

**U.S. Programs
Criminal Justice Fund
Summary of Recommended Grants
Docket IV
October 27, 2009**

Criminal Justice Fund

2009 Criminal Justice Fund Grantmaking Budget (24027)	5,475,000
2009 Re-Entry Grantmaking Budget (24013)	1,419,000
2009 Gideon Grantmaking Budget (24420)	1,050,000
2009 USP Drug Policy Reform (21031)	727,500
Out of Docket Grantmaking	(986,780)
Docket I Grantmaking	(1,737,895)
Docket II Grantmaking	(3,079,000)
Docket III Grantmaking	(1,025,000)
Catch-Up Docket Grantmaking	
Total 2009 Available Grantmaking Budget:	\$ 1,839,825


<u>Program Area/Organization</u>	<u>Grants Totals</u>	<u>Grant Term</u>
<u>Criminal Justice Fund Grantmaking (24027)</u>		
A Better Way Foundation ¹	\$ 100,000	2 years
The Constitution Project	\$ 150,000	2 years
Death Penalty Focus	\$ 175,000	27 months
Michigan State University College of Law	\$ 200,000	1 year
University of Texas at Austin	\$ 170,000	2 years
Total Recommended:	\$ 795,000	
<u>Criminal Justice Fund Reentry Grantmaking (24013)</u>		
Innocence Project of New Orleans (fiscal sponsor for VOTE) ²	\$ 80,000	2 years
Total Recommended:	\$ 80,000	
<u>USP Drug Policy (21031)</u>		
Point Defiance AIDS Projects (dba NASEN) ³	\$ 150,000	2 years
A Better Way Foundation ¹	\$ 50,000	2 years
Network on Women in Prison (dba Legal Services for Prisoners with Children) ⁴	\$ 25,000	1 year
National Advocates for Pregnant Women ⁵	\$ 42,500	1 year
Interfaith Drug Policy Initiative ⁶	\$ 45,000	2 years
Protestants for the Common Good ⁷	\$ 50,000	2 years
Total Recommended:	\$ 262,500	
CJF GRANTMAKING TOTAL THIS DOCKET: \$ 1,117,500		

Democracy and Power (21091)

Innocence Project of New Orleans (fiscal sponsor for VOTE) ²	\$ 40,000	2 years
Total Recommended:	\$ 40,000	

IHRD Drug Policy Reform (14860)

Point Defiance AIDS Projects (dba NASEN) ⁶	\$ 60,000	2 years
A Better Way Foundation ¹	\$ 60,000	2 years
Network on Women in Prison (dba Legal Services for Prisoners with Children) ⁴	\$ 25,000	1 year
National Advocates for Pregnant Women ⁵	\$ 42,500	1 year
Interfaith Drug Policy Initiative ⁶	\$ 45,000	2 years
Protestants for the Common Good ⁷	\$ 60,000	2 years
Total Recommended:	\$ 262,500	


Approval Signature

10/27/09

¹ Total grant to A Better Way Foundation is \$200,000

² Total grant to Innocence Project of New Orleans (VOTE) is \$100,000

³ Total grant to Point Defiance AIDS Project (NASEN) is \$100,000

⁴ Total grant to Network on Women in Prison (Legal Services for Prisoners with Children) is \$50,000

Memo

To: Aryeh Neier

From: Ann Beeson; Leonard E. Noisette; Daniel Wolfe; Criminal Justice Fund Staff

Date: 19 October 2009

Re: Docket IV, 27 October 2009

For U.S. Programs' October 27, 2009, docket, the Criminal Justice Fund (CJF) is recommending twelve (12) grants for funding. Seven recommendations are for joint funding from the USP Drug Policy Reform, International Harm Reduction Department (IHRD) Drug Policy Reform, and Criminal Justice Fund grantmaking budgets. These grants, to organizations previously funded by the Drug Policy Alliance's Advocacy Grants Program, would further our interim strategy to strengthen and better coordinate voices in support of reform of drug policies, including eliminating the federal ban on syringe exchange funding. Four proposed grants would provide continued support for the Campaign to Abolish the Death Penalty by 2025. One grant would support efforts to reduce the disenfranchisement of formerly incarcerated persons in New Orleans, Louisiana by seeking to restore their right to vote and to help them engage more fully in civic activities. Collectively, these grants would advance the Criminal Justice Fund's key goals of reducing mass incarceration, eliminating harsh punishment and eliminating racial disparities and securing a fair and equitable system of justice.

Reducing Mass Incarceration: Drug Policy Reform

Point Defiance AIDS Projects (dba North American Syringe Exchange Network—NASEN), \$100,000 general support grant over two years (\$50,000 from the USP Drug Policy Reform budget and IHRD Drug Policy reform budget). NASEN promotes the idea that drug use and misuse is a public health issue and works to ensure that drug users have the same access to quality disease prevention and health care that other citizens of our society enjoy. The organization works to: eliminate epidemic levels of the transmission of HIV, HCV, and other blood borne pathogens among injecting drug users (IDUs), their partners, family, friends and others in their community; foster the equitable inclusion of IDUs and sex workers in the healthcare system and fair treatment of these individuals by society at large; and supports unrestricted access to the tools and information these populations need to make healthy choices.

A Better Way Foundation (ABWF), \$200,000 general support grant over two years (\$50,000 from USP Drug Policy Reform budget, \$50,000 from IHRD Drug Policy Reform budget, and \$100,000 from Criminal Justice Fund budget). ABWF is a Connecticut-based grassroots organization dedicated to shifting current drug policy from a paradigm that prioritizes incarceration to one that prioritizes public health, treatment, and public safety. The organization engages in research, education, advocacy and organizing in order to enable progressive drug policy reform and criminal justice agendas and develops and trains future activists of the drug policy, criminal justice reform and public safety communities by using organizing principles with a focus on resident and community empowerment.

Network on Women in Prison (dba Legal Services for Prisoners with Children—LSPC), \$50,000 project grant over one year (\$25,000 from USP Drug Policy Reform budget and \$25,000 from IHRD Drug Policy Reform budget) to support its *All of Us or None (All or None)* program's continued public education and organizing of people directly affected by the drug war to end it and roll back its negative effects. OSI funding will enable *All or None* to continue its successful voter education work in communities most negatively impacted by the drug war; organizing to preserve voting rights of people with criminal records, in California; and its organizing and leadership development work with people in drug treatment programs.

National Advocates for Pregnant Women (NAPW), \$85,000 general support grant over one year (\$42,500 from USP Drug Policy Reform budget and \$42,500 from IHRD Drug Policy Reform budget). NAPW engages in legal advocacy, organizing, broad-based coalition-building, and public education work to secure the civil and human rights, health and welfare of all women, focusing particularly on pregnant and parenting women and those who are most vulnerable—low income women, women of color, and women who use drugs. It also advances drug policy reform principles as an essential part of the Reproductive Justice and Pro-Choice Movements.

Interfaith Drug Policy Initiative (IDPI), \$90,000 general support grant over two years (\$45,000 from USP Drug Policy Reform budget and \$45,000 from IHRD Drug Policy Reform budget). IDPI educates and mobilizes religious denominations, congregations, faith-based advocacy groups, and individual people of faith to promote drug policies that are entirely non-punitive and non-coercive.

Protestants for the Common Good (PCG), \$100,000 project support grant over two years (\$50,000 from USP Drug Policy Reform budget and \$50,000 from IHRD Drug Policy Reform budget) to educate people and organizations of faith in Illinois about and mobilize them to promote treatment and other non-punitive measures for drug policies in Illinois. OSI funding will enable PCG to outreach to congregations through educational forums and pursue a media communications strategy in order to reach a public audience.

Reducing Harsh Punishment

Innocence Project of New Orleans as fiscal sponsor for **Voice Of The Ex-offender (VOTE)**, \$100,000 project support grant over two years (\$60,000 from Criminal Justice Fund reentry budget and \$40,000 from the Democracy and Power Fund budget) to conduct public education and organize and mobilize people with criminal records around their right to vote; greater participation in the 2010 Census; and unreasonable barriers to reentry in New Orleans. VOTE organizes and mobilizes people with criminal records around their right to vote, and its electoral organizing and legal training programs are focused on increasing the civic participation of people with criminal records in New Orleans. VOTE is developing a model strategic program that will complement and support the national struggle towards federal re-enfranchisement and efforts to increase the participation of marginalized communities in the 2010 Census.

Reducing Harsh Punishment: The Campaign to Abolish the Death Penalty

The Constitution Project, \$150,000 renewed project support over two years to advance The Constitution Project's state-based advocacy work intended to organize unlikely allies in support of death penalty reform and abolition. The grant will enable The Constitution Project to hire a dedicated coordinator to recruit nontraditional allies for death penalty reform including law enforcement officials, judges, and prosecutors. As part of this effort, the project coordinator will launch *The Clearinghouse for New Voices on the Death Penalty*, a national network of influential

and unlikely spokespersons to which allies can turn for critical assistance with specific campaigns and litigation support. Support from allies may include testimony before state and local policymaking bodies, participation in press conferences, support of amicus briefs and clemency efforts, and communications efforts such as public speaking and producing opinion pieces.

Death Penalty Focus (DPF), \$175,000 general support over 27 months to advance DPF's goal of ending the death penalty in California. Currently, DPF is working in collaboration with other state-based groups, including the ACLU of Northern California and the Progressive Jewish Alliance, to implement a county-based strategy to accomplish the following: 1) reduce the number of death penalty cases charged and brought to trial; 2) shift public opinion about the death penalty; and 3) organize and cultivate activists to be mobilized. DPF is also working collaboratively to defeat a future ballot initiative purporting to expand and to speed up the death penalty system in California

Michigan State University College of Law, \$200,000 project support grant over one year to undertake a comprehensive empirical analysis of racial discrimination in North Carolina's system of capital punishment. The study, to be conducted by researchers at Michigan State University College of Law in cooperation with the North Carolina-based Center for Death Penalty Litigation, supports implementation of the recently enacted North Carolina Racial Justice Act (NCRJA). The NCRJA turns the Supreme Court's decision in *McClesky v. Kemp* on its head by recognizing the perverse role of racial discrimination in capital punishment. The NCRJA will allow individuals sentenced to death in North Carolina, and any person facing a death sentence in the future, to seek relief on the ground that race played a significant part in the decision to seek or impose the sentence. The project seeks to fill in the gaps of an earlier study in a manner that is responsive to the NCRJA, and to provide sufficient statistical analysis of cases at the county, district, division, and state levels to allow defendants to take advantage of the Act.

University of Texas at Austin, Institute for Restorative Justice and Restorative Dialogue in the School of Social Work (SSW), \$175,000 project support over two years to advance the Institute's Defense-Initiated Victim Outreach (DIVO) in Texas. Many capital defense attorneys are reconsidering their detachment from victims. DIVO has emerged as an effort to facilitate survivors' and capital defense teams' access to one another by providing capital defense attorneys with the assistance of specially trained experts, victim outreach specialists, to make contact with survivors on behalf of the defense. To date, DIVO services have been provided in approximately 140 capital cases, half within the federal system. In 2008, Georgia-based Council for Restorative Justice was awarded funds from the Bureau of Justice Assistance to bring the model to Texas. OSI's grant would support further implementation of DIVO in Texas. The project team aims to offer DIVO services to victim-survivors in the 400 capital-eligible cases that are prosecuted annually in Texas. The successful implementation of DIVO in Texas has the potential for significant ramifications at the federal and state levels.

Name of Organization: Point Defiance AIDS Projects
(dba North American Syringe Exchange Network)

Tax Status: 501(c)(3) public charity

Purpose of Grant: To provide general support

FPOS Grant Description: To provide \$100,000 general support over two years to Point Defiance AIDS Projects (dba North American Syringe Exchange Network—NASEN), which works to: promote the idea that drug use and misuse is a public health issue; eliminate epidemic levels of the transmission of HIV, HCV, and other blood borne pathogens among injecting drug users (IDUs); foster the equitable inclusion of IDUs and sex workers in the healthcare system; and support unrestricted access to the tools and information these populations need to make healthy choices.

Previous OSI Support: \$225,000
(\$125,000 Lindesmith Center-2000; \$100,000 Lindesmith Center-1999)

Organizational Budget: \$315,000

Project Budget: Not applicable

Sources of Support: \$139,953 Tides Foundation; \$100,000 Comer Foundation; \$66,790 Public Welfare Foundation; \$50,000 Drug Policy Alliance; \$14,548 Anonymous Donor

Amount Requested: \$100,000

Amount Recommended: \$100,000
(\$50,000 USP Drug Policy Reform budget, T1: 21031)
(\$50,000 IHRD Drug Policy Reform budget, T1: 14880)

Term: 2 years

Matching Requirements: None

Description of Organization:

The North American Syringe Exchange Network (NASEN) was created in 1988 from an informal network of young Syringe Exchange Programs (SEPs) and organizations interested in the use of syringe exchange as a disease prevention model for injecting drug users. Its goal is to reduce and eventually eliminate epidemic levels of the transmission of HIV, HCV, and other blood borne pathogens among injecting drug users (IDUs), their partners, family, friends, and others in their community. NASEN promotes the idea that drug use and misuse are public health issues and it advocates for the equitable inclusion of IDUs and sex workers in the healthcare system and for fair treatment of these individuals, generally. NASEN supports unrestricted access to the tools and information these populations need to make healthy choices by: supporting individual syringe exchange programs (SEPs) through technical and financial assistance programs and other

services; expanding and supporting a national network of individuals and organizations interested in syringe exchange as an effective public health intervention; and disseminating information related to syringe exchange and disease prevention.

The SEPs NASEN supports range from community-based organizations with health department oversight and funding to unsanctioned, unfunded grassroots programs; and from large drop-in centers with wrap around services to small, mobile operations. Some serve the entire injecting community while others target specific groups of people that may be especially vulnerable. From this community of SEPs, those who support them, and the people they serve, NASEN draws a national constituency for promoting needle exchange programming at the local, state, and national levels. To support and expand the network of SEPs, NASEN operates nine programs that have become vital to syringe exchange in the United States: the *Buyers Club*, *NASEN Grants Program*, *NASEN Loan Program*, *Start-Up Kits*, *North American Syringe Exchange Convention (NASEC)*, *Technical Assistance Program*, *U.S. Syringe Exchange Program Directory*, *National Syringe Exchange Survey*, and *Program Development and Evaluation*.

Buyers Club. Using co-op buying power and contracting directly with manufacturers and wholesale providers, NASEN's *Buyers Club* program acquires the lowest syringe prices for large and small exchange programs. Through the *Buyers Club*, NASEN works with U.S. customs, investigates FDA approval of and product liability for new items, and develops agreements with domestic and international distributors, activities that are difficult if not impossible for smaller exchanges. *Buyers Club* offers the best non-government price for syringe exchange supplies, besting their closest competitor by 2.25 times cost savings; at least \$2,500,000 per year for SEPs nationwide.

NASEN Grants Program. Because many small SEPs lack the resources to develop competitive funding proposals, NASEN has created an RFP process that targets these programs for the supports they need. NASEN Grants are limited to SEPs with budgets of \$75,000 or less and awards do not exceed \$15,000 per program per year, with most grant amounts range between \$800 and \$8,000. In 2008, NASEN received 43 proposals totaling more than \$300,000 requested and distributed \$59,550 to 15 SEPs.

NASEN Loan Program. NASEN also provides short-term assistance to needy SEPs in the form of loans or credit with the *Buyers Club* so that programs are not forced to curtail or cease operations. NASEN provided four programs with this assistance in 2008.

Start-Up Kits. NASEN is the only source of syringe exchange start-up assistance for new SEPs with little or no operational history, often a necessary requirement when applying for more substantial funding. A start-up kit consists of \$1,200 in credit with the *Buyers Club*, equal to approximately 14,000 syringes or a combination of syringes and other supplies. NASEN has awarded a total of \$104,000 in start-up kits since 1996, and in 2008, NASEN awarded \$2,400 in start-up kits to two new exchange programs.

North American Syringe Exchange Convention (NASEC). NASEC is unique in its dedication to issues facing SEPs. Through NASEC, NASEN presents new models of intervention, provides a forum for discussion about problems and solutions, and provides information on how to build an exchange program from scratch. NASEN offers financial assistance to ensure representation from small and under-funded exchanges at NASEC's annual convening. NASEN held NASEC XVIII in Tacoma, WA, in April 2008, boasting 272 attendees representing 52 syringe exchange programs in 23 states, Washington, DC, and Canada.

Technical Assistance Program. NASEN provides technical assistance to SEPs and other organizations requiring special training or help with problems arising from specific circumstances, from formal speaking engagements to on-site training and consultation. NASEN also serves as a fiscal sponsor to SEPs without 501(c)(3) tax status.

U.S. Syringe Exchange Program Directory. To facilitate communication, networking, and peer-to-peer support among SEPs, NASEN maintains and distributes annually to its network of SEPs the *U.S. Syringe Exchange Program Directory*. NASEN protects the list of “underground” exchanges and acts as a gatekeeper to ensure that research data and general information from the community is collected while protecting the programs’ confidential information.

National Syringe Exchange Survey. NASEN collaborates annually with the Beth Israel Medical Center to conduct the most comprehensive survey of SEPs in the US. Information obtained from the survey, disseminated at NASEC and published in the CDC’s “Morbidity and Mortality Weekly Report,” is utilized in national, regional, and local reporting.

Program Development and Evaluation. NASEN develops new projects to provide the most cost efficient, simple, and effective way for syringe exchange programs and individuals to communicate, network, and collaborate. Over the next year, NASEN will launch: 1) *nasen.org*, a syringe exchange-specific listserv designed to foster communication among those directly involved in syringe exchange programs; 2) NASEN Works, a new and improved announcement only listserv; 3) *Principles for Effective and Ethical Syringe Exchange*, guidelines—developed collaboratively by the over 180 existing SEPs in the U.S.—for maximizing effectiveness of needle exchange after the federal funding ban has been lifted; and 4) Exchange Point, which provides each SEP with a separate host webpage and similar pages for all staff to serve as a social network system where various subsets to post commentary simultaneously.

NASEN has received funding through the Drug Policy Alliance’s Advocacy Grants Program since 2005.

Description of the Project for Which Funding Is Sought:

North American Syringe Exchange Network requests general support funding for one year.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund’s and International Harm Reduction Development Program’s shared interest in developing and enriching the drug policy reform debate by engaging public health and medical experts to press the public health benefits nationally and internationally of lifting the ban on needle exchange.

According to the Centers for Disease Control and Prevention, the incidence of HIV has declined 80% among injecting drug users since the late 1980s (about the same time that SEPs began to operate in the US) and an estimated 12% of new HIV infections occurred among injecting drug users. The CDC does not attribute the decline to the activity of syringe exchange programs but research data suggests that SEPs have reduced HIV transmission in the U.S. and, given time, will also help to reduce the rate of HEP C transmission. In fact, many SEPs have already adapted their interventions to include Hepatitis C prevention messages and expanded the range of sterile injecting equipment available to their participants in an effort to address Hepatitis C transmission in particular.

Despite broad recognition that needle exchange is an effective disease prevention intervention, the ban on federal funding continues. In his campaign, President Obama promised to lift the federal ban on needle exchange and he and key Administration officials have emphasized the importance of drug policies based on data rather than a “War on Drugs” ideology. Unfortunately, however, the Administration retained the federal ban on needle exchange in the presidential budget for 2010. Moreover, political opposition and NIMBYism is entrenched in many cities and states, contributing to a lack of local funding. It is a critical time to provide support for new and existing SEPs and to ensure that advocacy for syringe exchange at local and national levels remains strong. The current economic crisis threatens the financial security of SEPs and the few private, state and local funders who support them. Under these circumstances, the potential for disease transmission and continued lack of health care among drug users and other marginalized populations is inevitable. The need to continue strategic advocacy to secure political support for SEPs and necessary public health policy is clear. This grant would support these efforts.

Through its leadership and technical assistance to and development of the national network of SEPs, NASEN has played and will continue to play an important role in bolstering arguments for harm reduction and public health approaches to drug policy reform.

For these reasons, Criminal Justice Fund and International Harm Reduction Development Program staff jointly recommends general support to the North American Syringe Exchange Network in the amount of \$100,000 over two years.

Name of Organization: A Better Way Foundation, Inc.

Tax Status: 501(c)(3) public charity

Purpose of Grant: To provide general support

FPOS Grant Description: To provide \$200,000 general support over two years to A Better Way Foundation, Inc. (ABWF), a Connecticut-based grassroots organization dedicated to shifting current drug policy from a paradigm that prioritizes incarceration to one that prioritizes public health, treatment, and public safety.

Previous OSI Support: \$160,700
\$40,000 U.S. Justice Fund-2008; \$25,000 U.S. Justice Fund-2007; \$37,500 U.S. Justice Fund-2006; \$58,200 The Lindesmith Center-2000

Organizational Budget: \$235,000

Project Budget: Not applicable

Sources of Support: \$100,000 Public Welfare Foundation; \$50,000 Drug Policy Alliance; \$50,000 Contracts; \$25,000 Open Society Institute; \$5,000 Individual Contributions

Amount Requested: \$200,000

Amount Recommended: \$200,000
(\$50,000 USP Drug Policy Reform budget, T1: 21031)
(\$50,000 IHRD Drug Policy Reform budget, T1: 14880)
(\$100,000 Criminal Justice Fund, T1: 24027)

Term: 2 years

Matching Requirements: None

Description of Organization:

A Better Way Foundation (ABWF) was founded in 1999 to resist reactionary public policies that have resulted in the incarceration of tens of thousands of Connecticut citizens for drug offenses and nonviolent crimes and to educate Connecticut policymakers and leaders about effective policy alternatives to the War on Drugs. Since its founding, the organization has worked to spearhead a broad coalition of social service providers, university students and researchers, community development experts, and civil rights organizations under a united banner of sentencing and drug policy reform. Its policy reform focus includes expanding judicial discretion in drug cases, marijuana law reform, eliminating crack/powder sentencing disparities, promoting needle exchange programming, protecting citizens from criminal prosecution for administering viable overdose prevention medicines, parity in insurance coverage for people with mental health and substance abuse issues, and increased state funding for substance abuse treatment and alternatives to incarceration.

ABWF engages in strategic research, public education, grassroots organizing and coalition building, and advocacy to advance its policy goals. It directs the Law and Justice Commission, a coalition of activists, researchers, youth development specialists, young people, parents, and educational professionals that: produces community-led statistical research to demonstrate that punitive measures do not result in public safety; works to strengthen relationships among civil service, political staff, and grassroots and grassroots groups; develops public education strategies for improving public safety while reforming punitive laws; and makes non-legislative recommendations to be used by advocates and activists. ABWF also directs the Connecticut Alliance, a coalition of community residents, grassroots organizers, activists, community based organizations, and professionals in the field of harm reduction, treatment, and criminal justice to set and pursue progressive drug and prison reform agendas for the State of Connecticut. ABWF organizes statewide trainings, called Strategy Caucuses, to provide community organizing training, media and communications training, strategy development and civic engagement to ABWF's most active membership. Over the past five years, ABWF's strategy caucuses have trained over 300 residents and business owners.

A Better Way Foundation has been an OSI grantee since 2000. In 2008, OSI awarded ABWF general support funding for one year. ABWF has received funding through the Drug Policy Alliance's Advocacy Grants Program since 2005.

Description of the Project for Which Funding Is Sought:

A Better Way Foundation (ABWF), Inc. requests renewed general support funding for two years.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's and International Harm Reduction Development Program's shared interest in developing and enriching the drug policy reform debate by engaging communities of color and families directly impacted by drug policy to increase public dialogue and community pressure about drug policy issues that occur before sentencing (e.g., racial disparities in arrests, forced drug testing) and highlight the social costs of treating drug use and abuse as a criminal justice issue rather than a healthcare and public health issue. The grant would also advance the Criminal Justice Fund's interest in eliminating harsh punishment by challenging unreasonable barriers to reentry.

Despite its reputation as a progressive state, Connecticut has one of the highest incarceration rates of all Northeastern states, and the state justice system is also a national leader in racial disparities. Although according to the 2000 U.S. Census 2000, White citizens make up 79%, or approximately 2.8 million of the total population of Connecticut, Connecticut Department of Correction data indicates that African-Americans and Latinos accounted for 88% of those in Connecticut's prisons for a drug offense in January 2009.¹ In addition, overdose has affected the lives of a large number of Connecticut's citizens. In the summer of 2009, a study done by the Yale School of Public Health revealed that more than 2,200 people have died in Connecticut from opioid overdoses in the past 11 years—more than one every other day—and that “out of 168 towns, 147 have reported overdose deaths in Connecticut. High occurrences in Connecticut

¹ Connecticut Department of Correction. “DOC Statistics for Drug Crimes.” Connecticut Department of Correction. Wethersfield: April 2009.

included Litchfield, Middlesex, and Windham counties in addition to urban communities,” suggesting that the issue is a truly statewide one.²

Over the next two years, ABWF will focus its efforts on three campaigns designed to abolish drug free school zones that contribute to disparities in incarceration, end overdose deaths in Connecticut, and eliminate unreasonable barriers to employment for people with criminal records, including the following:

Abolishing Drug Free School Zones. Almost 50 percent of Connecticut’s total male prison population in 2000 came from the state’s three largest cities—Hartford, New Haven, and Bridgeport. Under current law, nearly the entirety of these three major cities falls within an enhanced penalty of “school zone.” ABWF’s public education campaign to abolish or substantially modify Drug Free School Zones by 2011 focuses on gathering empirical and anecdotal data through ABWF’s Connecticut Alliance to demonstrate that Connecticut’s drug-free zone laws disproportionately incarcerate urban residents for simple drug possession.

Ending overdose deaths in Connecticut. Through this public health campaign, ABWF organizes residents and business owners to improve protections from prosecution for doctors and health care professionals for dispensing overdose prevention medicine to caregivers, for active users at needle exchange vans, and for “Good Samaritans” who would otherwise be incriminated when intervening to help someone who has overdosed. ABWF also informs residents about the availability of overdose prevention medication.

Eliminating unreasonable barriers to employment. ABWF works to increase employment opportunities for people with criminal records by advocating for the removal of the question “have you ever been convicted of a felony?” from municipal and state job applications including vendors and contractors. Through grassroots organizing, rapid communications and support for community groups working for the rights of people with criminal records at the local city county and municipality levels, ABWF directs and supports 35 community leaders leading campaigns in 8 Connecticut counties and advocates that this change be implemented statewide.

A chief priority of the Criminal Justice Fund and International Harm Reduction Development Program is to empower and elevate the participation of communities most affected by drug and criminal justice policies to develop and advocate for alternative policies that address underlying social, racial, and economic inequality. Many reform groups seek to address this priority by using a narrow definition of the constituencies directly affected, often focusing largely or solely on African-American communities. In fact, in the past ABWF and its Connecticut allies argued for criminal justice and public health reform solely through a racial justice lens. However, in a state like Connecticut—where less than 20% of the population is people of color—ABWF found this strategy was polarizing the issues and ignoring the true impact of incarceration, drug and criminal justice policies. As a result, ABWF revised its strategy and made a concerted effort to include and organize white rural and suburban communities, who comprise almost 90% of Connecticut’s overdose death rate. By revising its organizing strategy it is now able to attract and train residents to work on broader criminal justice issues by identifying problems like overdose deaths and demanding resources be reallocated from incarcerating low income people of color to increased treatment services in rural and suburban towns. ABWF’s deft capitalization on shared concerns about public safety and the lack of treatment options for drug addiction has resulted in

² Heimer, Robert, Laretta E. Grau, Russell Barbour, and Traci C. Green. “Connecticut Accidental/Undetermined Intoxication Deaths: 1997-2007.” Yale School of Public Health. New Haven: August 31, 2009.

increased community support for expanded services in all communities and former rural/suburban opponents have begun to participate in conversations about the need for statewide criminal justice reform.

For these reasons, Criminal Justice Fund and International Harm Reduction Development Program staff jointly recommend general support to A Better Way Foundation (ABWF) in the amount of \$200,000 over two years.

Name of Organization: Network on Women in Prison
(dba Legal Services for Prisoners with Children)

Tax Status: 501(c)(3) public charity

Purpose of Grant: To support its *All of Us or None* program's continued public education and organizing of people directly affected by the drug war to end it and roll back its negative effects in California

FPOS Grant Description: To provide \$50,000 project support over one year to Legal Services for Prisoners with Children to support its *All of Us or None* program's continued public education and organizing of people directly affected by the drug war to end it and roll back its negative effects in California. OSI funding will enable *All or None* to continue its successful voter education work in communities most negatively impacted by the drug war; its organizing to preserve voting rights of people with criminal records, in California; and its organizing and leadership development work with people in drug treatment programs.

Previous OSI Support: \$970,000
(\$450,000 U.S. Justice Fund-2007; \$250,000 U.S. Justice Fund-2005; \$5,000 Criminal Justice Initiative-2003; \$15,000 Criminal Justice Initiative-2001; \$150,000 Center on Crime, Communities & Culture-2000; \$100,000 Center on Crime, Communities & Culture-1997)

Organizational Budget: \$1,160,749

Project Budget: \$406,500

Sources of Support: \$150,000 Open Society Institute; \$75,000 Rosenberg Foundation; \$50,000 Akonadi Foundation; \$30,000 Mitchell Kapor Foundation; \$23,500 Fund for Nonviolence; \$15,000 San Francisco Foundation; \$8,000 East Bay Community Foundation; \$5,000 Common Counsel Foundation

Amount Requested: \$50,000

Amount Recommended: \$50,000
(\$25,000 USP Drug Policy Reform budget, T1: 21031)
(\$25,000 IHRD Drug Policy Reform budget, T1: 14880)

Term: 1 year

Matching Requirements: None

Description of Organization:

Founded in 1978, Network on Women in Prison/Legal Services for Prisoners with Children (LSPC) is a San Francisco-based nonprofit that advocates for the human rights and empowerment

of incarcerated parents, children, family members, and people at risk for incarceration. LSPC organizes legal trainings for legal services agencies, law firms, and individual advocates regarding medical, human rights, family and prison law and provides general legal advice and referrals to prisoners and their families, with a focus on child custody, visitation, and parental rights. Its impact litigation and client empowerment model has inspired replication by other advocacy organizations across the country. LSPC has long stressed the importance of developing the advocacy and leadership skills among the formerly incarcerated, and it provides a strong model that links this training to community organizing.

A project of LSPC, *All of Us or None (All or None)* is a California-based initiative to organize formerly incarcerated people and the families of incarcerated people into a powerful grassroots movement for combating the many forms of unreasonable discrimination faced by people with felony convictions. The long-term goal of *All or None* is to build the political power base in communities of color that will effectively challenge barriers to reentry. By reaching out to elected officials and other community leaders, and by partnering with other regional organizations in several state-wide coalitions, *All or None* has launched campaigns around voting rights, children and families of incarcerated parents, expungement processes, and the disclosure of criminal records on applications for employment and housing, and drug policy reform.

LSPC has been an OSI grantee since 1997. In 2007, OSI awarded LSPC's *All or None* renewal for three years to continue training, organizing, and mobilizing formerly incarcerated people and family members of the incarcerated; and to launch regional campaigns for criminal justice reform in California. *All or None* has received funding through the Drug Policy Alliance's Advocacy Grants Program since 2005.

Description of the Project for Which Funding Is Sought:

Legal Services for Prisoners with Children requests project funding to support its *All of Us or None* program's continued public education and organizing of people directly affected by the drug war to end it and roll back its negative effects in California. Specifically, OSI funding will enable *All or None* to engage people with criminal records and community members in the following efforts:

Clean Slate Campaign. *All or None* will continue to direct its statewide coalition of public defenders, neighborhood and volunteer legal services organizations, and people with criminal records and their family members to advocate for changes in criminal record-clearing procedures so that individuals may apply for records remedies statewide in one application. *All or None* will conduct public presentations about the limitations of current remedies, and make specific proposals for the inclusion of remedies for specific drug-related offenses. In California, some drug-related felonies are called "wobblers," which means they can be reduced to misdemeanors and then dismissed under record-clearing provisions. *All or None* will publicize and expand access to record-clearing services for people with prior drug convictions that could be reduced to misdemeanors and then be dismissed.

Plan for a Safer Oakland. *All of Us or None* will continue its public education, grassroots organizing and mobilization, and advocacy to support its *Plan for a Safer Oakland*, which, among other initiatives, recommends meaningful reentry supports and services for people coming home from prison and people with drug treatment needs and investments in people and communities rather than policing and prisons.

Ban the Box Campaign. *All or None* will continue its public education, grassroots organizing and mobilization, and advocacy to remove any question asking about conviction history (“the box”) from applications for public employment. Through the campaign and its allies, *All or None* will continue insisting on the enforcement of Federal employment law, which requires that convictions be job-related to be considered in hiring decisions; conducting outreach to private employers, non-profit and subsidized housing, college employment, and private contractors doing business with city and county government; working with unions to include the demand to “ban the box” in contract negotiations; advocating for people with criminal records to be covered by anti-discrimination policies; and investigating background check practices and profiteering.

Voting Rights Campaign. *All of Us or None* will continue its public education, grassroots organizing and mobilization, and advocacy to educate people with criminal records of their voting rights and secure these rights for people in prison or on parole or probation. It will continue to advocate with County Sheriffs statewide to assure that people in jail have the ability to register and vote by absentee ballot and to ensure that community organizations will have access to county jails to educate people about their voting rights.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund’s and International Harm Reduction Development Program’s shared interest in developing and enriching the drug policy reform debate by engaging communities of color and families directly impacted by drug policy to increase public dialogue and community pressure about drug policy issues that occur before sentencing (e.g., racial disparities in arrests, forced drug testing) and highlight the social costs of treating drug use and abuse as a criminal justice issue rather than a healthcare and public health issue.

The public discourse about substance abuse is changing. More people are realizing that addiction and drug abuse is more effectively addressed as a public health issue rather than as an issue for criminal justice intervention. Unfortunately, policymakers have been slow to redirect public policy toward treatment rather than punishment.

Years of “tough on crime” and “war on drugs” legislation have resulted in severe structural discrimination that permeates every aspect of life for people with criminal records. Much of this discrimination is specific to drug convictions. For example, in California, any drug-related conviction results in a lifetime ban on eligibility for Temporary Aid to Needy Families (TANF—administered by CalWORKS) and people with a drug conviction (except a conviction for simple possession) are also ineligible to receive Food Stamps. State foster care systems act aggressively to terminate parental rights of incarcerated women and of parents who test positive for drugs. People can also be deported if they have ever been convicted of a drug offense, even if they are a legal permanent resident. For many, mandatory detention and deportation may mean being sent back to a country where they have never lived. Drug convictions are commonly and inappropriately used to deny occupational licenses to people—even when a past conviction is unrelated to the duties of the occupation—and have also been used to exclude people from on-campus housing and eligibility for student loans. Federal “One-strike eviction” policies allow local Public Housing Authorities to evict people without any due process because of drug use “on or off the premises” of public housing.

Because LSPC’s *All of Us or None*’s advocacy focuses on removing all of these barriers, its overall program is tightly linked to changing the broader effects of a failed drug policy. Its advocacy for full restoration of rights relates especially to people with drug convictions, because

their convictions often carry the most extreme collateral consequences. For example, its insistence that drug convictions should not be considered by employers when they are not job-related has challenged the common assumption from public and private employers that a drug conviction is an indication of an unreliable employee. All or None has also been a strong leader in California in efforts to establish and fund more treatment facilities and for the provision of drug and alcohol treatment on demand.

All of Us or None has formed strong, strategic alliances with diverse local, regional, and national policy reform organizations that add value to their campaigns. It is sophisticated and focused in its analysis and organizing and collaborates effectively with public interest lawyers and other justice reform advocates, many of whom find themselves working alongside formerly incarcerated as equal players for the first time. Its partnership with the National Employment Law Project (an OSI grantee), *All or None* has become a model for collaborations among criminal justice grassroots advocacy and employment law legal professionals for the expansion of employment opportunities for people with criminal records. The leadership of *All or None* itself consists of formerly incarcerated individuals with deep roots in the community and proven leadership ability. Among them are LSPC Co-Director Dorsey Nunn and Soros Justice Fellows Linda Evans and Susan Burton, a well-known community organizer who established three transitional homes in Watts for women and has become a familiar and vocal advocate in Sacramento. These three, and others associated with *All or None*, exemplify the importance for justice reform of supporting the work of the formerly incarcerated to speak loudly and clearly for themselves.

For these reasons, Criminal Justice Fund and International Harm Reduction Development Program staff jointly recommend project support to Legal Services for Prisoners with Children in the amount of \$50,000 over two years.

Name of Organization: National Advocates for Pregnant Women

Tax Status: 501(c)(3) public charity

Purpose of Grant: To provide general support

FPOS Grant Description: To provide \$85,000 general support over one year to National Advocates for Pregnant Women, which engages in legal advocacy, organizing, broad-based coalition-building, and public education to secure the civil and human rights, health and welfare of women—particularly pregnant and parenting women, low income women, women of color, and drug women who use drugs—and to advance drug policy reform principles as an essential part of the Reproductive Justice and Pro-Choice Movements.

Previous OSI Support: None

Organizational Budget: \$898,000

Project Budget: Not Applicable

Sources of Support: \$225,000 Ford Foundation; \$150,000 Vanguard Public Foundation; \$50,000 Tides Foundation Reproductive Justice Fund; \$40,000 Irving Harris Foundation; \$40,000 Ms. Foundation Building Movement Fund; \$35,000 General Services Foundation; \$25,000 Equal Justice Works; \$25,000 Jessie Smith Noyes; \$20,000 International Center for Advancement of Addiction Treatment/Beth Israel Medical Center; \$20,000 Ms. Foundation Women’s Reproductive Rights Coalition and Organizing Fund; \$20,000 Overbrook Foundation; \$20,000 Weissberg Foundation

Amount Requested: \$85,000

Amount Recommended: \$85,000
(\$42,500 USP Drug Policy Reform budget, T1: 21031)
(\$42,500 IHRD Drug Policy Reform budget, T1: 14880)

Term: 1 year

Matching Requirements: None

Description of Organization:

National Advocates for Pregnant Women (NAPW) was established as an independent non-profit organization in 2001 by Executive Director Lynn Paltrow, a national litigator and strategist in cases involving the intersection of the war on reproductive freedoms and the war on drugs. NAPW works to secure the human and civil rights, health and welfare for all women, focusing particularly on pregnant and parenting women, and those who are most vulnerable—low-income women, women of color, and drug-using women. NAPW advocates that addiction and other

health and welfare problems pregnant women face should be addressed as health issues, not as crimes; that families are not needlessly separated, based on medical misinformation; and that pregnant and parenting women have access to a full range of reproductive health services—including abortion care as well as non-punitive drug treatment.

With a growing network of over 2,000 local and national activists and organizational contacts engaged in organizing, public education, political action, and media outreach, NAPW works with a broad coalition of individuals and groups opposed to counterproductive, punitive measures brought in the name of fetal rights and the war on drugs. NAPW activities are guided by two strategic aims: to build bridges and align agendas across diverse public health and social justice movements and to leverage and connect grassroots organizing and activism with national experts and legal advocacy efforts at all levels. It organizes its work around three coordinated program areas: *legal advocacy*, *organizing*; and *public education*.

Legal Advocacy. NAPW engages in legal advocacy that challenges efforts to criminalize pregnancy and motherhood, establish fetal rights under the law, and expand the war on drugs to women's wombs. NAPW also provides litigation support in both civil and criminal cases across the country, particularly for public defenders and other local lawyers faced with cases that raise legal and medical issues with which they may be unfamiliar. This litigation support encompasses finding experts to testify, locating counsel, providing model briefs and research, and organizing opposition to punitive approaches through amicus briefs and open letters from leading medical, public health, and child welfare organizations. NAPW acts as national legal clearinghouse and has a unique collection of materials offering legal, scientific, policy and advocacy information on the interconnected issues of reproductive rights, drug policy, birthing rights, public health, child welfare, race, and social justice.

Organizing. To end the criminalization of pregnant women, NAPW engages in both national grassroots organizing and local grassroots organizing with an emphasis on engaging the women and communities most affected by such criminalization—women of color, poor women, women who use drugs or are in recovery, and women and families who need reproductive health services. NAPW organizes grassroots women's health activists, women in recovery, local healthcare providers, and state policymakers to mobilize around a shift from a criminal justice to a public health approach to the intersecting issues of pregnancy, drug use, risk of HIV infection and transmission and unaddressed mental health issues. On the national level, NAPW mobilizes legal, public health, and social justice groups to challenge punitive drug war and anti-abortion and pregnancy related laws and practices.

Public Education. Through media outreach, speaking engagements, and other public education efforts, NAPW challenges the destructive and dehumanizing stereotypes about and prejudice against pregnant women, drug users, and low income and families of color and exposes how abortion, fetal rights, and drug war issues distract from significant public health and social justice issues. NAPW also authors and co-authors reports and a wide range of articles in prestigious medical journals, traditional print source, and on-line journals.

NAPW has received funding through the Drug Policy Alliance's Advocacy Grants Program since 2005.

Description of the Project for Which Funding Is Sought:

National Advocates for Pregnant Women requests general support for one year.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's and International Harm Reduction Development Program's shared interest in developing and enriching the drug policy reform debate by engaging groups directly impacted by drug policy to increase public dialogue and community pressure about drug policies that use pregnancy and child protection as excuses for increasing state power to police and punish drug use in certain populations, and highlight the social costs of treating drug use and abuse as a criminal justice issue rather than a healthcare and public health issue.

The "war on drugs" and the unprecedented media coverage of the "crack crisis" coincided with the battle to end legal abortion. Pregnant women with substance abuse problems—specifically low income and African American mothers—became an appealing target for politicians and law enforcement officials who were losing the "war," and for the public, who had been convinced by sensational and often inaccurate reporting of scientific research that crack use during pregnancy caused unique and irreparable damage to an unborn child. Prosecutors who wanted to deflect attention from their inability to stem the tide of illegal drugs, and anti-choice forces whose goal has been to develop "fetal rights" superior to and in conflict with the rights of women, were able to capitalize on this negative attention. At the same time, the media largely ignored the fact that drug treatment programs were discriminating against pregnant women.

If propaganda, policy, and laws based on myths about the impact of drug use on pregnant women, children, and families are left unchallenged, drug policy reform efforts to de-stigmatize drug users and to shift policies from costly punishment to cost-effective treatment will fail. Thousands of parents have lost custody of their children and hundreds of new mothers have been arrested due to policies fueled by a combination of drug war propaganda and anti-abortion, fetal rights ideology. Potential changes in federal approaches to drug policy, such as those alluded to by President Obama's new drug czar Gil Kerlikowske, are reason for hope, but the specific concerns of pregnant women must be included. NAPW is uniquely situated to provide this advocacy and prevent the expansion of criminalization for non-violent drug offenses.

NAPW is the only organization in the U.S. today that bridges the reproductive, women's rights, and drug policy reform movements, bringing key insights and new strategies that are mutually beneficial to these fields. By focusing on the rights of pregnant women and the full range of attacks on their rights and by promoting an integrated approach to reproductive and human rights, NAPW is forging new alliances and broadening and strengthening the reproductive justice, drug policy reform, and other interconnected social justice movements in the United States.

Through its direct litigation, role as a legal backup center to attorneys across the country, and public education and advocacy, NAPW has been effective in challenging the expansion of the war on drugs by preventing the judicial expansion of fetal rights and the passage of new criminal laws targeting pregnant and drug-using women. NAPW uses legal cases it takes on or supports as opportunities to empower local activists and directly affected women; to mobilize a growing number of medical, public health, and social justice organizations; and to move academics, health care providers, and educators to become effective political activists. NAPW's long-term commitment to gathering, documenting and analyzing information about the prosecution and punishment of pregnant women has given it a unique competency for challenging a range of state actions designed to enhance fetal rights, undermine women's human rights, and expand the war on drugs and drug users.

NAPW has developed a strong record of victories. In Tennessee, policymakers were considering mandatory testing of certain pregnant women for evidence of drug and alcohol use and, based on this single test, requiring drug treatment with the threat of child welfare intervention. NAPW's nonpartisan research, analysis, and broad public education efforts shifted the debate resulting in policy leaders not only withdrawing support but also speaking out against such mandatory testing. NAPW is now considering similar non-partisan research, analysis, and public education tailored to the state of South Carolina, which, because of judicial activism, currently permits the prosecution of drug using pregnant women. NAPW has also been engaged in public education efforts to combat inaccurate and stigmatizing notions about drug use, pregnancy and parenting and have achieved a visible shift in media coverage. In January 2009 the *New York Times* published *The Epidemic That Wasn't*, quoting many members of NAPW's coalition of researchers, challenging the grossly exaggerated claims of harm from prenatal exposures to illegal drugs that has been prevalent since the initiation of the Reagan/Bush War on Drugs. The *Times* also ran NAPW's letter to the editor noting that the ongoing myths are still being used to justify the arrests of pregnant women.

Another significant area of NAPW's work in the past year has been opposing personhood amendments and bills, which have significant implications for drug policy nationwide. Anti-abortion activists' latest strategy is to have the unborn, from the moment of fertilization, recognized as full legal persons under each state's constitution. If passed, these measures will do much more than provide a basis for outlawing abortion; they will also provide the basis for prosecution and punishment of pregnant drug-using women. NAPW is playing a significant role in helping to defeat these measures and to make clear their implications far beyond the abortion issue. Through this work, NAPW has also developed new legal arguments and tools to challenge criminal and civil actions against pregnant drug using women.

For these reasons, the Criminal Justice Fund and the International Harm Reduction Development Program jointly recommend general support to National Advocates for Pregnant Women in the amount of \$85,000 over one year.

Name of Organization: Interfaith Drug Policy Initiative

Tax Status: 501(c)(3) public charity

Purpose of Grant: To provide general support

FPOS Grant Description: To provide \$35,000 general support grant over one year to Interfaith Drug Policy Initiative (IDPI), which educates and mobilizes religious denominations, congregations, faith-based advocacy groups, and individual people of faith to promote drug policies that are entirely non-punitive and non-coercive.

Previous OSI Support: None

Organizational Budget: \$195,500

Project Budget: Not Applicable

Sources of Support: \$90,000 Individual Contributions; \$30,000 Marijuana Policy Project; \$15,000 Membership Income; \$5,000 Dunn’s Foundation; \$5,000 Ettinger Foundation; \$5,000 Goldman Sachs Employee Donor Program

Amount Requested: \$90,000

Amount Recommended: \$90,000
(\$45,000 USP Drug Policy Reform budget, T1: 21031)
(\$45,000 IHRD Drug Policy Reform budget, T1: 14880)

Term: 2 years

Matching Requirements: None

Description of Organization:

The Interfaith Drug Policy Initiative (IDPI) was established in 2000 as the Unitarian Universalists for Drug Policy Reform to ensure the Unitarian denomination passed a drug policy resolution recommending marijuana be legalized and all other drugs be decriminalized and made available through medical clinics. In 2003, after winning the Unitarian resolution and as a result of increasingly effective collaboration with leaders from other denominations the organization changed its name and broadened its mission, which is to organize people of faith to promote drug policy reform that moves the United States from prohibition to reasonable and compassionate drug regulation, education, and treatment. IDPI conducts research on the sociological, psychological, spiritual, and other factors regarding drug use, abuse, and addiction and evaluates existing and potential laws and policies regarding drug use, abuse, and addiction from a moral, ethical, and religious perspective. It educates people of faith and faith-based organizations and institutions, for the purpose of building an interfaith constituency of people who support non-punitive, non-coercive alternatives to the “war on drugs;” bolsters public support for drug policy reform through speaking engagements, educational seminars, and the mass media; and engages in organizing, mobilization, and advocacy for reform.

IDPI focuses primarily on reforms that are currently attainable, ultimately building toward policies that are entirely non-punitive and non-coercive.

IDPI regularly collaborates with the staff of the nation's leading drug policy reform groups to determine which state and national public education campaigns most need its support. The organization then works to engage the appropriate local religious leaders who support drug policy alternatives to help educate the public and to encourage other religious leaders to join the campaign. In this way, IDPI helps reframe the debate by showing drug policy reform as a morally sound position grounded in the core religious values of mercy, justice, and compassion.

IDPI has received support from the Drug Policy Alliance's Advocacy Grants Program since 2005.

Description of the Project for Which Funding Is Sought:

The Interfaith Drug Policy Initiative requests general support for two years.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's and International Harm Reduction Development Program's shared interest in developing and enriching the drug policy reform debate by engaging people of faith and faith organizations to recast drug policy reform as a morally sound position grounded in the core religious values of mercy, justice, and compassion and to press the public health benefits nationally of lifting the ban on needle exchange.

Historically, major social justice movements in the United States have made large strides when religious groups joined them. The drug policy reform movement will also benefit from the leadership of people and communities of faith who believe and effectively communicate to their constituents that the Drug War, at its core, is a misguided morality crusade. IDPI's work is crucial to showing that the Drug War presents moral problems and is inconsistent with the values of mercy, justice, and compassion shared by all of the world's major religions. Since 2003, IDPI has influenced five denominations' official drug policy positions and persuaded more than 500 clergy to speak out on timely issues. It also developed an 18-session curriculum to educate teens on the principles of harm reduction that over a dozen Unitarian congregations have implemented.

Through its leadership in public education, community mobilization, and advocacy the Interfaith Drug Policy Initiative has played an important role in bringing people and organizations of faith into the national discussion about drug policy reform. IDPI continues to generate and utilize religious support for allowing the medical use of marijuana; repealing mandatory minimum sentences; restoring financial aid to students with drug convictions; allowing injection drug users to access clean needles and other harm-reduction measures; and replacing marijuana prohibition with reasonable regulations. It has succeeded in getting several national religious organizations³ to adopt supportive positions on these issues. IDPI continues to solicit their support and active participation when these issues are most timely through its routine contact with bishops, clergy,

³ National religious groups that IDPI has succeeded in supporting its positions on one or more of these goals include: the National Council of Churches, the U.S. Conference of Catholic Bishops, the United Methodist Church, all four major black Baptist denominations, the Episcopal Church, the Evangelical Lutheran Church in America, the Presbyterian Church USA, the Union for Reform Judaism, the United Church of Christ, the Church of the Brethren Witness, the Unitarian Universalist Association, and Chuck Colson's conservative Prison Fellowship Ministries, among others.

and other influential people from the supportive denominations to ask them to speak out in conjunction with its colleagues' media campaigns in targeted states.

Over the past year, IDPI supported national advocacy for needle exchange and sentencing reform with public education and outreach to and supports for religious leaders and organizations to come out in favor of reforms. IDPI is currently preparing to launch a renewed public education and outreach effort in coming months to enrich the debate around needle exchange. Last summer, IDPI also provided support to national advocates by engaging more than 50 clergypersons to speak out on in favor of medical marijuana. IDPI also organized in-person meetings with local advocates and clergy in Washington, D.C. to help advance harm reduction policy goals in the nation's capital, and supported advocates in Illinois, Minnesota, Michigan, and Massachusetts with public education on medical marijuana, generating the active, ongoing participation of nearly 200 clergy in these efforts.

For these reasons, Criminal Justice Fund and International Harm Reduction Development Program staff jointly recommend general support to the Interfaith Drug Policy Initiative in the amount of \$90,000 over two years.

Name of Organization: Protestants for the Common Good

Tax Status: 501(c)(3) public charity

Purpose of Grant: To organize and mobilize religious denominations, congregations, faith-based advocacy groups, and individual people of faith to promote reasonable alternatives to the “war on drugs”

FPOS Grant Description: To provide \$50,000 project support grant over one year to Protestants for the Common Good (PCG) to educate people of faith in Illinois about and mobilize them to promote treatment, and other non-punitive measures for drug policies in Illinois. OSI funding will enable PCG to conduct outreach to congregations.

Previous OSI Support: \$10,000 (Independence of the Judiciary Program-2002)

Organizational Budget: \$418,750

Project Budget: \$194,600

Sources of Support: \$52,400 Individual Contributions; \$23,200 Contributions from Churches; \$18,1200 Board Contributions

Amount Requested: \$100,000

Amount Recommended: \$100,000
(\$50,000 USP Drug Policy Reform budget, T1: 21031)
(\$50,000 IHRD Drug Policy Reform budget, T1: 14880)

Term: 2 years

Matching Requirements: None

Description of Organization:

Founded in 1995, Protestants for the Common Good (PCG) is a network of progressive clergy and lay leaders in Illinois that encourages individuals of faith to relate their beliefs to public issues. Formed out of a concern that organizations from the Christian political right, such as the Christian Coalition, portray themselves as speaking on behalf of all Protestant Christians on a wide range of public issues, PCG seeks to bring an informed and alternative Protestant voice to public life and to offer educational resources and advocacy opportunities to people of faith on matters of public policy. PCG believes in the principle of preserving a democratic governmental process in which all people are equal and free to pursue freedom of religion, speech, assembly, and enjoy due process and equal protection of the laws. In “advancing justice in public life,” PCG advocates for: opportunities for work sufficient to a secure and productive life; safe and stable physical and social environment; health care; psychological well-being; public education; and communities of mutuality and diversity. In its 13-year history, PCG has developed a constituency base of individuals and congregations throughout Illinois, including more than 400 churches across different denominations in cities and suburbs.

In 2002, OSI awarded Protestants for the Common Good a project grant to support the Illinois *Justice at Stake* Campaign. PCG has received funding through the Drug Policy Alliance's Advocacy Grants Program since 2008.

Description of the Project for Which Funding Is Sought:

Protestants for the Common Good requests project funding over two years to organize and mobilize religious denominations, congregations, faith-based advocacy groups, and individual people of faith to promote reasonable alternatives to the "war on drugs." Specifically, OSI funding will enable PCG to engage people and organizations of faith in the following efforts:

Network Building. In its work on other public policy issues, PCG has developed faith contacts that will provide a starting point for expanding its network of supporters for drug policy reform. PCG will recruit additional clergy and lay leaders in congregations in Illinois and convene trainings that disseminate advocacy tools and strategies for decriminalizing low levels of marijuana possession; legalizing marijuana as a means to relieve pain of people with AIDS, cancer, multiple sclerosis, epilepsy, and other debilitating diseases; and diverting people with non-violent drug possession convictions from incarceration to appropriate community-based substance education and treatment programs. PCG will also conduct targeted outreach to faith leaders who have already expressed commitment to drug policy reform in Illinois but have not yet mobilized into an effective advocacy network. PCG will convene meetings with IDPI clergy, PCG network members, and local officials.

Education Forums. PCG will conduct informational forums in at least 10 to 12 congregations during the winter and early spring, using a combination of its educational resources and programs, such as: 1) materials from PCG's drug reform conference in June 2009; 2) speakers' bureau "When Mercy Seasons Justice," composed of personal, individual testimonies concerning the need for changes in drug policy; and 3) Academy for the Common Good, a training for individuals to engage public issues from a faith perspective, including curriculum on criminal justice issues, and leadership, communication, and advocacy skills.

Media Campaign. PCG will continue to seek out editorial boards of print media, focus on religious editors, and develop and place letters and opinion editorials in local newspapers. PCG will also reach out to radio listeners through the Public News Service, religious talk shows and African American stations. One issue of *The Common Good Network* (TCGN), PCG's bi-weekly magazine of information, opinion, and resources relating faith to public life, will be dedicated to drug policy reform. PCG will also continue to distribute past issues of *The Common Good* (PCG's bi-monthly member journal) that provide critical reflection on criminal justice and drug policy.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's and International Harm Reduction Development Program's shared interest in developing and enriching the drug policy reform debate by engaging people of faith and faith organizations to recast drug policy reform as a morally sound position grounded in the core religious values of mercy, justice, and compassion.

Over the past 30 years, the misguided "war on drugs" has created a prison nation. In Illinois, 45,000 people are in prison on a given day, about one-third of who are serving time for drug-related charges, at an annual cost of \$1.4 billion to Illinois taxpayers. In 2000, Human Rights

Watch found that Illinois ranked first in the country with respect to racial disparities in prison sentences for drug crimes. Illinois does not have a group that provides a leadership voice across the broad spectrum of possible reforms in drug policy. There are local organizations working in reentry and drug policy issues, including Metropolis 2020 and the Safer Foundation, but neither group sees itself as building a statewide network of advocates. National organizations such as the Sentencing Project and the Marijuana Policy Project have chapters in Illinois but do not have the organizing capacity of an organization such as PCG based within the state. With broad agendas that cover democracy, economic justice, public education, healthcare, environment, and criminal justice, PCG has a wide-ranging network of constituents across Illinois as potential advocates to mobilize for drug policy reform.

With staff expertise in criminal justice issues and demonstrated ability to work effectively in coalition with other groups toward reform, PCG is well-positioned to leverage support from the faith and secular community for drug policy reform. Walter Boyd, PCG's Director of Criminal Justice Programs, has served as a member of the Governor's Public Safety Working Group and the Chicago Mayor's Policy Caucus on Ex-Offender Re-Entry. He is currently a member of the Illinois Disproportionate Justice impact Study Commission, established by the state legislature in 2009 to study the impact of Illinois drug laws on minority communities. Much of PCG's educational and outreach work is conducted with faith groups such as the Community Renewal Society, the Jewish Council on Urban Affairs, and Protestant denominational bodies. PCG also collaborates with other secular organizations, including Sargent Shriver National Center on Poverty Law, Developing Justice Coalition, Business and Professional People in the Public Interest, Interfaith Open Communities, and Chicago Coalition for the Homeless.

Faith leaders have unique influence in their congregations in reframing issues of public debate, particularly on subject matters that draw emotional reactions and moral concerns. We are heartened by PCG's consistent focus on justice and equality in its educational materials on various public policy topics. In particular, we agree with PCG's assessment that drug use is a public health challenge that does not need a punitive response.

For these reasons, Criminal Justice Fund and International Harm Reduction Development Program staff jointly recommend project support to Protestants for the Common Good in the amount of \$100,000 over two years.

Name of Organization: Innocence Project of New Orleans
(as fiscal sponsor for Voice Of The Ex-offender)

Tax Status: 501(c)(3) public charity

Purpose of Grant: To conduct public education and to organize and mobilize people with criminal records around their right to vote, greater participation in the 2010 Census, and unreasonable barriers to reentry in New Orleans

FPOS Grant Description: To provide \$100,000 project support grant over one year to Voice Of The Ex-offender (VOTE) to conduct public education and to organize and mobilize people with criminal records around their right to vote, for greater participation in the 2010 Census, and to address unreasonable barriers to reentry in New Orleans.

Previous OSI Support: None

Organizational Budget: \$290,961

Project Budget: \$290,961

Sources of Support: \$90,000 Safe Streets/Strong Communities; \$50,000 Ford Foundation; \$40,000 Individual Contributions; \$25,000 Gulf Coast Fund; \$15,800 Baptist Community Ministries; \$5,000 Twenty First Century Foundation

Amount Requested: \$100,000

Amount Recommended: \$100,000
(\$60,000 Criminal Justice Reentry Fund, T1: 24013)
(\$40,000 Democracy and Power Fund, T1: 21091)

Term: 2 years

Matching Requirements: None

Description of Organization:

Founded in 2003 by Soros Justice Fellow Norris Henderson, Voice Of The Ex-offender (VOTE) is a grassroots, membership-based organization in New Orleans dedicated to ending the disenfranchisement of and discrimination against formerly incarcerated people. Through leadership development, community education, voter mobilization, and expungement clinics, VOTE builds the political power of people most impacted by the criminal justice system. Founded on the principle that those who are most vulnerable and most impacted must have power in order to transform the systems that oppress their communities, VOTE strives to ensure that people directly affected by criminal justice policies are at the forefront of criminal justice reform.

VOTE is awaiting its 501(c)(3) tax status determination. As a result, the Innocence Project of New Orleans (IPNO) has agreed to serve as fiscal agent for this grant. IPNO represents innocent

people serving life sentences in Louisiana and Mississippi, and assists them with their transition upon their release. By identifying and remedying cases and causes of wrongful conviction, IPNO engages in high impact, frontline advocacy in the courts of law and public opinion, and leads a community-based response to the mistakes made by our criminal justice system. Since its inception in 2000, IPNO has achieved the release of fifteen wrongfully convicted people. Because IPNO has a close and strong relationship with VOTE, and has earned the respect of and criminal justice advocates, we believe this is a good fit and are confident in IPNO's ability to serve as fiscal agent.

Description of the Project for Which Funding Is Sought:

Voice Of The Ex-offender requests project funding to conduct public education and to organize and mobilize people with criminal records around their right to vote, for greater participation in the 2010 Census, and to address unreasonable barriers to reentry in New Orleans. Specifically, OSI funding will support the organization's *Voter Registration and Community Education Initiative; Census Project, Leadership Development Training and Neighborhood Canvassing; Paralegal and Research Training Project; and Expungement Clinic*, including:

Voter Registration and Community Education Initiative. VOTE will conduct community education and voting registration drives in five to seven different neighborhoods in New Orleans. While the priority target audience will be people with criminal records, the events will also register a broader range of community members and educate the public about voting rights for people with prior criminal convictions. The events will also serve as an outreach mechanism for VOTE to build its membership base and gauge levels of interest and capacity for organizing neighborhood groups. To help community members make informed voting decisions in the fall elections for mayor, city council, sheriff, and other positions, VOTE will host public forums that enable the public to submit questions and concerns to candidates for public office.

Census Project. VOTE is partnering with local and national organizations who are leading the effort to ensure that marginalized communities understand what is at stake in the 2010 Census and to increase their participation in the Census. This effort includes holding public education events to instruct residents on how to fill out Census forms, addressing community fears of government surveillance, increasing community access to Census jobs, and involving community members in the leadership of the Census Bureau's "Complete Count Committees."

Expungement Clinic. Through its relationship with Safe Streets/Strong Communities, Orleans Public Defenders, and Critical Resistance New Orleans, VOTE will assist formerly incarcerated people expunge their criminal records in order to better access employment, education, and housing. VOTE will compile the demographic data and release a report about unreasonable barriers to employment faced by people with criminal records. The report will be an educational tool to show the public and criminal court judges the importance of expungement.

Leadership Development Training and Neighborhood Canvassing. To develop leadership capacity and civic participation in New Orleans, VOTE will provide training on public policy and criminal justice research to 10 to 20 people with criminal records. VOTE will conduct organizing training sessions for interested community members, and, from this program, will hire two organizers to lead the Neighborhood Canvassing Campaign, which will conduct community surveys to gather information on voting patterns and issues of concern from residents and assess community interest in attending meetings with elected officials. To support its New Orleans Expungement Clinic, VOTE will also train 15 to 20 people with criminal records to be paralegals.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by challenging unreasonable barriers to reentry and ending discriminatory policies and practices faced by people with criminal records. This grant would also advance the Democracy and Power Fund's goal of expanding public participation through grassroots organizing, coalition building, and civic engagement in order to build power for those who do not currently have it. If successful, VOTE's innovative model may be replicable in other states and could enhance Democracy and Power Fund's strategy to build power in the states.

People with criminal records face innumerable barriers to reentry, particularly in Louisiana, where people with criminal justice involvement are barred from over 70 different forms of professional licensure including those required for barbers, electricians, and stevedores, regardless of the nature of the crime of conviction. Reentry barriers are not limited to gainful employment but also extend to inhibiting access to financial aid and housing, and to civic participation through *de jure* and *de facto* voting disenfranchisement. In Louisiana, people released from DOC supervision regain their right to vote, but many people do not know of this right. These obstacles combine to make it difficult for people with criminal records to provide for themselves and their families in productive and safe ways. VOTE's goals and strategies reflect our belief in the importance of engaging marginalized individuals and communities in efforts to reform the policies and practices that most directly affect them. People with criminal records are an important potential constituency in New Orleans. Since 1980, more than 272,000 people have left the Louisiana state correctional system. In the last five years, more than 75,500 people have been released,⁴ two-thirds of whom return to the New Orleans metropolitan area. Many formerly incarcerated people have important knowledge about the legal system and public safety issues through their own first-hand experience. Through VOTE's community education programs, organizing, legal training program, and neighborhood canvassing committees, the community of formerly incarcerated people in New Orleans has the potential to transform the criminal justice system into one that is focused on true public safety and ensures the growth and development of self-determined communities.

Despite being a small, volunteer-led organization for the past six years, VOTE has achieved great victories, including registering hundreds of voters and educating the public about the collateral consequences that inhibit successful reentry. In 2004, VOTE hosted the only conference on felony disenfranchisement in the history of Louisiana. Last year, VOTE was able to encourage Criminal District Court judges to grant continuances to pre-trial detainees so that the detainees—many of whom were first time voters—could exercise their right to vote in the 2008 presidential election. Now with three full time staff, including Rosana Cruz, formerly Co-Director of CJF grantee Safe Streets/Strong Communities, VOTE is poised to expand its impact in promoting civic engagement and base-building in communities directly impacted by the criminal justice system.

We are encouraged by the leadership of VOTE's founder and executive director Norris Henderson, who was the Co-Director of Safe Streets/Strong Communities. Wrongfully incarcerated for 27 years, Norris shares first hand experience of the racism and brutality of the criminal justice system with communities of color across New Orleans. A self-taught paralegal, advocate, and organizer, during his 27 years in prison, he is clear that only by working together can communities of color protect themselves from one of the most brutal criminal justice systems

⁴ Admissions/Releases Comparison FY 79/80-Current. Louisiana Department of Public Safety and Corrections, September 30, 2008.

in the country and rebuild a diverse New Orleans rich in culture and community. Norris has also built bridges with other communities of color, regularly speaking publicly in support of immigrant workers rights, and acting as a general liaison to other community organizations in the city. Moreover, Norris has become an increasingly important and respected advocate in justice policy circles in New Orleans, Louisiana, and nationally.

For these reasons, the Criminal Justice Fund and the Democracy and Power Fund jointly recommend project support to Innocence Project of New Orleans as fiscal sponsor for Voice Of The Ex-offender in the amount of \$100,000 over two years.

Name of Organization: The Constitution Project

Tax Status: 501(c)(3)

Purpose of Grant: To launch *The Clearinghouse for New Voices on the Death Penalty*, a national network of influential and unlikely spokespersons to which allies can turn for critical assistance with specific death penalty reform, moratoria and abolition campaigns and litigation support.

FPOS Grant Description: To provide \$150,000 project support over two years to The Constitution Project to launch *The Clearinghouse for New Voices on the Death Penalty*, a national network of influential and unlikely spokespersons to which allies can turn for critical assistance with specific death penalty reform, moratoria and abolition campaigns and litigation support. OSI funding will enable The Constitution Project to: 1) engage in proactive research to identify unlikely allies for death penalty reform and abolition; 2) respond to requests for emergency and long-term assistance from the Constitution Project's partners; 3) conduct national and community conferences and forums that involve and feature new and unlikely allies; 4) produce and disseminate publications to promote the public policy solutions offered by these new voices; and 5) create a Clearinghouse page on the Constitution Project's Web site.

Previous OSI Support: \$147,960 Gideon Fund 2008; \$100,000 National Security and Human Rights Campaign 2008; \$50,000 Gideon Project 2008; \$100,000 US Programs General Grantmaking 2007; \$49,517.56 Independence of the Judiciary 2006; \$20,000 Strategic Opportunities Fund 2006; \$100,000 US Programs General Grantmaking 2003; \$130,000 Independence of the Judiciary 2003; \$50,000 US Programs General Grantmaking 2003; \$90,000 Independence of the Judiciary 2002; \$75,000 US Programs General Grantmaking 2002; 40,000 US Programs General Grantmaking 2002; \$30,000 US Programs General Grantmaking 2002; \$50,000 Gideon Project 2002; \$50,000 Gideon Project 2001; \$100,000 Gideon Project 2000.

Organizational Budget: \$923,400

Project Budget: \$350,000

Sources of Support: NA

Amount Requested: \$150,000

Amount Recommended: \$150,000 (T1: 24027)

Term: 2 years (November 2009 – October 2011)

Matching Requirements: None

Description of Organization:

Founded in 1997, the Constitution Project is an independent bipartisan think tank based in Washington, D.C., whose mission is to advance institutional and systemic change at all levels of society, fight against diminishing governmental transparency and accountability, promote human rights, and advocate for the rule of law through reforms to our criminal justice system. The Constitution Project utilizes a range of strategies including policy analysis, the publication of reports, media outreach, public education, and the submission of *amicus curiae* briefs.

With a staff of six full-time employees, the Constitution Project conducts much of its work with the assistance of bipartisan committees composed of influential policymakers and experts working in coalition with allied organizations and individuals. While the Constitution Project shares many policy goals with other progressive organizations around the country, it is distinguished by its ability to recruit unlikely allies and work with them to develop consensus-based recommendations.

Description of the Project for Which Funding Is Sought:

The Constitution Project proposes to create a Clearinghouse for New Voices on the Death Penalty to influence the debate over capital punishment in key states around the country. The Clearinghouse will consist of a national database of unlikely allies in support of death penalty reform or abolition. The Constitution Project will create the national database and use it to respond to emergency requests, facilitate connections and coordinate interactions with attorneys, activist organizations, and politicians nationwide. The long-term objective of the Clearinghouse is to work with allies in the Campaign to Abolish the Death Penalty by 2025 to create the political pressure that will make it possible for each state to abolish the death penalty by that time period. The intermediate objectives of the Clearinghouse are to identify, recruit, sustain and deploy the unlikely allies who will create this political pressure. The Constitution Project will collaborate with these new voices and manage their involvement in specific efforts to reform, restrict or repeal the death penalty. The Constitution Project will also work to influence litigation and litigation-related decisions by promoting the voices of the unlikely allies in *amicus* briefs, and in support of clemency campaigns and stays of execution.

The Clearinghouse coordinator will conduct personal outreach with prospective influential allies, sustain existing unlikely allies by providing timely and relevant information, facilitate relationships with other high-impact change agents, generate speaking engagements and media interviews, and coordinate interaction with attorneys, activist organizations, and politicians at the federal, state, and national levels. To accomplish these goals and objectives, the Clearinghouse staff will undertake the following activities: 1) engage in proactive research to identify unlikely allies for death penalty reform and abolition; 2) respond to requests for emergency and long-term assistance from the Constitution Project's partners; 3) conduct national and community conferences and forums that involve and feature new and unlikely allies; 4) produce and disseminate publications to promote the public policy solutions offered by these new voices; and 5) create a Clearinghouse page on the Constitution Project's Web site.

By engaging unlikely allies to speak out in favor of abolition, moratoria and reform of the death penalty, the CP expects to achieve several positive outcomes: 1) demonstrate that support for the death penalty abolition and reform is broad-based and bipartisan; 2) persuade judges to rule in favor of inmates challenging unjust convictions and death sentences; 3) encourage governors, pardon and parole boards, and others with similar authority, to grant clemency, stay executions; 4) confront and rebut allegations that supporters of abolition and reform are "soft on crime;" and 5) provide political cover for policymakers.

Rationale for Recommendation:

This grant supports the CJF's goal of eliminating harsh punishment. It also furthers the goals of the Campaign to End the Death Penalty by 2025, a nationally coordinated effort spearheaded by OSI's leadership.

Now is the time to implement the strategies of the Clearinghouse for New Voices on the Death Penalty. The practice, politics, and public perception of the death penalty, and the criminal justice system itself, are all undergoing a gradual transformation in the United States. On both the state and federal levels, significant reforms are occurring or being seriously considered. New Jersey and New Mexico recently abolished the death penalty. Other states have come close to repeal, and still others have enacted significant restrictions.

The community of advocates has also evolved from a marginalized movement of passionate but isolated religious and human rights activists into a mainstream coalition that includes criminologists, economists, law enforcement officers, judges, penal authorities, politicians of all persuasions, prosecutors, and victim advocates. Republicans and conservatives, who too often attacked reformers and their political allies as "soft on crime," now often support the same reforms they once opposed. Missouri's Republican House Majority Leader, for example, favors a commutation of a pending death sentence as well as a death penalty study commission proposed by a Republican colleague.

The emergence of influential but unlikely allies, such as law enforcement officials, traditionally conservative political figures and murder victims' family members, working along with traditional death penalty abolitionists and reformers, has been instrumental in efforts leading to reform and reshaping the national discourse. The recent abolition of capital punishment in New Mexico is one example of how unlikely allies have influenced the debate about capital punishment. Over the years, the Constitution Project has responded to the requests of a variety of allies working for abolition, moratoria and reform in states including Arkansas, California, Florida, Illinois, New Jersey, New York, Maryland, Missouri, Montana, New Mexico, Nebraska, North Carolina, Pennsylvania, and Texas. In the Troy Davis case, for example, Constitution Project Death Penalty Committee Members William S. Sessions, a former FBI director and federal judge, and Samuel Millsap, a former Texas prosecutor, sent letters to Troy Davis's prosecutor asking for a stay of execution. They sent a similar letter to the governor urging commutation.

Working to advance the voices of unlikely allies in support of death penalty reform requires strategizing with lawyers, communications experts, and advocates about what kinds of voices would be most persuasive in the particular circumstances, identifying and recruiting them, editing statements, op-eds and briefs, and otherwise managing their involvement, in collaboration with allies across the country. There is a compelling need to develop a systematic approach to involving influential individuals from diverse fields of expertise who are willing to collaborate in support of reform.

The recruiting and promoting of unlikely allies is understood to be a critical component for the success of a wide array of criminal justice reforms. Furthermore, the coalition of litigators, policy advocates, researchers, organizers and communications professionals working through the Campaign to Abolish the Death Penalty by 2025 to achieve abolition, consider the recruitment and promotion of these allies to be a critical component to achieve this goal.

There is a compelling need to continue to confront allegations that supporters of abolition and reform are “soft on crime.” These kinds of allegations are unfortunately still influential, and present a major challenge to death penalty reform and abolition goals. There is no doubt that the voices of law enforcement, judges, victims, and other unlikely allies have made enormous inroads and provided policymakers with needed cover to support the right policies, thus presenting enormous opportunities to achieve the goals of the Campaign to Abolish the Death Penalty by 2025.

Over the years, The Constitution Project has responded to the requests of a variety of allies working for abolition, moratoria, and reform in states including Arkansas, California, Florida, Illinois, New Jersey, New York, Maryland, Missouri, Montana, New Mexico, Nebraska, North Carolina, Pennsylvania, and Texas. The Constitution Project has also filed and organized *amicus* briefs in several death penalty cases. In 2009, The Constitution Project filed Supreme Court *amicus* briefs in the capital case of *Holmes v. Louisiana*, involving the issue of proportionality, and in *Harbison v. Bell*, challenging the lack of clemency proceedings in Tennessee. A grant from the Criminal Justice Fund would allow The Constitution Project to formalize and expand its work to recruit and engage unlikely allies in the movement for death penalty reform and abolition. For the above mentioned reasons, the Criminal Justice Fund recommends a grant of \$150,000 to The Constitution Project over two years.

Name of Organization: Death Penalty Focus

Tax Status: 501(c)(3)

Purpose of Grant: To provide general support

FPOS Grant Description: To provide \$175,000 general support over 27 months to Death Penalty Focus (DPF), one of the largest anti-death penalty organizations in the nation dedicated to the abolition of capital punishment through public education, grassroots and political organizing, original research, media outreach, local and statewide coalition building, and the education and mobilization of religious, legislative and other opinion leaders.

Previous OSI Support: None

Organizational Budget: \$563,700

Project Budget: NA

Sources of Support: Fundraising Events \$265,000; Major Gift \$65,000; Organization Gifts \$10,000; Membership Income \$52,000; Individual Donations \$52,500; \$30,000 Charlotte & Arthur Zitrin Foundation; \$25,000 Individual gift; \$20,000 Fund for Nonviolence; \$5,000 The Victor and Lorraine Honig Fund of the Common Counsel Foundation Product/Promotional Sales \$4,500; Interest Earned \$4,000

Amount Requested: \$175,000

Amount Recommended: \$175,000 (T1: 24027)

Term: 27 months (October 2009 – December 2011)

Matching Requirements: None

Description of Organization:

Founded in 1988, Death Penalty Focus (DPF) is one of the largest anti-death penalty advocacy organizations in the nation. The organization is dedicated to the abolition of capital punishment through public education, grassroots and political organizing, original research, media outreach, local and statewide coalition building, and the education and mobilization of religious, legislative, civic and other opinion leaders. DPF has more than 25,000 members and supporters, the majority of whom are from California. The organization has three full-time and one part-time management staff, four part-time dedicated program staff and a 33-member board of directors. Over its 21 year history, DPF has grown significantly, substantially expanding its membership base and advocacy work. DPF has also developed and continues to maintain 10 local chapters throughout the state, involving hundreds of volunteers who conduct various public education and community organizing activities year round within their communities, which include the areas of Sacramento, San Diego, San Francisco, Fresno, San Luis Obispo, Santa Barbara, Marin, Inland Valley, Napa, and Los Angeles.

To accomplish its mission, DPF initiates and manages year-round a variety of advocacy and public education projects including: the Law Enforcement Outreach Project, the Clergy and Faith Community Mobilization Project, California Crime Victims for Alternatives to the Death Penalty, the International Outreach and Communications Project, an active speakers bureau, participation in four local county community organizing coalitions (Alameda, Santa Clara, Los Angeles, and San Diego), and the mobilization of its supporters for strategic action.

Description of the Project for Which Funding Is Sought:

DPF seeks general support in the amount of \$175,000 over 27 months.

Rationale for Recommendation:

This grant supports the Criminal Justice Fund's goal of eliminating harsh punishment. It also furthers the goals of the Campaign to End the Death Penalty by 2025, a nationally coordinated effort spearheaded by OSI's leadership.

California represents a critical battleground in the national effort to end the death penalty. It is the largest state in the country and a state with significant influence on national trends. California has the largest death row of any state by far, with 683 people currently awaiting execution. More than 20 percent of the people on death row in the United States are in California prisons. Moreover, California continues to send more people to death row each year than any other state, averaging about 20 death sentences a year. In the first six months of 2009, three California counties in Southern California (Los Angeles, Orange, and Riverside) sentenced more people to death than the entire state of Texas did in 2008.

Despite these challenges, California remains ripe for significant change with regard to the death penalty. The state has executed only 13 people since the death penalty was reinstated in 1977. Executions currently remain on hold as a result of legal challenges to lethal injection. In June 2008, the bi-partisan California Commission on the Fair Administration of Justice (CCFAJ) published its comprehensive analysis of the state's death penalty system. The CCFAJ determined it takes an average of 25 years for death penalty cases to move through the mandatory court review process. The primary cause of these delays is the lack of attorneys willing to take capital cases and the dearth of court staff to review them. The poor quality of representation in death penalty cases presents another problem. The federal district courts in California, and the 9th Circuit, currently reverse two out of three death penalty cases because of the poor performance of the attorneys. Even death penalty supporters recognize that the California system is, in the words of California Chief Justice Ronald M. George, dysfunctional.

The CCFAJ also noted the excessive cost of death sentencing. It currently costs \$137 million annually to administer the death penalty in California above and beyond the cost of permanent imprisonment. If everyone on death row were sentenced to permanent imprisonment, the net savings would be at least \$125 million every year. Factoring in the cost of constructing a new death row, California is on track to spend \$1 billion on the death penalty in the next five years.

DPF is perfectly positioned to capitalize on the momentum created by the CCFAJ's report to bring greater public attention to the flaws in California's death penalty and to press for reforms. The state's unprecedented fiscal crisis makes this opportunity even more compelling. In light of the deep cuts to public services, it is more and more difficult to ignore the financial burden of death sentencing. This is especially true on the local level, where policy makers are faced with the

possibility of laying off prosecutors and police.

2010 promises to be a critical year in DPF's campaign efforts. Of the state's 58 District Attorneys, 56 will be up for re-election in 2010. In addition, all statewide offices are on the ballot next year and the leading Democratic candidates for Governor and Attorney General oppose the death penalty. The state is also pressing forward with its effort to reinstate executions, making it highly likely that further court battles over lethal injection will ensue next year and further media attention will be focused on the death penalty. It is widely believed that the state's fiscal crisis will only worsen in the next 12 months, making the economic arguments against the death penalty even more compelling.

For all of these reasons, it is more critical than ever to mobilize the victims' family member community, law enforcement and public safety officials and religious leaders to speak out and educate capital litigators, potential jurors and the public at large about the extreme flaws and failures in California's death penalty system. Victims' family members and law enforcement officials especially can explain first-hand how the current system consistently fails victims as well as the larger community.

Over the past two years, DPF has worked to expand its core programs in these three areas including: The Clergy and Faith Community Mobilization Project, The Law Enforcement Outreach project (LEO), and California Crime Victims for Alternatives to the Death Penalty (CCV). These three programs are integral to DPF's county-based organizing strategy to reduce death sentencing by providing speakers for local events that engage in discussions of the death penalty and California's criminal justice system, generating local media coverage, developing an activist base for four local county coalitions and conducting a variety of other community organizing activities.

As a long-term goal, DPF aims to replace the death penalty with life without parole, thus legally ending the death penalty in California. In order to achieve this goal, DPF has three short-term objectives: (1) reduce the number of death penalty cases charged and brought to trial; (2) shift public opinion by 10-15 percent, moving California voters toward supporting an alternative to the death penalty by organizing the family and friends of murder victims who are opposed to the death penalty, law enforcement officials and other public safety leaders, and the religious community; and (3) organize and grow a base of activists so that they can effectively mobilize in support of an initiative.

By focusing its efforts on key geographic regions, DPF aims to: 1) counter some of the challenges posed by the size and diversity of the state by concentrating its staff and resources in areas targeted for maximum impact; 2) reduce support for the death penalty in the counties that will prove critical to winning a referendum; and 3) achieve success in the short term by reducing use of the death penalty in the five counties responsible for 90 percent of the state's death sentences. DPF will work in coalition with the American Civil Liberties Union of Northern California (ACLU-NC), Murder Victims' Families for Reconciliation (MVFR), and other state and national criminal justice reform advocacy organizations to carry out this multifaceted, yet targeted strategy. DPF will leverage its longstanding relationships with local, state, and national organizations and leaders committed to abolition of the death penalty, in addition to mobilizing its large membership base, influential supporters and chapters in the identified regions.

Given DPF's strong organizational partnerships, established core programs, dedicated membership base, and solid strategic goals to end the death penalty in California, the Criminal Justice Fund recommends a general support grant in the amount of \$175,000 over 27 months.

Name of Organization: Michigan State University College of Law

Tax Status: 501(c)(3)

Purpose of Grant: To produce the rigorous litigation-ready study of the North Carolina capital punishment system that is a prerequisite to the full implementation of the landmark North Carolina Racial Justice Act of 2009.

FPOS Grant Description: To provide \$200,000 project support over one year to Michigan State University College of Law to produce the rigorous litigation-ready study of the North Carolina capital punishment system that is a prerequisite to the full implementation of the landmark North Carolina Racial Justice Act of 2009. The Act provides that in stating a claim to challenge a capital sentence a defendant may rely on statistical evidence of race of defendant discrimination, race of victim discrimination, or racial discrimination in jury selection. OSI funding will allow the research team to analyze all 307 cases in which a North Carolina court issued a death sentence since 1990, as well as each of the 449 cases in which the prosecution sought a death sentence but the jury issued a life sentence at a capital penalty trial. The research team will also examine an approximately equal number of murder cases in which the state could have sought the death penalty but chose not to do so.

Previous OSI Support: \$16,000 Migration Systems – Balkan State Trainings 1998

Organizational Budget: \$24,600,000

Project Budget: \$476,580

Sources of Support: \$100,000 Z. Smith Reynolds Foundation (requested); \$12,500 Impact Fund (forgiveable loan)

Amount Requested: \$200,000

Amount Recommended: \$200,000 (T1:24027)

Term: One year (September 2009 – August 2010)

Matching Requirements: None

Description of Organization:

Michigan State University College of Law is a private nonprofit institution of higher learning devoted exclusively to professional education in law. The North Carolina Racial Justice Act (NCRJA) Study Project is a discrete project undertaken without salary support by two members of the college faculty, Prof. Catherine M. Grosso and Dr. Barbara O'Brien. Prof. Richard Rosen of the University of North Carolina School of Law and Prof. David C. Baldus of the University of Iowa College of Law are also principal investigators on the project. The College of Law is

supporting the research project given Prof. Grosso's and Prof. O'Brien's background and expertise in the field.

Description of the Project for Which Funding Is Sought:

The purpose of the project is to develop and conduct a study of North Carolina's capital punishment system in order to provide the statistical evidence required to bring a legal claim under the North Carolina Racial Justice Act of 2009. The North Carolina General Assembly passed the Racial Justice Act of 2009 and Governor Bev Purdue signed it into law on August 11, 2009. The NCRJA provides that every person currently sentenced to death in North Carolina and any person facing a future death sentence "may seek relief . . . upon the ground that racial consideration played a significant part in the decision to seek or impose the sentence of death." If race is a significant factor, the court must convert the death sentence to a life sentence or order that death not be sought. The NCJRA authorizes a defendant to bring a claim based on statistical evidence of discrimination based on the race of defendant or victim or discrimination in jury selection. This project relies upon established and well-tested methodologies. Prof. David Baldus and his colleagues first used the methodology proposed for this study in a capital punishment study in Georgia that was litigated in *McCleskey v. Kemp* (U.S. 1987). Scholars have applied this approach in studies in at least eight other jurisdictions. Each new study allows scholars to refine the methodology.⁵

The NCRJA provides that in stating a claim a defendant may rely on statistical evidence of race of defendant discrimination, race of victim discrimination, or racial discrimination in jury selection. This provision directly confronts the legacy of *McCleskey v. Kemp* (1987), a case some have described as the *Plessy v. Ferguson* (1896) of this era. *McCleskey* foreclosed the possibility of meaningful analysis of the role of race in death penalty systems by denying claimants the possibility of bringing claims based on rigorous, well-supported statistical analyses, the same kind of analyses that regularly support employment discrimination claims, instead requiring defendants to prove intentional discrimination. This left defendants in search of the ever-elusive smoking gun.

In order to attain the benefits of North Carolina's groundbreaking law it is necessary to conduct and complete a study of the North Carolina death penalty system that can evaluate the role of race. For the current population of death row, this requirement is urgent. The act requires that any claim by a person currently under a death sentence file a claim under the act no later than one year from August 11, 2009, the date the act was signed into law. The ability of these individuals to state a successful claim depends upon the timely completion of a litigation-ready study of the role of race in North Carolina's capital punishment system.

An earlier statewide study by Dean Jack Boger and Professor Isaac Unah covers some of the required ground and provides an important foundation on which to build. Unfortunately, however, this study analyzes only the years 1993 to 1997. Cases of individuals currently under a death sentence span a much longer period. The current study will fill this gap in a manner that is responsive to the requirements and possibilities of the NCRJA.

The study will analyze all 307 cases in which a North Carolina court issued a death sentence since 1990, as well as each of the 449 cases in which the prosecution sought a death sentence but the jury issued a life sentence at a capital penalty trial. These cases are distributed in all but a few

⁵ For details on this methodology, please see *Empirical Studies of Race and Geographic Discrimination in the Administration of the Death Penalty: A Primer on the Key Methodological Issues*, by David Baldus, George Woodworth, Neil Alan Weiner, David Zuckerman, and Catherine M. Grosso in *THE FUTURE OF AMERICA'S DEATH PENALTY: AN AGENDA FOR THE NEXT GENERATION OF CAPITAL PUNISHMENT RESEARCH* (Carolina Acad. Press 2009).

of North Carolina's 100 counties. In order to analyze the decision to prosecute a case capitally, the study will also examine an approximately equal number of murders in which the state could have sought a death sentence, but chose not to do so. These 750 cases will be selected randomly from each of the North Carolina Superior Court districts and relevant time periods, so as to maximize the potential analysis.

The study design follows that of the data-intensive study conducted in Georgia and litigated in *McCleskey v. Kemp*. The project team selected this approach because its design most precisely analyzes the role of race in a particular jurisdiction and is most likely to survive rigorous questioning in litigation. This approach requires extensive data collection and coding, thereby requiring the expertise of specialists, a project manager, and the training of support staff including data collection and coding staff attorneys, data entry staff, data specialists, statisticians, and IT support. All paid project staff are attorneys. Volunteers will work exclusively on data collection.

Rationale for Recommendation:

This grant supports the Criminal Justice Fund's goals of eliminating harsh punishment and eliminating racial disparities and securing a fair and equitable system of justice. It also furthers the goals of the Campaign to End the Death Penalty by 2025, a nationally coordinated effort spearheaded by OSI's leadership.

The NCRJA creates the possibility of an evidence-based dialogue about the role that race plays in the North Carolina death penalty system by authorizing defendants to rely on the best and only proof of discrimination that is typically available. As such, this act provides an avenue of relief for the 162 individual defendants currently on death row and an avenue to address candidly and honestly the role of race in one part of North Carolina's criminal justice system.

The NCRJA study provides a groundbreaking opportunity. The only other state to enact a law addressing the role of race in capital punishment is Kentucky, and its measure has had very little impact for a number of reasons. The Kentucky law is limited to challenges to prosecutorial charging decisions only, compared to broader challenges allowed under the NCRJA, and it imposes on claimants a very heavy burden of proof requiring "clear and convincing evidence" that "race was the basis of the decision to seek" a death sentence in the defendant's case. Unlike North Carolina's law, the Kentucky law limits proof to evidence from the defendant's county only, while North Carolina allows proof to be used from the district, country or state. Discovery is also limited under Kentucky's law. These limitations explain why no relief has been given on a single claim in Kentucky. North Carolina's law will also have a broader impact since it allows challenges using statistical evidence of discrimination based on the race of defendant *or* victim *or* discrimination in jury selection. The NCRJA has the potential to serve as a model for other jurisdictions to enact.

The study team is led by the country's most well-respected and experienced experts in the field. Prof. Catherine Grosso has participated in three empirical studies of death penalty charging and sentencing systems and one study of the use of peremptory challenges in capital cases. She has published four articles in this area. Prof. Grosso also has been a member of the legal team representing Vernon Evans in his capital post-conviction proceedings in Maryland. Prof. David Baldus of the University of Iowa serves as a key consultant on this project. Prof. Baldus developed this methodology in the context of capital punishment and remains the leading scholar in the field.

The project team is working closely with the Durham-based Center for Death Penalty litigation. CDPL provides direct representation to death-sentenced inmates in North Carolina. The North Carolina Coalition for Moratorium, University of North Carolina School of Law, North Carolina

Prisoner Legal Services, Reprieve (US), the Impact Fund, and the North Carolina Appellate Defenders Office have expressed clear support for the research project.

For the above mentioned reasons, the Criminal Justice Fund recommends a project support grant in the amount of \$200,000 to Michigan State University College of Law to complete a litigation-ready study of the North Carolina capital punishment system.

Name of Organization: University of Texas at Austin

Tax Status: 501(c)(3)

Purpose of Grant: To implement Defense-Initiated Victim Outreach (DIVO) in the 250 capital-eligible cases that are prosecuted annually in Texas, making the service available to victim-survivors with the goal of reducing death sentences and creating a model program that can be replicated in other jurisdictions.

FPOS Grant Description: To provide \$170,000 in project support over two years to the Institute for Restorative Justice and Restorative Dialogue (IRJRD) at the University of Texas at Austin to implement Defense-Initiated Victim Outreach (DIVO) in the 250 capital-eligible cases that are prosecuted annually in Texas, making the service available to victim-survivors with the goal of reducing death sentences and creating a model program that can be replicated in other jurisdictions. OSI funding will enable IRJRD to: 1) recruit and train Victim Outreach Specialists (VOS) to facilitate contact with defense teams and meet the needs of victim survivors; 2) provide strategic advise to support VOS outreach to victims; 3) educate criminal justice stakeholders about the benefits of VOS involvement in capital eligible cases; and 4) collaborate with prosecution-based victim advocates to understand the victim survivors' needs.

Previous OSI Support: \$1,970 Burma General Program Grants 1999

Organizational Budget: \$202,916

Project Budget: \$176,000

Amount Requested: \$170,000

Amount Recommended: \$170,000 (T1: 24027)

Term: Two years (January 2010 – December 2011)

Matching Requirements: None

Description of Organization:

The Institute for Restorative Justice and Restorative Dialogue (IRJRD) was founded in May 2008 and is housed in the Center for Social Work Research at the School of Social Work at The University of Texas at Austin. IRJRD's mission is to advance meaningful accountability, victim healing and community safety through the use of restorative solutions to identify and repair the harm related to conflict, crime and victimization. Recently it has focused on the implementation of Defense-Initiated Victim Outreach (DIVO) in capital cases, an effort to facilitate access between victim-survivors and capital defense teams. DIVO was established in 2009 with United States Department of Justice, Bureau of Justice Assistance grants, one of which was awarded to Georgia State University to bring DIVO to Texas through a subcontract with the School of Social Work.

IRJRD's Defense-Initiated Victim Outreach (DIVO) program is staffed by Director Dr. Marilyn Armour, an Associate Professor at The University of Texas at Austin, recognized for her scholarship on homicide survivors and author of numerous publications and comparative penal sanction studies. Dr. Armour works closely with the law school's Capital Punishment Center, the Victim Services Unit in the Texas Department of Criminal Justice, and victim advocates in the Office of the Attorney General. Project Coordinator Stephanie Frogge, MTS, is a professional crime victim services consultant with degrees in criminal justice and divinity, and over 25 years of experience in the area of trauma response and victim services administration. DIVO is fortunate to have the partnership of Richard Burr, one of the foremost federal capital defense attorneys in the nation, and originator of DIVO; Pamela Leonard, Executive Director of DIVO in Georgia and responsible for the 40-hour VOS trainings; John Niland, Capital Trial Project Director of the Texas Defender Service, a CJF grantee; and Murder Victim's Families for Reconciliation, another CJF grantee.

Description of the Project for Which Funding Is Sought:

IRJRD's Defense-Initiated Victim Outreach (DIVO) program has the overall mission of lowering the use of the death penalty in Texas. IRJRD accomplishes this goal by: 1) assisting the defense in meeting the needs of victim survivors; and 2) decreasing the excessively adversarial climate in the criminal justice system. DIVO shifts the balance of power in capital eligible cases by requiring the defense to consider the needs of victim survivors alongside representation of the defendant, thereby challenging the prosecution to consider the full breadth of the victim-survivors needs alongside their capital strategy. To accomplish its mission, IRJRD provides capital defense attorneys with Victim Outreach Specialists (VOS) who work on behalf of victims at the request of the defense team, serving as a conduit for victims' interests and concerns. By using VOS as the bridge to respond compassionately to the needs of victim survivors, the defense increases the likelihood that victim survivors will be more open to considering less punitive options for the defendant. By implementing these strategies, the program aims to obtain a plea or sentence of life without parole (LWOP) in 70 percent of capital-eligible cases in Texas that use a VOS.

IRJRD's Defense-Initiated Victim Outreach (DIVO) program carries out several activities to fulfill its mission including: 1) recruiting and training Victim Outreach Specialists (VOS) to facilitate contact with defense teams and meet needs of victim survivors; 2) providing strategic advise to support VOS outreach to victims; 3) educating criminal justice stakeholders such as attorneys, judges and victim-survivors about the benefit of VOS involvement in capital eligible trials; and 4) collaborating with prosecution-based victim advocates to understand the victim survivors' needs. In the past year, IRJRD has trained 23 VOS, provided VOS in 15 capital cases and consulted on six additional cases. Four cases have closed thus far, three of which had non-death outcomes. Each of the 23 newly trained VOS experts will carry two capital-eligible cases and receive close monitoring from the DIVO Project Coordinator. To meet the needs of Spanish-speaking victim survivors, IRJRD will recruit Spanish-speaking VOS, partner with the Mexican Capital Legal Assistance Program, and create a 40-hour Spanish-language training for six to eight VOS recruits in 2010.

In addition to the training sessions this past year, the Defense-Initiated Victim Outreach (DIVO) program produced 13 formal presentations to the legal community about DIVO that reached over 300 people, along with a 4-hour online training made available for Continuing Legal Education credits. The program staff also produced an information-rich brochure about DIVO along with an attorney training brochure, which will continue to be shared in relevant counties. Trainings are free and attendees can request scholarships for travel and per diem expenses. The program staff is developing a website to advance outreach and program goals. The program staff will also produce two deliverables: 1) a report on the issues and solutions found to implementing DIVO in Texas including additions to the DIVO manual on training bilingual Victim Outreach Specialists (VOS) and responses

to arguments against DIVO; and 2) a handbook of DIVO policies and procedures for working with defense attorneys including forms, templates and samples for funding motions and introductory letters to victim-survivors.

By the end of 2010, IRJRD's Defense-Initiated Victim Outreach (DIVO) program is expected to be fully operational given its strong referral base, quality preparation of Victim Outreach Specialists (VOS), and outreach to judges and attorneys. In 2011, IRJRD plans to expand VOS training to out-of-state recruits and will create a nationally institutionalized model of DIVO consultants. The success of DIVO as a death penalty reform will be evaluated, in part, by the number of capital-eligible cases that settle with a plea or result in a LWOP verdict compared to total capital-eligible cases assigned a VOS in 2010 and 2011, and the total capital-eligible cases tried in Texas during those years. IRJRD will also assess progress by the number of referrals made, the number of in-person contacts made with victim-survivors, the number of educational outreach contacts, and by the number of prosecution and defense attorneys who complete the 4-hour online training.

Rationale for Recommendation:

This grant supports the Criminal Justice Fund's goal of eliminating harsh punishment and furthers the goals of the Campaign to End the Death Penalty by 2025. The Institute for Restorative Justice and Restorative Dialogue's (IRJRD) Defense-Initiated Victim Outreach (DIVO) program serves as a model for death penalty reform while having great potential to reduce the number of death sentences imposed in Texas. Since Texas bears the distinction of having carried out the greatest number of executions as well as having the third greatest number of those awaiting execution, developments in Texas that have an impact on the death penalty are closely observed in other states across the country and tend to have a ripple effect. The successful implementation of DIVO in Texas has the potential for significant ramifications at the federal and state levels.

The use of a Victim Outreach Specialist (VOS) to bridge the historic gap between survivors and the defense allows survivors to consider the full effects of capital proceedings and punishment upon themselves and upon the accused as well as alternatives that more directly address their needs and concerns. Survivors who have had contact with the defense learn that defendants are often willing to agree to terms of a plea agreement that meet a number of the survivors' interests that could not otherwise be met. In addition, defense attorneys who learn more about survivors' experiences, interests, and concerns are better prepared to negotiate pleas or, when there is no plea, respond more sensitively to victim impact testimony at trial.

The need for Defense-Initiated Victim Outreach (DIVO) is underscored by the American Bar Association's 2003 Guidelines for the *Appointment and Performance of Defense Counsel in Death Penalty Cases* and the *Standards and Guidelines for Texas Capital Counsel*, adopted in 2006 by the Texas State Bar, which emphasize that defense outreach to survivors is necessary to the effective representation of a capital client. The goals of IRJRD's DIVO program also affirm the successful strategy endorsed by the Campaign to End the Death Penalty by 2025, and many of the state-based death penalty reform campaigns which advocate incorporating voices of victim survivors in efforts for death penalty reform, moratoria and abolition. IRJRD's program has been solidly endorsed by prominent voices in the criminal justice sector in Texas including the Texas Defender Service, one of the Criminal Justice Fund's most trusted and well-respected grantees. For the above reasons, Criminal Justice Fund staff recommends a grant of \$170,000 over two years to support IRJRD's DIVO program.