



Families for Justice Reform

FLORIDA: SECOND CHANCES AGENDA



THE PROBLEM – Irrational and Ineffective Sentencing Laws

Florida sentences people to prison terms far longer than necessary or appropriate. That problem is made worse by centralized regulations that prohibit people from earning time off their sentences by participating in rehabilitative programming. It is made even worse by the fact that Florida law offers no plausible mechanisms for review of even extraordinarily severe mandatory sentences imposed over the objections of judges.

Florida's overreliance on excessively punitive sentences, and its elimination of all meaningful mechanisms for reviewing these sentences, has led to the unnecessary incarceration of thousands of people over the past several decades and contributes to the current crisis in Florida's Department of Corrections.

Florida's approach offers no tangible public safety benefits, but does create significant negative unintended consequences. In addition to the inherent injustice of depriving people of liberty unnecessarily, Florida's punishment structures waste money, destroy families, exacerbate already intolerable racial disparities, and deprive people who have made mistakes of any opportunities for redemption.

THE SOLUTION – Expand Opportunities for Second Chances

To fix this problem, Florida must reform sentencing laws to reduce the likelihood that a person will be sentenced to an unnecessarily severe prison term, and create opportunities for review of sentences that will give people who have earned it a second chance at a free and productive life.

In Florida, this can be accomplished in several ways.

- **Retroactive Sentencing Reform** – Repeal mandatory minimum laws, make the reforms retroactive, and allow Florida's elected judges to impose appropriate sentences, given all of the available facts.
- **"Second Look" Laws** – People change, mature, and rehabilitate. The law should reflect a belief in second chances, and allow review of long sentences to ensure they are – or remain – appropriate.
- **Elderly Release and Compassionate Release** – One out of four prisoners in Florida is elderly, and thousands more are chronically ill. Keeping these people incarcerated when they are not a threat to public safety is costly, unnecessary, and counterproductive.
- **Executive Clemency** – Despite an average annual prison population above 90,000, the Clemency Board has commuted on average fewer than two sentences each year for the past 20 years. Commutations are necessary to mitigate injustice and provide second chances, and their use should be expanded considerably.

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