

# GOVERNOR'S EX-OFFENDER TASK FORCE

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Vicki Lopez Lukis, Chairman

## Final Report to the Governor

**November 2006**

**This report may be accessed on the website of the Task Force at  
<http://exoffender.myflorida.com/>**

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November 30, 2006

Dear Governor Bush,

On behalf of the Governor's Ex-Offender Task Force, I am proud to present to you our final report, which was adopted unanimously at our meeting on November 14, 2006. Our recommendations are the result of your exemplary leadership in focusing on prisoner reentry and its impact on public safety.

We began our work by studying the magnitude of the challenge of making reentry successful and quickly learned that Florida has the third largest prison population in America and over 30,000 people returning home from prison each year. The continual growth of imprisonment in our State has created an unprecedented challenge for our State and for the local communities who must absorb these individuals upon their return home.

We found that, under the current conditions, most ex-offenders will fail at leading law-abiding lives when they return home. This will result in new crimes being committed with new victims unnecessarily traumatized at a huge cost of hundreds of millions of dollars to the taxpayers and their communities. Accordingly, we concentrated much of our work in studying what it will take to keep people coming home from prison from committing another crime.

How, we asked, might prisoners be best prepared for their foreseeable return home? To answer this, we identified and referenced many promising programs, innovative practices and ongoing interventions that are working both in Florida and elsewhere. These examples have guided our recommendations and assisted us in establishing a formal reentry framework for our State that can reduce recidivism.

Most importantly, we found that there is an urgent need for the corrections community to adopt reentry as part of their broader public safety mission. Therefore, many of our recommendation concern the steps that should be taken by the Department of Corrections to improve the prospects of prisoners succeeding in living law abiding lives upon release

We also found that after release, ex-offenders must be reconnected to positive and productive activities in their communities.

Successful reentry depends on the development and execution of a safety plan for each ex-offender to provide a safe transition. Implementing these safety plans must begin in prison, but must also involve other state agencies, local governments, law enforcement agencies, the ex-offender's families, community organizations, service providers and faith-based institutions. The Task Force has begun to cultivate relationships with many such partners in the local communities to which most ex-offenders return. But this is just the beginning. There are scores of other issues that must be studied as we have just scraped the surface of addressing this very complex and complicated issue.

We must seize this opportunity to rethink the relationship between prisoner reentry and public safety assuring we meet our goal of crime reduction. We believe the implementation of our recommendations will represent a major step in achieving the goal of making Florida's communities safer, stronger and more productive.

Sincerely,

Vicki Lopez Lukis  
Chairman

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# Executive Summary of the Task Force's Recommendations

**ALMOST NINETY PERCENT OF THE PEOPLE NOW IN FLORIDA'S PRISONS WILL ONE DAY BE RELEASED. Within three years of release, over a quarter of those people will go back to prison for a new crime. This rate of recidivism is unacceptably high and unacceptably expensive. For each new crime, there is a new victim, and new costs to Florida communities. This trend must be reversed.**

This Executive Summary distills the recommendations that have been unanimously adopted by the Task Force, each of which is designed to address this problem and make our communities safer.

The recommendations reflect a paradigm shift from what we once expected from the correctional system and what we and others across the country are coming to expect of it. We cannot continue to release people from prison who are unprepared to return home and succeed in living a crime-free life. And we cannot continue to fail our communities by leaving them unprepared to help them succeed.

The recommendations are arranged in three categories: Recommendations related to the state's prison system; recommendations related to reentry at the community level; and recommendations related to continuing the work of reform in 2007 and beyond.

The recommendations that are italicized and in bold print are the Task Force's highest priorities.

The Task Force embraces the Florida Department of Corrections' (FDC) new commitment to reducing recidivism and recognizes that a good deal of money can be saved by achieving this goal. Still, the Task Force acknowledges that making this commitment is not, at the start, a budget neutral proposition. Thus, some of its recommendations are made with the understanding that they will require the reallocation and reinvestment of state resources, and present opportunities to invest additional resources.

## I. The Prison Experience: Successful Reentry Must Start at Prison Entry

1. *The FDC mission statement should be revised to explicitly address successful reentry. To assess performance in achieving the goal of successful reentry, performance measures should be adopted for FDC, its facilities, and wardens and staff.*
2. *A minimum of six more facilities should be transformed into faith and character-based facilities with three completed by December 31, 2007 and three more by December 31, 2008.*
3. FDC should use a validated instrument for evaluation and assessment at reception for both security classification and reentry programming needs and develop an inmate program handbook describing available FDC inmate programs, and the rules and guidelines governing selection and eligibility and termination from programs.
4. FDC's capacity for basic and functional literacy, GED preparedness and vocational education should be expanded.
5. FDC's capacity for the treatment of substance abuse and of co-occurring disorders should be expanded.
6. *FDC should improve and expand job training through the maximization of third-party resources.*
7. FDC should help inmates increase family contact and reduce financial strain on inmates' families.
8. FDC should expand work release by outsourcing additional work release facilities.
9. *FDC should begin pre-release planning with inmates starting on their first day of incarceration and develop individualized reentry plan for each inmates, and:*
  - *Assist inmates being released from prison in obtaining Social Security cards and state identification cards or driver licenses.*
  - *Assist disabled inmates in applying for disability and Medicaid benefits prior to their release.*
  - *Develop an inmate discharge handbook that contains the inmate's individualized reentry plan and the programs and services available in his home community.*
10. FDC should transform existing facilities in the communities to which the most inmates will be released into transition release centers that comprehensively prepare inmates for release; and as prisoners near the end of their sentence, FDC should transfer prisoners to facilities close to their homes.

## II. Coming home: Reentry at the Community Level

11. *The State should create a "transition authority" that coordinates a seamless planning process and a continuum of services from FDC custody to the community to facilitate the successful reentry of people leaving FDC custody; it would develop policies and interagency agreements that spell out the roles of state agencies in this process and help coordinate the work of reentry at the community level.*
12. *The State should support the development and work of reentry at the community level to help local reentry planning and service delivery, test new ideas and approaches, and promote and replicate what is found to work in producing measurable outcomes, such as reduced recidivism, by:*
  - *Partnering and collaborating with Florida communities in the development of local reentry councils to coordinate reentry planning and services at the local level.*
  - *The Governor's Office appointing a reentry point-person charged with coordinating, with the transition authority and relevant state agencies, the continuum of services from FDC facilities through release to the community.*
13. *The Legislature should prohibit the requirement that one have their civil rights restored as a condition for employment or licensing and instead create a single background check law, such as Chapter 435, with lists of disqualifying offenses relevant to the occupation, license or place of employment.*

## III. Organizing Reentry Reform Work in 2007 and Beyond

14. *The Legislature or Governor should re-commission the Governor's Ex-Offender Task Force to continue the work it began in 2005.*
15. *The re-commissioned Task Force should study critical populations such as sex offenders female, juvenile and mentally ill inmates and ex-offenders and additional issues such as community supervision, graduated sanctions, the loss of civil rights upon conviction of a felony, and the over-representation of African Americans among the inmate population with the aim of additional reform recommendations.*

# Introduction to the Report

*Successful reentry and reintegration in one's community is a matter of critical import to the public's safety.*

*Without successful re-entry into one's community, recidivism is likely to occur, to the great detriment to the public safety, Florida's communities, families, taxpayers, and individual ex-offenders.*

Governor Bush, Executive Order 05-28

## Issuance of Executive Order and Appointment of the Task Force

ON FEBRUARY 7, 2005, GOVERNOR JEB BUSH ISSUED EXECUTIVE ORDER 05-28 CREATING THE GOVERNOR'S EX-OFFENDER TASK FORCE for the purpose of helping to "improve the effectiveness of the State of Florida in facilitating the re-entry of ex-offenders into their communities so as to reduce the incidence of recidivism."

The basis of the Order was expressed in the preamble, which states that "successful reentry and reintegration in one's community is a matter of critical import to the public's safety; but reentry is often not a success due to the barriers ex-offenders face upon their release" and that "without successful re-entry into one's community, recidivism is likely to occur, to the great detriment to the public safety, Florida's communities, families, taxpayers, and individual ex-offenders."

The Governor also emphasized the critical link between employment and successful reentry. "The ability of ex-offenders to obtain employment after incarceration and become productive members of their communities is essential to reducing recidivism rates, but due to employers' concerns about liability, the honest completion of job applications often results in ex-offenders being unable to find work."

In April, he appointed the first seventeen members of the Task Force; with resignations, three more members were added in 2006. This diverse group has included five business people; three ex-offenders; three tireless prison volunteers; four people who run programs for offenders and ex-offenders, a former mayor and prosecutor, a public defender, a law professor; officials representing the Florida Department of Corrections (FDC), Department of Juvenile Justice, the Florida Parole Commission, and the Agency for Workforce Innovation; and a representative of the Annie E. Casey Foundation, which has been supporting the work of the Task Force.

## The Work of the Task Force

The Governor spelled out his charge to the Task Force in the Executive Order establishing the Task Force as follows:

1. Identification of legal, policy, structural, organizational, and practical barriers to successful reentry;
2. Provide recommendations regarding such reforms that will eliminate barriers to successful reentry, including, but not limited to, reforms that may offer employers greater flexibility and confidence in hiring ex-offenders;
3. Provide recommendations regarding implementation of the reforms; and
4. Provide recommendations regarding measuring the effectiveness of the reforms, such as through reduced recidivism; increased attachment to the workforce and earnings; increased family attachment; and savings to the state from incarceration cost avoidance.

Eighteen months have passed since the Governor's Ex-Offender Task Force first convened in June 2005. During that time, the Task Force has held weekly conference calls, and has formally met fourteen times. It has heard testimony from state and local experts, reviewed scores of reports and studies, deliberated with state and local political and agency officials, held focus groups with ex-offenders and with inmates, and conducted site visits to prisons and a work release facility.

The Task Force hewed closely to its charge. It identified scores of barriers to successful reentry; the findings in this report reflect many of those barriers. And it has developed a set of comprehensive recommendations, including recommendations as to implementation and measurement of their effectiveness; these, too, are detailed in this report.

## The Key Recommendation: Reform the Mission of Corrections

Of its fifteen recommendations, one stands front and center. The Task Force members agreed that this recommendation was the predicate for all the rest. It is simply this: **Successful reentry and the rehabilitation of inmates must be made an explicit part of the mission of the Department of Corrections. And FDC's performance should be measured on how well it adheres to this mission, as gauged by such factors as reduced recidivism.**

Focusing only on custody and control does not reduce recidivism. This focus protects the public safety by segregating people who have committed crimes from the public for a period of time and by preventing escapes, but those are not the only public safety concerns. After all, 88.5% of the inmates in Florida's

facilities eventually will be released. The Task Force has been concerned, since its first convening, with what happens upon release.

Accordingly, the Task Force has focused on protecting the public safety in the larger sense of preparing the inmate for a successful, crime-free return to the community.

The Task Force recognizes that moving from a mission of care, custody and control to one of successful reentry will require changes at many levels – from shifting priorities, to changing the culture of the department and its institutions, and to reallocating state resources and to collaborating with other state and local agencies to operate the programs recommended in this report, . FDC recognizes this, too, and has already begun some of these changes. The Task Force endorses those changes.

## Organization of the Report

The report contains the Task Force's key findings; its endorsements of policy changes already being made by FDC or recommended by its consultant, MGT of America; and its reform recommendations. The findings are footnoted, so that the reader can look to the sources, especially for the data in the report.

The report is divided into three sections. The first concerns “behind the fence” issues under the jurisdiction of FDC. This section contains the bulk of the recommendations for two reasons. First, the Task Force focused on what FDC should be doing to reduce recidivism because this has not been its priority in recent years. Second, the state's role is more limited after release. Almost two-thirds of prisoners are released without subsequent state supervision and the state has no formal role in relation to those former inmates.

The second chapter concerns what happens upon release; and here the Task Force addresses the lack of a coordinated release-to-community system and the absence of a state role after release. Its recommendations address that problem and other barriers to successful reentry at the community level.

The third chapter concerns what is to happen to this work that has barely begun but is now set to expire on February 28, 2007. In addition to recommending the re-commissioning of this work, the Task Force has outlined a significant number of issues it did not have time to address but that it finds to be critical.

In the Appendix, the reader will find the background statements on each Task Force member, the Executive Order establishing the Task Force, the Executive Order on employment restrictions, and the Executive Order extending the term of the Task Force to February 28, 2007.

# Chapter One

## The Prison Experience: Successful Reentry Must Start at Prison Entry

**ALMOST NINETY PERCENT OF THE PEOPLE NOW IN FLORIDA'S PRISONS WILL ONE DAY BE RELEASED.** Within three years of release, over a quarter of those people will go back to prison for a new crime. This rate of recidivism is unacceptably high and unacceptably expensive. For each new crime, there is a new victim, and new costs to Florida communities. This trend must be reversed.

From the first day of the Task Force's deliberations, the members recognized that for reentry and reintegration to be successful for the more than 30,000 people who are released from Florida's state prisons each year, the work toward that success upon discharge had to begin upon arriving at the prison gate.

The Task Force embraces the Florida Department of Corrections' new commitment to reducing recidivism and recognizes that a good deal of money can be saved by achieving this goal. Still, the Task Force acknowledges that making this commitment is not, at the start, a budget neutral proposition. Thus, some of its recommendations are made with the understanding that they will involve expenditures not currently being made. The actual costs have not been stated in this report because the Task Force has not undertaken a detailed fiscal analysis of each its recommendations.

### ***I. REDUCING RECIDIVISM AS CENTRAL TO THE FDC MISSION***

#### **THE TASK FORCE FINDS:**

**88.5%<sup>1</sup> of the 89,513<sup>2</sup> people now in Florida's state prisons will one day be released.**

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<sup>1</sup> FDC Annual Report 2004-2005, *Inmate Population*, at 31. The Task Force is aware that the often-cited national percent of prisoners that will one day be released is 97%. The Florida figure is lower due to its stricter sentencing laws. However, of the inmates *admitted* in 2004-05, 98.5% have sentences shorter than natural life (or death). *Id.*, *Inmate Admissions*, at 11.

**44% of the people in Florida's prisons have been there before.<sup>3</sup>**

**Over a quarter of those released from prison are coming back to prison within three years.** If the current pattern holds, within three years of release from state prisons in Florida, of the 31,537<sup>4</sup> released in 2004-05, 39.5% (12,457 people) will be convicted for a new crime and 25.7% (8,105 people) of those released will be re-imprisoned for a new crime.<sup>5</sup>

**Still others come back to prison on technical violations of the conditions of community supervision.** In FY 2004-05, of the 9,994 people on probation sent to prison for a technical violation of the conditions of supervision, 1,887 were returned to prison (the remaining 8,107 had not initially been given a sentence of imprisonment).<sup>6</sup> These 1,887 individuals are *not* among the 25.7% who would be predicted to return to prison because the reimprisonment of these 1,887 people is not based on their being convicted of *new crime*.

**Those returning inmates will cost Florida taxpayers \$147,765,340<sup>7</sup> for their first year of reconfinement.** This is based on the cost of \$18,108 per year to house an inmate<sup>8</sup> (excluding capital costs; this also does not include the cost of those reimprisoned for technical violations.)

**If these repeat offenders are sentenced to the current 4.6 year average length of sentence for new admissions,<sup>9</sup> the cost of these repeat offenses will total \$670 million.<sup>10</sup>**

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<sup>2</sup> September 2006 Total of FDC Inmate Population by Facility Fiscal Year 2006-2007, prepared by FDC on October 6, 2006.

<sup>3</sup> FDC Annual Report 2004-2005, *Inmate Admission*, at 15.

<sup>4</sup> FDC Annual Report 2004-2005, *Inmate Releases*, at 38.

<sup>5</sup> FDC *Recidivism Report*, (Inmates Released from Florida Prisons July 1995 to June 2001), July 2003.

<sup>6</sup> Email correspondence to the Task Force from FDC Research & Data Analysis, 10/26/06.

<sup>7</sup> 8,105 (25.7% of 31,537) x \$18,108 = \$147,765,340.

<sup>8</sup> FDC Annual Report 2004-2005, *Budget Summary*, at 19.

<sup>9</sup> FDC 2004-05 Annual Report, *Inmate Admissions*, at 11.

<sup>10</sup> \$147,765,340 x 4.6 = \$679,720,564. This cost does not include associated costs both to victims and to taxpayers that these new crimes will create.

FDC's mission ("The Department of Corrections protects the public by operating a safe, secure, humane, and efficient corrections system.") does not address recidivism or reentry. At least fourteen other states have amended their mission statements in recent years to address recidivism, successful reentry and/or rehabilitation.<sup>11</sup> The mission of a department of corrections impacts both the work and the culture of correctional institutions. It sets the tone for the operation of the agency and its facilities.

FDC is not measured on its effectiveness in reducing recidivism. This is arguably the most important goal of the system after inmate and public safety. FDC reports this data, but facilities and staff are not rated or ranked according to their performance. Nor is FDC measured on critical related measures.

#### THE TASK FORCE ENDORSES:

- a. FDC's anti-crime strategies, including its targets of reduction in the rate of recidivism initially by 10% and then by an additional 10% for a total of 20%. The savings that would be realized from 10% of the predicted 8,105 people released going back to prison in FY 2004-05 not committing new crimes and being sent back to prison would be \$14.7 million; if 20% don't go back to prison, the savings would be \$28.4 million. With 20% of each year's releasees not going back to prison, the savings mount.

#### THE TASK FORCE RECOMMENDS:

1. That FDC revise its mission statement to explicitly address successful reentry. The mission of a department of corrections impacts both the work and the culture of correctional institutions. It sets the tone for the operation of the agency and its facilities. **To assess performance in achieving the goal of successful reentry, performance measures should be adopted for FDC, its facilities and wardens and staff.**

The measures should include, but not be limited to, reductions in recidivism; disciplinary reports; incidents of violence; staff and inmate injuries; use of force; number of days on lock-down; contagious diseases; contraband; and increases in comprehensive assessments at reception; inmates' educational attainment; issuance of state photo IDs and Social Security cards prior to release; and, upon release, longitudinal success as measured by job retention, earnings gains,

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<sup>11</sup> *E.g.*, Texas: "The mission of the Texas Department of Criminal Justice is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime;" and Nevada: "It is the mission of the Department to provide professional staff to protect the community through safe, humane, and efficient confinement of offenders; provide opportunities for offenders to successfully reenter the community through: education, training, treatment, work, and spiritual development; and be sensitive to the rights and needs of victims."

educational credentials and other positive outcomes reported by the Florida Education and Placement Information Program (FETPIP). Staff promotions and transfers should be based on these indicators. **[By Agency, Executive or Legislative Action]**

## **II. PRISON CULTURE**

### **THE TASK FORCE FINDS:**

**The transformation of the prison culture in faith and character-based prisons shows promise for prisons across the state.** Much of the change in these prisons is due to leadership changes, increased mutual respect among staff, inmates and volunteers, the increased engagement of volunteers, and a focused emphasis on rehabilitation.

**State prisons can better serve all Floridians when they are safe environments characterized by a culture of respect, responsibility, and rehabilitation.**

**Prisons such as Lawtey CI, where such a culture has been cultivated, are able to maintain security** to protect against immediate threats to public safety (i.e., escapes), while also providing a supportive and non-violent atmosphere in which prisoners can prepare for release.

**Faith and character-based institutional transformations are budget-neutral and appear to be achieving some good outcomes.** Although it is too soon to measure recidivism rates of the people leaving the transformed facilities, the disciplinary rates of these facilities are about half of similar profiles of inmates in other facilities.

### **THE TASK FORCE ENDORSES:**

- b. MGT of America's<sup>12</sup> recommendation and FDC's plans to transform additional facilities into faith and character based institutions.
- c. The reform efforts that FDC began in 2006, including adding "civility" to the Code of Conduct, rooting out corruption, setting new programming priorities, and the work being done to transform the culture at Lowell CI (the facility that MGT of America identified as needing the most attention), to improve its physical plant and to tap the local community to bring in needed programming.

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<sup>12</sup> MGT of America MGT is a national consulting firm that did an operational analysis of the Department of Corrections that was completed in July, 2006. *Agency-Wide Operational Analysis Summary, at 3-8.*

**THE TASK FORCE RECOMMENDS:**

2. **That a minimum of six more facilities be transformed into faith and character-based facilities with three completed by December 31, 2007, and three more by December 31, 2008, with the highest priority given to facilities in the counties to which the largest number of inmates return home. These facilities should also serve as transition facilities, which prepare inmates for release. FDC should document the steps involved in faith and character-based facility transformations to facilitate the transition of additional facilities and report quarterly on reaching the target. Facility transformation should not be limited to minimum and medium security institutions, but include all facility security levels. [By Agency, Executive or Legislative Action]**

**III. PRISON PROGRAMMING**

**THE TASK FORCE FINDS:**

**Reallocation of resources has the potential for improved outcomes.** Of the \$1.9 billion Corrections budget for FY 2004-05, less than 2% (\$32.4 million) is allocated for inmate programs.

**Inmate idleness has sharply increased over time.** In 2004, OPPAGA reported that "Since 2000, inmate idleness has doubled from 18% to 33%."<sup>13</sup> In 2006, MGT of America reported that "The assessment teams found an extremely high level of inactivity and idleness within the institutions of the FDOC. The elimination of most of the education, vocational, and recreational funding has left the institutions with an absence of constructive activities to occupy inmates. The elimination of the practice of using canteen profits for the purchase of recreational equipment has impaired the institutions' ability to provide adequate recreational activities. The assessment teams believe idleness is directly connected to the safety and security of the institutions and the potential for instability within the inmate population."<sup>14</sup>

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<sup>13</sup> OPPAGA *Progress Report: Corrections Program Still Challenged by Inmate Idleness, Prison Planning, and Fleet Maintenance*, Report No. 04-60, August 2004

<sup>14</sup> MGT of America, *Agency-Wide Operational Analysis Summary*, at 3-8.

**Primary programming needs are education and substance abuse:**

**Inmates are reading at the 6<sup>th</sup> grade level.** As reported by FDC<sup>15</sup>, based on literacy testing of inmates being admitted to its facilities, 69.5% of inmates admitted that year tested below the level necessary to begin studying for a GED (which is the 9<sup>th</sup> grade). 28.9% tested below the fifth grade level. 55.3% of all new inmates tested at the sixth grade level or below. In FY 2004-05, 740 inmates obtained GEDs.<sup>16</sup>

**“Over half of the inmates have substance abuse issues,”** reported OPAGGA in October 2004. It also reported that “Since 2000, due to major state revenue shortfalls, correctional substance abuse program funding has been reduced by nearly 47% and about 71% of substance abuse program sites have been eliminated. This was a reduction from 4,554 to 1,880 treatment slots.” OPPAGA also found that 25 of the 123 FDC facilities have treatment programs.<sup>17</sup> According to FDC, the current capacity is 2,117 treatment slots. In FY 2005-06, of the 32,654 people released, 24,284 (74.4%) needed treatment and 19,724 (81% of those needing it) did not receive it.<sup>18</sup>

**Inmates are not always able to complete programs. In 2004, OPPAGA reported that in 2000 it had noted** “that approximately half the number of inmates who are placed in correctional education and rehabilitation programs do not successfully complete the courses because they are transferred or released before graduating.” In the 2004 report, in discussing the less than ten percent of inmates in programs, it found that “in Fiscal Year 2002-03, 51% of inmates exited mandatory literacy programs before completion, 88% did not complete GED courses, and 59% exited vocational courses before completing them.”<sup>19</sup>

**Over time, prison programming has been cut.** Education, job training, work experience, substance abuse and mental health treatment have been cut in recent years, as shown in chart on the next page.

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<sup>15</sup> FDC 2004-05 Annual Report, *Inmate Admissions*, at 18.

<sup>16</sup> FDC 2004-05 Annual Report, *Education* at M-23.

<sup>17</sup> OPPAGA *Information Brief: Correctional Substance Abuse Programs, While Few, Are Reasonably Efficient and Effective*, Report No. 04-69, October 2004.

<sup>18</sup> Data provided to the Task Force by the FDC Office of Community Corrections, 10/24/06.

<sup>19</sup> OPPAGA *Progress Report: Corrections Education and Rehabilitative Programs Significantly Reduced*, Report No. 04-59, August 2004.

<b>Appropriations</b>	<b>FY 2000-01</b>	<b>FY 2004-05</b>	<b>Percent change</b>
Substance Abuse Treatment	\$14,761,833	\$7,830,618	- 47%
Basic education skills (academic, vocational, special education and library services)	\$36,749,036	\$24,555,358	- 33%
Total Treatment and Education	\$51,510,869	\$32,385,976	- 37%
Total for FDC	\$1,634,173,161	\$1,898,232,425	+ 13%
Percent of FDC budget for Treatment and Education	3.2%	1.7%	- 47%
<b>Inmate population</b>	72,007	84,901	+ 18%
Annual Treatment and Education Dollars per Inmate	\$715	\$381	- 47%

**Research shows that such programming has proven to enhance safety and security and to reduce recidivism.<sup>20</sup>**

<sup>20</sup> See, e.g., Florida Corrections Commission *1999 Annual Report*, which found, based on FDC data:

- **Lower Major Disciplinary Report Rate for inmates who completed vocational, transition, or life skills training.** For FY 1995-96, 719 major disciplinary reports were issued per 1,000 inmates who completed these programs as compared to 1,025 major disciplinary reports per 1,000 of the remaining inmate population.
- **Fewer Major Disciplinary Reports for inmates who were enrolled in educational courses.** For FY 1995-96, 684 major disciplinary reports were issued per 1,000 inmates who were enrolled in educational courses as compared to 917 major disciplinary reports per 1,000 of the remaining inmate population.

And see also: FDC Recidivism Report: Inmates Released from Florida Prisons, July 1995 to June 2001; July 2003:

**“Academic Programs (GED):** The recidivism rate for the 1,788 inmates who received a GED was 29.8% compared to 35.4% for those who did not complete a program. This reduction in recidivism (5.6%) translates into approximately 100 inmates not returning to prison. Avoiding the cost of their re-incarceration for one year would amount to cost savings of approximately \$1.9 million.

**Vocational Programs:** The recidivism rate for the 1,793 inmates who earned a vocational certificate was 26.0% compared to 35.4% for those who did not complete a program. This reduction in recidivism (9.4%) translates into approximately 169 inmates not returning to prison. Avoiding the cost of their re-incarceration for one year would amount to cost savings of approximately \$3.2 million.

As OPPAGA reported, Florida TaxWatch found that for every dollar invested in inmate programs, there was a return of \$1.66 in the first year and \$3.20 in the second year.<sup>21</sup>

**THE TASK FORCE ENDORSES:**

- d. MGT of America's recommendation that "the Office of Institutions needs to develop a strategic approach to reduce idleness throughout the institutions" and its recommendations regarding job training in furtherance of the objective of reducing idleness.
- e. FDC's plans to expand educational opportunity with the goal of teaching 20,000 inmates to read.
- f. FDC's objective of reducing the rate of recidivism by deploying evidence-based substance abuse, health, and mental health treatment; and educational, vocational and reentry-preparedness services and programming.
- g. Reinvestment of the cost-of-incarceration savings, including the avoidance of the additional capital costs of new prison beds, into additional evidence-based programs that will further reduce recidivism.
- h. The findings of OPPAGA, the Corrections Commission and the Auditor General that PRIDE has not adhered to its mission of providing work opportunities for inmates<sup>22</sup> and FDC's target of increasing the number of work stations from the current 2,117, which allows work opportunity for 2% of inmates, to work stations sufficient to provide work opportunities to 30% of the inmates within 10 years.
- i. Given Florida's construction boom and its need for construction workers to repair or replace storm-damaged properties, FDC's efforts to partner with Habitat for

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**Substance Abuse Programs:** The recidivism rate for the 3,129 inmates who completed a substance abuse program was 31.4% compared to 35.4% for those who did not complete a program. This reduction in recidivism (4.0%) translates into approximately 125 inmates not returning to prison. Avoiding the cost of their re-incarceration for one year would amount to cost savings of approximately \$2.4 million.

<sup>21</sup> OPPAGA Review of the Department of Corrections, Report No. 00-23 December 2000, Revised April 2001, at 48.

<sup>22</sup> Florida Corrections Commission *2002 Annual Report*, Section 3; OPPAGA Report No. 12228, *Performance Audit of the Prison Industries Program*, January 1994; OPPAGA Special Report: *PRIDE Benefits the State But Needs to Improve Transparency in Operations*, Report No. 03-68, December 2003; Florida Auditor General *Operational Audit of the Prison Rehabilitative Industries and Diversified Enterprises, Inc. for the Period July 1, 1994, Through February 29, 1996, Dated December 12, 1996*.

Humanity to build prefab homes and to teach marketable construction skills to inmates.

- j. The recommendations contained in the 1998 Florida House of Representatives report, *Maintaining Family Contact When a Family Member Goes to Prison*.

**THE TASK FORCE RECOMMENDS:**

3. That FDC use a validated instrument for evaluation and assessment at reception for both security classification and reentry programming needs, including identifying the need for ID and benefits upon release; compiling all relevant reports on the inmate to facilitate accurate and comprehensive assessments. Annual inmate re-assessments also be required and that re-assignments be made, if indicated by the re-assessment; and that transition plan programming changes, as indicated; and step-down be based on the assessments. [By Agency Action]
4. That FDC's capacity for basic and functional literacy, GED preparedness and vocational education be expanded. [By Agency and Legislative Action]
5. That FDC's capacity for the treatment of substance abuse and of co-occurring disorders be expanded. [By Agency and Legislative Action]
6. That FDC maximize the use of outside resources for expanded job training by:
  - Leveraging funds and resources from the private sector and from publicly funded workforce programs to expand job training and work experience in the prisons in order for inmates to learn marketable skills.
  - Ensuring that job training be demand-driven and focus on jobs in growth industries such as construction and that FDC's Memorandum of Understanding with the Agency for Workforce Innovation be revised to reflect this focus.
  - Partnering with business associations and businesses willing to do "behind the fence" job training within their industries and then employing the former inmates upon their release.
  - Coordinating training with transition assessment / planning and the post-release community/workforce linkage recommendations in this report.
  - Tracking employment, earnings, continuing education and other post-release outcomes, and reporting and evaluating outcomes with the help of the Florida Education, Training and Placement Information Program (FETPIP).

[All by Agency Action]

7. That FDC increase family contact and reduce financial strain on inmates' families through:

- Promotion of the maintenance of or restoration of family ties.
- Development and implementation of family-friendly prison policies, including visitation, telephone calls, and physical plant issues.
- Include families, as appropriate, in the preparation for release.
- Development and implementation of forms and procedures that allow for modification of child support at reception or shortly thereafter to reflect the inability to pay while incarcerated and to avoid the accumulation of unpayable arrears.
- Use of inmate calling cards as used in federal prisons.
- Development of an inmate email system as is in place in federal prisons.
- Distribution of a family handbook specifying the rules governing inmate contact and other matters of concern to families.

[All by Agency Action]

That FDC develop an inmate program handbook describing (1) available FDC inmate programs, (2) the rules and guidelines governing selection and eligibility and termination from programs. [By Agency Action]

#### **IV. WORK RELEASE**

##### **THE TASK FORCE FINDS:**

With a prison population of over 88,000, 88.5% of whom will be released one day, there are 2,997 work release beds, which is enough to place 3.4% FDC inmates in work release prior to release. FDC's practice is to allow no more than 4% of the FDC population to be assigned to work release; this is based on its assessment of its ability to absorb inmates back into the institutions if problems arise in work release facilities.

Work release is cost-effective and supports the goal of successful reentry. According to FDC, its institutional per diem is \$48.23. The FDC work release per diem is \$26.16 for its own 2,616 beds. The outsourced work release per diem is \$19.74, for 864 beds, of which 360 are located in FDC facilities and 504 are located in vendor-owned facilities. Work release is substantially cheaper than prison confinement and it facilitates the successful transition from prison to the community, while reducing recidivism.

**Eligibility criteria based on the length of time left on the sentence and a lack of work release beds make work release unavailable to most inmates who are about to be released.** Today, according to FDC, 3,834 inmates are currently in community custody status and meet the eligibility requirements for work release but are not in work release. Of those, approximately 1,000 inmates have been found qualified by FDC and are waiting for a work release bed. The current assignments of those 3,834 are: 40% are in work squads outside prison grounds or in the community; 30% are doing institutional maintenance within the facilities; 22% are not assigned at this time; and 14% are in some kind of programming.

**THE TASK FORCE ENDORSES:**

- k. MGT of America's recommendation that "the Department should aggressively pursue expansion of the Work Release Program."

**THE TASK FORCE RECOMMENDS:**

8. That FDC expand work release by outsourcing additional work release facilities through:
  - **Setting specific targets on the expansion**, with the first target being creating enough new work release beds to accommodate the 3,000 now eligible for work release but still confined in a prison.
  - **Adjusting the criteria for admission to work release so that more prisoners are eligible.**
  - **And reporting on the number of additional beds to be created**, the time line for their creation, and reporting quarterly on reaching the targets.  
[All by Agency Action]

## ***V. DISCHARGE PLANNING***

**THE TASK FORCE FINDS:**

**Inmates are not equipped upon release to succeed.** They leave prison with \$100; sometimes, but not always, 30-days of medication; and a bus ticket. They often do not have necessary identification cards, they do not always have a residence lined up, and often do not know how to find a job or have the skills to get a job.

**THE TASK FORCE ENDORSES:**

1. FDC's plans to ensure that prior to release, inmates are schooled in basic life skills, money management and banking.

- m. FDC's efforts to get inmates the proper identification documents they will need to secure housing, employment, bank accounts and care upon release.
- n. MGT of America's findings and recommendation concerning restoration of transition officers: "The elimination of the transition officers have significantly impacted the release programming within the institutions. . . [and] the mechanics and processes of the release function have fallen solely on the lap of the release officers. This has adversely impacted release preparation and also stretched the workload of the designated release officers. It also has limited contacts with the community corrections representatives who provide the post-release supervision of the inmates. . . . The Department should consider restoring transition officers to those institutions with the highest percentage of releases."

**THE TASK FORCE RECOMMENDS:**

- 9. **That pre-release planning begin on the first day of incarceration and include the development of an individualized reentry plan** that addresses education; employment, including resume preparation, job seeking and interviewing; health, mental health and substance abuse challenges; managing family conflict; mentoring; and strategies to develop pro-social behavior and desistance from crime. In furtherance of developing and implementing the plan:
  - **FDC should assist inmates being released from prison in obtaining Social Security cards and state identification cards or driver licenses.**
  - **In instances when inmates are determined to be disabled, the FDC medical staff should provide the clinical diagnostic reports** needed by the Social Security Administration to award disability benefits upon release, which then also establishes eligibility for Medicaid benefits.
  - **FDC should develop an inmate discharge handbook** that contains the inmate's individualized reentry plan and the programs and services available in his home community.  
**[All by Agency Action]**
- 10. **That FDC transform existing prison facilities in the communities to which the most inmates will be released into transition release centers that comprehensively prepare inmates for release; and that as prisoners near the end of their sentence, that FDC transfer prisoners to facilities close to their homes.**  
**[By Agency Action]**

## Chapter Two

# Coming home: Reentry at the Community Level

**THE TASK FORCE HAS STUDIED BEST PRACTICES IN OTHER STATES AND BASED ON THAT RESEARCH HAS DEVELOPED A COMMUNITY PARTNERSHIPS INITIATIVE, WHICH IS A PROMISING EFFORT TO DEVELOP LOCAL REENTRY COUNCILS AND LOCAL REENTRY PLANS TO ADDRESS THESE CHALLENGES.**

### **THE TASK FORCE FINDS:**

**In FY 2004-05, FDC released 33,464 inmates from its facilities.<sup>23</sup>**

**44% of the people being released from prison go home to 7 counties.** These counties are, in order of number of people returning home, Hillsborough, Broward, Dade, Orange, Duval, Pinellas and Polk. Next are Volusia and Palm Beach.<sup>24</sup>

**No Florida community has a comprehensive system responding to the challenges of people coming home from prison.** Some Florida communities have established task forces, councils or committees to address the barriers to successful reentry and the need to reduce recidivism among returning prisoners, but the services coordinated by these entities are still fragmented.

**The State's investment in its delivery of services to ex-offenders at the community level is significant.** The state has oversight authority over many of the services that ex-offenders need such as job training and workforce services, substance abuse, health and mental health care, and public benefits.

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<sup>23</sup> FDC 2005-06 Annual Report.

<sup>24</sup> FDC 2005-06 Annual Report.

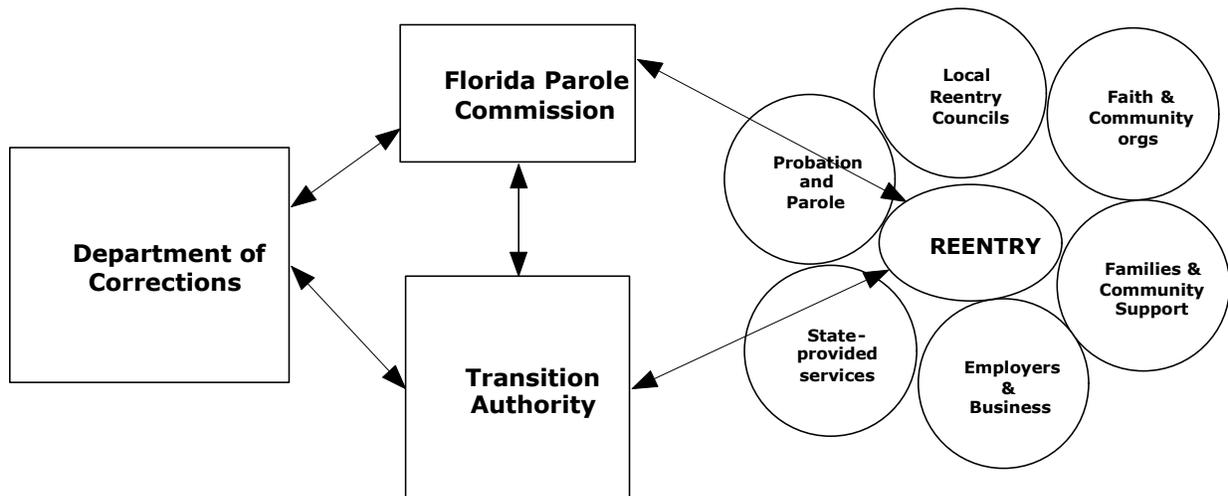
**THE TASK FORCE ENDORSES:**

- o. The Parole Commission's efforts to help in the transition process through its proposed "Post Release Offender Re-entry Initiative."

**THE TASK FORCE RECOMMENDS:**

That the state create a "transition authority," by statute, that coordinates a seamless planning process and a continuum of services from FDC custody to the community to facilitate the successful reentry of people leaving FDC custody; it would develop policies and interagency agreements that spell out the roles of state agencies in this process and help coordinate the work of reentry at the community level.<sup>25</sup>

The relationship of the transition authority to other entities is illustrated in the diagram below.



- 11. That the state support the development and work of reentry at the community level to help local reentry planning and service delivery, test new ideas and approaches, and promote and replicate what is found to work in producing measurable outcomes, such as reduced recidivism, by:

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<sup>25</sup> The Task Force considered the idea of reconstituting the Parole Commission to become the transition authority.

- Partnering and collaborating with Florida local governments and faith and community-based organizations in supporting local reentry councils by putting in place a reentry coordinator in each of Duval, Miami-Dade, Broward, Hillsborough and Palm Beach Counties; and the Nineteenth Judicial Circuit (Okeechobee, Martin, St. Lucie, and Indian River Counties), with a five-year target of developing such councils in every major community starting with Orange, Pinellas, Polk and Volusia Counties. **[By Legislative Action]**
- The Governor's Office appointing a reentry point-person charged with coordinating, with the transition authority and relevant state agencies, the continuum of services from FDC facilities through release to the community.  
**[All by Executive Action]**

#### **THE TASK FORCE FINDS:**

**People coming home from prison face many barriers to employment. Many jobs in the Florida economy are affected by formal restrictions based on criminal records.** There are state-created restrictions on state jobs; on jobs in places and facilities that the state licenses, funds or regulates; and on occupations that the state licenses.

**In order of severity, based on the responses from the agencies to Executive Order 06-89, the Task Force found the following types of employment restrictions:**

- Lifetime bars for any felony.
- Lifetime bars unless civil rights are restored for any felony.
- Lifetime bar for certain felonies.
- Lifetime bar unless civil rights are restored for certain felonies.
- Time-limited bars for any felony.
- Time-limited bars for certain felonies.
- Lifetime bars for certain felonies, with exemptions possible after 3 years from the date of offense.
- Time-limited bars for certain felonies, and waiver of the bar possible.

**Jobs with similar kinds of trust and responsibility often have widely varying types of restrictions.**

**Among the restrictions is that which requires restoration of rights. It has the effect of putting jobs off-limits for many years for the hundreds of thousands of**

people in Florida who have not had their civil rights restored, which may affect their ability to seek employment.

**THE TASK FORCE RECOMMENDS:**

12. That state laws, rules and policies that require a person to have his or her civil rights restored as a condition of employment or licensing be repealed and that employment restrictions for those occupations currently subject to restoration of civil rights requirements instead be built into a single background check law, such as Chapter 435.  
[By Legislative Action]

## Chapter Three

# Organizing Reentry Reform Work in 2007 and Beyond

ON OCTOBER 26, 2006, THE GOVERNOR EXTENDED THE TERM OF THE TASK FORCE, WHICH WAS SET TO EXPIRE ON JANUARY 1, 2007, TO FEBRUARY 28, 2007.

### THE TASK FORCE FINDS:

Reforms that will measurably prevent crime, reduce recidivism and improve public safety by making reentry successful for the men and women leaving prison is a multi-year project.

### THE TASK FORCE RECOMMENDS:

13. The re-commissioning of the Governor's Ex-Offender Task Force to continue the work it began in 2005 with structures that address the following goals and core results:

#### Goals:

- Further identification of barriers to reentry and recommend system, policy and practices reforms to make reentry more successful for more people coming home from prison.
- Coordination with the transition authority and help to cohere a rational delivery system of federal, state and local resources to maximize the effectiveness of existing resources.
- Further identification of best practices and promote their adoption at the state and local levels.
- Support for the efforts of local reentry councils to develop local reentry plans, the seeding promising new approaches, replicating them, and coordinating the delivery of services.

- Addressing the additional items of unfinished business as set forth in the next recommendation.

**Core results:**

- Performance outcomes against which this work will be measured, including, but not limited to, reduced recidivism; increased prison programming, indicia of transformation of prisons; and, upon release, employment, job retention, and increased earnings.

**[All by Executive or Legislative Action]**

**THE TASK FORCE FINDS:**

**Both special populations and certain complex issues warrant further study.** Such study was beyond the time limitations of the Task Force, and they require additional partners to do a proper job of making findings and recommendations.

**THE TASK FORCE RECOMMENDS:**

- 14. Further study with the aim of additional reform recommendations on the following issues and populations:**

**Prison culture and conditions of confinement:** The culture of a prison and the conditions of confinement impact programming success within prison and success upon reentry, including recidivism.

**Study and address:** The Task Force has seen models of transformed prisons that have demonstrated their success with improved outcomes, but more needs to be learned both about the conditions of other prisons not yet visited and about how to transform prisons that need help.

**Sex-Offenders' lack of viable housing and employment options upon release from prison.** With an increasing array of employment and housing restrictions, sex-offenders are often either sent back to prison because they cannot find a legal housing or employment, or they disappear and do not register.

**Study and address:** A thoughtful re-examination of employment and housing restrictions that are leading to some sex-offenders unnecessarily going back to prison or failing to identify their residence and to register, thus putting communities at risk.

**Women:** Both MGT of America and the Task Force's own prison site visits and focus groups with prisoners found that women prisoners face unique challenges, and have unique needs.

**Study and address:** The challenges faced by women in prison and upon release, and promising models that achieve good results for system changes and successful reentry.

**Mentally ill prisoners and ex-offenders:** Although not designed to be a mental health system, prisons have become the default provider of mental health services and of housing for people with mental illness. The correctional system's assumption of the responsibility for confining a growing percentage of mentally ill inmates impacts both the kind of care that the mentally ill obtain and the environment of other inmates.

**Study and address:** The challenge of providing proper mental health care in a correctional environment and in insuring an uninterrupted continuum care upon release.

**Step-down:** Increasing attention has turned to the importance of decreasing restrictions on movement and personal choices and increasing personal responsibility with the passage of time (called "step-down") in correctional facilities. Those who urge this approach are demonstrating that moving from a highly restricted environment to the community makes recidivism more likely.

**Study and address:** Formalizing step-down policies including increased reliance on work release prior to release.

**Supervision:** Most prisoners are released without subsequent supervision. 19,839 (62.9%) of the inmates were released pursuant to the completion of their sentence; none of these former inmates are under any kind of state or local supervision. Supervised release is limited: 5,198 (16.5%) were released on conditional release; 4,767 (15%) were released to community control; 50 people (0.2%) were paroled.<sup>26</sup>

**Study and address:** The impact of the fact that since repeal of parole in 1983, 68.3% of people leaving prison are under no form of continued supervision.

**Zero tolerance community supervision policies.** People under community supervisions, such as probation or community control, are often sent to prison or

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<sup>26</sup> FDC 2004-05 Annual Report, *Inmate Releases*, at 36, 38.

back to prison for technical violations at a cost of \$18,108 per year per person incarcerated.

**Study and address: The impact of zero tolerance policies and alternatives to incarceration for technical violators.**

**Juveniles:** Juveniles face obstacles and challenges that are similar to those experienced by the adult population, such as difficulty with documentation, lack of employment readiness skills, and lack of housing options. However, the complexities and unique characteristics of youth facing these challenges and others require tailored recommendations. Also, the additional and distinct challenges of subpopulations of youth, such as girls and juveniles with mental health problems, also must be addressed.

**Study and address: The challenges faced by youth considering age, maturity level, gender, mental health, physical health, familial circumstances, educational levels, and operational structure of the juvenile justice system.**

**Over-representation of African Americans.** Blacks make-up 15.7% of Florida's total population<sup>27</sup> yet makeup 51.0% of the inmate population in Florida's prisons.<sup>28</sup>

**Study and Address: African Americans in prisons, and the impact of their prison experience and their reentry experiences on them, their families and their communities.**

**County jails and federal prisons.** Not all ex-offenders are coming home from state prisons. The majority is coming home from county jails, and they face much the same challenges as those being released from prisons. Many others come home from federal prisons.

**Study and address: Customized strategies to improve transition and re-entry outcomes for the very large number of ex-offenders incarcerated at county-level jails and released to the community that are not later sentenced to "state time" and look at collaborative strategies for former federal prisoners.**

**Loss of civil rights upon conviction of a felony.** Hundreds of thousands of people in Florida have lost their civil rights, which has an impact on their range of

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<sup>27</sup> U.S. Census Bureau, State and County QuickFacts.

<sup>28</sup> FDC 2004-05 Annual Report, *Inmate Admissions*, at 11.

employment opportunities, as well as voting, jury service, seeking public office and other matters.

**Study and address: The constitutional, statutory and regulatory barriers to the restoration of civil rights.**

**Employment restrictions.** From the agencies' responses to Executive Order 06-89, the Task Force has learned that in addition to the requirement for some occupations that civil rights be restored, there are many other types of employment restrictions based on criminal records.

**Study and address: The feasibility of a single background check act that would streamline, organize and cohere employment restrictions based on the nature of the job or place and employment its type of trust and responsibility.**

**Other collateral sanctions.** People returning home from prison face new and additional kinds of sanctions related to their criminal convictions. Neither the Task Force nor any other entity has systematically inventoried all of these sanctions, but they include both public and private restrictions on housing, driver licenses, credit, public service and service on boards and commissions, civic life, including voting, and access to public benefits.

**Study and address: Using the employment restrictions inventory done pursuant to Executive Order 06-89 as a model, identify the other collateral sanctions associated with criminal records, other than employment, such as housing, driver licenses, and public benefits, that serve as unnecessary barriers to successful reentry.**

## Acknowledgements

THE TASK FORCE IS PROUD THAT ITS MEMBERS PUT IN WHAT MAY BE AN UNPRECEDENTED NUMBER OF VOLUNTEER HOURS IN FURTHERANCE OF THE CHARGE GOVERNOR BUSH HANDED THE GROUP. In addition, many individuals and organizations helped inform and illuminate the work of the Task Force.

The Task Force first wants to thank Governor Jeb Bush for his leadership and vision in addressing the issue of prisoner reentry and appointing the Task Force.

The Governor's Office has provided tremendous support to the Task Force. Chief of Staff Mark Kaplan, Former Deputy Chief of Staff William Large, Deputy Chief of Staff Carol Gormley, Public Safety Policy Coordinator Randy Ball, Mike Manguso, Policy Chief Analyst, Renee Harris, Assistant to the Director of Administration, and others working in the Governor's Administrative Office all were supportive and went out of their way to help make the work of the Task Force successful.

Senator Stephen Wise, his legislative aide Steven Richardson, Dee Alexander, Senior Legislative Aid, and Amanda Cannon, Staff Director of the Senate Criminal Justice Committee have been deeply engaged in the issues the Task Force addressed and provided very helpful insight and guidance.

From the first Task Force meeting forward, the Department of Corrections has provided the Task Force with research, data and staff support. Franchatta Barber, serving on the Task Force as the designee of the Secretary coordinated this work. In addition, the Task Force has been aided by Dr. Laura Bedard, Deputy Secretary; Paula Hoisington, Former Deputy Assistant Secretary, Community Corrections; Pam Denmark, Deputy Assistant Secretary, Community Corrections – Programs; Kim Riley, Bureau Chief, Community Corrections – Substance Abuse; Bernard Cohen, Chief, Bureau of Research, Planning and Support – Staff Development; Allen Overstreet, Chief, Bureau of Institutional Programs; Sirene Johnson, Senior Management Analyst Supervisor, Bureau of Institutional Programs; Kerensa N. Pate, Correctional Programs Consultant, Bureau of Institutional Programs; Fred Roesel, Chief, Bureau of Classification, Central Records; Rusty McLaughlin, Assistant Bureau Chief, Bureau of Classification; Lee Adams, Correctional Programs Administrator, Bureau of Classification; and David Ensley, John L. Lewis and Neal Fitch from the Bureau of Data Research. Secretary McDonough not only has made his staff

available to the Task Force, he has personally met with the Task Force a number of times and his leadership served as an inspiration to the Task Force.

Lawtey CI's Former Warden Max Denson hosted a Task Force meeting with the help of Brad Carter, Former Region II Director, Former Assistant Warden John Hancock (Current Warden at Wakulla CI), the head of Lawtey security, Major Wailon Haston, and Senior Pastor Steve McCoy, Beaches Chapel Church, who did a presentation for the Task Force about his congregation's volunteer services at Lawtey. Thanks to them, the Task Force was able to see how a faith and character-based facility operated.

The Department of Juvenile Justice's Secretary Schembri provided the Task Force with research and data and his experiences from his long history in corrections. Agency staff from, including Steve Chapman, Coordinator, DJJ What Works Initiative, and Jason L. Welty, Senior Legislative Analyst, who served at the behest of Secretary Schembri have also been a constant source of insight and information for the Task Force.

The Parole Commission has been represented by its Chairman, Monica David. She and her staff, including Fred Schuknecht, Director of Administration; Janet Keels, Coordinator, Office of Executive Clemency, Gina Giacomo, Director of Operations, and Kim Fluharty, General Counsel helped the Task Force enormously.

The Governor made it clear from his Executive Order creating the Task Force that employment was a key to successful reentry. Accordingly, the Agency for Workforce Innovation's then-Secretary Susan Pareigis was appointed to the Task Force. She and Workforce Florida's Chairman, Curtis Austin, and the later-appointed Task Force member Mike Switzer, Vice President for Programs and Performance at Workforce Florida, gave the Task Force the tools and data it needed so it could focus on getting ex-offenders jobs in high-demand occupations. David Bryson of Workforce Florida, and George Foster, Bill Dobson, and Director Rebecca Rust of AWI Labor Market Statistics also made invaluable contributions.

OPPAGA's reports were a source of good, solid background for the Task Force and Senior Legislative Analyst Sabrina Hartley did an excellent job of summarizing and synthesizing the findings from those reports in a presentation to the Task Force.

When the Task Force turned to the issue of child support arrears accruing while people were in prison and had no means to pay support, Katherine Pennington, who is responsible for the coordination and

administration of child support education and outreach programs for the Department of Revenue's Child Support Enforcement Program helped the Task Force understand this challenge.

Steven Fielder, from the Department of Highway Safety & Motor Vehicles, helped the Task Force understand the challenges involved in securing driver licenses and state ID cards prior to release from prison.

Cynthia Holland, MSW, with the Department of Children and Families' Mental Health Program helped the Task Force in its work related to the needs of mentally ill prisoners and ex-offenders.

Maria Bello and Sandra Rothman with the Social Security Administration, and Bernita Kincaid with the Office of Disability Benefits Eligibility, helped the Task Force understand disability benefits and what it would take to have eligibility determined prior to release from prison.

At the first meeting, Chief Tim Ryan, the head of the Orange County Department of Corrections (and recently named to head The Department of Corrections and Rehabilitation in Miami-Dade County), presented on behalf of the Council of State Government's (CSG) Reentry Policy Council, on which he served. CSG staffers Mike Thompson and Katherine Brown also provided tremendous assistance to the work of the Task Force.

Nancy LaVigne of the Urban Institute provided an overview of FDC data, which was made possible through the cooperation of FDC research and data staff.

The Collins Center for Public Policy was contracted to help the Task Force with focus groups of inmates and ex-offenders and in inventorying the resources available to ex-offenders in the communities to which the largest numbers of people are returning home from prison. Its President, Rod Petrey, directed this effort, and its Director of Community Development, April Young, was responsible for this work.

The Florida Justice Institute was contracted to do a preliminary inventory of the state-created restrictions on employment. Randy Berg, the director of FJI, and staff attorney Cullin O'Brien were responsible for this work.

Warden Carlyle Holder, of Coleman Federal Correctional Institution, graciously hosted one of the Task Force meetings, gave the Task Force a tour of his facilities, introduced the members to inmates and staff, and shared an evening with the Task Force and inmates celebrating Hispanic Heritage Month

at a lively inmate dance performance and party. This experience allowed the Task Force to see promising reentry approaches in place in this facility.

Leslie Neal, Artistic Director for ArtSpring, Inc., Raeanne Hance, of Prison Fellowship Ministries, John Andrews with Transition, Inc., Hugh MacMillan, of Kairos Horizons, and Cindy Schwartz, Program Director for the 11<sup>th</sup> Judicial Circuit Criminal Mental Health Project Jail Diversion Program all served to deepen the Task Force's understanding of the issues it was addressing.

Two men who served time in Florida correctional facilities, Ralph Waccary and John Maxwell shared their stories with the Task Force and helped the group better understand the challenge of succeeding upon being released, as well as what helps make success within reach.

Jean Maynard Gonzalez, the Task Force's Executive Director helped the Task Force by making meeting and conference call arrangements, posting notices of the meetings, facilitating the Task Force's communications and travel, and serving as a liaison with the Governor's Office. Her assistant, Latrese King, managed the minutes and also helped with communications.

Katherine Burns has helped to coordinate the work of the Community Partnerships Initiative, which has been led by Chairman Vicki Lopez Lukis and Vice Chairman Robert P. Blount III, with partners in Duval, Miami-Dade, Broward, Hillsborough and Palm Beach Counties; and the Nineteenth Judicial Circuit (Okeechobee, Martin, St. Lucie, and Indian River Counties). In each of these communities, scores of people have come together to form reentry councils and develop a reentry planning process that will seamlessly weave services and supports for people coming home from prison. In a number of these jurisdictions, planning efforts had already been underway, and from those leaders and organizers, the Task Force learned a great deal.

In Broward County, Newton Sanon, Executive Director of OIC Broward; Mason Jackson, Executive Director, Workforce One; Thomas Lanahan, Community Job Development Coordinator; members of the Broward County Sheriff's Office; and the members of the Broward Re-entry Coalition have been leading the effort to bring people together to address reentry.

In Duval County, Kevin Gay, Executive Director of Operation New Hope, a prisoner reentry program in Jacksonville, served as an inspiration for the White House in developing the Ready4Work Program and for the Task Force in developing its Community Partnerships Initiative. Kevin, along with Senator Wise and his staff; Task Force member, Jim Williams; Gordon Bass, Director Department of Corrections; and Stephanie J. Sloan-Butler, Chief Prisons

Division, Office of the Sheriff Consolidated City of Jacksonville continue to provide strong and determined leadership to make reentry successful in their community.

In Hillsborough County, Task Force member Robert Blount; Paul I. Perez, U.S. Attorney for the Middle District of Florida; his staffers Donna Schultz, Law Enforcement Coordination Manager; William Daniels, Law Enforcement Coordinator and Erio Alvarez, Criminal Justice Specialist; The Hillsborough County Administrator Office; and the members of the Hillsborough Ex-Offender Re-entry Network (HERN) have been coming together to provide leadership and support on the issue of reentry for a number of years. The Task Force was able to learn a lot from them. Although Pinellas County was not included in this initiative, the Pinellas Ex-Offender Reentry Coalition (PERC), under the leadership of Frank Kopczyński, lent much expertise and assistance to the Hillsborough County initiative.

In Miami-Dade County, Miami-Dade Mayor, Carlos Alvarez, and his Chief of Staff, Denis Morales and Legal Counsel, Luis Gazitua; Mayor Manny Diaz, City of Miami and his Chief of Staff, Jose Mallea, and Chante Sweet, staffing his Faith & Community Based Initiative; David Lawrence, President of the Early Childhood Initiative Foundation and Chairman of the Children's Trust; Mark Buckbinder, Executive Director, Lisa Pittman Ph.D., Coordinator of Evaluations and Cross Systems Planning from the Alliance For Human Services; the Children's Trust, the Donor's Forum of South Florida; Daniella Levine, CEO of the Human Services Coalition of Miami Dade and her staff; Task Force members Wayne Rawlins and Ralph Martin; and Rod Petrey and April Young, Ph.D. from the Collins Center have all come together to address the complex challenge of coordinating and cohering the reentry process in this diverse county.

In Palm Beach County, West Palm Beach Mayor Lois Frankel, Public Defender Judicial Circuit 15, Carey Haughwout and staff Jennifer Loyless; Palm Beach County Criminal Justice Commission member Max Davis and Executive Director Diana Cunningham, Becky Walker, Youth Violence Prevention Planning Coordinator are leading the effort in developing a reentry planning process.

In the Treasure Coast, Task Force member Diamond Litty, 19th Judicial Circuit Public Defender, and Program Coordinator Kristen Webster, who acted as Ms. Litty's designee at some Task Force meetings, are providing the leadership to develop a reentry council. In addition, Chief Judge, William L. Roby; St. Lucie County Sheriff Ken Mascara; Martin County Sheriff, Robert L. Crowder; Okeechobee County Sheriff, Paul C. May; Indian River County

Sheriff, Roy Raymond; St. Lucie County Criminal Justice Coordinator, Mark Godwin; Florida Department of Correction, Circuit Administrator Thomas Mark; Vero Beach, Chief of Police Don Dappen; Sebastian Chief of Police Jim George Woodley Davis; Ft. Pierce Chief of Police Sean Baldwin; Stuart Chief of Police Edward M. Morley; and Dr. George Woodley from Department of Children and Family Services, District 9, and the staff of each of these leaders are strong supporters and partners in this work.

Since its inception, the work of the Task Force has been supported by the Annie E. Casey Foundation, which funded its work with a grant to the Office of the Governor. Gary MacDougal, Foundation Trustee, brought the idea of the Task Force to Governor Bush and continued his interest in the work of the Task Force by providing guidance in its deliberations. Ira Barbell, a Senior Associate at the Foundation who served on the Task Force, coordinated Casey's relationship with the Governor's Office and with the Task Force. Linda Mills, a consulting attorney to the Foundation, provided the Task Force with legal and policy research and analysis and wrote its reports. Jim Dickinson, a Casey consultant, provided research support to the Task Force.

And the remaining Task Force members, not previously mentioned herein, Michael A. Bernstein, Bernard "Bernie" DeCastro, Henree D. Martin, Annette R. Martinez, and former Task Force members, T. Edward Austin, Jose M. Boscan, Carol Law, and Stephen R. MacNamara must be saluted. Many of them, in addition to attending meetings spent thousands of hours advancing the work of the Task Force.

## Appendix A

# Task Force Members

**Chairman Vicki Lopez Lukis**, 48, of Coral Gables, community volunteer.

**Ira L. Barbell**, 59, of Columbia, Maryland, Senior Associate with Annie E. Casey Foundation.

**Franchatta J. Barber**, 45, of Tallahassee, Deputy Assistant Secretary of Institution Programs with the Florida Department of Corrections. [Designee of Secretary McDonough].

**Michael A. Bernstein**, 52, of Seminole, President and Chief Executive Officer of Gulf Coast Jewish Family Services, Inc.

**Robert P. Blount, III**, 32, of Tampa, President of Abe Brown Ministries, Inc. and Program Coordinator with Hillsborough Community College.

**Monica A. David**, 45, of Tallahassee, Chairman of the Florida Parole Commission.

**Bernard "Bernie" DeCastro, 60**, of Ocala, Executive Director of Time for Freedom, Inc.

**Diamond Litty**, 49, of Ft. Pierce, the 19th Judicial Circuit's Public Defender since 1992, composed of 4 offices in Ft. Pierce, Stuart, Vero Beach and Okeechobee; served as Asst. State Attorney for the 19th Judicial Circuit for 6 years.

**Henree D. Martin**, 59, of Tallahassee, owner of Developers Realty and Investment Properties, Inc.

**Ralph P. Martin**, 29, of Miami, paralegal with Duane Morris, LLP.

**Annette R. Martinez**, 40, of Lakeland, Fire Operations Manager with State Farm Insurance Companies.

**Wayne E. Rawlins**, 45, of Pembroke Pines, community justice consultant.

**Anthony J. Schembri**, 62, of Tallahassee, Secretary of the Florida Department of Juvenile Justice.

**Mike Switzer**, 62, of Tallahassee, VP, Performance and Programs of Workforce Florida, the Workforce Policy Board that oversees 24 Regional Workforce Boards; Attorney; current member of the FL Homelessness Council, state worker for 24 years.

**Jason L. Welty**, 27, of Tallahassee, Senior Legislative Analyst of the Florida Department of Juvenile Justice [designee for Secretary Schembri].

**James L. Williams**, 69, of Jacksonville, Chairman, Allstate Electrical Contractors; FL Dept. of Corrections volunteer for 31 years and DOC Volunteer of the Year for faith-based work in prisons.

#### **Former Task Force Members**

**T. Edward Austin**, 78, of Jacksonville, former state attorney, public defender and mayor of the City of Jacksonville.

**Jose M. Boscan**, 35, of Winter Garden, Manager with Walt Disney World Company.

**Carol Law**, 64, of Pensacola, president of Drug Free Workplace, Inc.

**Stephen R. MacNamara**, 52, of Tallahassee, Former Associate Vice President for Academic Affairs and Associate Professor with Florida State University.

**Susan E. Pareigis**, 45, of Tallahassee, Former Director of the Agency for Workforce Innovation.

Appendix B

**STATE OF FLORIDA**  
**OFFICE OF THE GOVERNOR**  
**EXECUTIVE ORDER NO. 05-28**

**WHEREAS**, according to the Department of Corrections, there are currently 86,000 inmates in Florida's prisons, of which over 26,000 are expected to be released within the coming year; and

**WHEREAS**, Florida is committed to the ideal of America being the land of second chance, as expressed by the President of the United States who declared: "When the gates of the prison open, the path ahead should lead to a better life;" and

**WHEREAS**, successful reentry and reintegration in one's community is a matter of critical import to the public's safety; but reentry is often not a success due to the barriers ex-offenders face upon their release, including, but not limited to, a lack of education and job skills, employment discrimination, mental health and substance abuse problems, access to drivers licenses, child support enforcement regulations, access to public housing and other public benefits, and frayed or fragile family and community ties; and

**WHEREAS**, the ability of ex-offenders to obtain employment after incarceration and become productive members of their communities is essential to reducing recidivism rates, but due to employers' concerns about liability, the honest completion of job applications often results in ex-offenders being unable to find work; and

**WHEREAS**, without successful re-entry into one's community, recidivism is likely to occur, to the great detriment to the public safety, Florida's communities, families, taxpayers, and individual ex-offenders;

**NOW THEREFORE, I, JEB BUSH**, Governor of the State of Florida, by the powers vested in me by the Constitution and Laws of the State of Florida, do hereby promulgate the following Executive Order, effective immediately:

Section 1.

A. There is hereby created the Governor's Ex-Offender Task Force ("Task Force"), formed to help improve the effectiveness of the State of Florida in facilitating the re-entry of ex-offenders into their communities so as to reduce the incidence of recidivism.

B. The Task Force shall be advisory in nature and is created for the following purposes:

1. Identification of legal, policy, structural, organizational, and practical barriers to successful reentry;
2. Provide recommendations regarding such reforms that will eliminate barriers to successful reentry, including, but not limited to, reforms that may offer employers greater flexibility and confidence in hiring ex-offenders;
3. Provide recommendations regarding implementation of the reforms; and
4. Provide recommendations regarding measuring the effectiveness of the reforms, such as through reduced recidivism; increased attachment to the workforce and earnings; increased family attachment; and savings to the state from incarceration cost avoidance.

Section 2.

A. The Task Force shall be comprised of no more than eleven (11) members, and shall include, but not be limited to, the Executive Director of the Agency for Workforce Innovation, or her designee, the Secretary of the Department of Corrections, or his designee, and preferably at least one representative from the law enforcement, business, education, insurance/risk management, and legal professions; each of whom shall be appointed by and serve at the pleasure of the Governor. I will also appoint a Chair of the Task Force.

B. The Task Force shall be staffed by an Executive Director, appointed by the Governor, and housed administratively within the Agency for Workforce Innovation.

C. Each executive agency is directed, and all other agencies are requested, to render assistance and cooperation to the Task Force so that the purpose of this Executive Order may be accomplished.

D. Task Force members shall receive no compensation, but shall be entitled to per diem and travel expenses while attending meetings of the Task Force to the extent allowed by Section 112.061, Florida Statutes. Invited guests and speakers shall also be entitled to per diem and travel expenses while participating in meetings of the Task Force to the extent allowed by Section 112.061, Florida Statutes.

E. The Task Force shall meet at the call of the chairperson. The Task Force shall act by a vote of the majority of its members present, either in person or via communication technology. No member may grant a proxy for his or her vote to any other member or member designee, except with the prior approval of the chairperson. I will fill by appointment any vacancy that occurs on the Task Force.

Section 3.

A. To aid its study of the issues and the development of its recommendations, the Task Force may take public testimony from experts and stakeholders. In addition, the Task Force is encouraged to take whatever other steps are necessary to gain a full understanding of legal, policy, practical, structural, organizational, insurance and related issues involved in reducing the barriers to successful reentry.

B. The Task Force shall take whatever steps are necessary to ensure effective liaison with the Florida Legislature and with providers of relevant services to ex-offenders.

Section 4.

A. The Task Force shall provide a preliminary report to the Governor by December 30, 2005 and a final report setting forth its recommendations, including any recommendations for legislative action, to the Governor no later than December 29, 2006.

B. The Task Force shall continue in existence until January 1, 2007, unless extended by further Executive Order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this

<sup>th</sup>  
7 day of February, 2005.

ATTEST:

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SECRETARY OF STATE

Appendix C

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 06-89

**WHEREAS**, on February 7, 2005, I issued Executive Order 05-28 establishing the Governor's Ex-Offender Task Force (Task Force) to improve the effectiveness of the State of Florida in facilitating the reentry of ex-offenders into our communities and reduce the incidence of recidivism; and

**WHEREAS**, the Task Force has found that gainful employment after release from prison is one of the critical elements necessary to achieve successful reentry after prison and that employment has been shown to reduce recidivism and, thus, to make our communities safer; and

**WHEREAS**, the Task Force has found many state laws and policies that impose restrictions on the employment of people who have been to prison and has estimated that these restrictions may affect more than one-third of Florida's 7.9 million non-farm jobs, including state and local government jobs, jobs in state-licensed, regulated and funded entities, and jobs requiring state certification; and

**WHEREAS**, the Task Force has further found that no comprehensive review of these restrictions has been undertaken to evaluate whether the restrictions are related to the safety, trust and responsibility required of the job or to determine whether a less restrictive approach could protect the public while preserving employment opportunities; and

**WHEREAS**, the Task Force has further found that the disqualifications for many kinds of jobs can be lifted through exemptions and other mechanisms that allow a case-by-case showing of rehabilitation, yet the disqualifications for many other jobs requiring a similar level of safety, trust and responsibility cannot be lifted, exempted or relieved; and

**WHEREAS**, the State's executive agencies can assume a leadership role in providing employment opportunities to ex-offenders by reviewing their employment policies and practices and identifying barriers to employment that can safely be removed to enable ex-offenders to demonstrate their rehabilitation;

**NOW THEREFORE, I, JEB BUSH**, as Governor of the State of Florida, by virtue of the authority vested in me by the Constitution and Laws of the State of Florida, do hereby promulgate the following Executive Order, effective immediately:

Section 1. Terms of Employment Disqualifications.

A. All executive agencies shall produce a report for the Task Force that describes the employment restrictions and disqualifications that are based on criminal records for each occupation under the agency's jurisdiction and that of its boards, if any, including, but not limited to, employment within the agency; employment in facilities licensed, regulated, supervised, or funded by the agency; employment pursuant to contracts with the agency; and employment in occupations that the agency licenses or provides certifications to practice. For each occupation subject to an ex-offender restriction or disqualification, the agency shall set forth the following:

1. The job title, occupation or job classification;
2. The cause of the disqualification (statutory, regulatory, policy or practice) and the substance and terms of the disqualification, including a listing of the disqualifying offenses, the recency of the disqualifying offenses, and the duration of the disqualification;
3. The year the disqualification was adopted and its rationale;
4. In instances where the disqualification is based upon conviction of any offense "related to" the practice of a given profession, the criteria the agency has adopted to apply the disqualification to individual cases;
5. The source of any requirement (statute, rule, policy, or practice) for an individual convicted of a felony to have his civil rights restored to become qualified for the job; and
6. The exemption, waiver, or review mechanisms available to seek relief from the disqualification, based on a showing of rehabilitation or otherwise. This should include the terms of the exemption, waiver or review, the nature of the relief it affords, and whether an administrative and judicial appeal is authorized.

B. The agency shall also describe, for each occupation subject to ex-offender disqualification, the procedures used to determine and review the disqualification, and shall provide to the Executive Office of the Governor copies of the forms, rules, and procedures that it employs to provide notice of disqualification, to review applications subject to disqualification, and to provide for exemptions and appeals of disqualification.

C. Agencies are strongly encouraged to adopt such policy reforms and changes as will achieve the goals of this Order. Agencies shall report to the Executive Office of the Governor reform efforts including eliminated or modified ex-offender employment disqualifications, draft legislation for a case-by-case exemption or review mechanism, and modified criteria and procedures used in relation to ex-offender employment restrictions.

Section 2. Data.

The second part of the review involves the collection of data to determine the impact of the disqualifications on employment opportunities for ex-offenders in Florida and the effectiveness of existing case-by-case review mechanisms that list the disqualifications. For each occupation under the jurisdiction of the agency for which there are employment disqualifications based on criminal records, the agency must provide, for the previous two-year period, the number and percentage of individuals who underwent a criminal history background check, the number who were merely required to disclose their criminal history without a criminal history background check, the number and percentage found disqualified based on criminal records; the number and percentage found disqualified because their civil rights had not been restored; the number and percentage who sought review and exemption from or reversal of the disqualification, the number and percentage that were found qualified for the initial review, and the number and percentage that were found qualified for any subsequent level of review. If the agency maintains records of active licenses or certifications, the agency shall provide the total number of employees in occupations subject to criminal history restrictions.

Section 3. Time Frame for Provision of Information.

The terms of each of the agency's employment disqualifications described in Section 1 of this Order shall be provided to the Executive Office of the Governor no later than 60 days from the issuance of this Order. The data described in Section 2 shall be provided no later than 90 days from the issuance of this Order.

Section 4. Other State Agencies and Private Sector.

I strongly encourage all other state agencies, counties, municipalities and political subdivisions of the State to likewise conduct an inventory of employment disqualifications as described herein, to eliminate or modify such disqualifications that are not tailored to protect the public safety, and to create case-by-case review mechanisms to provide individuals the opportunity to make a showing of their

rehabilitation and their qualifications for employment. I encourage private employers, to the extent they are able, to take similar actions to review their own employment policies and provide employment opportunities to individuals with criminal records.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this

25th of April, 2006.

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GOVERNOR  
ATTEST:

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SECRETARY OF STATE

Appendix D

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 06-237

(Extension of Executive Order 05-28, as Amended by Executive Order 05-81)

WHEREAS, by Executive Order 05-28, as amended by Executive Order 05-81, the Governor created the Governor's Ex-Offender Task Force to help improve the effectiveness of the State of Florida in facilitating the re-entry of ex-offenders into their communities so as to reduce the incidence of recidivism;

NOW THEREFORE, I, JEB BUSH, Governor of Florida, by virtue of the authority vested in me by the Constitution and laws of the State of Florida, do hereby promulgate the following executive order:

Section 1.

Executive Order 05-28, as amended by Executive Order 05-81, is hereby amended to provide that the Governor's Ex-Offender Task Force shall continue in existence until February 28, 2007, or until such earlier time as this Executive Order is amended or rescinded by further executive order.

Section 2.

Except as amended herein, Executive Order 05-28, as amended by Executive Order 05-81, is hereby ratified and reaffirmed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 26th day of October, 2006.

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GOVERNOR  
ATTEST:

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SECRETARY OF STATE

*Florida is committed to the ideal of America being the land of second chance, as expressed by the President of the United States who declared: “When the gates of the prison open, the path ahead should lead to a better life.”*

Governor Bush, Executive Order 05-28