4 like a driver's license or the ability to vote.  
5 And it's hard for me to believe that public  
6 safety means something other than keeping people  
7 disenfranchised.

8 MS. LUKIS: But believe me, it really does.  
9 Because there's a shift now in policy to divert  
10 more and more low-level offenders out of the  
11 system and so.

12 MS. VANDERHORST: I think that's a cost  
13 issue. I don't think that's a public safety  
14 issue.

15 MS. LUKIS: Well, that's true.

16 MS. VANDERHORST: They're doing it because  
17 they realize they don't have enough money, which  
18 is why this whole issue of --

19 MS. LUKIS: But I think they would find it.

20 MS. VANDERHORST: Privatizing prisons has  
21 become an issue because then that would take  
22 care of the money issue and then we go right  
23 back to what's public safety.

24 MS. LUKIS: Well, I wish we could --

25 MS. VANDERHORST: Are you folks in

1 Tallahassee even considering whether or not  
2 public safety needs to be reconsidered?

3 MS. LUKIS: That discussion hasn't taken  
4 place.

5 MS. VANDERHORST: Thank you all so much,  
6 you-all. We appreciate it.

7 PANEL IV

8 MR. JONES: We're missing two of our  
9 members, but they should, hopefully, be joining  
10 us soon. Welcome and thank you both for being  
11 here. We, as you know -- both of you were in  
12 the audience for some portion -- we're more  
13 interested in having a lively discussion with  
14 you and learning from you.

15 As you can see, we have audio problems. I  
16 think there's a microphone somewhere on your  
17 table. I ask that you when you're speaking to  
18 hold it close and to speak loudly so that we can  
19 hear what you're saying. We have lots of  
20 questions for you. The questioning for this  
21 panel is going to be led by Vicki Young, who is  
22 one of the co-chairs of the Task Force.

23 I'm going to stop talking and turn it over  
24 to Ms. McCarty and let her give us the benefit  
25 of her thoughts and then Ms. Aldana and then



1 we'll have questions.

2 It's all yours.

3 MS. McCARTY: Thank you. I really am  
4 honored to be here today. A year ago right now  
5 I was sitting in Bryan Federal Prison Camp,  
6 right outside of College Station, Texas. So I  
7 have been home since March 24th. I went through  
8 a halfway house until September 16th. Since  
9 that time, I have been on supervised release and  
10 I'm currently in the fifth month of my three  
11 years of supervised release.

12 I got a 42-month sentence for honest  
13 services fraud, which is the same crime that  
14 Vicki was convicted of, although I pled to mine.  
15 I was one of the 85 percent in the federal  
16 system that pled rather than go to trial.

17 My husband was also lucky enough to be  
18 convicted at the same time. He got eight months  
19 for not turning his wife in to the authorities  
20 for her crimes. So we have gone away together.

21 I was a 21-year-elected official. I was  
22 for 18 years a Palm Beach County commissioner.  
23 And for three years before that, I was a city  
24 commissioner in Del Rey. Back right after the  
25 famous 2011 election in Palm Beach County, I

1 became chairman of the Republican party of Palm  
2 Beach County, which is quite a raucus time to  
3 take the reigns to say the least.

4         So I'm currently going through re-entry.  
5 Unlike all of the other panelists that you've  
6 heard, I have not -- this is all pretty new to  
7 me.

8         I have had a pretty conservative view,  
9 shall we say in the past, about felons and the  
10 criminal justice system. I had my eyes totally  
11 opened as to what was really involved and was  
12 very, very naive as to what was involved, but  
13 I'm learning. And that's why my husband and I  
14 came for the two days, because we really wanted  
15 to hear what was going on and what the issues  
16 were so that I could make my remarks a little  
17 bit more germane to what you're interested in.

18         When I was in Texas, the population of the  
19 camp -- there's 1,000 women there. About  
20 60 percent was Mexican-American for the most  
21 part, about 25 percent was Black, and 15 percent  
22 was White, so we had a little more of a Hispanic  
23 flavor.

24         Most of the crimes there were smuggling  
25 either drugs or people over the border. That's

1 what most of people were there for.

2       The common denominator of the women that  
3 were there that I found were three things: Most  
4 of them were high school dropouts, most of them  
5 had children by the age of 16, and most of them  
6 had tattoos. Now, not the little tattoos on  
7 your ankle, but the tattoos across your neck  
8 with your then-boyfriend's -- probably not any  
9 longer -- name on it or across the chest, on the  
10 face, a lot of tattoos. So when we talk about  
11 barriers to re-entry from a female perspective,  
12 of course, there's the education and  
13 transportation issues.

14       For these women, certainly childcare and  
15 the expense of childcare is an issue and tattoo  
16 removal. And if there could ever be funding for  
17 that, because they are not going to be able to  
18 go and get your every day receptionist job with  
19 something all over their face and neck. It's  
20 going to, I think, deter an employer from  
21 wanting to hire them versus someone else.  
22 They've already got a stigma and I think that  
23 the culture of tattoos in some cultures it has  
24 really gotten out of control and it's a barrier  
25 to employment.

1           Now, when I got home, I had everything  
2 going for me that anybody could have coming back  
3 to a community. I'm educated. I have a college  
4 degree. I have a 30-year stable marriage. I  
5 have family support, tremendous family support,  
6 financially and emotionally.

7           Community support, I was only known -- I  
8 was known in the prison not because I wanted  
9 anybody to know -- actually, I wanted to be very  
10 low key as to who I was -- but because I got the  
11 most mail. Almost 400 people wrote me in prison  
12 and so the mail room knew me quite well. At  
13 mail call, they were all wondering who I was.

14           So I had tremendous community support and  
15 outreach from home. I had a car. I had a job  
16 waiting for me. Friends moved into our home and  
17 paid our mortgage while we were gone, so we  
18 still had our home when we got back. So I had  
19 it really all going pretty well. So that's one  
20 of the reasons I thought coming here, what could  
21 I offer being somebody that had it all going on?  
22 Well, even for me -- and I'm just getting  
23 started -- my life of consequences is only just  
24 beginning. I've been very optimistic about my  
25 future, but I'm now thinking after hearing all

1 of this, there's a lot of things waiting for me.

2 First of all, we are in the process of  
3 changing insurance carriers for our cars and our  
4 home, because our insurance carrier that we've  
5 had for the last 35 years does not conduct  
6 business with felons.

7 We have our IRA and our investments with  
8 Fidelity. They have asked us to move our money  
9 elsewhere, because we are felons.

10 Now, we did not get into the kind of debt  
11 Vicki got into because she went to trial. We  
12 are in about \$700,000 in debt. So we have had  
13 to arrange for various loans and, of course,  
14 because we've had disruption in our income  
15 stream and in our career path, we have to get  
16 somebody to co-sign with us, because we are a  
17 risk until we can build up an income to justify  
18 the loan.

19 We were really on our way to retirement and  
20 everything was on track. We are now starting  
21 over. But yet, don't feel sorry for us because  
22 we have something to go with, whereas most of  
23 the people we're talking about here do not.

24 We have started our own business, so I  
25 don't have to worry about interviewing and all

1 of that. Our business is consulting, government  
2 consulting. Because of being in government, my  
3 husband was an investment banker with Morgan  
4 Stanley when this happened. So he had a lot and  
5 did municipal finance. So we both have a lot of  
6 connections in the community. But just this  
7 week, we had our first client that locally  
8 wanted to hire us. They are a Fortune 500  
9 company. They are traded on the New York stock  
10 exchange. We were a subcontract to a contract.  
11 And I've worked with this company as an elected  
12 official for 25 years over the years and they  
13 all know me. Anyway, the word came down that  
14 because of the felony, they would not be allowed  
15 to do business with us. So we had our first  
16 sort of experience with a client that would not  
17 hire us even though everybody knows us.

18 I think the thing going forward that I'm  
19 going to have to keep in mind and that has not  
20 really been talked about, although I think it  
21 was alluded to a little bit by Vicki, was that  
22 one of the things that you lose as a felon --  
23 whatever we are ex-offenders, ex-convicts,  
24 whatever we are -- is you lose the benefit of  
25 the doubt going forward.

1           And somebody said to me, if any of you make  
2 a mistake on your taxes next year, you're going  
3 to get a letter from the IRS -- you know, you  
4 made a mistake, correct it. We're going to get  
5 a knock on the door. You are in big trouble.  
6 There is no room to make a mistake going  
7 forward, because you are not going to be  
8 given -- we are not going to be given the  
9 benefit of the doubt. And we understand that  
10 and we're going to do our best to be perfect,  
11 but we understand there's going to those times  
12 where we are going to probably make a mistake  
13 and we are not going to be given the benefit of  
14 the doubt.

15           While I was away, I will tell you that I  
16 found zero interest in voting rights and sitting  
17 on a jury and running for office. That was not  
18 a topic that people ever talked about. To the  
19 extent that having your rights restored impacts  
20 your housing and your employment, that is  
21 something that the population would care about.  
22 Here I am, a political animal, and there was no  
23 interest in politics. They knew who the  
24 President was, but that was about it. I was the  
25 only one that ever watched the evening news and

1 so there was just no interest in any of that.

2 My suggestion when you talk about the  
3 rights restoration and how you go about getting  
4 that accomplished and it seems like a pretty  
5 dire situation here in Florida, but Kevin and I  
6 were talking about it on the way home last  
7 night. I think you need to go past the elected  
8 officials, because it's just not going to  
9 happen. I think that if you have a million plus  
10 convicted felons in Florida, they have a million  
11 plus families and friends that care about them.

12 I think you need to do a referendum to the  
13 Constitution in the state of Florida and get the  
14 Restoration Rights Coalition or whatever they're  
15 called, get them to do the petition through the  
16 felons. Families, they all can vote and their  
17 friends. Get them to do the petition drive to  
18 get it put on the ballot and then get the  
19 funding necessary to promote it. Because if  
20 it's true what I've heard here that 80 percent  
21 of the American people are actually in favor of  
22 restoration of rights, then once you get it on  
23 the ballot, it would seem that it would pass.

24 To the question that was asked at the end  
25 to Vicki about who benefits by not restoring



1 people's rights? I don't think that's the right  
2 question.

3 I think in this country the political  
4 climate is such that elected officials -- and I  
5 was one for 21 years -- are afraid to do  
6 anything where it's going to be thrown up to  
7 them that they're soft on crime. It's easy to  
8 kick felons.

9 I will tell you right now on national TV  
10 are national ads running today against Rick  
11 Santorum for voting with Hillary Clinton to  
12 restore the rights of felons. On television  
13 right now the ads are running on national TV.  
14 It's being hung around his neck, whether you  
15 like Rick Santorum or not. Apparently, he voted  
16 to restore the rights of felons. And they are  
17 hooking him with Hillary Clinton in the  
18 Republican primary and hanging that around their  
19 necks. So I think that that is the issue. I  
20 think it is that politicians of both parties are  
21 scared to have that put on them. So I say go  
22 around them and go to referendum.

23 I also will tell you when Charlie Crist  
24 passed the thing where felons got their rights  
25 restored right away -- you know, I'm out there,

1 county commissioner driving my car and I hear it  
2 on the news. I was furious. I was furious.  
3 Because my impression of a educated White  
4 privileged law-abiding citizen, I thought -- was  
5 that all felons are bad people, horrible people,  
6 that set out to commit a crime on society and  
7 they should be not dealt with forever, because  
8 they made that choice.

9 I was so ignorant of the system, of the  
10 propensity to give people felonies like they're  
11 candy. I was very, very ignorant of the types  
12 of people that are in prison. Because I tell  
13 you, I probably met some of the best people I've  
14 ever known in my life while I was away.

15 Also, I was wondering as I started going  
16 through all of this, which was a whole  
17 eye-opening experience, the whole criminal  
18 justice process, why there aren't more diversion  
19 programs. Why is it -- and, especially, I'm  
20 talking at the federal level. Because right now  
21 at the federal level more and more laws are  
22 being passed and more of them do not include the  
23 concept of criminal intent. That is being  
24 eliminated.

25 In this rare instance, the Heritage

1 Foundation -- conservative -- and the ACLU have  
2 looked up nationally to try and do something  
3 about that. So what that means is more and more  
4 people are going to go to prison without even  
5 realizing that they committed a crime. Because  
6 criminal intent -- a lot more mistakes are going  
7 to send people to prison.

8 I think that when you talk about diversion,  
9 prosecutors -- when I started asking the  
10 question, why aren't we doing more diversion  
11 programs? Prosecutors feel and maybe law  
12 enforcement -- the answer I got was this, they  
13 feel that diversion programs, community service,  
14 home confinement, drug programs, whatever, are  
15 not a deterrent enough for people to not commit  
16 crimes. While at the same time, they take  
17 criminal intent out. So people don't even know  
18 that they're committing crimes. So how can  
19 there be a deterrent to something you don't even  
20 know you're doing? So it's amazing to me but  
21 that was the answer I got.

22 Prosecutors feel that the only way -- when  
23 you're going to pass a law, you need to have a  
24 prison as a sanction because that's the only  
25 thing that's going to get people's attention.

1 And more and more laws are getting passed with  
2 prison as a mandatory sanction.

3 Let me just see here real quick. Just one  
4 other surprise that I found in prison was -- or  
5 I found out in this process, how easy it is to  
6 get a gun charge and how onerous it is to get a  
7 gun charge.

8 You can be involved in some kind of drug  
9 deal and there can be a gun buried 6 feet under  
10 you where you could never get to it, but if it's  
11 in the vicinity, you've got a gun charge. You  
12 don't have to actually take the gun out and  
13 point it at anybody. It just needs to be in the  
14 area and that prevents you from going through  
15 the drug program. It prevents you from many  
16 opportunities in prison.

17 In Bryan, there was a cosmetology program.  
18 There was a horticulture program. There were  
19 things that you could do. They make you go to  
20 GED classes. They can't make you pass the  
21 class, but they can make you go to it.

22 I met so many women that there happened to  
23 be a gun in the area. They didn't use the gun  
24 but because of that, they are now classified as  
25 "violent." I think that the "violent offender,"

1 that, needs to be defined a little bit tighter  
2 when it comes to gun charges.

3 I did take the drug program, which  
4 sounded -- in federal prison and it sounded very  
5 much like the Bridges program that they have for  
6 state inmates. It's a wonderful program. It's  
7 more about character building and choices. I  
8 think that it's a very expensive program. But  
9 the more inmates that can take that program  
10 regardless of their drug history, I think it  
11 would be very, very helpful if there was the  
12 money for it.

13 The final thing I would just suggest is as  
14 criminal defense attorneys that you make sure  
15 that your -- and it was touched on earlier --  
16 make sure that your defendants do have their IDs  
17 before they go away. If they have time, if  
18 they're out on their own, have them get an  
19 updated driver's license, have them get their  
20 Social Security card, their birth certificate so  
21 somebody in the family has it. So when they get  
22 out, they have it ready for them. It's much  
23 harder to do once you're inside.

24 Also, especially for federal prison, you  
25 need to have proof of your high school diploma

1 or they're going to make you sit through GED  
2 classes. So if they have a high school diploma,  
3 make sure they have that proof. Because if you  
4 don't provide that proof to them, you're going  
5 to sit all over again for your high school  
6 diploma.

7 One final thing, when Carey Haughwout was  
8 talking about driving people -- giving people a  
9 felony and just driving them to a prison and  
10 bringing them back as their sentence to  
11 disenfranchise them, she has been for 20 years  
12 our public defender. Before that, she was ten  
13 years in private practice in South Florida. So  
14 whatever happened, it was at least 30 years ago.  
15 So, I mean, I don't know. It may still be  
16 happening today. But what she was referring to  
17 was at least 30 years ago. So I just wanted to  
18 make sure that was a little clear in Vicki's  
19 defense.

20 MS. ROBERTS: 1980s she said.

21 MS. McCARTY: Yeah. Okay. Thank you.

22 MR. JONES: Thank you.

23 MR. GRANT: Hello, my name is Marcia Grant.  
24 I've served probably approximately 16 years in  
25 prison. I've been out now about 11 years. My

1 offense was conspiracy. I came home the first  
2 time in 1993. I went back in 1997 for, I guess,  
3 you could say conspiracy, but they charged me  
4 with trafficking, but I had no drugs. I was  
5 released in 2001.

6 Since that time, I've been employed. I'm  
7 now employed with Opa-Locka Community Building  
8 Corporation, which I've been employed there  
9 about seven years now.

10 My concerns are employment. It's very hard  
11 for a convicted felon to become employed. If  
12 you do get employed, you're normally -- if  
13 you're not educated. I do have a college  
14 degree. I graduated in the top 5 percent of my  
15 class. Nonetheless, I did commit a crime.

16 However, most people that come home, it's  
17 very hard for them to get employed. And if they  
18 do get employed, it's usually a low-skilled job.  
19 From the statistics that I read up on, they said  
20 that about within the first year after re-entry,  
21 approximately 40 percent get full-time  
22 employment and approximately 10 percent find  
23 part-time employment. The employment is  
24 construction, food service, fast food, that sort  
25 of thing.

1           Since 911, it's also impossible as the  
2 ex-offender to get employment as housekeepers or  
3 even at Burger King almost. I found that when I  
4 did come home and I did not get employment right  
5 away, I was almost about to be violated, because  
6 I didn't get employment. I needed employment  
7 because I didn't want to take any kind of job,  
8 but I was forced to take a job as a  
9 telemarketer. It lasted about a week.  
10 Eventually, I did find a job at Workforce in  
11 Fort Lauderdale. The only reason I probably got  
12 the job was because of somebody I knew. Now,  
13 with the 911 and all of the security issues, it  
14 is almost impossible anyway.

15           I was listening to Mary. She was saying  
16 that there's no diversion programs. I think  
17 prison is big business. They make plenty of  
18 money off of us in prison.

19           Another big issue is housing. Being a  
20 convicted felon if I go to apply for an  
21 apartment, I'm going to get turned down because  
22 my background check is going to come back that  
23 I'm a convicted felon. So where am I supposed  
24 to live?

25           Fortunately, I have family. I had a home



1 to come home to, but not everybody does. Once  
2 you're convicted even though you serve your  
3 time, you never stop doing the time. Even when  
4 you come home, you never stop doing the time.

5 I applied for -- I went to go back to  
6 school to get my masters. But there's a  
7 question, have you ever been convicted of  
8 felony? My answer, of course, is "yes." So I  
9 was put on what they call a "judicial hold." I  
10 could not go to school until I had provided them  
11 with papers from my conviction, showing my  
12 release, showing I had completed all of my  
13 sentence and I had to write exactly what  
14 happened, da, da, da, da.

15 To me, when you say you want us to become  
16 productive and better citizens, how do you  
17 become productive and better if you're not  
18 allowed an education? Because the federal  
19 government does not want to give a convicted  
20 felon a loan or a Pell Grant. So how do you get  
21 educated? How do you better your situation?

22 Another issue when I came home was I took  
23 the mortgage broker test. Of course, I passed  
24 it, but I could not get my mortgage brokers  
25 license, because I'm a convicted felon. I had

1 to go to Orlando. But I didn't go because I  
2 didn't have the funds to go to Orlando and stay  
3 in a hotel and I don't know how long the process  
4 would take, but to go before the Board to get  
5 them to either approve or deny me to get my  
6 license. I don't have a record of fraud, but I  
7 do have a record of conspiracy.

8       Being on parole or probation, they tell you  
9 you're not allowed to live in certain places.  
10 I'm going back to housing. But where do you  
11 live? If you don't have family and you don't  
12 have the proper support and I'm a convicted  
13 felon, where am I going to live? Probably  
14 you're going to end up in the areas where nobody  
15 wants to live, nobody but the drug addicts, the  
16 alcoholics -- you know, where nobody else wants  
17 to stay. Because, yeah, you can get a room or  
18 an apartment there, but what is it like? So  
19 it's very hard to find some place to live if  
20 you're a convicted felon.

21       Also, women, when we go to prison, most of  
22 the time, our families fall apart. When men go  
23 to prison, it's the woman that keeps the family  
24 together. So when we come home, you have the  
25 issue with -- I don't have children. But I know

1 people that do. You have the issues with the  
2 children. They're angry at you. There's all  
3 kind of disarray in the household. So social  
4 services are needed for women that come home  
5 and, especially, if you served out of town. And  
6 now it's a drug charge. You can normally look  
7 for a ten-year sentence easy, because of the  
8 guidelines.

9 I spoke about the education.

10 Yes, my rights were reinstated, but I had  
11 to go through a lot to get them reinstated. And  
12 that was because of family and friends and  
13 people that I knew. So when Mary was saying as  
14 far as restoring our rights and all that type of  
15 thing, that's a wonderful thing but I think  
16 people need jobs, because jobs make you feel  
17 your self-worth. Without a job, how can I  
18 survive? And most of the time, we go right back  
19 to what we know. It's unfortunate, but it's  
20 true. I don't think society makes it any  
21 easier. Wherever you go, whatever you do, it  
22 always comes up one way or another with my  
23 rights being restored and all.

24 Any questions for me?

25 MR. JONES: Not yet.

1 MS. LOVE: Shortly.

2 MS. ALDANA: Hi, everybody. Thank you very  
3 much for inviting me here today. My name is  
4 Brenda Aldana.

5 At 19, I was arrested on October 8th, 1991.  
6 On April 10th to 1992, I was sentenced to 12  
7 years and seven months without any prior  
8 criminal record for conspiracy to drug  
9 trafficking. In my case, there was a drug in  
10 the vicinity. I never saw it, but because it  
11 was there, my minimum mandatory was ten years  
12 and it got enhanced to 12 years and 7 months  
13 because of that drug charge --

14 MS. McCARTY: There was a gun?

15 MS. ALDANA: Yes.

16 On April 1st, 2002, I was released to a  
17 halfway house at the age of 29, a couple of  
18 months before I turned 30. Then on September  
19 24th of 2012, I was released on probation. One  
20 year later, I did do a pro se motion and I  
21 requested early termination of probation, which  
22 my judge granted just because he was always on  
23 my side. From day one in sentencing, he always  
24 tried to get me out, but could never do it.

25 I did go to trial and I was found guilty.

1 So his hands were tied and I was sentenced under  
2 the minimum mandatory guidelines.

3       Once I started my probation and I finished  
4 that, I always had family help. I was fortunate  
5 as well. Friends were there. I always had a  
6 job waiting for me. I didn't have the problems  
7 that a lot of the ex-offenders do have when they  
8 do come home.

9       When it came time to furthering my  
10 education or getting licensure, I started  
11 bumping into restoration of civil rights and  
12 that's where -- first, I did a dental assisting  
13 apprenticeship program while I was incarcerated.  
14 I did it probably for about eight years. When I  
15 finished, I was very good at what I did. Even  
16 the dentist at the institutions I worked for,  
17 told me I should become a dentist, that I had  
18 everything to become one, and I should go ahead  
19 and further my education. I did a dental  
20 assistant program.

21       But when it came time for licensure, I was  
22 told that, first, I had to do the program, pay  
23 for the education because I could not get  
24 financial aid and then was told that I have to  
25 have my civil rights restored in order to get

1 licensed.

2 After I had completed that, I said, well,  
3 what about dental hygiene if I can't become a  
4 doctor because of my crime? They said the same  
5 thing, that civil rights have to be restored.

6 So I applied for my civil rights  
7 restoration in 2005. In 2006, requested a  
8 status. In 2008, I received a response and I'm  
9 still waiting. It's now 2012 and I'm still  
10 waiting. So there ended my dental aspirations.

11 I said, okay, what now? Real estate. I  
12 said, okay, let's do real estate. My  
13 brother-in-law is a realtor. He said, "You can  
14 do this. You're good with people, just get your  
15 license."

16 I went ahead and went to school, applied  
17 for the license and was told that, yes, same  
18 thing, I had to go before a board. I was able  
19 to go to Orlando. I did get granted the  
20 exception. I got my real estate license. Civil  
21 rights restoration was not an issue. It was  
22 just a felony conviction.

23 Just recently, I went to apply to become a  
24 board member of my community of the association  
25 where I live. And I was told that I have to

1 have my civil rights restored in order to be a  
2 member of an association of the community in  
3 which you live.

4       It could go from a very small aspect to a  
5 very big thing as far as like a career. You  
6 spend 12 years of your life in prison and you  
7 think you're going to do this when you come home  
8 and then they tell you, well, guess what, you've  
9 wasted your time because you can't even be that  
10 when you get out.

11       So another issue I'm facing now is also  
12 becoming a volunteer at my children's school. I  
13 am not allowed to become -- I am now actually in  
14 the process of appealing that. I did some at  
15 the initial documentation and I just recently  
16 submitted another letter and I'm waiting for  
17 that response. But I'm actually being told  
18 something about civil rights might be --  
19 restorations might have an affect on whether,  
20 yes or no, I can become a volunteer. So it's  
21 affecting families. It's affecting employment,  
22 education to every extent.

23       It hasn't been easy for me. But, actually,  
24 I have had the support of my family, so I can't  
25 say that I've been unlucky. But I have to have

1 changed my goals every time I've come into a  
2 bump on the road.

3       So for those that come home and don't have  
4 that family support or don't have a community  
5 behind them, it's very easy to go back to what  
6 you know because the obstacles are there. It's  
7 just how hard do you want to fight to overcome  
8 them and not everybody can do it.

9       MR. JONES: Thank you all.

10       MS. YOUNG: Thank you.

11       I know Mr. McCarty has been here for  
12 yesterday and today, and I know Ms. Aldana has  
13 been here a great deal of today. As you know,  
14 the people here on the task force, we're  
15 criminal defense attorneys. We represent people  
16 who have been accused of a crime. And we've  
17 been talking a lot about what happens after  
18 someone has been convicted, after someone has  
19 been released.

20       What I'd also like your input on, because  
21 people have said restoration of rights is  
22 important, what happens when you lose your civil  
23 rights is important, what happens regarding  
24 employment, regarding working at my kid's  
25 school. It's important. And we're talking



1 about it now after the conviction occurred. Is  
2 any of this part of what the discussion or the  
3 advice should be before you were convicted?  
4 That is what can we do as defense counsel either  
5 to bring the issue to our client's attention or  
6 it doesn't matter, I'm not guilty, we'll go to  
7 trial? Let's just go. Is it something you  
8 think should have been discussed with you that  
9 you would have considered?

10           Someone earlier today said, you know, in  
11 Florida these three-minute pleas and whatever  
12 and you plead and you won't serve any time and  
13 you'll go home, you get to go back to your job  
14 but I didn't know I was going to lose my civil  
15 rights. Because if they told him that, he would  
16 have said, no, I want my trial or -- you know, I  
17 want some more work done on the case. Is this  
18 part of the discussion before the conviction?

19           MR. GRANT: No, not with me.

20           MS. YOUNG: Should it be or what are your  
21 thoughts on that?

22           MS. McCARTY: Just for me, I agree with the  
23 person who was talking about it's all about -- I  
24 think, Carey was saying, it's all about liberty.  
25 One day to not be in prison or be in prison a

1 shorter amount of time, that's all I was  
2 concerned about, how to lessen my sentence and  
3 how to get out. So I went in the drug program.  
4 Get out early. So it was all about that.

5 If somebody said you're going to lose your  
6 right to vote or jury trial or your restoration  
7 of rights, it wouldn't have mattered to me. It  
8 was about not being in prison with that cell  
9 door closing. That was what I was scared the  
10 most about and that was the issue. My liberty  
11 was most important for me.

12 MR. GRANT: I think talking about your  
13 restoration of rights when you're facing ten  
14 years, 20 years, 30 years, is like, first of  
15 all, normally, I don't know too many people that  
16 have beat a federal crime. So when you go to  
17 court, all you want to do is get as less time as  
18 possible. Even if you write it in the little  
19 notes when I get out 20 years later or 10 years  
20 later, is it really going to be honored?

21 I come home with restitution. You do 20  
22 years. You've got to come home and pay  
23 restitution. It's not that it's not important,  
24 but when you're facing -- you know, they told me  
25 I was facing 313 years and I don't even remember

1 it was 113 years. So I'm facing 313 years. I'm  
2 trying to figure out how am I going to survive  
3 this? What about my family? You know, my  
4 rights. I'm going to be living in here for the  
5 rest of my life. That's what you're telling me.  
6 You know what I mean?

7         So I don't know if it's that important.  
8 And even if you said, okay, well, she is going  
9 to have her rights and if I haven't, I'm going  
10 to have to cooperate probably. So, I mean, I  
11 don't think it's -- it's important, but not when  
12 you're going to trial, I don't think when you're  
13 getting sentenced.

14         MS. ALDANA: I sort of feel the same way.  
15 Let's say in my case, I was young enough, didn't  
16 have children and wasn't married. It might mean  
17 a little bit more for somebody that has a life  
18 ahead of them and is thinking about -- or is at  
19 least aware of all of the barriers they're going  
20 to face once they come home. I don't know if it  
21 would make a difference, honestly, because I  
22 think we're all on the same page. It's more  
23 important to know how can I get the less time.

24         In my case, I really thought I was going to  
25 win my trial because I had such a minimal role

1 that there was no way that I was going to get  
2 found guilty, yet I did still.

3 I think it's more important how am I going  
4 to get out faster or how am I going to do any  
5 time at all? It would be good as far as  
6 information, as far as letting your clients  
7 know, look, these are the things that are going  
8 to happen, these are the things you're going to  
9 face so that while they're inside, they can do  
10 the things that maybe will help them once they  
11 come home instead of wasting their time while  
12 they're there thinking when I get out I can do  
13 this because I've done it all along in here.  
14 Maybe that will help them evaluate better how  
15 they spend their time inside. But I don't think  
16 it's going to make a difference as to the  
17 decision they make presentencing or  
18 preconviction.

19 MS. YOUNG: So that there would be some  
20 benefit if, in fact, let's say, Ms. Aldana, you  
21 had been alerted that there are licensing issues  
22 regarding a dental hygienist or even  
23 cosmetology. So when everybody signs up for the  
24 class since everybody is at the federal prison  
25 camp, that means they've got the felony

1 conviction that's going to keep them from being  
2 licensed, so I guess the separate question is,  
3 why do they have the class there?

4 MS. ALDANA: That's exactly it. The  
5 system, maybe the institutions need to inform  
6 themselves as to --

7 MS. YOUNG: Just Florida. If I were you,  
8 I'd move to somewhere where I could be a dental  
9 hygienist --

10 MS. ALDANA: Exactly.

11 MS. YOUNG: And get out of Florida. That's  
12 what I would do.

13 MS. ALDANA: And that maybe goes to the  
14 effect of wherever you're going to go home to  
15 find out. Find out what your state laws are  
16 regarding licensure for whatever career you  
17 choose to be. You can do correspondence  
18 courses. You don't have to do apprenticeship  
19 programs. But make sure you tell them to inform  
20 themselves, so they're doing something that is  
21 going to benefit them when they come home and  
22 maybe they won't face some of the setbacks that  
23 a lot of people do when they get out.

24 MR. GRANT: I think also, too, laws change  
25 every day. I mean, you know what I'm saying?

1 Ten years ago, 20 years ago, if she would have  
2 came home 20 or 30 years ago, maybe that  
3 wouldn't be in place, because I can go to school  
4 right now. There was a time maybe you didn't  
5 have to go through that, maybe that was not a  
6 law. So that's really kind of hard to say.

7 Even like now, from my understanding, in  
8 prison you have to pay for correspondence  
9 courses. Years ago you used to go to prison and  
10 you could take classes and the government paid  
11 for the class. Now, they're paying for their  
12 own classes, if you want to go to class. Most  
13 of us have public defenders. Everybody doesn't  
14 have a private attorney.

15 MS. YOUNG: So all of you, it sounds like  
16 have federal convictions, but it appears that --

17 Ms. Grant, you said you applied for  
18 restoration. So Florida can grant your civil  
19 rights to a federal conviction?

20 MR. GRANT: If they choose to. If they  
21 choose to, they can.

22 MS. YOUNG: How long did your process take  
23 for getting?

24 MR. GRANT: It took about eight years.

25 MS. ALDANA: I'm going on seven now.

1 MR. GRANT: It took about eight years.

2 MS. YOUNG: Is there anything within the  
3 federal either supervised-release probation or  
4 parole that works with you in terms of  
5 restoration of rights or anything or provides  
6 any background on that?

7 MS. ALDANA: The only thing you get the day  
8 that you are released from supervised release,  
9 they send you a letter that says, you are now --  
10 your term has ended and you're now, basically,  
11 done. In the bottom, there's a small paragraph  
12 that says, "If you wish to have your civil  
13 rights restored, you may apply." It says it  
14 right there on your release letter. Now, it's  
15 your choice. Nobody tells you, okay, you know,  
16 you should really do this. No, there's no  
17 advice. There's no counseling on it, but there  
18 is a small paragraph in the bottom of the letter  
19 that says, "If you want your civil rights  
20 restored, you can apply through the office of  
21 clemency within your state."

22 MS. YOUNG: So this is a federal form  
23 telling you to apply to the State?

24 MS. ALDANA: Yeah, to apply for your civil  
25 rights restoration.

1 MS. YOUNG: You had some questions.

2 MS. LOVE: I'm sorry. Well, I'm sort of  
3 interested because I was just wondering -- you  
4 don't maybe know this -- whether that was only  
5 for Florida.

6 MS. ALDANA: I wouldn't know.

7 MS. LOVE: Because in most states, the  
8 restoration procedure is not available for  
9 federal folks.

10 MS. ALDANA: Over here it is.

11 MS. LOVE: In most states, they don't need  
12 to restore your rights. They automatically  
13 restore it. So federal offenders get -- there  
14 are only like four states where that would be an  
15 issue.

16 I have a question about the federal  
17 restoration procedure. I am wondering whether  
18 any of you three have ever contemplated --  
19 perhaps Ms. McCarty is a little bit on the short  
20 end here -- but you two have been out for a  
21 while and have you -- I'm sort of surprised that  
22 the probation form, federal restoration  
23 procedure -- and this is something that's fairly  
24 close to my heart having managed it for ten  
25 years, so I'd like to know what you guys think



1 about that.

2 MS. ALDANA: Well, I did apply for my -- I  
3 have applied for my restoration of civil rights.

4 MS. LOVE: No, I'm not talking about the  
5 State's system.

6 MS. ALDANA: Oh, restoration.

7 MS. LOVE: I'm talking about the federal  
8 system.

9 MS. ALDANA: Oh, within the federal. I  
10 really don't have much knowledge on that.

11 MR. GRANT: Me either.

12 MS. McCARTY: I don't know.

13 MS. YOUNG: Maybe you can tell them.

14 MS. LOVE: We should talk afterwards. This  
15 is what I do. This is my practice area. I'm  
16 talking about a presidential pardon. That's the  
17 federal system. I just wondered whether any of  
18 you had ever sort of -- because that's what's  
19 provided for people with a federal conviction  
20 and that's what in most states, because you  
21 don't use it for voting. That's what most  
22 people ...

23 MR. GRANT: I have a question. When you  
24 get a federal pardon, what happens with my  
25 records?

1 MS. LOVE: It doesn't go away. On the  
2 other hand, neither does it go away in any other  
3 state. Trust me.

4 MR. GRANT: Exactly. I think that's a big  
5 thing because just like people get their records  
6 sealed, they go spend all this money and it's  
7 never really sealed. And when you go and apply  
8 for a job, there it is, your arrest. Even if  
9 you're not convicted, you still get the arrest  
10 and so you still have to go through.

11 MS. LOVE: Well, the effect of a pardon is  
12 pretty much substantial.

13 MR. GRANT: Maybe I need to apply for that.

14 MS. LOVE: We'll talk afterwards. There  
15 are others that want to answer.

16 MS. McCARTY: My crime was overturned by  
17 the Supreme Court --

18 MS. LOVE: Well, that's right.

19 MS. McCARTY: -- in June of 2010. But the  
20 Senate now is passed -- I mean, it's kind of  
21 services fraud is coming -- roaring back. So I  
22 probably will miss the window.

23 MS. LOVE: Are you trying to get your  
24 conviction vacated?

25 MS. McCARTY: I am not, not right now. I

1 want to finish the process. Plus, they can come  
2 back and recharge me with mail fraud.

3 MS. ALDANA: Vicki Lukis would have been a  
4 good person to ask. She does have her  
5 presidential pardon.

6 MS. LOVE: No, no, no, she has a  
7 commutation.

8 MS. ALDANA: No. She has a presidential  
9 pardon.

10 MS. McCARTY: She did get a pardon too.

11 MS. ALDANA: Because I was actually one --

12 MS. LOVE: But she doesn't have a  
13 conviction. How can she get a pardon if she  
14 doesn't have a conviction?

15 MS. ALDANA: We'll talk at another time.

16 MR. JONES: Geneva.

17 MS. VANDERHORST: I want to thank each of  
18 you for coming first of all, because it's  
19 important that when we do this report, we don't  
20 just have information on state issues, but on  
21 federal issues and particularly on white-collar  
22 crimes and the consequences of them.

23 I do have one short question for each of  
24 you. I do want to let Ms. McCarty know that the  
25 National Association of Criminal Defense Lawyers

1 put out a report on over-criminalization that  
2 you can find on the website and the white-collar  
3 division dealing particularly with the lack of  
4 mens rea issues in over-criminalization of  
5 white-collar issues. But I want to ask if you  
6 think there's anything your lawyer could have  
7 told you that would have better prepared you for  
8 what you had to deal with when you got released,  
9 particularly because you're early in the  
10 process.

11 MS. McCARTY: Oh, my God, oh, yes.

12 MR. GOLDMAN: We don't have three hours.

13 MS. McCARTY: Yes, there was a lot of  
14 things.

15 MS. VANDERHORST: Without breaking  
16 confidentiality issues.

17 MS. McCARTY: I was very, very surprised.  
18 As a matter of fact, I actually want to  
19 eventually go into consulting white-collar  
20 people that are targeted by -- or the federal  
21 government is going after to assist attorneys in  
22 telling them the things that they may forget  
23 that people have never gone through it before.  
24 I don't think it was negligent on my attorney's  
25 part. I just think it's stuff he knows

1 automatically. But I would be happy to -- I  
2 have a list at home. I just can't give you all  
3 the things --

4 MS. VANDERHORST: Can you get the list and  
5 then e-mail it to Angela?

6 MS. McCARTY: Absolutely. Absolutely. I  
7 will.

8 MS. VANDERHORST: Ms. Grant, one of the  
9 things that we've heard earlier, maybe  
10 yesterday, was that there are people who are  
11 applying for universities and getting a question  
12 on the application about whether or not you've  
13 had your rights restored and then being placed  
14 on a waiting list.

15 MR. GRANT: Well, when I applied at Nova  
16 University just a couple of months ago, I was  
17 applying to go back to school for my masters and  
18 there was a question on the application, "Have  
19 you ever been convicted of a felony?" So I  
20 answered it "yes." And that stopped my  
21 application. It's called a jurisdiction hold.

22 MS. VANDERHORST: So are there any kind of  
23 like administrative hearings or anything from  
24 the school?

25 MR. GRANT: Yes. They had an

1 administrative hearing. But first, I had to  
2 write out what happened and then I had to  
3 provide them with my release -- you know, made a  
4 copy of my release papers. And the paper that I  
5 got when I had completed everything and give it  
6 to them. And they then go before a board and  
7 they invite you back and let you know if you  
8 were approved to move forward or not.

9 MS. VANDERHORST: Now, how long has that  
10 process taken?

11 MR. GRANT: It took me, I want to say,  
12 about a month or maybe a little bit longer.

13 MS. YOUNG: And?

14 MR. GRANT: I got approved.

15 MS. VANDERHORST: Ms. Aldana, were you  
16 surprised? And, I guess, part of this has been  
17 answered with regards to your response on not  
18 knowing there was certain things that you  
19 couldn't get licensed with. But in addition to  
20 that, particularly the impact it's having on  
21 your children, were you surprised by some of the  
22 hurdles that you're having to face understanding  
23 your were more concerned about limiting jail  
24 time? Were you surprised by how big of an  
25 impact restoring your rights would have after

1 you were released?

2 MS. ALDANA: Completely. I forgot to  
3 mention. Becoming a public notary, I have to  
4 have my civil rights restored. My current  
5 employment asked me about two years ago, you  
6 need to become a notary. We have a lot of  
7 documents sometimes that we have to notarize and  
8 there's nobody here. I went and I applied and I  
9 reached that obstacle as well. So, yes, I was  
10 very shocked, because -- you know, since I  
11 didn't have kids when I went in, it didn't mean  
12 a lot to me. I felt the pain the women that did  
13 have kids had, but I could not really understand  
14 or grasp it until it happened to me this year.

15 When your child tells you, "Mommy, I want  
16 you to go on a field trip with me. Come on, you  
17 know you said you would." Or I want to become a  
18 room mother, which is on us now that they've had  
19 so many funding cuts. Teachers no longer have  
20 assistants. Mothers volunteer their time to  
21 help out in the classroom. I right away said,  
22 "Yeah, sure, I'm there. My schedule permits.  
23 So I will definitely be there for you."

24 To this day he still tells me, "What  
25 happened? You told me you were going to go on

1 the field trip?"

2           How do explain to that child, well, I don't  
3 have my civil rights restored or, you know, the  
4 system is the way it is and I can't when they  
5 don't even know what's happened in the past. So  
6 it is very difficult. I know of other people  
7 that have faced that challenge. I don't know  
8 how else to remedy it and I hope that with this  
9 appeal process that I'm going through now, they  
10 do give me an exemption. I provided every  
11 single document I could do -- you know, every  
12 recommendation from everybody I know, even my  
13 federal judge. So I'm hoping that that gives me  
14 the edge. But who has a federal judge writing a  
15 letter on their behalf, really?

16           MS. VANDERHORST: Is this the school that's  
17 preventing you from going?

18           MS. ALDANA: It's the Broward School Board.

19           MS. YOUNG: And how long has this process  
20 been so far?

21           MS. ALDANA: We've been going on it for  
22 about four months now. Because I applied when  
23 my son started school and we're already five  
24 months into the school year -- six. So maybe I  
25 applied two months after they started.



1 MR. JONES: Elissa.

2 MR. HEINRICHS: I just have one question on  
3 that issue. I didn't mean to cut into whoever  
4 was going. As far as the volunteering at the  
5 school, do they run a background check on every  
6 parent who volunteers?

7 MS. ALDANA: They're supposed to. If  
8 you're going to be in a classroom setting with  
9 children there, they do the two classes: The  
10 state level and the federal level.

11 My son was in Miami-Dade County Public  
12 School last year. I submitted the application.  
13 I really think it was just negligence on their  
14 part and they didn't do the correct screening,  
15 because I went on field trips. There wasn't  
16 even a question on their actual application.  
17 But in Broward, it's a whole different story.  
18 You don't even apply and submit a paper; you do  
19 it online. And then right away I got the letter  
20 saying that I was denied and then, I got a  
21 letter saying I could appeal. I did that. I  
22 got denied. Now, I'm in the final appeal  
23 process.

24 MR. JONES: Larry.

25 MR. GOLDMAN: I have two questions. The

1 first one is about halfway houses. I, and I  
2 assume my colleagues, were getting mix reviews  
3 from clients. I've been told by clients  
4 recently, who have been in halfway houses, "Tell  
5 your clients to skip them." I've had other  
6 people who say, "They're better than the  
7 alternative."

8 I don't know, Ms. Grant, if you had a  
9 halfway house.

10 MR. GRANT: No, I turned it down.

11 MR. GOLDMAN: From all three of you.

12 MR. GRANT: I turned it down.

13 MR. GOLDMAN: If you had it to do over  
14 again --

15 MR. GRANT: I would turn it down.

16 MR. GOLDMAN: -- would you go to a halfway  
17 house? Two, do they do anything to help you  
18 re-enter? That's what they're supposed to do.

19 MS. ALDANA: They're supposed to, but they  
20 don't. I didn't turn it down. I don't regret  
21 not turning it down.

22 Once again, I was very lucky. I had a job  
23 waiting for me. I have a family friend that  
24 owns a business that was there. The job was  
25 waiting for me. I started working two days

1 after I was there. So for me, it was very easy.  
2 It was a no-brainer. My family was waiting. I  
3 was in home confinement within three weeks. I  
4 was at least having weekend visits and then  
5 later I went home. I'd do it again. But, yes,  
6 it's very difficult. You have to deal with the  
7 phone calls. You have to deal with the visits.  
8 There is no education. There is no counseling.  
9 There is no -- they just want you to pay your  
10 money and that's it. And they won't bother you  
11 as long you're not a problem to them and you do  
12 as you're told. It wasn't a problem for me. I  
13 believed in it, but because I really wanted to  
14 be with my family. I wanted to be close to  
15 home. It had been a long time and I was ready.

16 I understand why Marcia says that she  
17 wouldn't, because it is a hassle and not  
18 everybody is as tolerant. You know, after all  
19 that time, people on top of me, I could care  
20 less, but not everybody wants to deal with it.  
21 They just want to be home and they want to be  
22 free. For me, it was worth it.

23 MS. McCARTY: I completely agree. I think  
24 for people that have resources when they come  
25 back, they have family, and they have somebody

1 helping them get a job, that is great. For  
2 people that don't, I think there's also a  
3 misunderstanding as to what a halfway house is.  
4 Because the people that run the halfway house  
5 really believe it's an extension of your  
6 incarceration.

7       The inmates believe it's the beginning of  
8 your freedom, you know, it's the next step to  
9 your freedom. So when you get there and they're  
10 treating you like you're still in prison, it's  
11 like, what's this? I had it better back there.  
12 I had more room to walk around.

13       So I think it depends on your -- to me,  
14 just like her, I was closer. I was in Texas.  
15 Now, I was home. I was near my family. I had  
16 resources. Whatever they wanted to say,  
17 whatever they want to do is fine with me. I was  
18 out of prison. So that was the most important.  
19 So I think it depends on the circumstances of  
20 your client. If they have nothing to come back  
21 to, they're not going to be happy at a halfway  
22 house.

23       MR. GRANT: I had a family to come home to  
24 and all that. But they were going to give me  
25 six months in a halfway house after doing all

1 that time. Why do I need to come pay you to  
2 stay here for six months? That was me. I had  
3 no children. I had no husband. I only had six  
4 months left, so I preferred to finish my six  
5 months there and know everything I had to do,  
6 the rules, the regulations.

7 I heard so many stories and I've seen so  
8 many people come back from the halfway house.  
9 So I decided just to stay there and just finish  
10 my time.

11 MR. GOLDMAN: My last question: I think  
12 you-all said that when you entered prison, the  
13 thought of restoration of rights was not on your  
14 radar screen. You were concerned, all of you,  
15 with time. Now, you now are having problems of  
16 different sorts, different degrees with it. If,  
17 for instance, hypothetically, your lawyer said  
18 to you, if you do another six months, I can  
19 arrange that you will not lose your restoration  
20 of rights, would you have done it?

21 MS. ALDANA: No.

22 MR. GRANT: Not me.

23 MR. GOLDMAN: And next question is, how  
24 about one month?

25 MR. GRANT: One day. That's how horrible

1 it is.

2 MR. GOLDMAN: It wasn't worth a day for  
3 you?

4 MR. GRANT: I would have done the six  
5 months.

6 MS. ALDANA: Not one day over six months.  
7 I would have done it. But I think the six  
8 months for me would have been worth it, because  
9 I would have been able to do what I loved. And  
10 I was young enough at 29 to just keep on going.  
11 So, yeah, to me after 12 years, six months would  
12 have really been nothing.

13 MR. GOLDMAN: Thank you.

14 MS. ALDANA: We're really almost out of  
15 time. Jenny Roberts, our reporter, has one last  
16 question.

17 MS. ROBERTS: Yeah. I think this is sort  
18 of for everybody. We've heard a lot about the  
19 restoration of civil rights in Florida and about  
20 the decoupling from licensing issues, the new  
21 law that went into effect. It sounds from  
22 listening to all of you like that decoupling  
23 doesn't cover a lot of the things in your lives  
24 that still require the restoration of rights. I  
25 just want to make sure we understand that.

1 Because one of the things that we're trying to  
2 do here is to think about recommendations. It  
3 sounds like the restoration of rights is  
4 important for many things like school. Well,  
5 the dental licensure, I guess, would fall maybe  
6 under the decoupling, but maybe not. So can you  
7 speak to that?

8 MS. ALDANA: I really don't think it does.  
9 Because just to make sure I was speaking  
10 accurately, I called today and asked if I wanted  
11 to become a dental hygienist or a dental  
12 assistant, did I have to have my civil rights  
13 restored today and they said, yes, so that's  
14 still in effect here.

15 MS. McCARTY: You know, one other thing  
16 nobody ever told me was on restriction on travel  
17 in the future. I can never go to Canada again.  
18 I can never go to Australia. There's countries  
19 that don't let you in as a felon.

20 MS. LOVE: Actually, you can.

21 MS. McCARTY: You can?

22 MS. LOVE: See me afterwards.

23 MS. ROBERTS: If there's any testimony you  
24 want to give about that, just where the  
25 restoration of rights would help you in ways

1 that are not linked to a license -- to voting,  
2 jury service, to the three things that it sort  
3 of does. So other things that its linked to for  
4 you.

5 MS. McCARTY: Getting into school.

6 MR. GRANT: No, it wasn't restoration  
7 rights to get into school. It was just the  
8 conviction, like a felon. I guess, I'm kind of  
9 pessimistic because to me, people use things  
10 that you don't have to say you can't do this.  
11 Then when you get it, then it's something else,  
12 so I don't really know. You know what I mean?

13 MS. ALDANA: I really don't have anything  
14 to say.

15 MS. ROBERTS: Thank you.

16 MR. JONES: Last question, Ms. McCarty,  
17 what's your husband's name?

18 MS. McCARTY: Kevin.

19 MR. JONES: Kevin.

20 Let me just say this: Thank you-all very  
21 much. Thank you very much for coming, for being  
22 here. Your testimony has been incredibly  
23 helpful. And we wish you-all good luck.

24 (Thereupon, the hearing was concluded at 2:19 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.

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LAURA FISH