

A conversation with Dr. Allison DeFoor and Deborrah Brodsky, June 26, 2015

Participants

- Allison DeFoor – Chairman, Florida State University Project on Accountable Justice (PAJ)
- Deborrah Brodsky – Director, PAJ
- Alexander Berger – Program Officer, US Policy, Open Philanthropy Project

Note: These notes were compiled by the Open Philanthropy Project and give an overview of the major points made by Dr. DeFoor and Ms. Brodsky.

Summary

The Open Philanthropy Project spoke with Dr. DeFoor and Ms. Brodsky of PAJ for an update on our grant to support PAJ. Conversation topics included the state of efforts to reform the criminal justice system in Florida, PAJ's own advocacy and research efforts, its current funding situation, and its projects and goals for 2015.

Status of government efforts on criminal justice reform in Florida

The state senate, the state department of corrections, and the US Department of Justice are each vying to be the first to introduce reforms within the Florida corrections system. This is in part due to increased focus by media on abuses within the prison system leading to inmate deaths, and in part due to PAJ's November 2014 report giving recommendations for reforms. This attention has sparked a movement to reform the Florida corrections system that PAJ believes will eventually succeed.

Legislative efforts

The legislative session in Florida this year was characterized by dysfunction and ended with members of the House walking out before passing a budget. However, the state Senate has recognized the need for corrections system reform. Joe Negron, president of the Senate, has noted that prison system costs are taking up a disproportionate part of the budget.

The Senate was supportive of a governor-appointed independent oversight commission, but ultimately killed a bill representing a compromise with the House's position. However, the president of the Senate, Andy Gardiner, has announced publicly that the Senate will still convene its own select committee, and PAJ intends to help ensure that that will happen.

If constituted, the select committee would be formed in the summer of 2015. Due to 2015's abbreviated legislative year, the next legislative session will begin in January 2016, and committees will start holding hearings in September. This means that action toward reform could happen very quickly.

Executive efforts

The recently appointed Secretary of Corrections, Julie Jones, had a long career as a law enforcement officer and is a former Commissioner of the Florida Department of Highway Safety and Motor Vehicles. PAJ believes that although the governor and his staff have not emphasized the issue of prison reform, Secretary Jones is aware of the need for the department of corrections to address these issues before the Senate or the US Department of Justice becomes involved.

US Department of Justice

The federal Department of Justice has opened an investigation into the Florida prison system and has gone so far as to indict two Florida prison guards for assaulting an inmate in mid-June 2015. It is possible that the Department of Justice will appoint a special master to ensure that the state corrections system follows court orders to improve prison conditions. This is common knowledge among state officials, who have an incentive to introduce their own reforms before the Department of Justice becomes involved.

Goal of prison system reforms

PAJ believes one of the primary goals of reforms should be to bring about a cultural shift within the corrections system in order to stop routine brutality toward inmates (as in the notable case of Darren Rainey, the Florida inmate who was scalded to death in a shower by prison guards). At the same time, the department must also address structural problems such as inadequate medical treatment for severely ill inmates. However, PAJ believes that resolving these structural issues will be impossible without substantially changing the cultural climate of the institution.

Calling attention to issues of inmate abuse has also been useful as a catalyst for more systemic or broader changes, including reducing the size of the prison population. For instance, Secretary Jones has already publicly remarked that prison abuse would not be as significant if the state prison population were smaller. Investigations into brutality toward inmates provide leverage for discussions of the system's structural failures, and vice versa.

PAJ's work

PAJ believes that the movement toward reform currently under way in Florida would not have happened without its involvement. A year ago, it was one of the few organizations calling attention to failures of the state corrections system. Increased media coverage in the state, as well as increased national attention to criminal justice reform broadly, has helped make the issue mainstream.

Advocacy within government

PAJ meets regularly with members of the three above-named constituencies and believes that they are making progress in addressing the issue. One example of this is the federal grand jury indictment of the two Florida correctional officers charged with beating an inmate, which was an unexpectedly strong action.

Senate

PAJ has good relationships and is in frequent contact with the senators who are leading the movement for reform in the Senate. PAJ hopes to push the rest of the Senate to constitute the select committee, which will help drive the legislature, the department of corrections, and the federal Department of Justice to take separate steps toward reform.

House

PAJ has met with a number of Florida House members, but has had limited success in capturing their support. The issue does not seem to have been embraced by the House to the same degree as in the Senate, and the House is also less stable, as evidenced by its early adjournment of this year's session. However, PAJ is hopeful that it will make headways with the leadership.

Interaction with the press

PAJ has very good relationships with the media in Florida. PAJ published an op-ed calling for greater oversight of the corrections system in July 2014, when the story of Darren Rainey first came out. In November 2014, PAJ published its report recommending specific reforms. This report was intentionally timed to come out in the period between mid-term elections and the new administration taking office. An estimated 25 newspapers then published editorials about prison reform that cited the report, and the criminal justice subcommittees in the legislature, particularly in the senate, also picked up on PAJ's recommendations. The report resulted in the state senate's proposal of an independent oversight commission, and language in the first piece of legislation to follow was taken almost verbatim from the report. Before this, very little discussion of prison reforms was taking place in Florida.

Other channels for advocacy

In addition, PAJ works regularly with the Florida Chamber of Commerce, the Florida Republican Party, civic organizations such as the Rotary Club, lobbyists on behalf of Human Rights Watch, and any other individuals or groups that express interest in the issues. PAJ was also funded, partly by the MacArthur Foundation, to convene a more formal coordinating council on the juvenile justice system and used the opportunity to discuss issues in the adult system as well.

Projects and goals for this year

In the remainder of 2015, PAJ hopes to continue to use the increased media attention to build support for systemic reforms. Its goal is to eventually introduce the Justice Reinvestment Initiative (JRI) model in Florida.

Probation

PAJ is now studying the challenges of the probation system in Florida. There are currently 100,000 inmates in the state prison system, but another 140,000 people who are under some form of community control, which could have implications for

public safety. This is another element of the larger conversation in the state about how the department of corrections ensures public safety.

Juvenile justice system

Florida charges more minors as adults than any other state in the US. PAJ is working on a paper that addresses this issue, as well as the challenges and the fiscal and societal impacts of managing minors within the adult justice system.

Public forum

On December 1, 2015, PAJ is holding a public forum focused on the Department of Corrections. Senator Evers, as chair of the Senate's criminal justice committee, will be invited, along with Secretary Jones. This is intended to serve as a hearing on issues of corrections system reform just before the legislative session begins.

Civil citation

PAJ plans to release a report created with its coalition partners on civil citation (i.e., the issuance of a ticket or notice to appear in court) as an alternative to arrest for Florida youth who commit low-level misdemeanors. The report will rank Florida counties against each other to highlight the ones with the best civil citation policies. This report may also be useful as leverage to encourage the expansion of adult civil citation programs.

Adult corrections system study

PAJ is working on another report on the adult criminal justice system in Florida. This is intended to provide an overview of the adult system across different counties using a purely data-driven approach, with minimal editorializing.

Funding update

PAJ has not secured any major new sources of funding since receiving funding from the Open Philanthropy Project, though it is in discussions with several partners, including the Florida State University Foundation. Though securing funding continues to be a challenge, PAJ believes that the recent wave of media coverage and institutional interest in criminal justice reform issues has positioned it well to attract more donors. PAJ has several ideas that it could act upon if it had access to funding from larger donors.

As planned, PAJ spent its funding from the Open Philanthropy Project to retain key players who can free up Dr. DeFoor's capacity by performing some of his current duties.

Priority areas of spending for marginal funding increases

If it had more resources, PAJ would devote them first to expanding its communications capacity, then to expanding research capacity. Although PAJ has gotten important coverage due to the media's interest in these issues (particularly the *Miami Herald*, whose reporting was especially significant), PAJ would be better

equipped to respond as opportunities arise with increased communications resources.

Pretrial detention

PAJ would also like to do further work on the issue of prolonged pretrial detention in Florida. Ms. Brodsky has done a preliminary investigation into local jails in the state and found that many inmates have been held for more than a year without a trial. Although Right on Crime recently released a set of seven recommendations for pretrial reform, PAJ has not yet developed any strategy to propose for addressing this issue. However, it sees prolonged pretrial detention as a substantial waste of human capacity that gets insufficient attention because those affected are scattered across 67 counties.

*All Open Philanthropy Project conversations are available at
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