

# Reducing U.S. Incarcerated Populations

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## I. Background

U.S. Programs has been engaged in programming and grantmaking aimed at challenging the nation's excessive reliance on incarceration since the mid-1990s. Beginning in 2011, with foundation-wide changes on the horizon and guided by a work group consisting of U.S. Programs' Board members, staff, and outside experts, the Justice Fund embarked on a planning process to further refine its goals, objectives, and strategies. Informed by this process in 2012, the U.S. Programs Board elevated dismantling mass incarceration and reforming national drug policy as core priorities and approved the Justice Fund's plan to reduce incarceration 50% within 10 years. This goal became an explicit part of our strategy planning effective in 2013. This review offers an opportunity to critically reflect on staff's assessment of environmental and field dynamics, core assumptions and strategies, and decision-making as it developed, implemented, and made course corrections to certain components of this plan to reduce mass incarceration.

## II. Portfolio Review Scope

Today, the Justice Fund's efforts to dismantle mass incarceration involve, directly and indirectly, several strategically aligned bodies of work, including portfolios aimed at reducing U.S. incarcerated populations, shifting U.S. drug policy from a criminal justice to health-based approach, expanding education and work opportunities for people with criminal convictions, reforming policing practices, and transforming the nation's approach to youth justice.

This strategic review will assess aspects of the Justice Fund's programmatic and grantmaking portfolio focused on **reducing U.S. incarcerated populations**<sup>1</sup> and will cover the period **from 2011 to present**.

The Reducing U.S. Incarcerated Populations portfolio predominantly engages in targeted grantmaking to realize its objectives, which include:

- 1) advancing sentencing and corrections reform nationally by sustaining key national organizations using outside and/or inside reform strategies;
- 2) strengthening the sophistication and capacity of the field by supporting organizations and projects that elevate model approaches and/or improve information sharing, strategic alignment, communications and messaging consistency, and collaboration among state-based and national advocacy organizations; and
- 3) advancing sentencing and corrections reform in five strategically important jurisdictions by supporting well-positioned organizations.

Over the period covered by this review, the Reducing U.S. Incarcerated Populations portfolio has included 28 organizations receiving a total of 60 grants.<sup>2</sup> Twenty-three of these grants were explicitly time-limited and/or one-time grants, and 4 were tie-off grants to longstanding grantee organizations or projects that no longer represented a strong fit with the portfolio's refined objectives or strategies.

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<sup>1</sup> The portfolio advances sentencing and corrections reform to address the direct drivers of prison populations and reforms to policies and practices that contribute to mass incarceration by incentivizing the use of and overreliance on prisons.

<sup>2</sup> In addition, these efforts have been supported by 4 complementary 501(c)(4) grants made by OSF affiliated entities.

Currently, the portfolio's grantmaking element includes 21 organizations with 23 active grants. (For a full picture of the portfolio's grantmaking from 2011 to present, see *Appendix A*.)

The focus of this strategic review will be on **specific cases** from the portfolio's **501(c)(3) Field and Foundation-led grantmaking** and **operational activities** to develop and advance our strategies for realizing our second and third objectives: **strengthening the sophistication and capacity of the field** and **advancing sentencing and corrections reform in jurisdictions**. We believe that continued vitality of the national field organizations associated with our first strategy is essential to reform, including at the state level. While their role in our strategies is something that we will continue to interrogate, we chose not to do so in this review because of our views on the heightened importance of fostering greater collaboration in the field and strengthening advocacy capacity in the states. Specifically, the cases explored in this review implicate the following portfolio elements:

*Grantmaking.* Included in this review are 9 grants to 5 organizations that we recommended since 2011 to strengthen the sophistication and capacity of the field. Also included in this review are 19 grants to 8 organizations that we recommended to advance sentencing and corrections reform in four states and the federal system. (See *Appendix B*.)

*Research.* This review will also include an original research project we, in collaboration with the Open Society Foundations' Communications Department, undertook to inform the portfolio's planning and to advance its objective of strengthening the sophistication and capacity of the field.

*Convening.* Also discussed in this review is the portfolio's use of the foundation's convening power to advance our objectives and strategies for strengthening the sophistication and capacity of the field and for advancing sentencing and corrections reform in jurisdictions.

### **III. Operating Environment and Field Dynamics**

By 2011, the terms of the policy debate on U.S. mass incarceration had begun to shift in a somewhat positive direction, creating a climate in which "get tough" rhetoric was diminishing and where advocates had some political space for productive dialogue and for advancing modest reforms.

As the U.S. economy continued to struggle and states grappled with severe budget crises, awareness increased among policymakers and the public that the cost of an expanding prison system was not sustainable. Justice reinvestment initiatives across the country helped grow interest and build confidence in "evidence-based practices" that promised to "manage corrections populations" in ways that allowed jurisdictions to more efficiently use scarce public resources while simultaneously "reducing recidivism." Policymakers—particularly at the state level but more recently at the federal level—increasingly began to consider and implement a range of reforms to punitive policies associated with low-level, drug and nonviolent offenses that began to stabilize or reduce incarcerated populations in jurisdictions across the country. New York, New Jersey, and California have led the nation in reducing incarceration, cutting their state prison populations in the range of 25% from 1999 through 2012. However, offset by increases in recalcitrant jurisdictions, incarceration reductions across the country have made hardly a dent in the country's overall level of incarceration. So, in 2010, the total U.S. prison population decreased for the first time since 1973, inched downward at an annual percent reduction of less than 2% through 2012, but ticked up slightly in 2013. Nonetheless, the generation of reforms that developed in jurisdictions nationwide over the past fifteen years has contributed to change in the public conversation by demonstrating that incarceration can be reduced while maintaining public safety.

Accompanying these developments has been the emergence of political conservatives and the re-awakening of a largely long-silent African-American leadership in the call for rolling back mass incarceration. Interests in "constitutionally limited government, transparency, individual liberty, personal responsibility, free enterprise, and the centrality of the family and community" have brought conservatives to penal reform, as embodied in the 2010 creation of the conservative *Right on Crime* think tank, which advocates for alternative punishments for nonviolent offenses, and the Koch brothers' recent

commitment to ending overcriminalization in the U.S. The growing resonance of the “New Jim Crow” frame popularized by Soros Justice Fellow Michelle Alexander<sup>3</sup> has helped galvanize African-American leadership and local communities throughout the country, leading many to now see mass incarceration as a central civil rights issue. Notably, the 2010 reduction in the crack and powder cocaine sentencing disparity in the federal court system was a bipartisan acknowledgement of not only the excesses of a mandatory sentencing policy but also its racial injustice. More recently, the killings of multiple unarmed black men and boys by police in several places across the country have further consolidated the engagement of the black community and leadership in efforts to challenge mass incarceration, now creating perhaps the best opportunity we have seen to transition the national reform conversation from a narrow and cold cost/benefit calculation to one grounded in justice and rights.

In addition, the significant decline in crime experienced across the country since the early 1990s has begun to reduce the salience of crime as an emotional and political issue and to dampen the perceived advantage for political leaders of promoting new iterations of “tough on crime” policies. Indeed, public safety received remarkably little attention in the four presidential campaigns from 2000 through 2012. Moreover, there appears to be a competition developing among the pool of Democratic and Republican presidential contenders in the 2016 race to be perceived as ahead of the pack on criminal justice reform, in general, and on ending mass incarceration, in particular, although their proposals for achieving the latter fall well short.<sup>4</sup>

Nonetheless, despite the positive shift, the environment continues to present challenges. While financial strain may have driven reform in some jurisdictions, it also has led policymakers to implement austerity measures that undermine or eliminate programs and services that could help divert people from the criminal justice system. Moreover, even with growing acceptance of and bipartisan support for reforms, there exists no public support or political will for confronting major drivers of prison populations: the extremely long prison sentences and required lengths of stay that have become the accepted norm as a response to serious and violent crimes. The public and private correctional workforce and corporate interests that provide a range of correctional services are directly threatened by reforms that would reduce correctional populations and close prisons, as are rural “prison towns,” who see correctional facilities as a key source of economic development, despite a wealth of research to the contrary. Finally, prosecutors—who can be among the most punitive in the system and whose charging and sentencing practices have been a significant driver of U.S. incarceration levels—remain an especially formidable barrier to reform through their direct, organized opposition to legislative changes and their ability to work around reforms intended to reduce incarceration.

Although we have seen growing interest among private foundations in tackling the issue of U.S. incarceration, the current funding field remains inadequate to the enormous task at hand. The Open Society Foundations remains among the largest contributors of philanthropic dollars to reform strategies specifically targeted to significantly reducing incarceration. The Ford Foundation and the Public Welfare Foundation have increased their funding in this area since 2008 and currently direct funding to support strong national and state-based advocacy aimed at cutting prison populations, as has The Atlantic Philanthropies on a more limited basis. The MacArthur Foundation’s newly launched initiative to reduce the use of jails is significant and has the potential to reduce the flow of people into America’s prisons, and investments by The Pew Charitable Trusts, the John and Laura Arnold Foundation, and Koch Industries are also significant but are limited in their focus. A clear challenge remains the limited available financial resources to advance and protect aggressive policy reform strategies in a critical number of jurisdictions.

#### **IV. Our Assumptions and Decisions**

In developing our objectives and strategies, we have been especially mindful of the leading role the Open Society Foundations has played and continues to play in supporting the advocacy field focused on

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<sup>3</sup> Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2010. Print.

<sup>4</sup> Chettiar, Inimai, and Michael Waldman, eds. *Solutions: American Leaders Speak Out on Criminal Justice*. New York: Brennan Center for Justice at New York University School of Law, 2015. Print.

reducing incarceration in the U.S., while acknowledging that we could not do it all or do it alone. We had worked with The Ford Foundation—our largest national funding partner at the time—and other smaller foundations on efforts to attract additional funders to the field, but as late as 2013, we were working under the assumption that the field would likely not see significant additional funds to support penal reforms aimed at cutting the nation’s level of imprisonment in the near or intermediate term. The MacArthur Foundation was involved in a lengthy exploration into the possibility of playing a larger role in criminal justice reform, but appeared to be moving toward a focus on pretrial detention. Conservative funders, such as Koch Industries, had begun providing discrete funding to a few libertarian groups and emerging conservative organizations but did not appear to be poised to deepen investments in the field.<sup>5</sup>

In addition, given the political landscape and field dynamics discussed above, we identified the following needs, or potential points of pressure:

#### *Focus on Lengthy Sentences for Serious Offenses*

Although understandable for political reasons, we know that a continued focus solely on reforms associated with less serious offenses cannot cut the U.S. prison population in half in the near or intermediate term. For these and other reasons, we developed our strategy on the assumption that reducing incarceration to 50 percent of 2012 levels by 2023 would require a broadened policy debate that more effectively calls into question the efficacy of current policy in keeping communities safe and that involves expanding the viability of policy reform options that address extreme prison sentences and terms, for which there does not currently exist public support or political will.<sup>6</sup>

#### *Greater Coordination/Collaboration in the Field*

The shifting landscape and modest reform successes we had seen suggested to us that greater collaboration and coordination among the national and state-level advocacy organizations focused on reducing incarceration was needed to protect reforms and advance a more aggressive agenda. The advocacy field consists of an informally connected network, including a handful of strong national research and policy organizations and sophisticated state-based advocacy organizations and/or coalitions in about a dozen states. However, a clear vision guided by a well-articulated national strategy has been lacking among the advocacy field, as has any mechanism to support collective decision-making or to implement, or course correct, a comprehensive vision. The impact of recent reforms has been constrained by ad hoc and poorly coordinated responses to emerging opportunities and crises, and the most organized and sophisticated collective action has centered around the Pew Charitable Trusts and Bureau of Justice Assistance-funded *Justice Reinvestment Initiative*, which provides technical assistance to state policymakers to advance consensus reforms that have helped slow prison population growth but has not taken on more significant reductions in corrections populations.

#### *Intensify Focus on State-level Reform*

Finally, although the federal government can incentivize state policy and practice and sets the policies that directly impact federal corrections populations, we know that our decentralized criminal justice system means that the penal policies and practices that continue to most directly drive U.S. incarceration rates are largely determined at the state and local levels. As a national foundation, we play an important and “natural” role in supporting leading national field organizations that advance sentencing and corrections reform. However, we believed, and continue to believe, that meaningful progress toward achieving our goal necessarily requires significant reductions of incarceration in a number of jurisdictions, where the policies driving excessive incarceration are made and implemented. While groups working nationally continue to have a major role to play in driving the national discussion and serve as a key resource for actors at the state level—both advocates and policy makers—we concluded

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<sup>5</sup> Within the last year, several foundations (e.g., Koch Industries, the John and Laura Arnold Foundation) deepened their investments in the field, as did the Open Society Foundations, with an unexpected eight-year (c)(4) grant to the ACLU). While this increased funding is a positive development with implications for our work going forward, it did not affect the strategies described in this document because it occurred so late in the time period covered by this review.

<sup>6</sup> Polling we commissioned in mid-2013 showed little support for the goal of reducing incarceration by 50% in ten years or for many of the policy changes needed to reduce the length of time people spend in prison for serious and violent crimes.

that strengthening the advocacy infrastructure and advancing reform in key jurisdictions would be a necessary component to driving a more ambitious prison population reduction strategy.

Based on the above analysis and assumptions, we developed and implemented a strategy to: 1) **strengthen the sophistication and capacity of the field**, by A) **building national infrastructure for reform**, and by B) **elevating approaches with the potential to shift the policy debate**; and to 2) **advance sentencing and corrections reform in five jurisdictions by supporting well-positioned organizations**.

## V. Our Work and What We Learned

### Building National Infrastructure

#### *What We Did*

From 2011 through the present, the portfolio's 501(c)(3) grantmaking specifically aimed at strengthening field sophistication and capacity by building the national reform infrastructure has included 5 project grants to 3 organizations: The Sentencing Project, Justice Strategies, and Brave New Films. During this period, we also commissioned original public opinion research and convened foundation partners and field leaders to advance this strategy and to inform the portfolio's planning.

#### a. Efforts to Strengthen Field Coordination

During our planning process in 2011, we contemplated the feasibility of a coordinated, national campaign to significantly reduce incarceration levels in the United States. Based on our belief that the field lacked the organization and infrastructure to sustain such a campaign—or achieve and sustain significant reforms through some similar coordinated national effort—we supplemented our existing general operating support to The Sentencing Project with discrete funding to develop the framework for a coordinated multi-state collaborative effort. The project contemplated a series of conversations with field leaders to solicit their input and outline a vision for reform, build consensus around a targeted multi-state strategy to significantly reduce incarceration, and gauge interest in a national campaign.

Among the field stakeholders The Sentencing Project engaged were state-based advocacy organizations, and in 2012, it partnered with Justice Strategies to convene the heads of five leading state-based decarceration advocacy groups from across the country.<sup>7</sup> In the meeting, participants identified as a field priority better communication between and coordination among state-based efforts and national advocacy organizations. The group later formed what would become the National Network for Justice (NNJ), a group of state-based advocacy organizations working specifically to reduce incarceration and advance public safety policies that end racial disparities and that are inclusive of impacted communities.<sup>8</sup> In late 2012, believing the NNJ had potential to be a good mechanism for increased coordination and to better position the advocacy field to advance reform in the states, we began dedicating project funding to Justice Strategies to convene NNJ and provide ongoing research and technical assistance to its members as well as other state-level criminal justice reformers to help grow the network and its infrastructure.

By 2013, through these activities and our ongoing conversations with The Ford Foundation, colleagues from other foundations, and leading national advocacy organizations, including the ACLU, buzz about a coordinated national effort began to grow in the field. Early in the year, to inform our thinking about building national infrastructure, we co-convened—with The Ford Foundation—leading researchers,

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<sup>7</sup> The Sentencing Project also met with formerly incarcerated leaders, clergy and lay leaders of faith, and national reform organizations (e.g., the ACLU, NAACP, and the American Bar Association) that had criminal justice reform investments, a long history of conducting successful advocacy and public education campaigns, and who would be vital partners in a national effort.

<sup>8</sup> The five original NNJ members include American Friends Service Committee-Arizona, the Colorado Criminal Justice Reform Coalition, A Better Way Foundation (Connecticut), Citizens Alliance on Prisons and Public Safety (Michigan), and the Partnership for Safety and Justice (Oregon). The network has since grown to include several other state-based advocacy organizations, including Ohio Justice and Policy Center and ACLU-OH, Correctional Association of New York, Decarcerate PA, Delaware Center for Justice, One Voice Mississippi, Southern Coalition for Social Justice (North Carolina), and WISDOM (Wisconsin).

analysts, and national advocates who authored a critique of the Pew/BJA-funded *Justice Reinvestment Initiative* (JRI), and their state-based allies.<sup>9</sup> The group was interested in creating a national research, technical assistance, and advocacy entity with the explicit goal of significantly reducing incarceration and that provided an alternative to the JRI, which they argued failed to focus on reducing incarceration as an explicit goal and measure of success. Believing their proposal to be unrealistic, throughout 2013 we discussed with Ford Foundation colleagues how our two foundations could more strategically coordinate relatively modest available grantmaking dollars and began making plans to reconvene national and state-based advocacy field leaders to encourage a conversation about better coordination of existing field resources in support of a national decarceration effort. In the end, we decided not to host the meeting, as interest and energy in the field prompted leading national and state advocates to dedicate NNJ's annual meeting to the conversation, which we believed would have better outcomes than a foundation-called meeting. However, no actionable plan or proposal emerged, and we decided not to pick up our original plans to convene field leaders.

#### b. Support for Enhanced Communications Capacity

These ongoing conversations among advocates confirmed our belief that the field's communications capacity and messaging consistency needed to be strengthened and identified the capacity of state-based advocacy groups, in particular, as a major gap. In our efforts to begin addressing this, we agonized over a joint funding request from the FrameWorks Institute and the Charles Hamilton Houston Institute for Race and Justice at Harvard University's Law School. The collaboration involved intensive quantitative and qualitative research to develop tools and strategic recommendations advocates could use to reframe criminal justice issues and the reforms necessary to fix the system. Opinion among staff about the value of the project was deeply divided. In the end, believing the project was overly costly and not sufficiently targeted to advance our specific goal of reducing incarceration, we decided not to fund the project and to take other approaches.

To inform our planning in 2013—in collaboration with the Open Society Foundations' Communications Department—we retained the political strategy firm Lake Research Partners to conduct national research—including focus groups in four cities and a nationwide survey of likely voters in 2016—on the public's responsiveness to the specific goal of reducing incarceration by 50 percent and to a broad array of reforms for significantly reducing incarceration, in general. Although early on in the development of the research project we decided not to produce a report for publication and public release, we believed the research could be useful to strengthening the communications effectiveness of the field. For this reason and to encourage an ongoing field conversation about the need for a coordinated communications strategy, we decided to share the report with portfolio grantees and with other trusted state-based advocates and hosted a convening to present the findings of the final report and to discuss field communications needs. That year, we also began funding Brave New Films to work in partnership with local, state-based, and national advocacy organizations to jointly develop messaging priorities and to produce and disseminate multimedia products that advocates could use to advance education, mobilization, and advocacy campaigns aimed at reducing incarcerated populations.

#### *What We Expected*

Considering available resources and the state of the field, we knew that we were not in a position to launch and support a national, multi-state campaign. Instead, we believed that by fostering conversations in the field and by investing in key components that started to address gaps and that could be knit together over time, we could lay the foundation for a national infrastructure that would facilitate increased collaboration among national and state-based advocacy organizations, in the near term. Our hope was that, collectively, our interventions would enable the field to begin developing and deploying a strategic policy agenda supported by coordinated research and analysis and advanced by consistent messaging, strategic communications, and a more robust network of state-based advocacy organizations.

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<sup>9</sup> Austin, James, et al. *Ending Mass Incarceration: Charting a New Justice Reinvestment*. (New York, NY: A paper co-authored by a group of researchers, analysts, and advocates dedicated to ending mass incarceration in the U.S., April 2013).

### *What Actually Happened*

While our investments and activities have yet to create a platform or framework from which a coordinated, national effort could be launched and sustained, they did cause important conversations in the field that have informed our thinking and have begun to put in motion the development of some necessary components.

First, our initial exploratory investment in The Sentencing Project directly, albeit inadvertently, led some of the most sophisticated state-based advocacy groups in the country to self-organize and create the NNJ as a formal structure for information sharing, peer-to-peer skills sharing and technical assistance, and for formally connecting to national field organizations. In addition, more recently, the leadership of ACLU's Campaign to End Mass Incarceration, several of the organization's affiliates and other national field organizations have increasingly engaged with NNJ, which continues to inform ACLU, OSF, and other funders on opportunities, strengths, and gaps that exist in the states. Although we have continued to fund Justice Strategies to convene and provide research and technical assistance to NNJ, a critical issue for the group remains funding and capacity of individual member organizations.

Second, the field conversations we originally funded The Sentencing Project to begin and that we continued to facilitate with The Ford Foundations through 2013 prompted The Public Welfare Foundation to propose the creation of a national sentencing reform campaign "nerve center" it is calling Americans for Safety and Justice (ASJ). Public Welfare and Ford have seeded ASJ and we remain in conversations with our foundation colleagues about it. However, we have not committed funding, given our concerns about ASJ's reform strategy being developed at the national level rather than being informed by an analysis of the incarceration drivers in potential campaign states and a lack of clear focus about what its being in the service of state-based advocacy would mean, in practice. In our internal strategy discussions during the spring of 2014, we stressed the field's need for enhanced state capacity, which perhaps contributed to the decision to award a multi-year Open Society Foundations 501(c)(4) grant to ACLU. The ACLU's sophistication and increased capacity to run state campaigns further complicates the role of ASJ and raises questions about possible duplication of efforts.

Our investments that were specifically intended to improve communications capacity and coherence in the field have not measurably brought greater messaging coherence nor strengthened the communications capacity of the field, although they resulted in some valuable partnerships that produced effective communications products, perhaps not surprisingly, with organizations that had enjoyed pre-existing communications capacity and sophistication.<sup>10</sup>

### *What We Learned*

Our desire that a plan for greater coordination originate from the field drove our initial decision to fund The Sentencing Project to convene field stakeholders and our subsequent decisions to allow NNJ's 2013 annual meeting to substitute for a convening we were considering, as well as our choice not to reconvene field leaders after the NNJ meeting failed to produce a plan. In retrospect, we should have more aggressively used our convening power to keep the discussion moving forward. By failing to do so, we lost the momentum and energy that had built around the possibility for collective action.

Although our grant to The Sentencing Project did not result in a framework for a coordinated multi-state reform effort as we had intended, it did have the unintended consequence of leading to the formation of NNJ. Our belief that a strong network of state-based organizations had the potential to strengthen advocacy in states and to facilitate collaboration among state-based and national advocates led us to shift

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<sup>10</sup> Most notably, Brave New Films partnered with Californians for Safety and Justice to produce *Survivors of Crime: Healing Communities can Prevent Crime*, which has been an effective tool for both educating Californians about how the state's current reliance on incarceration does not serve the needs of crime survivors and for recruiting members to Survivors for Safety and Justice, the campaign's network of crime victims calling on the state to reduce its incarceration levels. It also partnered with the ACLU and *The Nation* magazine on *Prison Profiteers*, a six part short-film series exploring how private prison corporation, the bail industry, telecommunications companies, debt collectors, and even police departments profit from locking up so many people for so long. ACLU and other grantees used the film series and accompanying online and print articles published by *The Nation* in their public education and advocacy efforts.

our strategy to NNJ, supplanting our original emphasis on the greater coordination of national advocacy organizations and their resources. This shift in emphasis has created a mechanism for better communication between and among national and state-based advocacy organizations, but it has failed to improve the coordination of national advocates and their resources.

Understanding that we are unable to maintain investments in a large number of states, our grantmaking strategy for strengthening state-based advocacy has centered on funding to Justice Strategies to convene NNJ and provide research and technical assistance to its members, and others, and funding to Brave New Films to provide communications assistance to advocacy groups. However, we failed to fully grasp the level of need in the field, and these investments have been insufficient for meeting the demand. In retrospect, we should have more closely aligned the Justice Strategies and Brave New Films technical assistance and more strictly targeted them to NNJ members. In addition, whereas our decision not to fund FrameWorks given the large price tag and insufficient substantive focus, we could have considered making additional grants to provide NNJ members with strategic communications training and to professionalize their communications tools, such as their websites and their publications. The public opinion research we commissioned generated an unexpected level of interest in the field and stimulated a vigorous debate about the limitations of focusing advocacy efforts on nonviolent offenses, which the polling confirmed to be a political soft spot. In retrospect, a more robust plan to use the research beyond our internal purposes could have provided more opportunities in the field for critical reflection on priorities and strategies.

### Elevating Approaches with the Potential to Shift the Policy Debate

#### *What We Did*

From 2011 through the present, 4 grants to 2 organizations—Partnership for Safety and Justice, and The Urban Institute—have made up the portfolio’s 501(c)(3) grantmaking specifically directed toward strengthening field sophistication and capacity by elevating approaches with the potential to shift the policy debate. During this period, we also convened foundation partners and field leaders to advance this strategy and to inform the portfolio’s planning.

We have long understood that crime survivors play a powerful role in shaping the policy discussion directly and by lending legitimacy and authority to the agencies that serve them and advocate on their behalf. However, the absence or exclusion of people of color—who are disproportionately victims of crime and violence in the U.S.—from most existing victim services and the fact that prosecutors are often victims’ main point of contact and assumed spokespeople has meant that the voices heard in the policy debate often do not accurately reflect the reality. To advance our strategy for correcting the public perception of crime survivors and their interests and for increasing their engagement in advocacy to reduce incarceration, we continued our core, general support funding to Partnership for Safety and Justice (PSJ). A statewide advocacy organization based in Portland, Oregon, PSJ pioneered and effectively deploys an organizing and advocacy model that brings together crime survivors, people with criminal records, and the families of both to advocate for public safety approaches that reduce reliance on incarceration and shift public investments to services that address the needs of high incarceration communities, including crime survivors. As we developed Californians for Safety and Justice, we similarly prioritized the engagement of crime survivors as one of its strategies and brought PSJ’s executive director to the campaign steering committee. Early this year, we hosted a funders briefing that brought together grantees and other field leaders focused on engaging crime survivors to promote strong examples of this work across the country and to discuss how engaging crime survivors has begun to help shift the policy conversation.

This year saw our first investment explicitly intended to expand the national policy discussion to include a serious reconsideration of the excessively long prison sentences and terms associated with serious and violent crimes. To begin laying the groundwork for this important shift, we provided project funding to The Urban Institute’s Justice Policy Center to produce a major report on the scale, cost, and consequences of long prison sentences and length of stay requirements, and to produce a variety of materials to educate policy makers and the general public on these issues.



### *What We Expected*

We sought to elevate work in two key areas that we believed would help broaden the policy discussion. First, by supporting and elevating advocacy strategies that effectively engage crime survivors in efforts to advance sentencing and other reforms to reduce incarceration, we expected to expand the deployment of this strategy by a greater number of advocacy organizations to advance reform in their jurisdictions and to begin a process of correcting the public perception of crime survivors and their interests, nationally.

Second, it is our expectation that our efforts to expand the national reform and state policy discussions to include a serious reconsideration of the excessively long prison sentences and terms associated with serious and violent crimes will begin to shift the conventional wisdom about the appropriate response to violence and habitual criminal behavior and the limitations of current policies and practices that have become an accepted norm. In turn, it is our expectation that this will expand reform possibilities beyond those centered on low-level drug and nonviolent offenses.

### *What Actually Happened*

Although we continue to see increasing the engagement of crime survivors in reform as a critical priority going forward, to date, our strategy for accomplishing this has been lacking and our investments and activities in this area have not resulted in the expansion of the work at the level we had intended. Partnership for Safety and Justice is an active, founding member of NNJ, which we believed would be a good vehicle for spreading the work to other state-based organizations. Although PSJ's expertise and assistance were instrumental to the development of Californians for Safety and Justice's crime survivors advocacy network, the strategy remains an explicit part of the advocacy of only a few other groups across the country. Many state-based advocacy organizations understand the value of the strategy for shifting the policy discussion and are interested in employing it, but they often lack the organizing capacity necessary for effectively carrying out the work.

Although we have long understood the importance of reducing extremely long prison sentences and terms to achieving our goal, we have just made our first investment explicitly intended to help shift the policy discussion excessively long prison terms for serious and violent crimes.

### *What We Learned*

Our modest progress to date in expanding the crime survivor engagement strategy reveals that we could have perhaps had a more robust plan for spreading the work and suggests the need for a course correction. Despite broad interest among advocates in PSJ's approach, we overestimated not only PSJ's capacity to promote the strategy and support organizations interested in employing it but also the capacity of other state-based organizations to adopt and incorporate the strategy into their work. In retrospect, as opposed to our more passive approach, we should have considered providing dedicated project funding to PSJ to promote the work and to one or two NNJ members to build their capacity to incorporate the work into their advocacy. We also should have drawn more explicit connections to the intensity of this work in the death penalty abolition field. To advance this work, we will also need to dedicate more resources to support educating and organizing crime survivors in states and to other strategies for elevating the voices of crime survivors and shifting the misleading perception of who they are and their interests.

Because we have just made the investment, is too soon to draw conclusions from our grant to The Urban Institute intended to challenge the conventional wisdom about the efficacy of our current policies and practices for responding to serious and violent crime. Since 2010, several of our national and state-based field grantees have approached the issue of extreme prison terms by focusing on the costs associated with the rapid growth in the number of elderly people in prison. During this period, however, we have lacked a sufficient plan of action to advance the public conversation on this important issue and have not treated it as a more distinct body of work. In retrospect, our lack of a strategy in an area that we have long understood to be critical to achieving our goal represents perhaps our greatest failure. It will require a concerted effort to educate policymakers and the public that carefully reducing long sentences and prison terms will not have an adverse impact on public safety, and we see The Urban Institute grant as beginning to lay the foundation for a more concerted approach to this work.

## Advancing sentencing and corrections reform in five jurisdictions

### *What We Did*

From 2011 through the present, the portfolio's 501(c)(3) grantmaking specifically directed toward our strategy for advancing reform in five jurisdictions included 19 grants to 8 organizations: Californians for Safety and Justice, the Ella Baker Center for Human Rights, the NAACP Legal Defense and Educational Fund, Texas Criminal Justice Coalition, the Correctional Association of New York, The Osborne Association, Ohio Justice and Policy Center, and The Urban Institute. During this period, we also convened foundation partners to advance this strategy and to inform the portfolio's planning.

To advance reform in jurisdictions, we sought to make investments in a mix of places where strategies involve a focus on reforms involving low-level, nonviolent offenses; and where significant incarceration reductions had already been achieved and advocacy was needed to reform sentencing and parole practices for those convicted of more serious crimes in order to achieve deeper incarceration reductions. We prioritized jurisdictions with a high or growing incarcerated population, presenting the potential for meaningful impact and that would expand the geographic diversity/representation of reform successes, demonstrating a national trend and influencing reform in the various regions of the country. Primarily, we made *Field Investments* in sophisticated, pre-existing advocacy organizations focused on reforming policies and practices driving the jurisdiction's prison populations and that have strong connections to local communities and leaders and a strategy for building a broad coalition for reform. However, our *Foundation-led Investment* in California involved creating an entirely new advocacy organization that met the foregoing criteria.

Since 2011, our targeted *Field Investments* to advance reform through reducing the incarceration of people convicted of low-level drug and other nonviolent offenses included grants to organizations focused on Texas, the federal prison system, and Ohio. Throughout this period, we have provided general support funding to Texas Criminal Justice Coalition, a statewide advocacy organization that has operated effectively in a conservative, high-incarceration state by building diverse coalition partnerships including Tea Party conservatives and Latinos and with skillful management of "inside" collaboration and "outside" advocacy strategies. In 2013, in an attempt to capitalize on growing activity and interest to address unsustainable federal prison populations and to complement the efforts of OSI-DC and our investments in other national advocacy organizations working to advance reform at the federal level, we provided discrete, project funding to Urban Institute. This funding enabled Urban to generate analyses of the population and cost impacts of an array of policy and statutory changes aimed at reducing federal corrections populations, educate and respond to requests for technical assistance and analysis from federal policymakers, and conduct public education by broadly disseminating research findings. Over this period, we have also maintained modest core, general support funding to the Ohio Justice and Policy Center. It provides research and campaign assistance to the Ohio Organizing Collaborative, a statewide coalition that unites eighteen community organizing groups, labor unions, faith organizations, and civil rights and racial justice policy institutes and, in 2012, adopted dismantling mass incarceration as one of its priorities.

Prior to 2011, we had long-maintained *Field Investments* in California focused on ending mass incarceration. Since 2011, we have continued core, general support funding to the Ella Baker Center for Human Rights, a key ally for its close ties and strong track record organizing and mobilizing communities of color across the state for reforms to reduce the incarceration of young people and adults. In 2011, however, we began making *Foundation-led Investments* in the state to take advantage of the opportunity there to reduce prison populations created by the combined pressures of the financial crisis and a federal court order. That year, we provided discrete project funding to NAACP Legal Defense and Educational Fund to retain the Stanford Three-Strikes Clinic to conduct non-partisan analysis and research on the impact of California's Three Strikes sentencing regime and to support statewide public education and grassroots mobilizing. We also provided discrete, supplemental project funding to the California Partnership—Ella Baker Center, the ACLU of Northern California, and the Drug Policy Alliance—to engage and mobilize criminal justice reform organizations across the state, with particular emphasis on

organizations based in Latino and African-American communities in Southern California; to advance reforms that shifted a range of low-level drug and property crimes from felonies to misdemeanors; and to support us in the planning, development, and deployment of a coordinated campaign to reduce incarceration in California. Finally that year, we began providing project funding to create the infrastructure for a multi-pronged, multi-year incarceration reduction campaign, which we launched as Californians for Safety and Justice in 2012. During this period, we have actively convened and collaborated with colleagues from local and other national foundations as part of our *Foundation-led Investment* to help set priorities and coordinate funding to advance sentencing and corrections reform in California.

Our attempt at spurring the more politically challenging “deep-end” sentencing and parole reforms required for reducing long prison sentences and terms associated with serious and violent crime focused on New York. During this period, we provided core, general support to the Correctional Association of New York, which identified parole reforms to reduce prison terms in the state—with an emphasis on elderly people in prison—as a priority. The organization’s knowledge of the system, good working relationships with legislators and other key system stakeholders and its effectiveness at building broad, upstate/downstate coalitions involving broad constituencies were key factors in our support. We also provided discrete project funding to support The Osborne Association’s New York Initiative for Children of Incarcerated Parents initiative, which organizes community and government stakeholders to advocate on behalf of children affected by the incarceration of a parent and to humanize the sentencing process by advocating for sentencing policies that require consideration of the impact of incarceration on children and families.

#### *What We Expected*

Through our *Field* and *Foundation-led Investments* in California, we intended to capitalize on the opportunity to significantly reduce the state’s prison population created by the combined pressures of the fiscal crisis and a federal court order to reduce prison overcrowding through strategic investments in key organizations and the creation of a campaign infrastructure. We did not contemplate another state investment of the magnitude of our California effort, either in the amount of financial commitment or in our more direct involvement in driving the work as a *Foundation-led Investment*. Rather, we expected our *Field Investments* to strengthen the capacity of sophisticated, well-positioned advocacy organizations to advance sentencing and corrections reform with the potential to reduce the incarceration of people convicted of low-level drug and other nonviolent offenses in Texas, Ohio and the federal system, and reduce prison terms for people incarcerated for more serious or violent crime in New York.

#### *What Actually Happened*

Except for the case of our sizeable combined investments in several organizations to reduce incarceration in California, it would be difficult to point to significant incarceration reductions that were achieved as a direct result of our investment in jurisdiction over the past four years. Our relatively modest investments in Texas have supported a sophisticated organization that has effectively partnered with conservatives in a politically challenging state to win reforms that have largely stabilized the prison population or defended previous reform successes. Our relatively small investments aimed at the Ohio have enabled a small but effective legal and policy organization to provide criminal justice reform expertise and research to a promising “big tent” coalition working to end mass incarceration, and our support to Urban Institute has enabled a large research and policy center to produce a report on the federal prison system that advocates used to help build support for the creation of the Charles Colson Task Force on Federal Corrections and that has become a policy blueprint to help the task force address federal prison overcrowding. But neither investment has directly resulted in significant incarceration reductions. Finally, our investments in New York, which we made hoping to lay the foundation for “deep end” reform, have also failed to hit their mark, although they supported good organizations doing good work in the state.

#### *What We Learned*

Although we targeted a relatively small number of jurisdictions, with the exception of California, our investments may have been spread too broadly and too shallow in any one jurisdiction to make a measurable impact. In retrospect, we may have had a better chance of making an impact had we chose to

invest more deeply in fewer jurisdictions. For example, our investments in Texas, Ohio, and at the federal level involved only one grantee each since 2011. Our instinct to build the capacity of the sophisticated organizations in these two states was correct. However, there was no way that we could have adequately supported the research, communications, organizing and mobilization necessary for advancing more significant gains, even those that have increasingly garnered bipartisan support. Although it represented the smallest total investment since 2011, our grant to The Urban Institute to support federal prison population reductions was perhaps the soundest, given the organization's capacity and because its work complemented the existing efforts of a robust group of core Justice Fund grantees.

Over this period, our investments in New York involved grants to two organizations that not only were not sufficiently aligned with one another; they were not sufficiently tied to a robust strategy to advance the deeper end reform we seek in the state. We believe the Osborne Association's work on children and families with incarcerated loved ones has the potential to help shift the narrative on long prison terms in the state, but we have not adequately fostered such a narrative or formally connected it to the Correctional Association's advocacy focused on the elderly and other prison "long-termers."

Our work in California suggests that advancing reforms with the potential to make significant incarceration reductions requires a sophisticated, well-resourced campaign with strong research and communications capacity, and the ability to engage and mobilize a broad set of constituencies. And, the Open Society Foundations' recent multi-year investment in the ACLU to advance reform in the states will no doubt inform us about where more strategic investments could bring impact. Combined, they suggest that we revisit our state strategy.

## **VI. Questions for Discussion & Looking Forward**

- 1) The level of need among state-based advocacy organizations combined with our concerns about Americans for Safety and Justice, a new national organization to support state reform campaigns by delivering technical assistance to state-based advocacy organizations, pose ongoing questions to us about how we can most strategically and effectively strengthen the field's sophistication and capacity to advance reform. How might we have better pursued efforts to strengthen the capacity and effectiveness of groups working at the state level? What is the proper balance for a national foundation between building the capacity of strategically chosen state-based organizations by investing in them directly versus investing in national intermediaries that provide various types of needed technical assistance?
- 2) The growing bipartisan support coalescing around reforms focusing on low-level, drug and nonviolent offenses combined with the knowledge that the field must make serious inroads at reducing prison terms associated with serious and violent crimes to successfully cut incarceration 50 percent of 2012 levels by 2022 and little indication that such reforms have the necessary public support behind them pose ongoing questions for us about the correct balance between working with conservatives and others to continue advancing reforms with growing consensus versus focusing to advance more ambitious strategies and deeper reforms that will also be required to achieve our goal. How might we have more deeply engaged these harder issues? What are the risks and benefits of recalibrating our future investments and reducing the level of funding we commit to issues where consensus has grown and increasing our investments in deeper reforms that currently enjoy no public or political support?
- 3) The measurable impact of our significant investments in California and the minimal impact of our investments in other jurisdictions on reducing incarcerated populations combined with the Open Society Foundation's sizeable multi-year grant to the ACLU pose ongoing questions for us about our state investments. What is the proper balance for a national foundation between funding campaigns in jurisdictions for short-term impact versus funding to lay the groundwork for longer-term reforms?

Strategy	Grantee Organization	2011	2012	2013	2014	2015	Totals
<b>National Field Organizations</b>							
Advancing Sentencing Reform	The Sentencing Project		700,000		600,000		1,300,000
	Families Against Mandatory Minimums Foundation		600,000		600,000		1,200,000
	Vera Institute of Justice, Inc. (Supplemental: Brave Governors/General Support)	500,000		600,000	250,000		1,400,000
	<sup>1</sup> Council of State Governments (Justice Fund Core)	500,000		250,000			1,000,000
	Justice Policy Institute	300,000		250,000	250,000	500,000	1,300,000
	<sup>2</sup> American Civil Liberties Union, Inc.				3,000,000	8,000,000	11,000,000
							<b>\$ 17,200,000</b>
<b>Strengthening Field Sophistication &amp; Capacity</b>							
National Campaign Capacity	The Sentencing Project	152,423					152,423
State Advocacy Capacity	The Tides Center: Justice Strategies		400,000		400,000		800,000
Communications Capacity	Brave New Films			200,000	500,000		700,000
New Voices: Crime Survivors	Partnership for Safety and Justice	200,000		100,000	300,000		600,000
Long Prison Terms	The Urban Institute					400,000	400,000
New Voices: People of Color	<sup>3</sup> Samuel DeWitt Proctor Conference, Inc. (Co-funded)	100,000		200,000			800,000
		400,000		100,000			
New Voices: People of Color	<sup>4</sup> A Better Way Foundation, Inc. (Co-funded)	100,000		45,000	47,000		292,000
		100,000					
Diversion	Judge David L. Bazelon Center for Mental Health Law (Supplemental: Law Enforcement Diversion)		500,000		400,000		1,275,000
		375,000					
Diversion	Corporation for Supportive Housing		400,000		150,000		550,000
Financial Structures	Grassroots Leadership, Inc.	300,000		300,000			600,000
Financial Structures	Partnership for Working Families		300,000	300,000			600,000
Formerly Incarcerated Led	Human Rights Defense Center	200,000		50,000			250,000
Prison-Based Gerrymandering	<sup>5</sup> Dēmos: A Network for Ideas and Action, Ltd. (Co-funded)	225,000	300,000	300,000			900,000
		75,000					
Issues Affecting Women	Women’s Prison Association and Home, Inc.	150,000					150,000
Solitary Confinement	National Religious Campaign Against Torture		250,000				250,000
							<b>\$ 8,319,423</b>

Reducing U.S. Incarcerated Populations  
Grantmaking At A Glance (2011 to Present)

**Advancing Sentencing & Corrections Reform in Jurisdictions**

California	<sup>6</sup> The Tides Center: Californians for Safety and Justice (Justice Fund Contribution) (Supplemental: Prop 47 Implementation)	1,500,000	1,000,000	500,000	500,000	1,000,000	4,700,000
	<sup>7</sup> The Advocacy Fund: Vote Safe (Proposition 47 Campaign)		350,000	1,000,000	250,000		1,600,000
	Ella Baker Center for Human Rights in California (Supplemental)	300,000	200,000		300,000		1,100,000
	<sup>8</sup> (Supplemental: California Coalition)		50,000				
	<sup>9</sup> NAACP Legal Defense and Educational Fund, Inc.	250,000					250,000
Texas	Texas Criminal Justice Coalition	600,000	600,000				1,200,000
New York	Correctional Association of New York		300,000		300,000		600,000
	The Osborne Association, Inc.	200,000		200,000			400,000
Ohio	Ohio Justice and Policy Center		100,000		100,000		200,000
Federal	The Urban Institute			100,000			100,000
							<b>\$ 10,150,000</b>

	2011	2012	2013	2014	2015	
<b>Justice Fund Reduce Incarceration Budget</b>	\$ 4,202,423	\$ 3,900,000	\$ 4,245,000	\$ 4,647,000	\$ 1,900,000	\$ 18,894,423
<b>Other Budgets</b>	\$ 2,575,000	\$ -	\$ 1,700,000	\$ 4,500,000	\$ 8,000,000	\$ 16,775,000
<b>Total</b>	\$ 6,777,423	\$ 3,900,000	\$ 5,945,000	\$ 9,147,000	\$ 9,900,000	\$ 35,669,423

<sup>1</sup> The U.S. Programs Core and Justice Fund Reduce Incarceration budgets each contributed \$250,000 to the 2013 grant to Council of State Governments.

<sup>2</sup> The amounts indicated here for this Fund For Policy Reform, Inc., (c)(4) grant to the American Civil Liberties Union include only the outright commitment for the first two years of this eight year, \$50 million grant.

<sup>3</sup> The 2011 and 2013 grants to the Samuel DeWitt Proctor Conference were co-funded. In 2011: \$100,000 from the Justice Fund's Reduce Incarceration budget, \$300,000 from the Campaign for Black Male Achievement, and \$100,000 from the Drug Policy Project. In 2013: \$200,000 from the Justice Fund's Reduce Incarceration budget and \$100,000 from the Campaign for Black Male Achievement.

<sup>4</sup> The 2011 grant to the A Better Way Foundation was co-funded: \$100,000 from the Justice Fund's Reduce Incarceration budget, and \$100,000 from the Drug Policy Project.

<sup>5</sup> The 2011 grant to Demos was co-funded: \$225,000 from the Justice Fund's Reduce Incarceration budget, and \$75,000 from the Equality Fund. The Justice Fund tied this investment off in 2013.

<sup>6</sup> These time-limited grants to Californians for Safety and Justice are part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Population in California. The U.S. Programs' Board contributed \$1,500,000 in 2011 and \$1,000,000 in 2013, with the Justice Fund's Reduce Incarceration budget beginning to assuming the costs starting in 2013, and contributing \$500,000, \$700,000, and \$1,000,000 in 2013, 2014, and 2015, respectively.

<sup>7</sup> These 3 time-limited, Open Society Policy Center (c)(4) grants to Vote Safe are part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Population in California.

<sup>8</sup> The \$250,000 time limited grant to Ella Baker Center in 2011 was part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California. The U.S. Programs' Board contributed the full amount.

<sup>9</sup> The \$250,000 time limited grant to NAACP Legal Defense and Educational Fund in 2011 was part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California. The U.S. Programs' Board contributed the full amount.

**Sustaining National Field Organizations Advancing Sentencing and Corrections Reform****The Sentencing Project**

\$600,000 over 2 years (7/1/2014 to 6/30/2016) to provide general support.

\$700,000 over 2 years (7/1/2012 to 6/30/2014) to provide general support.

**Families Against Mandatory Minimums Foundation**

\$600,000 over 2 years (1/1/2015 to 12/31/2016) to provide general support.

\$600,000 over 2 years (1/1/2013 to 12/31/2014) to provide general support.

**Vera Institute of Justice, Inc.**

\$250,000 over 10 months (9/1/2014 to 6/30/2015) to provide general support.

\$650,000 over 2 years (7/1/2013 to 6/30/2015) to support Vera Institute of Justice's Center on Sentencing & Corrections.

\$500,000 over 2 years (6/1/2011 to 5/31/2013) to support Vera Institute of Justice's Center on Sentencing & Corrections.

**Council of State Governments**

<sup>1</sup> \$500,000 over 2 years (9/1/2013 to 8/31/2015) to support the Justice Center's Justice Reinvestment Initiative.

\$500,000 over 2 years (7/1/2011 to 6/30/2013) to support the Justice Center's Justice Reinvestment Initiative.

**Justice Policy Institute**

\$500,000 over 2 years (7/1/2015 to 6/30/2017) to provide general support.

\$250,000 over 1 year (7/1/2014 to 6/30/2015) to provide general support.

\$250,000 over 1 year (7/1/2013 to 6/30/2014) to provide general support.

\$300,000 over 2 years (7/1/2011 to 6/30/2013) to provide general support.

**American Civil Liberties Union, Inc.**

<sup>2</sup> \$50,000,000 over 8 years (10/1/2014 to 9/30/2022) to support the development and deployment of state-level legislative advocacy campaigns to redefine the criminal justice system in the United States, with an emphasis on ending mass incarceration.

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<sup>1</sup> The U.S. Programs Core and Justice Fund Reduce Incarceration budgets each contributed \$250,000 to the 2013 grant to Council of State Governments.

<sup>2</sup> The amount indicated here for this Fund For Policy Reform, Inc., (c)(4) grant includes both the outright commitment and conditional payments of the grant.

**Strengthening Field Sophistication & Capacity**

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**National Campaign Capacity**

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**The Sentencing Project**

\$152,423 over 15 months (10/1/2011 to 12/31/2012) to develop the framework for a coordinated multi-state collaborative effort among a broad range of advocates to reduce significantly prison populations in the United States.

**State Advocacy Capacity**

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**The Tides Center: Justice Strategies**

\$400,000 over 2 years (1/1/2015 to 12/31/2016) to support the Justice Strategies project's nonpartisan analysis and research and technical assistance to inform and support grassroots organizations, advocates, and policymakers working to reform criminal justice and immigration enforcement policies and practices in the United States, and to build organizational capacity and effectiveness by improving fundraising development and strengthening communications capacity.

\$400,000 over 2 years (1/1/2013 to 12/31/2014) to support the Justice Strategies project's nonpartisan analysis and research and technical assistance to inform and support grassroots organizations, advocates, and policymakers working to reform criminal justice and immigration enforcement policies and practices in the United States.

**Communications Capacity**

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**Brave New Films**

\$500,000 over 2 years (1/1/2015 to 12/31/2016) to support Brave New Films' national multimedia public education campaigns designed to educate and engage people on a broad array of mass incarceration issues and to advance policies focused on community-based solutions for increasing public safety and reducing the nation's reliance on incarceration.

\$200,000 over 1 year (1/1/2014 to 12/31/2014) to work with advocates across the country to educate and engage people on a broad array of mass incarceration issues and to advance policies focused on community-based solutions for reducing crime and the nation's reliance on incarceration.



**New Voices: Crime Survivors****Partnership for Safety and Justice**

\$300,000 over 2 years (1/1/2015 to 12/31/2016) to provide general support.

\$100,000 over 1 year (1/1/2014 to 12/31/2014) to provide general support.

\$200,000 over 2 years (5/1/2012 to 12/31/2013) to provide general support.

**New Voices: Communities of Color**<sup>3</sup> **Samuel DeWitt Proctor Conference, Inc.**

\$300,000 over 2 years (11/1/2013 to 10/31/2015) to support the Campaign to End the New Jim Crow, a national effort to educate and mobilize interfaith and intercultural networks including academics, local communities and church members, formerly incarcerated people and Black church prison ministries.

\$500,000 over 2 years (9/1/2011 to 8/31/2013) to launch the Campaign to End the New Jim Crow, a new racial justice movement that seeks to end the mass incarceration of people of color, particularly black men, and to forge a new moral consensus about how the United States responds to poor people of color.

**A Better Way Foundation, Inc.**

\$47,000 over 1 year (3/1/2014 to 2/28/2015) to provide general support.

\$45,000 over 6 months (8/1/2013 to 1/31/2014) to provide general support.

<sup>4</sup> \$200,000 over 2 years (9/1/2011 to 8/31/2013) to provide general support.

**Long Prison Terms****The Urban Institute**

\$400,000 over 2 years (1/1/2015 to 12/31/2016) to support the Justice Policy Center's nonpartisan research and policy analyses that will help build the evidence base for safely reducing long prison sentences and time served, particularly for serious, violent, and habitual crimes.

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<sup>3</sup> Grants to the Samuel DeWitt Proctor Conference were co-funded. In 2011: \$100,000 from the Justice Fund's Reduce Incarceration budget, \$300,000 from the Campaign for Black Male Achievement, and \$100,000 from the Drug Policy Project. In 2013: \$200,000 from the Justice Fund's Reduce Incarceration budget and \$100,000 from the Campaign for Black Male Achievement.

<sup>4</sup> The 2011 grant to the A Better Way Foundation was co-funded: \$100,000 from the Justice Fund's Reduce Incarceration budget, and \$100,000 from the Drug Policy Project.

**Diversions**

**Judge David L. Bazelon Center for Mental Health Law**

\$400,000 over 2 years (1/1/2015 to 12/31/2016) to address and combat the criminalization of people with mental disabilities through impact litigation, public education, and policy analysis.

\$500,000 over 2 years (1/1/2013 to 12/31/2014) to redirect public investments in incarceration toward effective mental health treatment and stable supportive housing alternatives that reduce the number of people in prison and promote successful reentry.

\$375,000 over 2 years (7/1/2011 to 12/31/2012) to redirect public investments in incarceration toward effective mental health treatment and stable supportive housing alternatives that reduce the number of people in prison and promote successful reentry.

**Corporation for Supportive Housing**

\$150,000 over 1 year (10/1/2014 to 9/30/2015) tie off grant to help communities identify and engage high utilizers of public systems and place them into supportive housing to break the cycle of repeated use of costly crisis services, shelters, and the criminal justice system.

\$400,000 over 2 years (7/1/2012 to 6/30/2014) to promote public reinvestments and systems integration across criminal justice, human service, and housing sectors to create and sustain supportive housing to break the cycle of repeated use of costly crisis services, shelters, and the criminal justice system.

**Financial Structures: Privatization**

**Grassroots Leadership, Inc.**

\$300,000 over 2 years (5/1/2013 to 4/30/2015) to provide general support.

\$300,000 over 2 years (5/1/2011 to 4/30/2013) to provide general support.

**Partnership for Working Families**

\$300,000 over 2 years (1/1/2014 to 12/31/2015) to provide campaign assistance to a broad-based national coalition focused on challenging the privatization of prisons and immigrant detention centers in the U.S.

\$300,000 over 2 years (1/1/2012 to 12/31/2013) to develop, provide campaign assistance to, and expand a diverse national coalition focused on challenging the privatization of prisons and immigrant detention centers in the U.S.

**Formerly Incarcerated Led**

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**Human Rights Defense Center**

\$50,000 over 1 year (1/1/2014 to 12/31/2014) tie-off grant to provide general support.

\$200,000 over 2 years (1/1/2012 to 12/31/2013) to provide general support.

**Prison-Based Gerrymandering**

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**Dēmos: A Network for Ideas and Action, Ltd.**

\$300,000 over 1 year (11/1/2013 to 10/31/2014) tie-off grant to support the Ending Prison-Based Gerrymandering Project.

\$300,000 over 1 year (11/1/2012 to 10/31/2013) to support the Ending Prison-Based Gerrymandering Project.

<sup>5</sup> \$300,000 over 1 year (11/1/2011 to 10/31/2012) to support the Ending Prison-Based Gerrymandering Project.

**Issues Affecting Women**

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**Women's Prison Association and Home, Inc.**

\$150,000 over 1 year (10/1/2011 to 9/30/2013) tie-off grant to support the Institute on Women and Criminal Justice, a national center for dialogue, research, and information about criminal justice-involved women and their families.

**Solitary Confinement**

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**National Religious Campaign Against Torture**

\$250,000 over 2 years (9/1/2012 to 10/31/2014) to support the Ending Solitary Confinement in the United States project.

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<sup>5</sup> The 2011 grant to Dēmos was co-funded: \$225,000 from the Justice Fund's Reduce Incarceration budget, and \$75,000 from the Equality Fund.

**Advancing Sentencing and Corrections Reform in Jurisdictions**

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**California**

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**<sup>6</sup> The Tides Center: Californians for Safety and Justice**

\$200,000 over 1 year (12/1/2014 to 12/31/2015) to ensure the effective implementation of Proposition 47 (The Safe Neighborhoods and Schools Act of 2014), a California ballot initiative, approved by voters in November 2014, that ends felony sentencing for simple drug possession and petty theft and directs financial savings to K-12 education, mental health treatment, and victims services.

\$1,500,000 over 2 years (7/1/2014 to 12/31/2015) to support The Tides Center's Californians for Safety and Justice project, which provides the infrastructure for a multi-pronged, multi-year campaign to reduce significantly corrections populations in the State of California.

\$1,500,000 over 2 years (1/1/2013 to 6/30/2014) to support The Tides Center's Californians for Safety and Justice project, which provides the infrastructure for a multi-pronged, multi-year campaign to reduce significantly corrections populations in the State of California.

\$1,500,000 over 2 years (1/1/2012 to 12/31/2013) to seed and support the first year of operations and programming of Californians for Safety and Justice, which will provide the infrastructure for a multi-pronged, multi-year campaign for reducing significantly prison populations in the State of California.

**<sup>7</sup> The Advocacy Fund: Vote Safe**

\$250,000 over 1 month (10/1/2014 to 11/4/2014) to support the Vote Safe project's fall communications plan to advance Proposition 47 (The Safe Neighborhoods and Schools Act of 2014), by elevating the voices of unlikely supporters of the measure and cultural influencers through video shorts, earned media, social media and online organizing.

\$1,000,000 over 8.5 months (2/17/2014 to 11/3/2014) to win reforms in California sentencing and correctional practices that will accelerate reductions in the state's level of incarceration.

\$350,000 over 6 months (10/1/2013 to 3/31/2014) to support Vote Safe in winning reforms in California sentencing and correctional practices that will accelerate reductions in the state's level of incarceration.

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<sup>6</sup> These time-limited grants to Californians for Safety and Justice are part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Population in California. The U.S. Programs Board contributed \$1,500,000 in 2011 and \$1,000,000 in 2013, with the Justice Fund's Reduce Incarceration budget beginning to assuming the costs starting in 2013, and contributing \$500,000, \$700,000, and \$1,000,000 in 2013, 2014, and 2015, respectively.

<sup>7</sup> These 3 time-limited, Open Society Policy Center (c)(4) grants to Vote Safe are part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California.

**Ella Baker Center for Human Rights in California**

\$300,000 over 2 years (11/1/2014 to 10/31/2016) to provide general support.

\$200,000 over 1 year (11/1/2013 to 10/31/2014) to provide general support.

\$50,000 over 1 year (6/1/2012 to 5/31/2013) to provide general support.

<sup>8</sup> \$250,000 over 6 months (11/1/2011 to 4/30/2012) to strengthen the California Partnership's capacity to participate in the development and implementation of a public education and mobilization campaign to advance cost-effective solutions that reduce excessive incarceration in California.

\$300,000 over 2 years (7/1/2011 to 6/30/2013) to provide general support.

**NAACP Legal Defense and Educational Fund, Inc.**

<sup>9</sup> \$250,000 over 1 year (3/1/2011 to 2/29/2012) to conduct nonpartisan analysis and research on the impact of California's Three Strikes Sentencing scheme and to support public education and grassroots mobilization.

**Texas**

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**Texas Criminal Justice Coalition**

\$600,000 over 2 years (1/1/2014 to 12/31/2015) to provide general support.

\$600,000 over 2 years (1/1/2012 to 12/31/2013) to provide general support.

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<sup>8</sup> The \$250,000 time limited grant to Ella Baker Center in 2011 was part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California. The U.S. Programs' Board contributed the full amount.

<sup>9</sup> The \$250,000 time limited grant to NAACP Legal Defense and Educational Fund in 2011 was part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California. The U.S. Programs' Board contributed the full amount.

**New York**

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**Correctional Association of New York**

\$300,000 over 2 years (7/1/2014 to 6/30/2016) to provide general support.

\$300,000 over 2 years (7/1/2012 to 6/30/2014) to provide general support.

**The Osborne Association, Inc.**

\$200,000 over 2 years (7/1/2013 to 6/30/2015) to support the New York Initiative for Children of Incarcerated Parents, which seeks to remove policies in corrections, child welfare, education and mental health systems that harm children whose parents are caught up within the criminal justice system.

\$200,000 over 2 years (7/1/2011 to 6/30/2013) to support the New York Initiative for Children of Incarcerated Parents, which seeks to remove policies in corrections, child welfare, education and mental health systems that harm children whose parents are caught up within the criminal justice system.

**Ohio**

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**Ohio Justice and Policy Center**

\$100,000 over 2 years (8/1/2014 to 7/31/2016) to provide general support.

\$100,000 over 2 years (4/1/2012 to 3/31/2014) to provide general support.

**Federal**

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**The Urban Institute**

\$100,000 over 18 months (1/1/2013 to 6/30/2014) to assess the federal corrections system and identify opportunities for reducing federal prison populations and costs.

Appendix B.1

Reducing U.S. Incarcerated Populations  
Review Elements: Grantmaking At A Glance (2011 to Present)

Strategy	Grantee Organization	2011	2012	2013	2014	2015	Totals
<b>Strengthening Field Sophistication &amp; Capacity</b>							
National Campaign Capacity	The Sentencing Project	152,423					152,423
State Advocacy Capacity	The Tides Center: Justice Strategies		400,000		400,000		800,000
Communications Capacity	Brave New Films			200,000	500,000		700,000
New Voices: Crime Survivors	Partnership for Safety and Justice	200,000		100,000	300,000		600,000
Long Prison Terms	The Urban Institute					400,000	400,000
							<b>\$ 2,652,423</b>
<b>Advancing Sentencing &amp; Corrections Reform in Jurisdictions</b>							
California	<sup>1</sup> The Tides Center: Californians for Safety and Justice (Justice Fund Contribution) (Supplemental: Prop 47 Implementation)	1,500,000		1,000,000			4,700,000
				500,000	500,000	1,000,000	
					200,000		
	Ella Baker Center for Human Rights in California (Supplemental)	300,000		200,000	300,000		1,100,000
			50,000				
	<sup>2</sup> (Supplemental: California Coalition)	250,000					
	<sup>3</sup> NAACP Legal Defense and Educational Fund, Inc.	250,000					250,000
Texas	Texas Criminal Justice Coalition	600,000		600,000			1,200,000
New York	Correctional Association of New York		300,000		300,000		600,000
	The Osborne Association, Inc.	200,000		200,000			400,000
Ohio	Ohio Justice and Policy Center		100,000		100,000		200,000
Federal	The Urban Institute			100,000			100,000
							<b>\$ 8,550,000</b>
		<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	
<b>Justice Fund Reduce Incarceration Budget</b>		<b>1,452,423</b>	<b>850,000</b>	<b>1,900,000</b>	<b>2,600,000</b>	<b>1,400,000</b>	<b>\$ 8,202,423</b>
<b>Other Budgets</b>		<b>2,000,000</b>	<b>-</b>	<b>1,000,000</b>	<b>-</b>	<b>-</b>	<b>\$ 3,000,000</b>
<b>Total</b>		<b>\$ 3,452,423</b>	<b>\$ 850,000</b>	<b>\$ 2,900,000</b>	<b>\$ 2,600,000</b>	<b>\$ 1,400,000</b>	<b>\$ 11,202,423</b>

<sup>1</sup> These time-limited grants to Californians for Safety and Justice are part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Population in California. The U.S. Programs' Board contributed \$1,500,000 in 2011 and \$1,000,000 in 2013, with the Justice Fund's Reduce Incarceration budget beginning to assuming the costs starting in 2013, and contributing \$500,000, \$700,000, and \$1,000,000 in 2013, 2014, and 2015, respectively.

<sup>2</sup> The \$250,000 time limited grant to Ella Baker Center in 2011 was part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California. The U.S. Programs' Board contributed the full amount.

<sup>3</sup> The \$250,000 time limited grant to NAACP Legal Defense and Educational Fund in 2011 was part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California. The U.S. Programs' Board contributed the full amount.

**Strengthening Field Sophistication & Capacity**

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**National Campaign Capacity**

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**The Sentencing Project**

\$152,423 over 15 months (10/1/2011 to 12/31/2012) to develop the framework for a coordinated multi-state collaborative effort among a broad range of advocates to reduce significantly prison populations in the United States.

**State Advocacy Capacity**

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**The Tides Center: Justice Strategies**

\$400,000 over 2 years (1/1/2015 to 12/31/2016) to support the Justice Strategies project's nonpartisan analysis and research and technical assistance to inform and support grassroots organizations, advocates, and policymakers working to reform criminal justice and immigration enforcement policies and practices in the United States, and to build organizational capacity and effectiveness by improving fundraising development and strengthening communications capacity.

\$400,000 over 2 years (1/1/2013 to 12/31/2014) to support the Justice Strategies project's nonpartisan analysis and research and technical assistance to inform and support grassroots organizations, advocates, and policymakers working to reform criminal justice and immigration enforcement policies and practices in the United States.

**Communications Capacity**

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**Brave New Films**

\$500,000 over 2 years (1/1/2015 to 12/31/2016) to support Brave New Films' national multimedia public education campaigns designed to educate and engage people on a broad array of mass incarceration issues and to advance policies focused on community-based solutions for increasing public safety and reducing the nation's reliance on incarceration.

\$200,000 over 1 year (1/1/2014 to 12/31/2014) to work with advocates across the country to educate and engage people on a broad array of mass incarceration issues and to advance policies focused on community-based solutions for reducing crime and the nation's reliance on incarceration.

**New Voices: Crime Survivors**

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**Partnership for Safety and Justice**

\$300,000 over 2 years (1/1/2015 to 12/31/2016) to provide general support.

\$100,000 over 1 year (1/1/2014 to 12/31/2014) to provide general support.

\$200,000 over 2 years (5/1/2012 to 12/31/2013) to provide general support.

**Long Prison Terms**

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**The Urban Institute**

\$400,000 over 2 years (1/1/2015 to 12/31/2016) to support the Justice Policy Center's nonpartisan research and policy analyses that will help build the evidence base for safely reducing long prison sentences and time served, particularly for serious, violent, and habitual crimes.



**Advancing Sentencing and Corrections Reform in Jurisdictions**

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**California**<sup>1</sup> **The Tides Center: Californians for Safety and Justice**

\$200,000 over 1 year (12/1/2014 to 12/31/2015) to ensure the effective implementation of Proposition 47 (The Safe Neighborhoods and Schools Act of 2014), a California ballot initiative, approved by voters in November 2014, that ends felony sentencing for simple drug possession and petty theft and directs financial savings to K-12 education, mental health treatment, and victims services.

\$1,500,000 over 2 years (7/1/2014 to 12/31/2015) to support The Tides Center's Californians for Safety and Justice project, which provides the infrastructure for a multi-pronged, multi-year campaign to reduce significantly corrections populations in the State of California.

\$1,500,000 over 2 years (1/1/2013 to 6/30/2014) to support The Tides Center's Californians for Safety and Justice project, which provides the infrastructure for a multi-pronged, multi-year campaign to reduce significantly corrections populations in the State of California.

\$1,500,000 over 2 years (1/1/2012 to 12/31/2013) to seed and support the first year of operations and programming of Californians for Safety and Justice, which will provide the infrastructure for a multi-pronged, multi-year campaign for reducing significantly prison populations in the State of California.

**Ella Baker Center for Human Rights in California**

\$300,000 over 2 years (11/1/2014 to 10/31/2016) to provide general support.

\$200,000 over 1 year (11/1/2013 to 10/31/2014) to provide general support.

\$50,000 over 1 year (6/1/2012 to 5/31/2013) to provide general support.

<sup>2</sup> \$250,000 over 6 months (11/1/2011 to 4/30/2012) to strengthen the California Partnership's capacity to participate in the development and implementation of a public education and mobilization campaign to advance cost-effective solutions that reduce excessive incarceration in California.

\$300,000 over 2 years (7/1/2011 to 6/30/2013) to provide general support.

**NAACP Legal Defense and Educational Fund, Inc.**

<sup>3</sup> \$250,000 over 1 year (3/1/2011 to 2/29/2012) to conduct nonpartisan analysis and research on the impact of California's Three Strikes Sentencing scheme and to support public education and grassroots mobilization.

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<sup>1</sup> These time-limited grants to Californians for Safety and Justice are part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Population in California. The U.S. Programs Board contributed \$1,500,000 in 2011 and \$1,000,000 in 2013, with the Justice Fund's Reduce Incarceration budget beginning to assuming the costs starting in 2013, and contributing \$500,000, \$700,000, and \$1,000,000 in 2013, 2014, and 2015, respectively.

<sup>2</sup> The \$250,000 time limited grant to Ella Baker Center in 2011 was part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California. The U.S. Programs' Board contributed the full amount.

<sup>3</sup> The \$250,000 time limited grant to NAACP Legal Defense and Educational Fund in 2011 was part of the Foundation Led Investment in the Campaign to Reduce Incarcerated Populations in California. The U.S. Programs' Board contributed the full amount.

**Texas**

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**Texas Criminal Justice Coalition**

\$600,000 over 2 years (1/1/2014 to 12/31/2015) to provide general support.

\$600,000 over 2 years (1/1/2012 to 12/31/2013) to provide general support.

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**New York**

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**Correctional Association of New York**

\$300,000 over 2 years (7/1/2014 to 6/30/2016) to provide general support.

\$300,000 over 2 years (7/1/2012 to 6/30/2014) to provide general support.

**The Osborne Association, Inc.**

\$200,000 over 2 years (7/1/2013 to 6/30/2015) to support the New York Initiative for Children of Incarcerated Parents, which seeks to remove policies in corrections, child welfare, education and mental health systems that harm children whose parents are caught up within the criminal justice system.

\$200,000 over 2 years (7/1/2011 to 6/30/2013) to support the New York Initiative for Children of Incarcerated Parents, which seeks to remove policies in corrections, child welfare, education and mental health systems that harm children whose parents are caught up within the criminal justice system.

**Ohio**

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**Ohio Justice and Policy Center**

\$100,000 over 2 years (8/1/2014 to 7/31/2016) to provide general support.

\$100,000 over 2 years (4/1/2012 to 3/31/2014) to provide general support.

**Federal**

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**The Urban Institute**

\$100,000 over 18 months (1/1/2013 to 6/30/2014) to assess the federal corrections system and identify opportunities for reducing federal prison populations and costs.