

Memo

To: Aryeh Neier

From: Ann Beeson, Leonard Noisette, and CJF Staff

Date: 26 June 2009

Re: Docket II 2009 Recommendations, Criminal Justice Fund

For this second docket of 2009, the Criminal Justice Fund (CJF) recommends 21 grants for funding totaling \$3,079,000; two of these grants include funding from the JEHT Response Grantmaking budget, totaling \$350,000. These grants would advance the Criminal Justice Fund's goals of reducing mass incarceration, eliminating harsh punishment and securing a fair and equitable system of justice

Criminal Justice Fund

Death Penalty Abolition – Campaign to Abolish the Death Penalty by 2025

We propose twelve grants as part of our continued support of the Campaign to Abolish the Death Penalty by 2025, a strategic and coordinated effort designed by a Steering Committee of advocates from the field and supported by a collaborative of funders, the Funders for Alternatives to the Death Penalty (FADP), of which OSI is a founding and leading partner. This campaign effort supports the CJF goal of eliminating harsh punishment. We are now in the first full year of the campaign. We will provide, under separate cover, a memo to update you on campaign activities. The funding recommendations we present here result from a joint meeting of the Steering Committee and the FADP held in Houston, Texas at the end of April. We anticipate that a number of the proposed grantees will be long-time partners during the life of the campaign, and expect to be able to make multi-year grants to some of them in the future through greater coordination among our funding partners.

Capital Litigation Communications Project (*fiscal agent Texas Defender Service*) (CLCP) - \$100,000 project support for one year to further the Project's mission to serve as a nationwide communications resource for capital litigators. Led by communications expert Laura Burstein, this project will address the media and communications needs of the anti-death penalty movement. Ms. Burstein will operate nationally to assess and develop the communications potential in various state cases and to locate and recruit effective media messengers.

Death Penalty Information Center (DPIC) - \$65,000 project support over one year to provide additional support to a current grant from the European Commission that allows DPIC to update needed public opinion information used in the organization's communications and public education work and media trainings. To maximize the potential of this research, CJF's grant will add six focus groups in three geographical regions of the country and demographic subgroups. This information will point to the important question of why certain members of the public maintain their support of the death penalty and what sort of public education messages might make them question this support.

Equal Justice Initiative (EJI) - \$150,000 general support grant over one year to advance EJI's primary mandate to abolish the death penalty. To further the goal of the Campaign to Abolish the Death Penalty by 2025 to reduce death sentences and executions, targeted activities must be increased in the South - the location of the most intractable death penalty states. By virtue of EJI's reputation and its position as a leader in the south, the CJF and the Campaign Steering Committee members have identified EJI as one of a small number of organizations selected for an increase in capacity in order to accomplish the goals of the Campaign.

Equal Justice USA (EJUSA) - \$75,000 general support over one year to provide core support to EJUSA, one of two leading national advocacy organizations providing critical strategic support to state-based campaigns aimed at abolishing the death penalty. This grant will allow EJUSA to grow its capacity to partner with state-based abolitionists to provide technical assistance, capacity building, training and organizing support, a necessary growth of resources as more and more states begin to engage in public education campaigns about the arbitrary and ineffectual nature of the death penalty.

Murder Victims' Families for Reconciliation (MVFR) - \$75,000 general support grant over one year to enhance MVFR's efforts to influence public opinion against the death penalty by working in collaboration with state and national anti-death penalty organizations to incorporate murder victims' family members and their perspectives into campaigns for death penalty reform, moratorium and repeal. The grant will provide MVFR with additional capacity to work in the three priority states of California, North Carolina and Texas and engage in six additional target states during the next two years.

NAACP Legal Defense Fund- \$75,000 project support over one year to support the Campaign for Prisoners Facing Federal Execution, a comprehensive communications campaign designed to highlight the problems with the federal death penalty and place pressure on the Obama Administration to prevent the execution of six capital defendants on federal death row, all of whom are African American. The project will seek to: 1) raise awareness among federal decision-makers about the continuing unanswered questions regarding the administration of the federal death penalty including its lack of transparency, racial disparities, and extraordinary cost; and 2) influence the Obama Administration's Department of Justice to perform the comprehensive research needed to address each of the above-mentioned issues.

National Coalition to Abolish the Death Penalty (NCADP) - \$250,000 general support over one year to advance NCADP's mission to abolish the death penalty. As the nation's only membership-based, national advocacy organization dedicated solely to abolishing the death penalty, NCADP provides critical technical support in the areas of grassroots organizing, membership base building, fundraising, and communications to its network of over 100 state-based affiliates, individual members, and scores of activists. The organization's annual national conference also provides much needed leadership development and movement-building opportunities through workshops, networking, and strategy sessions for advocates, attorneys, murder victim and death row family members.

Pennsylvania Capital Representation Project (PCRP) - \$100,000 project support over one year to further PCRP's core mission of representing condemned prisoners in state court litigation. The Pennsylvania Capital Representation Project is part of the Federal Community Defender Office for the Eastern District of Pennsylvania. The grant will capitalize on the momentum building in the mid-Atlantic and Northeast regions toward abolition of the death penalty by providing the capacity for post-conviction representation in Pennsylvania and Delaware state courts.

People of Faith Against the Death Penalty (PFADP) - \$75,000 project support in support of the first interfaith conference on religious organizing for abolition in the United States and the development of a comprehensive plan to sustain the effort following the conference. The two-day conference will bring interfaith religious leaders and staff together for an educational exchange with national abolitionist organizers, providing faith leadership with the tools they need to bring the message of abolition to their local communities, and giving organizers a fresh understanding of how to develop a successful partnership with a large and diverse part of the public.

Southern Center for Human Rights (SCHR) - \$125,000 general support over one year. Due to SCHR's track record as the leading independent capital defense representation organization in the heavy-use state of Georgia, the CJF and the Steering Committee of the Campaign to End the Death Penalty by 2025 have elevated SCHR as one of a select group of organizations whose capacity should be grown in light of the increased activity needed to reduce sentencing and executions in the U.S.—a goal achieved largely through a concerted effort in the South. SCHR's attorneys represent capital defendants at trials, on appeal and in post conviction proceedings and also serve as critical resources to the private criminal defense bar and state capital defenders, consulting regularly on death penalty cases.

Texas Defender Service (TDS) - \$250,000 general support over one year to maintain capacity for key trial and post-conviction litigation activities aimed at reducing the number of death sentences and executions in Texas and thus the nation. The grant will allow TDS to continue the organization's "crisis-case" intervention – cases with imminent execution dates and viable legal issues that have not been properly litigated (if at all). Given TDS's significant impact in the field, the CJF and the Campaign Steering Committee members have selected TDS to join SCHR and EJI as defender offices identified for growth in capacity.

Witness to Innocence (WTI) - \$50,000 project support over one year for the TOOLS (Training, Outreach, Organizing, Leadership, and Speaking) Project, which recruits, trains, and supports death row exonerees and their family members to become spokespersons for the anti-death penalty movement. This grant will amplify the powerful voice of innocence—largely cited as the most salient and compelling reason for the shift in public opinion against the death penalty—by extending the unparalleled influence of exonerated ex-death row prisoners.

Criminal Justice Fund General Grantmaking

Reducing Mass Incarceration

Judge David L. Bazelon Center for Mental Health Law (Bazelon Center), \$300,000 project grant over two years to develop performance improvement standards for community mental health programs and establish local pilots, in four jurisdictions, for reducing mental health crises that lead to criminal justice involvement of people with serious mental illness. Specifically, OSI funding will enable the Bazelon Center to convene, and provide technical assistance to a task force of local mental health authorities, service providers, consumer and family advocates, police and court representatives, and other stakeholders to establish local mental health system performance improvement pilots that drive reforms to address fundamental issues that prevent access to mental health services and thus lead to police intervention.

Families Against Mandatory Minimums (FAMM), \$450,000 general support grant over two years (from OSI's JEHT Response and Criminal Justice Fund grantmaking budgets) to support sentencing reform efforts. Over the next two years, FAMM will continue its efforts to eliminate or

limit the reach of federal mandatory minimum sentencing laws, by preserving and increasing judicial discretion, expanding the use of the clemency power, and preventing restoration of mandatory guidelines. FMM will also continue its state-level sentencing reform campaigns in Michigan, Massachusetts, Nevada, and New Jersey, begin a campaign in Florida, and explore other states for possible campaigns.

Harm Reduction Coalition (HRC), \$200,000 general support over one year to challenge the stigmatization of people who use drugs and advance 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 renewal grant would advance the Criminal Justice Fund's interest in decriminalizing drug use by reframing and linking drug policy debate to public health and harm reduction approaches, pressing the public health benefits nationally, and internationally, of lifting the ban on needle exchange, and by building partnerships and collaborations for drug policy reform across communities, sectors, and issues.

Justice Policy Institute (JPI) - \$390,000 (\$175,000 general support from Criminal Justice Fund grantmaking budget, \$165,000 in project support from the Seize the Day Fund) to further the project's mission to reduce instances of adult and juvenile incarceration through research, communications, organizing, and policy advocacy; to support an emerging network of criminal justice advocates in Maryland to significantly advance policy reforms at the national level; and to develop a policy report which contextualizes and compares incarceration rates and social structures of the United States with other Western democracies to encourage reform that reduces incarceration rates.

Eliminating Harsh Punishment

Immigrant Defense Project (*fiscal agent* Fund for the City of New York) (IDP) - \$400,000 general support grant over two years (co-funded with the Equality and Opportunity Fund) to support advocacy efforts to scale back egregious overreaching government interpretations of the current criminal-immigration deportation laws through impact litigation and, where resources allow, coordinated communications work; support reform of the current mandatory deportation system through policy analysis and administrative advocacy focusing on the criminal immigration intersection; build the capacity of community groups to respond to immigration enforcement and support community-based advocacy efforts through community education; and establish models for systemic changes in the criminal justice system.

Securing a Fair and Equitable System of Justice

Juvenile Justice Project of Louisiana (JJPL) - \$300,000 general support over two years (from OSI's JEHT Response and Criminal Justice Fund grantmaking budgets) to provide core support to JJPL's efforts to transform Louisiana's public defender system for youth into one that provides trained, supervised and competent counsel to all children accused or adjudicated of crimes. The grant will support JJPL's mission to provide trainings, resources and political support necessary for indigent defense reform to take root in Louisiana.

New York State Defenders Association, Inc. (NYSDA) - \$200,000 general support over two years to provide support to the organization's efforts to improve indigent defense services in New York State. NYSDA provides back-up services to more than 100 county-based public defense offices and to more than 5,000 private defense attorneys, including impact litigation; amicus briefs; case consultations, technical assistance; trainings, and monitoring of state legislation.

NYSDA will also continue its efforts to create a statewide public defense system and an independent public defense commission.

Community Studies of New York, \$89,000 project grant over one year, to support "Racial Bias in U.S. Marijuana Possession Arrests: Policing Policy and Misdemeanor Arrests in Obama's America." Building on his prior work, project leader Harry Levine will combine policy advocacy, activism and research focusing on the racial bias in marijuana arrests nationally and in New York, and will emphasize the damaging, stigmatizing effects of the arrests and criminal records, especially on black and Latino teenagers and young men. In addition to the project's primary focus on marijuana arrests, it will more broadly examine police practices and their effects for common low-level offenses including other misdemeanors, and stop and frisks. The project will also examine the role of federal grants to police departments which likely fund many of these arrests, and of potential regulatory changes within the U.S. Justice Department that could substantially reduce them.

The Texas Fair Defense Project (TFDP) - \$125,000 general support over two years to strengthen the project's advocacy and litigation to challenge practices that unconstitutionally deny individuals accused of crime access to counsel in Texas courts and to promote best practices for ensuring access to counsel. TFDP staff works with criminal justice stakeholders, bar associations, advocacy organizations, and persons accused of crimes and their families to accomplish these goals.