Social & Criminal Justice

By Bennett Brummer

As we look to 2020, we continue to focus on our long-term goals.

Deflection and Diversion — The LWVAC SCJC continues to promote the public health model (prevention and treatment). Our goal is to deflect (prior to and after arrest) as many children and adults from the criminal justice system (CJS), consistent with accountability and justice.  This goal can be accomplished through development of a better-structured “civil system of care” that would provide effective alternatives to the CJS. We continue to support development of a “centralized receiving facility” (a one-stop resource center that provides basic wraparound services) as an integral part of this system. Civil citations are increasingly recognized as effective diversion and deflection for juveniles and adults. Deflection and diversion often focus on mental health, substance abuse, and family behavior. Much remains to be done along these lines and to establish a comprehensive, central receiving facility.

Fines, Fees, and Costs (FFC) — We continue to focus on FFC, especially as they obstruct access to the right to vote, to drive and to bail. FFC have an enormous, deleterious impact on poor people, including through civil and criminal justice “user fees.” Many people lack the ability to pay, making the aforementioned pressures and other types of enforcement (e.g., collection agencies) improper. SCJC is part of a FFC coalition reviewing the nexus between clerk and judicial procedures (including compliance hearings and determination of ability to pay). This coalition includes LWVAC member Public Defender Stacy Scott, Southern Legal Counsel, local courts, and the Fines and Fees Justice Center, https://finesandfeesjusticecenter.org/. We will be reviewing the courts’ imposition of FFC, the reasonableness of clerks’ payment plans (with an eye to appropriately increasing collections from those who can pay and reducing counterproductive, illegal impacts).

Implementation of Amendment 4 restoring felons’ right to vote — The amendment, which the League supported statewide, passed and became effective January 8, 2019. In 2019, the legislature made FFC a greater obstacle to eligibility to vote pursuant to Amendment 4 than was necessary. Litigation is pending with regard to the legislature’s implementation of Amendment 4. One argument is that FFC constitute an unconstitutional poll tax. SCJC is part of a coalition working to educate people about the registration process and remaining alert to the creation of unnecessary obstacles to voter registration.

Bail Reform — The SCJC supported the 2018 revision of the Alachua County judicial bond schedule. It no longer requires money bail from indigents accused of a wide range of misdemeanors. It has facilitated the release of many individuals from the county jail because they pose no significant risk of flight or to public safety. We continue to support legislative bail reform proposals, especially those revising Florida Statutes § 903.286 so as to make community bail funds feasible. However, we are not optimistic about accomplishing much in that regard.

Drivers License Suspensions — Licenses are often suspended for reasons unrelated to driving. Typical, unrelated issues/events include unpaid FFC or child support. Suspensions often lead to dire consequences (e.g., further criminalization and loss of employment). The FFC coalition is seeking a means of addressing counterproductive or illegal drivers license suspensions. We are focused on revising Florida statutes, and judicial and executive procedures, including whether the necessary determination of ability to pay is being made on a timely basis and is being respected. See The National Center for State Courts Task Force on Fines, Fees, and Bail Practices, https://www.ncsc.org/~/media/Files/PDF/Topics/Fines%20and%20Fees/Principles%20shaded%209%2024%2018asd.ashx

Eliminating transfer of juveniles to adult court without judicial approval (direct file) — We continue to support legislation that would restore the previous process for transferring juveniles to adult court, which required a judge’s approval prior to transfer by the prosecutor.

Preparing for SB 1392 data collection — The legislature is requiring extensive new data collection by CJS agencies. An initial pilot project was scheduled to expand statewide in July 2019, but has been progressing more slowly than anticipated. We intend to promote effective implementation of these requirements, suggest some improvements to the legislature, and make innovative use of the data.

Working with county, city and community agencies — We commend the Gainesville Police Department and Alachua Sheriff’s Office for their continuing dedication toward deflection and diversion. We also coordinate with Gainesville4All and other groups, whose priorities are generally consistent with ours.

We support the creation of a Criminal Justice Coordinating Council to increase cooperation and coordination among CJS agencies and with the public. The CJS is a “system” only in that it reflects the interrelationships among a group of autonomous entities with little coordination. It would benefit from more public interaction.