

Criminal Justice Fund

For U.S. Programs' October 27, 2009, docket, the Criminal Justice Fund (CJF) is proposing fifteen (15) grants for funding. Eight 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, in furtherance of 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 is a grant, in partner ship with CMBA, EOF and D&P, to support the NAACP as it seeks to strengthen its role in policy reform efforts across USP priority areas; one is to support and build upon successful indigent defense reform efforts in the state of Ohio; and two grants, proposed through the Seize the Day Fund, would enable grantees to pursue federal policy reform initiatives. 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

Harm Reduction Coalition (HRC), \$150,000 general support over one year (\$75,000 from USP Drug Policy Reform budget and \$75,000 from IHRD Drug Policy Reform budget). HRC challenges the stigmatization of people who use drugs and advances policies and programs that help people address the adverse effects of drug use including overdose, HIV, hepatitis C, addiction, and incarceration, through policy analysis, advocacy, public education, and technical assistance to service providers. This grant would advance CJF's and IHRD'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.

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 \$50,000 from the 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 support 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.

Legal Services for Prisoners with Children, \$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* 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.

Voices Of The Ex-offender (VOTE), \$60,000 general support grant over two years (\$30,000 from USP Drug Policy Reform budget and \$30,000 from IHRD Drug Policy Reform budget). VOTE organizes and mobilizes people with criminal records around their right to vote. Its electoral organizing and legal training programs are focused on building economic and electoral power to yield positive policy changes and best practices in the criminal justice system of New Orleans. VOTE is developing a model strategic program that will complement and support the national struggle towards federal re-enfranchisement, and the corresponding engagement of disenfranchised communities in critical issues such as drug policy reform.

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, 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—and advances drug policy reform principles as an essential part of the Reproductive Justice and Pro-Choice Movements.

Interfaith Drug Policy Initiative (IDPI), \$35,000 general support grant over one year (\$17,500 from USP Drug Policy Reform budget and \$17,500 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 (PSG), \$50,000 project support grant over one year (\$25,000 from USP Drug Policy Reform budget and \$25,000 from IHRD Drug Policy Reform budget) 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 PSG to reach out to congregations through educational forums and pursue a media communications strategy in order to reach a public audience.

Eliminating Racial Disparities and Securing a Fair and Equitable System of Justice

Ohio Justice and Policy Center (OJPC) - \$25,000 project grant over 4 months to support OJPC's Indigent Defense Reform Initiative. The Cincinnati-based nonprofit law office was founded in 1997 to promote effective evidence-based, cost effective policies to address root causes of crime, decrease recidivism, and promote successful community reentry of formerly incarcerated people. The Indigent Defense Reform Initiative works in the long-term to provide sustainable, high-quality indigent defense services throughout Ohio. In the short-term, the project goals include development of Ohio's first comprehensive program for the recruitment, training, and evaluation of indigent defense service providers, and promoting community-based problem-solving alternatives to reduce demand on the criminal justice system. A four-month grant will provide critically need support to sustain these reform efforts in anticipation of inviting a proposal for longer term funding in 2010.

Reducing Harsh Punishment: The Campaign to Abolish the Death Penalty

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. In stating a claim, a defendant may rely on statistical evidence of race of defendant discrimination, race of victim discrimination, or racial discrimination by jury selection. 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) - \$80,000 project support over one year 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. Recognizing that direct contact with the defense team may be difficult for

survivors, capital defense attorneys seek the assistance of specially trained experts, victim outreach specialists (VOS), 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. The JEHT Foundation provided a grant to the Georgia Council for Restorative Justice (GCRJ – now Council for Restorative Justice) to implement DIVO in state capital cases. In 2008, CRJ was awarded funds from the Bureau of Justice Assistance to bring the model to Texas. This funding provided the first phase of DIVO implementation. 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.

The Constitution Project - \$150,000 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. To support its county-based strategy, DPF seeks to: 1) counter some of the challenges posed by the size and diversity of the state by concentrating staff and resources in areas targeted for maximum impact; 2) reduce support for the death penalty in counties that will provide critical to winning a referendum; and 3) achieve success in the short-term by reducing the use of the death penalty in the five counties responsible for ninety percent of the state's death sentences.

Grantees Addressing Multiple Criminal Justice Fund Priorities

National Association for the Advancement of Colored People (NAACP) - \$900,000 general support grant over two years to advance the NAACP's mission to ensure the political, educational, social, and economic equality of rights of all persons and to

eliminate racial hatred and racial discrimination. Founded in 1909, the NAACP is the nation's oldest, largest and most widely recognized grassroots-based civil rights organization with more than half-million members. To help promote racial equality and reduce racial disparities, the NAACP has long been an advocate of criminal justice reform and is now launching its new national criminal justice policy platform intended to change the frame from criminal justice policy discussions from "Tough on Crime" to "Smart on Crime." The NAACP's national prison project also supports policies which positively impact recidivism, felony re-enfranchisement, and the reduction of racial disparities in sentencing. This grant is collaboratively funded by the Criminal Justice Fund (\$100,000), Equality and Opportunity Fund (\$150,000), Seize the Day Fund (\$500,000), Campaign for Black Male Achievement (\$150,000).

Seize the Day Fund

College and Community Fellowships (CCF), \$203,000 project grant over two years (from OSI's Seize-the-Day Fund grantmaking budget) to expand the availability of quality, publicly-funded higher education opportunities to people in and after prison. OSI Seize-the-Day funding will enable CCF to direct a campaign including public education, policy analysis and development, grassroots and grassroots organizing, and advocacy at the national and local levels to: 1) educate the public and policymakers about the importance of making higher education available to people in and after prison; 2) remove barriers that limit access to higher education for people with criminal records; and 3) promote the expansion of higher education programs and financial assistance for people in and after prison. This grant would advance the Criminal Justice Fund's and the Seize-the-Day Fund's interest in reducing mass incarceration and harsh punishment by attacking the excessive and economically destructive costs of incarceration, challenging harsh and unjust sentencing policies and practices and unreasonable barriers to successful reentry. In addition, this grant would also advance our interest in fostering the civic and political inclusion and re-enfranchisement of individuals and communities most directly impacted by U.S. criminal justice policy by expanding the capacity of an organization led by people with criminal records to engage in reform efforts, nationally.

National Legal Aid and Defender Association (NLADA) - \$400,000 project support grant from the Seize the Day Fund over two years to advance NLADA's federal campaign to ensure a meaningful right to counsel in the United States. The federal campaign intends to address deficiencies in the constitutional protection of the Sixth Amendment's guarantee of counsel and the Supreme Court's ruling in *Gideon v. Wainwright*, which placed the responsibility for ensuring this right on states. Currently, the federal government does not provide instructions for or funding to states to implement the right of counsel. As a result, many states have passed on their constitutional obligations to their counties as an unfunded mandate. NLADA's federal campaign has two primary goals to address this deficiency. First, it will launch a communications strategy to educate the public and advocates about the problems with indigent defense systems. Second, it will mobilize existing and new grassroots supporters to act as voices for federal reform including 1) adherence to national standards for indigent defense established by the American Bar Association's (ABA) *Ten Principles of a Public Defense Delivery System*; and 2) ensuring adequate federal

resources to states to support the implementation of fair and reliable indigent defense systems.