

PREPARE 2018

PUBLIC POLICY STRATEGIES FOR ECONOMIC JUSTICE



FLORIDA IMPACT



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Mobilizing Communities Against Hunger and Poverty

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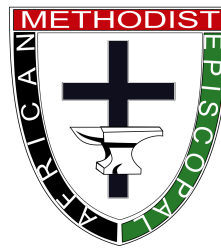
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Restoration of Civil Rights

SB430 – SENATOR PERRY THURSTON (PART OF BROWARD); CO-SPONSOR - SENATOR KEITH PERRY (ALACHUA, PUTNAM, AND PART OF MARION). **HB61** - REP. CLOVIS WATSON (PARTS OF ALACHUA AND MARION) AND AL JACQUET (PART OF PALM BEACH), WITH CO-SPONSORS REP. BRUCE ANTONE (PART OF ORANGE), AND REP. JOE GELLER (PARTS OF BROWARD AND MIAMI-DADE).



One hundred and fifty years ago, a law that denied people the right to vote was introduced into the Florida state constitution. That law still exists today. In Florida, a felony conviction can result in a lifetime of exclusion. It limits your ability to make decisions in your own community or have your voice heard. The only way formerly incarcerated Floridians can recover their voting rights is with the approval of the governor, who holds an average of four clemency hearings a year. During each of these hearings, less than 100 cases are reviewed. That means that 98% of the 20,000 backlog of people currently waiting for their cases to be considered will have to keep waiting. It is such an onerous procedure to get civil rights

restored in Florida — felons convicted of nonviolent crimes have to wait a minimum of five years before applying for restoration with the average wait time of 14 years — that most felons don't even apply.

The battle for ex-felons' rights in Florida is about fairness. Most other states have seen fit to restore felons' rights. It's time Florida catches up. Earlier this month, the Florida Supreme Court heard arguments on a proposed constitutional amendment that would automatically restore voting rights for all nonviolent felons' who have served their sentences, completed parole or probation, and paid restitution. Restoring ex-felons rights should have been done a long time ago in Florida, especially considering we are one of only three states — along with Iowa and Kentucky — that permanently rescinds the right to vote from citizens with felony convictions.

If the Supreme Court rules the amendment language meets the single-subject rule, there is still a long

way to go in the fight for fairness. The proposed constitutional amendment, from Floridians for a Fair Democracy, would still need 766,000 petition signatures to get on the 2018 ballot. **And if the amendment passes, Sen. Perry Thurston, D-Fort Lauderdale, has filed an implementing bill that would restore all civil rights to ex-felons, except the right to own a handgun, which could be debated later. The purpose of this bill is to streamline the procedures for restoring civil rights.**

RESTORATION OF CIVIL RIGHTS ACT:

A person who has been convicted of a felony, other than murder, aggravated manslaughter of a child, sexual battery, incest, sexual performance by a child, selling or buying of minors, treason, or impeachment resulting in conviction, shall have his or her civil rights that are lost as a consequence of a conviction of that felony restored upon completion of his or her sentence. However, this subsection does not apply to restoration of the right to own, possess, or use firearms. Completion of sentence occurs when a sentence is completed and all other terms and conditions of sentence and/or supervision have been fulfilled.

Other sections of the bill include: 1. notification by the court before accepting a guilty plea that conviction will include permanent loss of civil rights unless he or she receives clemency. And that if the felony is not one of those specified (listed above), the conviction will result in loss of civil rights until defendant completes his or her sentence when those rights will be restored, except for owning, possessing, or using firearms. 2. Secretary of State shall develop and implement a program to educate members of the public, attorneys, judges, election officials, and corrections officials, including probation and parole officers, about the requirements of this section.

Restoration of voting rights could have a profound effect on Florida elections. About 1.7 million ex-felons are living in Florida, which has over nine million registered voters. If Florida eases the restrictions, it would follow a national trend. Since 1997, 23 states have made it easier for ex-felons to vote again, according to the Sentencing Project, which advocates overhauling criminal justice laws.



Again, it's a matter for fairness. Once non-violent ex-felons have paid their debt to society, they should be allowed to rejoin society. That includes having their voices heard at election time. Restoring civil rights allows former felons to participate in public service, serve on juries, and pursue chosen occupations. Restoring civil rights helps felons who have completed their sentences to reintegrate into society. Their opportunities to fully participate in society reinforces their ties to their communities and may help to prevent recidivism.

Juvenile Civil Citation and Diversion Programs

SB 644: INTRODUCED BY SENATOR RANDOLPH BRACY (ORANGE), SENATOR DAPHNE CAMPBELL (PART OF MIAMI-DADE) AND SENATOR ANNETTE TADDEO (PART OF MIAMI-DADE). **HB 489:** INTRODUCED BY REPRESENTATIVE SHARON PRICHETT (PARTS OF BROWARD AND MIAMI-DADE) AND REPRESENTATIVE BOBBY DUBOSE (PART OF BROWARD).

A civil citation provides an alternative to the judicial handling of juveniles who commit a first misdemeanor offense. The purpose of a civil citation is two-fold. It aims to prevent further delinquency while ensuring that the youth's offense is appropriately addressed without creating a criminal record. Recidivism for those given a civil citation is 4% compared with 13% for those arrested for a first time misdemeanor.

Civil citations also provide a cost savings and more efficient use of resources by keeping juvenile first offenders that pose no real threat to public safety out of the juvenile justice system. Civil citations identify and assess the behavioral needs of youth after their first misdemeanor encounter with law enforcement, thereby helping them to change the conduct that leads to delinquency



and enhancing public safety. Youth are required to participate in intervention services based on that needs assessment. This may include performing community service, providing restitution, participating in school progress monitoring or prevocational services, and writing letters of apology to the victim(s). Processing youth through the criminal justice system costs \$5,000 per youth, compared to civil citation costs of \$386.²

Civil citations further avoid significant costs to the state and local governments by decreasing the likelihood that youth will reoffend. Civil citations for juvenile first offenders of misdemeanors allow law

¹ Some material for this article is drawn from Florida Impact's 2015 and 2017 *Prepare* publications.

² Florida Department of Juvenile Justice, *Florida Statewide Civil Citation Guide and Civil Citation Dashboard*.

enforcement to remain on the streets for more serious or violent crimes while reducing the workload at all levels on the juvenile justice system. Providing swift and appropriate sanctions and services to juvenile first offenders has the potential to keep them from entering the juvenile justice system, which already has a disproportionate representation of these populations.

Civil citations also address the zero-tolerance policies in schools by providing more appropriate and productive alternative responses, rather than suspension or arrest. Lastly, civil citations allow juveniles the opportunity to redress the offense without limiting future growth and success. It allows youth to avoid a criminal record that can hinder eligibility for employment, scholarships, and other opportunities that can be life changing.

Currently, Florida statute allows for the law enforcement officer’s discretion in issuing a civil citation to eligible youth. This generates an inconsistent application of this option across the state; and in some areas, eligible youth are not offered the option at all. In fact, out of 67 counties and as many school districts, 13 and 21, respectively, didn’t use the civil citation option in FY2014-15, nor did 159 law enforcement agencies across the state. In FY 2016-17, 17,463 juveniles were eligible for a civil citation, but only 9,678 were issued one—even though the recidivism rate for juveniles who completed a civil citation program in FY 2014-15 was as low as 3.8%. This leaves students of color—particularly black males—disproportionately vulnerable to the so-called school-to-prison pipeline in which children are funneled out of public schools and into the juvenile and criminal systems.

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STATE CIVIL CITATION UTILIZATION AND THE SCHOOL-TO-PRISON PIPELINE			
(black males in all 67 counties)			
	Arrest %	# Arrested	Civil Citation %
Black Male School-Based	47%	619	53%
Black Male Community-Based	59%	1,863	41%

³ Civil citation utilization is the percent eligible issued a civil citation. SOURCE: Florida Dept. of Juvenile Justice Civil Citation Dashboard July 2014 through June 2015. N



CS/SB 196 would require that all first-time juvenile misdemeanor offenders be issued a civil citation and allow subsequent misdemeanors to be considered for a civil citation. Opposition to CS/SB 196 cites concerns with removing discretion from law enforcement, but the bill still allows for discretion to arrest as long as the law enforcement officer documents why the arrest was necessary for public safety. It removes the guesswork for officers when deciding whether or not to issue a civil citation, and balances the scales across the state giving youth uniform access to civil citations in all counties.

CS/SB 196 requires a law enforcement officer to issue a civil citation or require the juvenile's participation in a relevant diversion program when the juvenile admits to committing one of the following first-time misdemeanor offenses:

- Possession of alcoholic beverages by a person under age 21
- Battery
- Criminal Mischief
- Trespass
- Theft
- Retail and farm theft
- Affrays and riots
- Disorderly conduct
- Possession of 20 grams or less of cannabis
- Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia
- Resisting an officer without violence

The bill also permits a law enforcement officer to issue a civil citation or require the juvenile's participation in a relevant diversion program when the juvenile admits to committing a misdemeanor offense not enumerated in the bill or a second-time or third-time misdemeanor offense not enumerated in the bill. On the other hand, a law enforcement officer must provide written documentation articulating why an arrest is warranted when s/he has the discretion to issue a civil citation but instead chooses to arrest the juvenile. The bill specifies that the option of the issuance of a civil citation or referral to a similar diversion program does not apply to a juvenile who is alleged to have committed, is currently charged with, or has plead or been convicted of a felony. If passed, the bill would be effective July 1, 2018.

Be the Best Advocate You Can Be

FROM "SECTION 2: SURVIVAL SKILLS FOR ADVOCATES" (CHAPTER 30) IN *THE COMMUNITY TOOL BOX*
CENTER FOR COMMUNITY HEALTH AND DEVELOPMENT, UNIVERSITY OF KANSAS

- Accentuate the positive
- Emphasize your organization's accomplishments to the community
- Plan for small wins
- Present the issues in the way you want others to see them
- Develop your own public identity
- Check your facts
- Keep it simple
- Be passionate and persistent
- Be prepared to compromise
- Be opportunistic and creative
- Stay your course
- Look for the good in others
- Keep your eyes on the prize
- Make issues local and relevant
- Get broad based support from the start
- Work within the experiences of your group members
- Try to work outside the experiences of your opponents
- Make your opponents play by their own rules
- Tie your advocacy group's efforts to related events
- Enjoy yourself!

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Florida Impact mobilizes communities to implement underutilized federal food and nutrition programs as a sustainable way to address child hunger. Our organization provides strategic program outreach, technical assistance, and advocacy to nonprofits working with at-risk children. Since 1979, Florida Impact has helped community leaders preserve and improve these and other anti-poverty programs--including the School Breakfast Program when school is in; and the After School Meal (www.FloridaAfterschoolMeals.org) and Summer Food Service (www.SummerFoodFlorida.org) programs, when school is out.

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