



FLORIDA RIGHTS RESTORATION COALITION

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March 22, 2010

Honorable Charlie Crist, Governor
Office of the Governor
The Capitol
Tallahassee, FL 32399-0001

Honorable Bill McCollum, Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050

Honorable Alex Sink, Chief Financial Officer
Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0300

Honorable Charles H. Bronson, Commissioner
Department of Agriculture and Consumer Services
The Capitol
Tallahassee, FL 32399-0800

Re: Rules of Executive Clemency – Additional RCR Reforms

Dear Governor Crist, Attorney General McCollum, CFO Sink and Commissioner Bronson:

We, the members of the Florida Rights Restoration Coalition (FRRC), write to request that the Board of Executive Clemency (Clemency Board) adopt reforms to the current civil rights restoration process. We commend the members of the Clemency Board for the 2007 changes to the Florida Rules of Executive Clemency. However, to save taxpayer money and expedite restoration of civil rights (RCR), we recommend that the rules be further revised to: (1) provide for truly automatic civil rights restoration for all persons with non-violent (Level I) offenses who have completed all non-monetary terms of their sentence or supervision; and (2) remove restitution as a pre-condition for RCR eligibility for all applicants.

The reality remains that the Parole Commission is unable to timely process RCR cases, including the pending cases of tens of thousands of Florida citizens with non-violent felony offenses. These individuals with past non-violent felony convictions are still waiting years to have their civil rights restored. The promise of "automatic approval" of their RCR requests remains unfulfilled. In fact, absent additional reforms, every indication is that the ever-increasing backlog of cases will continue to grow, and that the delays in granting RCR will lengthen. The RCR caseload increased from a little over 50,000 pending cases in June 2009 to almost 70,000 pending cases as of February 2010.¹ According to the Parole Commission, it now takes at least one year to process a "Level I" case and individuals with "Level I" applications who contact the OEC are being informed that the OEC is now processing "Level I" cases from 2007. Applicants in Level II and Level III wait even longer. The current process continues to disfranchise hundreds of thousands of citizens.

¹ Proviso Report to the Legislature: A Report on the Status of the Processing of Restoration of Civil Rights' Clemency Cases for FY 2008-2009, October 1, 2009 ("Proviso Report"), at 9; and Florida Parole Commission Response to ACLU of Florida's Public Records Request, February 23, 2010 (Appendix A) at 2.

It is now clear that the streamlined process is not having its intended result of expediting RCR for people with non-violent offenses. In addition, the process grows more costly and time-consuming for the State of Florida to operate.² Just as importantly, there is no public safety justification for spending millions of taxpayer dollars each year during this economic crisis especially to process cases of the tens or hundreds of thousands of Floridians with no history of violent offenses.

Further, delaying the restoration of civil rights for those who are eligible for “automatic approval” directly and negatively impacts the applicant’s re-entry and his/her ability to become a contributing and productive member of the community. In the current economy when Florida’s the unemployment rate hovers around 12%, finding employment becomes significantly more difficult if one’s civil rights have not been restored. During these tough economic times, the state should take steps to remove – not erect - barriers for people who want to work and support their families.

For these reasons, we ask the Clemency Board to further revise the current clemency rules to provide automatic civil rights restoration to all persons with non-violent offenses (Level I) , and who have completed all non-monetary terms of their sentence or supervision. Automatic civil rights restoration will mean that immediately upon completion of the non-monetary terms of his/her sentence, the person is immediately eligible to vote, serve on a jury, and serve in public office. Such reforms would immediately save the Florida taxpayers a significant portion of the Parole Commission’s clemency budget.³ In addition, these reforms would eliminate most of the backlog in applications now pending for approval, allowing the Parole Commission to focus more of its resources on programs that facilitate re-entry and increase public safety. As such, the changes we propose would strengthen our democracy, enhance public safety, and increase fiscal responsibility.

In addition, we ask that the Clemency Board remove restitution as a pre-condition for RCR eligibility for all applicants. The FRRC is not recommending that restitution obligations be waived. However, given the link in Florida between employment licensing and RCR, the restitution pre-condition makes it harder for individuals to secure employment that will put them in a better financial position to fulfill their restitution obligations. Accordingly, removal of the restitution pre-condition for RCR eligibility will actually benefit – not harm – victims who are entitled to restitution.

The FRRC maintains its position that the RCR process in Florida should be reformed to make it truly automatic for *all* previously convicted persons who have completed their sentences - notwithstanding the nature of the offense - as was the case under the 1975 clemency rules. Not only is this comprehensive reform good for our democracy, and an important aspect of successful re-entry that enhance public safety, but it would also put Florida’s policies in line with those of the majority of states in the United States and most other democracies around the world. Nonetheless, we understand that this full and comprehensive reform is unlikely this year.

For the foregoing reasons, the FRRC strongly urges the Clemency Board to adopt rules changes that would make RCR automatic upon completion of non-monetary terms of sentence or supervision for all individuals with Level I offenses without the need for case-by-case approval. And, we also request that the Clemency Board revise the RCR rules to remove the restitution pre-condition for all individuals.

² According to the Proviso Report, the Florida Parole Commission has requested increased funding from the legislature to address the increase in clemency cases every year since 2007. Each request for additional resources was denied. See Proviso Report at 8, and Appendix A at 2.

³ See, Proviso Report at 16, and Appendix A at 2.

We look forward to working with you to realize the RCR reforms outlined above during the upcoming months. Please do not hesitate to contact Monekka Munroe-Cooper (phone: 850-284-2956 or Email: cooperservices03@yahoo.com) or La Rhonda Odom (phone: 786-363-2718 or Email: lodom@aclufl.org) to discuss the reforms outlined above.

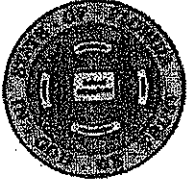
Sincerely,

Florida Rights Restoration Coalition

Cc: Frederick B. Dunphy, Chairman, Florida Parole Commission
Robert Wheeler, General Counsel, Executive Office of the Governor
Drew Atkinson, Clemency Aide, Executive Office of the Governor
Kent Perez, General Counsel, Office of the Attorney General
Carolyn Snurkowski, Clemency Aide, Office of the Attorney General
Robert Tornillo, Clemency Aide, Office the Chief Financial Officer
Cathy Giordano, Clemency Aide, Office of the Commissioner of Agriculture and Consumer
Affairs

**The FRRC, is a coalition of over 60 local, state, and national organizations working together to advocate for automatic restoration of civil rights for people with past convictions in Florida.
A full list of FRRC members can be found at our website, www.restorerights.org.**

Appendix A



FLORIDA PAROLE COMMISSION

FREDERICK B. DUNPHY, CHAIRMAN
TENA PATE, VICE CHAIRMAN
MONICA DAVID, SECRETARY

CHARLIE CRIST, GOVERNOR
BILL McCOLLUM, ATTORNEY GENERAL
ALEX SINK, CHIEF FINANCIAL OFFICER
CHARLES H. BRONSON, COMMISSIONER OF AGRICULTURE

SENT BY ELECTRONIC MAIL

February 23, 2010


Muslima Lewis
Senior Attorney and
Director, Racial Justice and Voting Rights Projects
American Civil Liberties Union of Florida
4500 Biscayne Boulevard, Suite 340
Miami, FL 33137-3227

Dear Ms. Lewis:

The following is the information that is currently available pursuant to your latest public records request of January 27, 2010. Further, I am providing to you by e-mail a copy of the Commission's October 1, 2009 *Proviso Report to the Legislature* required each year in budget proviso language.

The Commission is appreciative of your interest in our work and your public acknowledgement of the Commission's Restoration of Civil Rights' efforts in recent years. We both share a mutual commitment to helping all Florida citizens in their quest to have their rights restored, and we appreciate your dedication and commitment to those you serve so ably.

With kindest regards, I am


Janet Tillman
Director of Communication & Legislative Affairs
Florida Parole Commission
janetillman@fpc.state.fl.us
850-921-2816

Attachments (1)

Cc: State Senator Tony Hill
Rob Wheeler, General Counsel, Executive Office of the Governor
Drew Atkinson, Clemency Aide, Governor Charlie Crist
Gwen Thomas, Clemency Aide, Attorney General Bill McCollum
Robert Tornillo, Clemency Aide, CFO Alex Sink
Cathy Giordano, Clemency Aide, Commissioner Charlie Bronson

Excerpts from October 1, 2009 Proviso Report

On April 5, 2007 the Clemency Board adopted rule changes making 80% of former felons potentially eligible for automatic restoration of their civil rights (RCR). Since April 5, 2007 the Commission has processed 271,000 cases with 146,549 persons having been granted or on an Executive Order to be granted as of September 2009. Forty-four (44) FTEs, in whole or in part, currently support the clemency function, which represents 43% of the Commission's workload. In FY 2008-09, there were:

63,881 Total RCR Cases pending on July 1, 2008
67,168 Total New RCR Cases Received FY 2008-09;
74,255 Total RCR Cases Completed FY 2008-09; and
56,794 Total RCR Cases Pending on June 30, 2009.

The Commission's current budget for FY 2009-10 is \$8,078,668 and 128 FTEs.

The following are the most recent budget requests made by the Commission to fund its clemency program:

For FY 2007-08, the Commission requested funding for 14 FTEs and \$839,349 from the Legislature to address the increased pending clemency cases. No funding was granted.

For FY 2008-09, the Commission requested 42 FTEs and \$2.3 million in funding from the Legislature to process the increased number of eligible ex-felons and to reduce the increasing pending clemency cases. No funding was granted.

For FY 2009-10, the Commission requested 20 FTEs and \$1.2 million in funding from the Legislature to fund the Governor and Clemency Board's clemency investigation workload and to address the pending clemency cases. No funding was granted.

For FY 2010-11, the Commission requested 20 FTEs and \$1.2 million in funding from the Legislature to fund the Governor and Clemency Board's clemency investigation workload and to address the pending clemency cases. Additionally, the Commission requested \$25,000 in funding for 2 OPS employees to man the 800 number RCR Hot line.

The following are the most current RCR statistics compiled by the Commission as of February 1, 2010:

**RESTORATION OF CIVIL RIGHTS DATA
UPDATED 2/23/2010**

PENDING RCR CASES AS OF 02/01/2010

PENDING EOS/TOS LIST CASES FROM DOC	36,995
PENDING APPLICATION CASES	32,265
TOTAL PENDING RCR CLEMENCY CASES AS OF 2/1/2010	69,260

TOTAL RIGHTS GRANTED AFTER RULES CHANGE

TOTAL RIGHTS GRANTED* SINCE 4/5/2007 RULES CHANGE: BETWEEN 4/5/07 and 1/31/2010	148,838
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*Note: This includes cases that were "Granted," cases currently "On Executive Order for Board Signatures," and "On Preliminary Review List."

Since April 5, 2007, the Florida Parole Commission (FPC) has closed over **295,851 RCR** cases between 4/5/2007 and 1/31/2010, with **148,838** individuals having their rights restored.

RCR: HISTORICAL CASES	89,296
RCR: EOS/TOS/APPLICATIONS	58,937
TOTAL GRANTED	148,233

69% of all RCRs granted in the last 14 years have been granted under Governor Crist in just 3 years.

Between 1/1/1996 and 12/31/2006, the annual average of RCR grants was 5,966. Between 1/1/2007 and 12/31/2009, the annual average of RCR grants equated to 49,803 per year, over 8 times as much on a yearly basis.

TYPES OF RCR CASES

1. EOS/TOS/Electronic Lists sent from DOC (inmates being released from prison due to end of sentence/termination of supervision)	3,762 a month/ 45,146 annually
2. RCR Applications Received	834 a month/ 10,008 (estimate) annually

Note: "Historical" Cases: Cases originated & reviewed from April 5, 2007, through June 2008.
Status: All were completed in mid-June 2008 and were a one-time only event.