

**U.S. Programs
Criminal Justice Fund
Summary of Recommended Grants
Docket II
June 30, 2010**

Criminal Justice Fund Grantmaking Budget 2010	Criminal Justice Fund (24027)
Grantmaking Budget Allocation	10,500,000
Reverse Accrual	
Rollover	
Out of Docket Grantmaking	
Docket I Grantmaking	(2,971,820)
Docket II Grantmaking	
Docket III Grantmaking	
Catch-Up Docket Grantmaking	
Total 2010 Available Grantmaking Budget: \$	7,528,180

<u>Program Area/Organization</u>	<u>Grants Totals</u>	<u>Grant Term</u>
<u>Criminal Justice Fund Grantmaking (24027)</u>		
Families Against Mandatory Minimums ¹	\$ 200,000	2 years
Michigan Council on Crime and Delinquency	\$ 50,000	1 year
Sentencing Project	\$ 550,000	2 years
Families and Friends of Louisiana's Incarcerated Children ²	\$ 100,000	1 year
National Employment Law Project ³	\$ 300,000	2 years
Murder Victims' Families for Reconciliation	\$ 135,000	2 years
National Campaign to Abolish the Death Penalty	\$ 215,000	2 years
Tides Foundation (Death Penalty Mobilization State Strategies Fund)	\$ 200,000	1 year
Death Penalty Information Center	\$ 200,000	2 years
Equal Justice USA	\$ 400,000	2 years
Defender Association of Philadelphia (Pennsylvania Capital Representation Project)	\$ 100,000	1 year
Research Foundation of CUNY (John Jay College of Criminal Justice)	\$ 200,000	1 year
Juvenile Regional Services	\$ 120,000	1 year
National Juvenile Defender Center	\$ 300,000	1 year
Seattle University School of Law (the Defender Initiative)	\$ 125,000	1 year
Equal Justice Initiative of Alabama ⁴	\$ 475,000	2 years
Legal Services for Prisoners with Children ⁵	\$ 300,000	2 years
Total Recommended: \$	3,970,000	

CJF GRANTMAKING TOTAL THIS DOCKET: \$ 3,970,000

JEHT Emergency Fund (59959)

Families Against Mandatory Minimums ¹	\$ 250,000	2 years
Just Detention International	\$ 150,000	1 year
Innocence Project, Inc.	\$ 350,000	1 year
Vera Institute of Justice	\$ 200,000	1 year
Equal Justice Initiative of Alabama ⁴	\$ 525,000	2 years
Juvenile Law Center	\$ 300,000	1 year
Total Recommended: \$	1,775,000	

18 months
A. N.
7/1/10

Seize the Day (21079)

National Employment Law Project ³	\$ 400,000	2 years
Total Recommended: \$	400,000	

Campaign for Black Male Achievement (21098)

Families and Friends of Louisiana's Incarcerated Children ²	\$ 25,000	1 year
Total Recommended: \$	25,000	

Strategic Opportunity Fund (21080)

Equal Justice Initiative of Alabama ⁴	\$ 125,000	1 year
Total Recommended: \$	125,000	

Amal Neer
Approval Signature

June 30, 2010
Date

- Total grant to Families Against Mandatory Minimums is \$450,000 (\$200,000 from CJF; \$250,000 from JEHT Emergency Fund)
- Total grant to Families and Friends of Louisiana's Incarcerated Children is \$125,000 (\$100,000 from CJF; \$25,000 from CBMA)
- Total grant to National Employment Law Project is \$700,000 (\$300,000 from CJF; \$400,000 from Seize the Day)
- Total grant to Equal Justice Initiative is \$1,125,000 (\$475,000 from CJF; \$525,000 from JEHT Emergency Fund; \$125,000 from Strategic Opportunity Fund)
- Total grant to Legal Services for Prisoners with Children is \$400,000 (\$300,000 from CJF; \$50,000 from USP Drug Policy Reform; \$50,000 from IHRD Drug Policy

Criminal Justice Fund

Memo

To: Aryeh Neier

From: Ann Beeson, Leonard Noisette and Criminal Justice Fund Staff

Date: 23 June 2010

Re: Criminal Justice Fund Docket II Grant Recommendations

The Criminal Justice Fund recommends twenty-one (21) grants totaling \$6,295,000¹ on its second docket for 2010. Nineteen of the grants are renewals, five to core Criminal Justice Fund partners: **Families Against Mandatory Minimums, The Sentencing Project, Innocence Project, National Juvenile Defender Center and Equal Justice Initiative**. The recommendations for first time funding would support the **Michigan Council for Crime and Delinquency** to plan an expansion of the Civic Justice Corps concept to provide training inside state prisons to prepare inmates to connect with existing community-based Corps upon release, and would strengthen the capacity of a nationally recognized group of parent advocates, **Families and Friends of Louisiana's Incarcerated Children**. Three of these grants would advance our goals of reducing mass incarceration; nine support our efforts to eliminate harsh punishment, including six to advance the Campaign to Abolish the Death Penalty. Six grants would further our goal of eliminating racial disparities and ensuring a fair and equitable justice system in the United States, one of which, to **John Jay College of Criminal Justice**, will support an essential research project on the causal connection between New York City policing practices and the decline in crime. Three grantees, **Equal Justice Initiative, Juvenile Law Center and Legal Services for Prisoners with Children/All of Us or None** advance multiple CJF priorities, and three grants, to **Juvenile Regional Services, Families and Friends of Louisiana's Incarcerated Children** and the **Vera Institute of Justice** support our reform efforts in New Orleans and Louisiana more broadly.

I. Reducing Mass Incarceration

Families Against Mandatory Minimums (FAMM), \$450,000 general support grant renewal over two years (\$200,000 from Criminal Justice Fund, \$250,000 from JEHT Emergency Fund) 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. FAMM 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.

Michigan Council on Crime and Delinquency (MCCD), \$50,000 project support over one year to develop a plan for replicating the Civic Justice Corps (CJC) in the Michigan state prison system and establish CJC demonstration programs in up to two prisons in the state. OSI funding would enable MCCD to continue working in partnership with the Justice Reinvestment Work Group, established by the Council of State Governments, and the Michigan Department of Corrections to develop a plan for creating and sustaining Civic Justice Corps programming in Michigan state prisons, connecting in-prison

¹ Of the \$6,295,000 in grants recommended this docket, \$3,970,000 comes from the Criminal Justice Fund;; \$1,775,000 is from the JEHT Emergency Fund; \$400,000 is from the Seize the Day Fund; \$25,000 is from the Campaign for Black Male Achievement; and \$125,000 is from the Strategic Opportunity Fund.

programming to Civic Justice Corps demonstration projects in the community in order to promote early service release for CJC members, and establish at least one pilot in a Michigan state prison.

The Sentencing Project, \$550,000 general support grant renewal over two years. The Sentencing Project engages in research, public education, and policy advocacy to reduce the United States reliance on incarceration and reduce racial disparities and ensure a more fair and effective criminal justice system. Its priorities include identifying the financial and social costs of prison expansion and the limits of incarceration for strengthening public safety; promoting viable options for sentencing and drug policy reform and greater use of alternatives to incarceration; reducing racial disparities in the criminal and juvenile justice systems; reforming national and state felony disenfranchisement policies; and building capacity among state organizations for advocacy by enhancing communication and fostering collaboration and providing technical, campaign, and research assistance to state-level advocates.

II. Eliminating Harsh Punishment

Families and Friends of Louisiana's Incarcerated Children (FFLIC), \$125,000 general support over one year (\$100,000 from the Criminal Justice Fund, \$25,000 from the Campaign for Black Male Achievement). FFLIC is a statewide organization that advocates for a better life for all of Louisiana's youth, especially those involved in, or targeted by, the juvenile justice system. FFLIC engages in education, community building, and leadership development for parents of incarcerated youth and other caring adults. Current campaigns are focused on promoting educational equity and curtailing the school-to-prison pipeline in the Recovery School District in New Orleans Parish, and continuing efforts to ensure the proper implementation of the Juvenile Justice Reform Act 1225, which mandates that juvenile correctional institutions adhere to youth development principles.

National Employment Law Project, \$700,000 project grant over two years (\$300,000 from the Criminal Justice Fund and \$400,000 from the Seize the Day Fund) to continue the *Second Chance Labor Project*, an initiative that engages labor unions in efforts to reduce unreasonable barriers to employment faced by people with criminal records. Continued OSI funding will enable NELP to continue providing targeted outreach to unions, strategic research and publications and advocacy promoting model reforms protecting people with criminal records at the state and federal levels, technical assistance to unions and criminal justice policy reform organizations working on employment policy reforms, and media strategies to generate coverage of strategic issues related to employment for people with criminal records. Seize the Day funding will support NELP's work in partnership with national, state and local allies to promote policies that create good jobs, enforce worker protections, and help unemployed workers regain their economic footing through improved benefits and services.

Just Detention International, \$150,000 project grant renewal over one year (from the JEHT Emergency Fund) to continue its *Raising the Bar for Safety and Justice Campaign*, which capitalizes on the first ever national standards addressing sexual violence in detention, currently under review by the U.S. Attorney General, to open detention facilities to urgently needed external scrutiny through regular independent audits and oversight. OSI funding will enable JDI (formerly Stop Prisoner Rape) to continue its efforts to ensure that: 1) the U.S. Attorney General adopts the proposed national standards without weakening them; 2) states and localities begin implementing the standards without delay; and 3) policymakers and the public recognize independent audits and federal oversight are crucial to the standards and their effective implementation.

Eliminating Harsh Punishment – Campaign to Abolish the Death Penalty by 2025

Murder Victims’ Families for Reconciliation (MVFR) – \$135,000 general support grant over two years 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.

National Coalition to Abolish the Death Penalty (NCADP) - \$215,000 general support over two years 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.

Tides Foundation (Death Penalty Mobilization State Strategies Fund) - \$200,000 project support over one year to support its Death Penalty Mobilization State Strategies Fund, which re-grants pooled donor funds to grassroots organizations that are leading state campaigns to abolish the death penalty. Contributing to the Fund allows OSI to leverage its resources with those of other donors in supporting emerging state-based organizations that are often overlooked by the national foundation world but are critical to the success of the fight to end capital punishment.

Death Penalty Information Center (DPIC) - \$200,000 general support grant over two years to assist DPIC’s efforts to provide information and analysis on the use of capital punishment in the United States. DPIC regularly issues press releases and conducts briefings for journalists and is one of the most widely cited sources of information on the death penalty in the media. Since its inception, DPIC has produced and broadly disseminated 19 major reports on the death penalty and 15 annual reports. Four of the major reports have been based on commissioned national opinion polls, and DPIC is currently finalizing the analysis of a new public opinion poll to be used by the field for strategic messaging. All of these reports have been widely covered in the media. DPIC also operates a state-of-the-art website.

Equal Justice USA (EJUSA) - \$400,000 general support over two years to provide core support to one of two leading national advocacy organizations providing critical strategic support to state-based campaigns aimed at abolishing the death penalty. EJUSA is a national grassroots organization whose ability to bridge the gap between state and national organizations by promoting close partnership and collaboration makes it a leader in the death penalty abolition movement. EJUSA has played an instrumental role in achieving many of the abolition movement’s most important recent wins. 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.

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 grant will capitalize on the momentum building in the mid-Atlantic and Northeast regions toward abolition of the death penalty. The PCRP fills a critical void in capital defense representation by litigating State Court post-conviction matters that are required before federal review is allowed, but which by statute cannot be handled by Federal Capital Habeas Units. Pennsylvania, which has the nation’s fourth largest death row,

has not had a non-volunteer execution since the start of the Capital Habeas Unit of the Federal Community Defender Office for the Eastern District of Pennsylvania (CHU). The CHU and PCRCP have created the space for abolition in Pennsylvania and have recently expanded their work to Delaware.

III. Eliminating Racial Disparities and Ensuring a Fair and Equitable System of Justice

Research Foundation of the City University of New York, John Jay College of Criminal Justice - \$200,000 project support over one year to develop a research project that examines the causes of the historic drop in crime in New York, specifically interrogating the extent to which that drop can be causally related to aggressive stop and frisk and other zero tolerance policing practices, and analyzing significant drops in crimes in other major cities where similarly aggressive policies practices were not utilized.

Innocence Project, Inc. (IP) - \$350,000 general support over 18 months (from the JEHT Emergency Fund) to assist the IP in its mission to exonerate wrongfully convicted people through DNA testing and to reform the criminal justice system to prevent future injustice. The organization has facilitated the freedom of 254 innocent people from prison in 34 states, including 17 on death row. The IP raises awareness about the fallibility of the criminal justice system, leading the charge to improve eyewitness identification procedures, regulate and oversee forensic sciences, improve access to post-conviction DNA testing, and improve evidence preservation systems.

Juvenile Regional Services (JRS), \$120,000 project grant over one year to develop a model juvenile justice public defender office in New Orleans, Louisiana, that provides comprehensive indigent defense services consistent with the Ten Core Principles for providing quality delinquency representation developed by the National Juvenile Defender Center. OSI support will also enable JRS to develop a plan to replicate the model in two additional Louisiana parishes.

National Juvenile Defender Center (NJDC), \$300,000 general support grant over one year. NJDC's mission is to improve access to counsel and quality of representation for children in juvenile delinquency proceedings nationwide through capacity-building, leadership development, training and technical assistance, and policy, media, outreach, and resource development activities. NJDC is the linchpin in efforts to develop a viable juvenile indigent defense infrastructure on the national and state level. NJDC's goal is to ensure that juveniles have competent counsel throughout the entire court process.

Seattle University School of Law, the Defender Initiative, \$125,000 project grant over one year to increase the number of courts that provide counsel to accused persons in misdemeanor courts at arraignment or first appearance hearings. The project seeks to promote greater use of diversion alternatives by judges and prosecutors, as well as advance advocacy efforts to decriminalize low level misdemeanor offense such as driving without a license and possession of marijuana. OSI support would enable the Defender Initiative to increase the number of courts in Washington State that provide counsel at first appearance in misdemeanor case, and also enable the Initiative to develop a plan to replicate the model in two other states, possibly Kentucky, Pennsylvania, or California.

Vera Institute of Justice (Vera), \$200,000 project grant renewal over one year (from the JEHT Emergency Fund) to work with local government and community leaders in New Orleans, Louisiana, to continue its efforts to: 1) develop and implement a pretrial release system; 2) Transform the New Orleans Municipal Court; and 3) Expand expedited screening. OSI funding will enable Vera to build consensus among local criminal justice practitioner stakeholders for the need for a pretrial release system and to develop a comprehensive or pilot implementation plan; get agreement from the new superintendent of police to mandate 100 percent summons use for non-violent, public intoxication municipal offenses; facilitate and monitor the handling of state misdemeanors in Municipal Court; develop a plan for handling

non-violent municipal offenses as civil infractions; and to expand its expedited screening initiative by developing judicial support and involvement. .

IV. Grants Addressing Multiple CJF Priorities

Equal Justice Initiative (EJI) - \$900,000 general support grant over 2 years (\$375,000 from the Criminal Justice Fund and \$525,000 from the JEHT Emergency Fund), and \$225,000 project support over one year (\$100,000 from the Criminal Justice Fund and \$125,000 from the Strategic Opportunity Fund's Rapid Response Fund), to continue EJI's work to challenge life imprisonment without parole sentences for children following the U.S. Supreme Court's decision in *Graham v. Florida*. General support funding would provide continued support for EJI's full range of activities challenging the inappropriate use of the death penalty, inadequate legal counsel and racial bias in the criminal justice system in the south. Rapid Response project support will allow EJI to develop a coordinated national litigation strategy, expand its direct representation of eligible clients and ensure attorneys representing individuals who can be granted relief in *Sullivan/Graham* are adequately trained to handle the cases.

Juvenile Law Center (JLC), \$300,000 general support grant over one year (from the JEHT Emergency Fund). JLC is a Pennsylvania-based public interest law firm and advocacy organization that has had a major impact on policy and practice affecting children in the foster care, juvenile, and criminal justice systems across the country. JLC engages in individual representation, impact litigation, public education and advocacy to ensure that the child welfare, juvenile justice, and other public systems provide vulnerable children with the protection and services necessary to help them become healthy and productive adults. This grant would allow JLC to press for implementation of reforms proposed for Pennsylvania's juvenile justice system and to collaborate with the Equal Justice Initiative of Alabama to operationalize the litigation strategy developed as part of the JLWOP coalition to bring prompt relief to individuals affected the Supreme Court's decision in *Graham v. Florida*.

Legal Services for Prisoners with Children (LSPC), \$400,000 project grant renewal over two years (\$300,000 from the Criminal Justice Fund, \$50,000 from USP Drug Policy Reform, and \$50,000 from IHRD Drug Policy Reform) to continue support for All of Us or None, a formerly incarcerated person-led initiative of LSPC that trains and organizes formerly incarcerated people and their families to address discrimination faced by people with felony convictions and to challenge barriers to successful reentry and engages individuals and communities most directly affected by drug war policies in drug policy reform efforts. OSI funding will enable All of Us or None to advocate for policies in California that facilitate access to employment; streamline the process of getting past convictions sealed and dismissed and get certificates of rehabilitation awarded. This grant will also allow All of Us or None to conduct public education and advocacy around voting rights for people with criminal records, community-oriented reentry strategies in Oakland, and statewide organizing and leadership development work with people in drug treatment programs.

Name of Organization: Families Against Mandatory Minimums

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

Purpose of Grant: To provide general support

FPOS Grant Description: To provide \$450,000 general support over two years to Families Against Mandatory Minimums, a national organization that challenges the inflexible and excessive penalties of mandatory minimum sentencing through federal and state advocacy, litigation, media outreach, membership development, grassroots organizing and mobilization, and coalition building with likely and unlikely allies.

Previous OSI Support: \$2,386,000
(\$450,000 Criminal Justice Fund/JEHT Emergency Fund-2009; \$200,000 U.S. Justice Fund-2008; \$400,000 U.S. Justice Fund-2007; \$100,000 U.S. Justice Fund-2005; \$400,000 U.S. Justice Fund-2004; \$400,000 U.S. Justice Fund-2002; \$56,000 Criminal Justice Initiative-2001; \$200,000 Center on Crime, Communities & Culture-2000; \$100,000 Lindesmith Center-1999; \$15,000 Center on Crime, Communities & Culture-1999; \$40,000 Center on Crime, Communities & Culture-1997; \$25,000 Lindesmith Center-1995)

Organizational Budget: \$1,510,918

Project Budget: Not applicable

Sources of Support: \$1,000,000 Individual Donations; \$100,000 Public Welfare Foundation; \$100,000 Wallace Global Fund; \$50,000 Gimbel Foundation; \$40,000 Gardiner Howland Shaw Foundation; \$25,000 Apple Pickers Foundation

Amount Requested: \$450,000

Amount Recommended: \$450,000
(\$200,000 Criminal Justice Fund, T1: 24027)
(\$250,000 JEHT Emergency Fund, T1: 59959)

Term: 2 years

Matching Requirements: None

Description of Organization:

Founded in 1991, Families Against Mandatory Minimums (FAMM) is a national organization that challenges the inflexible and excessive penalties of mandatory minimum sentencing through federal and state advocacy, litigation, media outreach, membership development, grassroots organizing, and coalition building with likely and unlikely allies. FAMM has 20,000 members nationwide, and currently operates statewide campaigns in Michigan, Florida and Massachusetts. The organization's broad-based constituency includes incarcerated people and their families, criminal justice and sentencing professionals, community organizations, state and national civil rights leaders, treatment and mental health providers, and citizens

concerned about human and fiscal costs of sentencing policies. FAMM's public education, litigation, advocacy and grassroots organizing and mobilization have made it a national leader in efforts to promote fair and proportionate sentencing policies and to eliminate mandatory minimum sentencing. Over the next two years, FAMM will continue its three core programs:

Federal Advocacy Program. FAMM challenges federal mandatory minimum sentences by educating the public and policymakers about the social and economic harms of harsh sentencing regimes; mobilizing and providing a platform for people adversely affected by unjust sentences and their family members to advocate for fair federal sentencing policies; and providing litigation assistance and pro bono counsel for sentencing issues considered by the U.S. Supreme Court and lower federal courts. To eliminate or limit the reach of federal mandatory minimum sentencing laws, FAMM works to educate the White House and the Department of Justice to preserve and increase judicial discretion, expand the use of the clemency power, and prevent restoration of mandatory guidelines. Working with the U.S. Sentencing Commission, its staff, and allied organizations, FAMM promotes shorter sentences in every drug sentencing guideline and retroactive relief to people incarcerated under onerous sentencing laws. In collaboration with pro bono partners and members of FAMM's Litigation for Justice Advisory Board, FAMM supports petitions for certiorari and files *amicus* briefs in appellate cases that challenge the interpretation of particular sentencing laws in the federal courts and the Supreme Court.

State Advocacy Program. FAMM promotes fair sentencing in states through state-level sentencing reform campaigns. Currently, FAMM is directing campaigns in Michigan, Massachusetts and Florida, where it coordinates coalition efforts with likely and unlikely allies; provides non-partisan technical assistance and educational material to state legislators; and increases and engages its membership to provide grassroots support for reform. Its state-based issue campaigns include reforming mandatory minimums for drug free school-zone convictions, repeat burglaries, and repeat gaming and gun possession offenses, and ending consecutive sentences for multiple convictions for the same crime. Over the next two years, FAMM will launch campaigns in up to five states. It is currently exploring Pennsylvania and Ohio for possible campaigns and will select additional states based on a combination of factors including, chiefly, where FAMM's work can have the greatest impact (i.e., the number of people serving state mandatory minimum sentences), where FAMM's work would not duplicate efforts of other advocates, and where public opinion reveals opportunities for advocacy campaigns to succeed.

Communications. FAMM creates and distributes press releases, editorials, and action alerts and works with the media to publicize the injustices and social and economic costs associated with both federal and state mandatory sentencing policies. To put human faces to sentencing policy in its media and advocacy efforts, FAMM identifies individuals with compelling stories in its "Profiles of Injustice." FAMM's newsletter *FAMMGram*, which it publishes three times a year and disseminates to its membership, includes updates about issues and advocacy campaigns around the country and provides incarcerated people and their families with information necessary for understanding sentencing policy and how they affect them. Over the next two years, in addition to continuing its effective, targeted media outreach, as a national clearinghouse for news and information on sentencing, FAMM will expand and enhance content on its website; launch and manage its new blog *SentenceSpeak*, which will provide a forum for discussions on sentencing, justice, and needed reform in the federal sentencing system; and develop people directly affected by harsh sentencing policies as spokespeople for reform.

Description of Project for Which Funding is Sought

FAMM requests general support funding.

Rationale for Recommendation

This renewal grant would advance the Criminal Justice Fund's goals of reducing mass incarceration and eliminating harsh punishment by eliminating race and class disparities in sentencing and incarceration, promoting judicial discretion in sentencing, and reducing sentencing lengths and severity. This grant would also advance our interest in expanding the civic engagement, participation, and leadership in advocacy of people directly impacted by criminal justice policy.

Severe sentencing in the form of mandatory minimum schemes has greatly contributed to the growth in the U.S. prison population, despite declining crime rates, by keeping masses of people behind bars for increasingly longer periods. However, prison overcrowding and the strain on state budgets, as well as the resulting divestment from education, healthcare, and other public infrastructure and services, has begun to create political will for sentencing reform on the federal and state levels. Continued general support funding to FAMM would provide the organization flexibility to respond to and take advantage of the current, evolving political climate at both the federal and state levels.

Recent developments at the federal and state levels signal the possibility of significant progress toward meaningful sentencing reform. In July 2009, a House Judiciary subcommittee approved a bill that would give judges discretion to impose sentences shorter than those required by current mandatory minimum law. Also in 2009, the full House Judiciary Committee voted to eliminate the disparity between crack and powder cocaine sentences, and this past March, the Senate Committee on the Judiciary unanimously approved reducing the cocaine sentencing disparity. Although these bills have yet to become law, their approval at the committee levels in both chambers of Congress demonstrates significant movement in policymakers opinions about federally mandated minimum sentences and racial disparities in sentencing. In January 2010, after six years of public education, grassroots organizing and mobilization, and advocacy, New Jersey enacted drug-free school zone reform which allows courts to decide whether mandatory sentences should be applied based on the facts of the drug crimes committed in a drug-free school zone. In 2009, the Massachusetts Senate passed a sentencing reform bill that would expand parole eligibility and access to work release programs for people serving mandatory minimums for drug offenses. While the Massachusetts House did not take up the legislation before the end of the year, the state senate's actions signaled that reform is possible in the current environment.

FAMM is leveraging and guiding changing public opinion on sentencing reform issues. With OSI funding since 1995 and JEHT funding since 2002, FAMM has established itself as an authoritative information source and leading advocate in challenging mandatory sentencing policies on the national and state level. Over the past year alone, FAMM has been featured by or quoted in many newspaper articles dealing with mandatory minimums and sentencing issues, generally, including *The Washington Post*, *Los Angeles Times*, *The Wall Street Journal*, and *The Boston Globe*, among others. FAMM's unique ability to work beyond the stereotypic "liberal" and "conservative" labels enables it to build broad coalitions and bridge the gap between grassroots advocacy and policy makers. FAMM's strategy of engaging taxpayer watchdog groups in successful reform efforts in Michigan years ago has encouraged similar groups to join nascent reform efforts in Massachusetts and Florida. Beyond its successful policy advocacy and value as a trusted information source, FAMM's success at organizing and mobilizing people directly impacted by the mandatory minimum and harsh sentencing schemes the organization is trying to change has made the organization a model for engaging directly affected constituencies.

Despite its programmatic successes, FAMM is projecting a diminishing budget shortfall over the next two years due to the unexpected closure of the JEHT Foundation in 2008, and slightly decreased funding from individual donors. A portion of this general support grant, recommended for funding from OSI's JEHT Emergency Fund budget, would help FAMM transition from JEHT funding over the next two years and

give the organization the flexibility to develop and sustain new or deepened funding sources while maintaining its programmatic work.

For these reasons, the Criminal Justice Fund recommends renewed general support funding to Families Against Mandatory Minimums in the amount of \$450,000 over two years from the JEHT Response and Criminal Justice Fund grantmaking budgets.

Name of Organization: Michigan Council on Crime and Delinquency

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

Purpose of Grant: To develop a plan for the creation of a Civic Justice Corps Preparation program (CJC-Prep) that prepares incarcerated people to participate in neighborhood-based Civic Justice Corps (CJC) and to implement CJC-Prep demonstration programs in up to two prisons in the Michigan state prison system.

FPOS Grant Description: To provide \$50,000 in project funding over one year to the Michigan Council on Crime and Delinquency (MCCD) to develop a plan for the creation of a Civic Justice Corps Preparation program (CJC-Prep) that prepares incarcerated people to participate in neighborhood-based Civic Justice Corps (CJC) and to implement CJC-Prep demonstration programs in up to two prisons in the Michigan state prison system. OSI funding would enable MCCD to continue working in partnership with the Justice Reinvestment Work Group, established by the Council of State Governments, and the Michigan Department of Corrections to develop a plan for creating and sustaining CJC-Prep programming in Michigan state prisons, connecting in-prison programming to CJC demonstration projects in the community, and to establish up to two pilots in Michigan state prisons to promote early “service release” for CJC-Prep members.

Previous OSI Support: None

Organizational Budget: \$1,393,800

Project Budget: \$654,987

Sources of Support: \$411,487 Corporation for National and Community Service (AmeriCorps); \$175,000 Michigan Department of Corrections; \$18,500 United Way

Amount Requested: \$50,000

Amount Recommended: \$50,000 (Criminal Justice Fund, T1: 24027)

Term: 1 year

Matching Requirements: None

Description of Organization:

In 1956, concerned citizen leaders in Michigan founded the Michigan Council on Crime and Delinquency (MCCD) to ensure that laws and policies aimed at controlling crime were fair, effective, and affordable. Today, MCCD remains the only statewide citizens’ organization in Michigan devoted exclusively to the development, implementation, and support of legislation, policies, and programs that enhance community safety while recognizing the dignity of all citizens. MCCD’s Family and Community Services (FCS) program facilitates regularly supervised children visitations at female correctional facilities. Its Juvenile Justice initiative includes the Michigan Juvenile Justice Collaborative, which seeks to advance policies

and practices that prevent delinquency and promote successful reentry through transitional services for youth involved in the juvenile justice system. MCCD's Public Policy & Technical Assistance program offers research and evaluation, program development, advocacy, and consultations to criminal justice professionals, service providers, and policymakers throughout Michigan. And its Prisoner Reentry Initiative includes participation in the Michigan Prison Reentry Initiative (MPRI), which delivers a plan of services, support, and supervision from the time a person enters prison through his/her return to a community.

In 2003, MCCD assisted the Michigan Department of Corrections (MDOC) in conducting a thorough review of research on best practices to support successful reentry. The following year, based on their findings and with assistance from Public Policy Associates, MCCD developed the MPRI model. In 2005, with funding from the JEHT Foundation, MCCD began establishing the local implementation structure for MPRI by organizing 18 local steering teams, training team members on the model, and hiring community coordinators in all 18 sites, covering every county in Michigan. MCCD is now partnering with the Michigan Department of Corrections, local law enforcement officials, human service providers, and neighborhood associations to plan and implement a demonstration project that connects the Inner City Neighborhood Project—a public safety and national service project which incorporates a Civic Justice Corps (CJC) model into MPRI—to a CJC Preparation program (CJC-Prep) to be operated inside Michigan state prisons.

Description of the Project for Which Funding Is Sought:

The Michigan Council on Crime and Delinquency requests project funding to develop a plan for the creation of a Civic Justice Corps Preparation program (CJC-Prep) that prepares incarcerated people to participate in neighborhood-based Civic Justice Corps (CJC) and to implement CJC-Prep demonstration programs in up to two prisons in the Michigan state prison system. Specifically, OSI funding will enable MCCD to engage in the following activities:

Establish a Steering Team to design the in-prison CJC-Prep model. MCCD will identify and recruit a Steering Team to develop the CJC-Prep. The Steering Team will be comprised of state and local government officials, including officials from Michigan Department of Corrections (MDOC), the Michigan Community Service Commission, and the Office of the Governor's Foundation Liaison; local, state, and national foundation representatives; local MPRI representatives; and national experts from the Corps Network and the National Institute of Corrections. MCCD will facilitate the Steering Team deliberations regarding designing a model according to best practices and prison constraints.

Finalize the design and implementation plan of the in-prison CJC-Prep. MCCD and the Steering Team will identify and analyze the attempts to create CJC-Prep models in other states and develop an implementation framework with written recommendations regarding prison site selection, CJC-Prep member selection, program service options, civic involvement, pro-social engagement, employment readiness, and vocational training to best prepare CJC-Prep members to participate in community-based CJC programs after release from prison. MCCD and the Steering Team will seek input from national, state, and local partners with CJC expertise, and assist other states and jurisdictions that are interested in implementing a prison-based CJC project. MCCD and the Steering Team will also identify short and long-term performance measures, and develop a funding strategy for the in-prison CJC-Prep.

Begin CJC-Prep implementation. MCCD will modify its current programs in MDOC housing units and revise department policies and procedures as necessary to implement the in-prison CJC-Prep model. MCCD will also assess prison staff capabilities and training needs, and secure training consultants to teach prison staff to implement new programming, supervision, and case management strategies. To ensure that CJC-Prep participants will have access to the services and tools that they need to participate in

neighborhood-based CJs and for successful reentry and after release from prison, MCCD will secure outside services identified in the model.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by expanding opportunities for people with criminal records and challenging unreasonable barriers to successful reentry and reducing mass incarceration by reforming parole and probation policies and practices.

The Civic Justice Corps is an OSI-initiated and seeded national service model for reversing the divestment in the civil institutions and infrastructure of high incarceration neighborhoods that has accompanied the over-reliance on and investment in punishment and high levels of incarceration. By engaging members in visible and valuable neighborhood improvement projects, the CJC reintroduces to the community people returning from prison in a way that helps reverse the stigma and alienation associated with incarceration, provides a civic pathway to successful reentry and responsible citizenship, and builds public support for smarter justice policies. Its focus on green service projects in high incarceration communities and preparing residents for careers in the emerging green economy is unique. More than simply providing meaningful employment and job training, the CJC is designed to encourage critical thinking and civic participation and to prepare members for viable careers in the emerging green economy. Today, there are 17 local Civic Justice Corps demonstration projects across the country, funded largely by dollars from local private foundations and individuals and supplemented by limited funding from the Corporation for National and Community Service (AmeriCorps) as well as fee-for-service contracts with local public agencies and municipalities. In addition, Civic Justice Corps finds support for services and support for Corps members from local public social service and health agencies, schools, and community colleges.

While MCCD's proposal for OSI funding is specifically for planning and implementing in-prison CJC-Prep demonstration programming, it is part of a larger Justice Reinvestment project designed by MCCD, the Council of State Governments (an OSI grantee), and their allies in response to interest in Michigan for downsizing its corrections systems and reinvesting savings into projects in high incarceration neighborhoods that strengthen public safety and connect formerly incarcerated people to sustainable employment. The Inner City Neighborhood Project was launched in January 2010 as a result of the bipartisan recommendations by the Council of State Governments' Justice Reinvestment Work Group, which is comprised of representatives from Governor Jennifer M. Granholm, Senate Majority Leader Mike Bishop, and Speaker of the House Andy Dillon. The Project is piloted in four high incarceration and high unemployment neighborhoods: Detroit, Saginaw, Grand Rapids, and Benton Harbor. If successful, the Project, composed of other community components, will be the first in the country to integrate both an in-prison and neighborhood-based CJC model.

MCCD is uniquely suited to work with MDOC on designing and implementing a CJC-Prep demonstration program in the prison system. MCCD already conducts in-prison programming that reunites incarcerated mothers and their children. It is also a trusted and widely respected organization that is already working closely with the MDOC's top leadership, prison superintendents and staff, and neighborhood based organizations on the continued implementation of the Michigan Prisoner Reentry Initiative (MPRI). Although MPRI has become nationally known for its success in pre-release planning and post-release programming and supervision, Michigan has been less successful in connecting formerly incarcerated people to their neighborhoods through service, volunteerism, and social activities. However, the collaborations that MCCD developed through MPRI will ensure the quality of in-prison CJC planning and implementation. Additionally, with technical assistance and consultation from the Corps Network

(an OSI grantee), MCCD is poised to develop a program that adheres to CJC values and goals while successfully addressing the particular needs and challenges of Michigan.

For these reasons, the Criminal Justice Fund recommends project funding to the Michigan Council on Crime and Delinquency in the amount of \$50,000 over one year.

Name of Organization: The Sentencing Project

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

Purpose of Grant: To provide general support

FPOS Grant Description: To provide \$550,000 general support over two years to The Sentencing Project, which engages in research, public education, and policy advocacy to reduce the United States reliance on incarceration, reduce racial disparities, and ensure a more fair and effective criminal justice system. Its priorities include identifying the financial and social costs of prison expansion and the limits of incarceration for strengthening public safety; promoting viable options for sentencing and drug policy reform and greater use of alternatives to incarceration; reducing racial disparities in the criminal and juvenile justice systems; reforming national and state felony disenfranchisement policies; and building capacity among state organizations for advocacy by enhancing communication and fostering collaboration and providing technical, campaign, and research assistance to state-level advocates.

Previous OSI Support: \$3,379,579
(\$825,000 U.S. Justice Fund-2007; \$50,000 U.S. Justice Fund-2006; \$600,000 U.S. Justice Fund-2004; \$100,000 Criminal Justice Initiative-2003; \$25,000 Criminal Justice Initiative-2002; \$400,000 Criminal Justice Initiative-2001; \$419,954 Center on Crime, Communities & Culture-2000; \$375,000 Center on Crime, Communities & Culture-1999; \$518,625 Center on Crime, Communities & Culture-1998; \$16,000 Center on Crime, Communities & Culture-1997; \$50,000 Center on Crime, Communities & Culture-1996)

Organizational Budget: \$2,322,720

Project Budget: Not Applicable

Sources of Support: \$200,000 Public Welfare Foundation; \$125,000 Ford Foundation; \$125,000 Individual Contributions; \$100,000 Wallace Global Fund; \$100,000 Sandler Foundation; \$75,000 Blaustein Foundation; \$50,700 Other Revenue; \$40,000 Bernard F. and Alva B. Gimbel Foundation; \$35,000 Working Assets; \$20,000 Rockefeller Philanthropy Advisors; \$12,000 Tides Foundation Tikvah Fund; \$10,000 Herb Block Foundation

Amount Requested: \$550,000

Amount Recommended: \$550,000 (Criminal Justice Fund, T1: 24027)

Term: 2 years

Matching Requirements: None

Description of Organization:

The Sentencing Project was founded in 1986 to provide defense lawyers with sentencing advocacy training and to reduce the reliance on incarceration. Today, the Sentencing Project is a national organization working for a fair and effective criminal justice system by promoting reforms in sentencing law and practice and alternatives to incarceration, through publication of groundbreaking research, aggressive media campaigns and strategic advocacy for policy reform. As a leader in the effort to bring national attention to disturbing trends and inequities in the criminal justice system, the Sentencing Project draws upon its experience and a pool of national experts to provide consultation to local and state governments and advocates on strategies and programs to reduce incarceration, enact reform of sentencing policies, and examine and reduce racial disparities.

Over the next two years, the organization will focus its activities on:

Financial and social cost of incarceration. The Sentencing Project will produce and broadly disseminate analysis of factors contributing to prison expansion; fact sheets on key criminal justice indicators, such as race, gender, offense, and demographics; overview of state-based analyses of recidivism; and assessment of current strategies to change policies that produce mass incarceration. The Sentencing Project is collaborating with The New Press and illustrator Sabrina Jones on the production of a graphic novel version of Executive Director Marc Mauer's book *Race to Incarcerate*, to be published in early 2012, with a distribution strategy designed to reach out particularly to criminal justice system reform advocates, grassroots groups, and students.

Impact of sentencing policy. In early 2011 and 2012, the Sentencing Project will distribute a policy report providing an overview of legislative changes from the previous year, with a focus on the areas of sentencing, diversion, and parole reform. The organization will also publish a study of the extent to which sentencing policies effectively deter criminal behavior, including analyzing issues of the certainty of punishment vs. the severity of punishment. The Sentencing Project will continue to conduct advocacy and public education efforts for crack cocaine sentencing reform.

Racial disparity. The Sentencing Project will continue research, public education, advocacy, and practitioner training to reduce racial disparities in the criminal justice system, including: maintaining and adding new resources to its internet-based database, the *National Clearinghouse on Race and Justice*; developing and distributing *Race & Justice News*, a regular email newsletter highlighting developments in research, litigation, and other news on race and criminal justice; continuing to monitor and assist advocates on the use of racial impact statements; conducting outreach to engage practitioners in workshops designed to develop approaches to reducing racial disparities in the criminal justice system; continuing to promote the manual, *Reducing Racial Disparity in the Criminal Justice System*; and producing articles and essays for academic, research, and practitioner journals.

Juvenile justice. The Sentencing Project will continue an in-depth national examination of individuals serving juvenile life without parole sentences for a report or briefing paper, including information on the conviction offense, race and geographic location of the individual, race of victims, current age, and years spent in prison. To improve youth reentry from secure confinement, the Sentencing Project will work with its allies to educate the public about how services and programs can be enhanced for youth exiting detention and advocate for greater accountability and evidence-based policies for youth. The Sentencing Project will add a new section dedicated to juvenile justice to its website to include news and publications on topics ranging from reentry, disproportionate minority contact, and juvenile life without parole.

Felony disenfranchisement. Working with the ACLU and the Brennan Center for Justice, the Sentencing Project will continue to collaborate on national outreach and state reform efforts by: disseminating a

weekly electronic newsletter on disenfranchisement; producing policy-relevant research and briefing papers on the impact and consequences of disenfranchisement law; publishing an analysis of the impact of voting on reducing recidivism; and publishing an essay by Marc Mauer on the implications of denying voting rights to incarcerated people.

Collateral consequences. The Sentencing Project will conduct public education about the harm that welfare, housing, and student financial aid bans can cause, including revising its guide to the mechanisms for rights restoration after a felony conviction.

State policy advocacy. The Sentencing Project will work closely with the Legal Action Center and continue to reach out to state advocates to provide technical, research, strategy, and media assistance, and to assess their capacity to be successful in reform efforts. To promote and facilitate information sharing among state advocacy organizations, The Sentencing Project will continue to maintain its State Criminal Justice Advocates listserv. The Sentencing Project will partner with states on emerging issues, including: the Kentucky Department of Public Advocacy to produce briefing papers to support their statewide outreach and advocacy; and New Jersey Department of Parole on production and dissemination of a New Jersey version of its “Downscaling Prisons” report.

Description of Project for Which Funding is Sought:

The Sentencing Project requests renewed general support.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund’s interest in reducing mass incarceration by attacking the excessive and economically destructive costs of incarceration, eliminating harsh and unjust sentencing practices, and eliminating harsh punishment by eliminating unreasonable barriers to reintegration, and ending the treatment of children as adults in prosecution and sentencing.

As the U.S. economy struggles with a severe fiscal crisis, one emerging silver lining is the increasing awareness of policymakers and the public that the escalating cost of a massive prison system poses enormous challenges. As a result, many of the criminal justice reform policies that we have supported for many years are now being heard more carefully. The Sentencing Project is an exemplary organization to capitalize on these opportunities with research, education, advocacy, and coalition building.

The Sentencing Project has a stellar reputation among advocates, practitioners, and policymakers, who have become dependent on its expertise and reliable production of credible and often ground-breaking reports. Through research, advocacy, and technical assistance, the organization impacts debates and defines a national agenda for reform. Recent published works included the *Criminal Justice Primer 2009*, which provided an overview of policy priorities for criminal and juvenile justice reform, addressing issues of reentry, sentencing, and racial disparity; *The State of Sentencing 2008: Developments in Policy and Practice*, an annual review of state sentencing reforms, revealing the range of options that states are using to effectively address public safety concerns and escalating prison populations; and *No Exit: The Expanding Use of Life Sentences in America*, a report revealing that one of every 11 people in prison are serving life sentences, with striking racial disparities among this group. The organization’s credibility and expertise has generated nationwide media attention and also leads to its staff serving as a key resource for national and regional media, as well as a daily contact for interviews, data analysis, story ideas, op-eds and letters-to-editors.

As a respected and trusted source of information and analysis, policymakers, advocates, and practitioners look to The Sentencing Project to both identify problems with current policies and solutions for better

public safety outcomes. In 2009, Executive Director Marc Mauer was invited to testify at three separate hearings of the House Judiciary Committee, on issues of racial disparity, crack cocaine sentencing reform, and juvenile life without parole. In May 2010, Mauer testified at a hearing of the United States Sentencing Commission, which is undertaking an assessment of mandatory minimum penalties in the federal court system and preparing a report to Congress for submission in October. The Sentencing Project typically participates in 30 to 50 speaking engagements per year, and maintains a website that is a leading source of information on sentencing law and policy, racial disparity in the criminal justice system, drug policy and collateral consequences of conviction, receiving more than 80,000 visitors a month. It is hard to think of an important coalition or conference where the Sentencing Project is not a lead participant. For instance, The Sentencing Project co-chaired a broad coalition of more than 130 organizations supporting the National Criminal Justice Commission Act, legislation introduced by Senator Jim Webb that would establish a blue-ribbon commission to conduct a comprehensive review of the criminal justice system and make recommendations for reform.

The Sentencing Project's work has benefited greatly from the talents of its Executive Director, Marc Mauer, who is the author of some of the most widely-cited reports and publications in the field. *Race to Incarcerate*, his groundbreaking book on how sentencing policies led to the explosive expansion of the U.S. prison population, was a semifinalist for the Robert F. Kennedy Book Award in 1999, and was revised and re-issued in 2006. A forthcoming graphic novel version of the book will update the statistics to reflect an additional decade of mass incarceration. In collaboration with Sabrina Jones, an artist, illustrator, and comic book author, the graphic novel version of *Race to Incarcerate* has the potential attract new audiences, advocates, and allies.

For these reasons, the Criminal Justice Fund recommends renewed general support to The Sentencing Project in the amount of \$550,000 over two years.

Name of Organization: Families and Friends of Louisiana’s Incarcerated Children

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

Purpose of Grant: To provide general support

FPOS Purpose: to engage in education, community building, and leadership development for parents of incarcerated youth and other caring adults. FFLIC’s campaigns are designed to transform individuals, families, and communities into personally and politically powerful forces that can reform currently oppressive systems and institutions into ones that truly uphold justice for all families.

Previous OSI Support: \$20,000 Sentencing & Incarceration Alternatives 2007

Organizational Budget: \$504,307

Sources of Support: \$40,000 21st Century Foundation; \$31,250 Ford Foundation; \$75,000 Marguerite Casey Foundation; \$12,500 Ms Foundation; \$20,000 Fund for NonViolence; \$15,000 Gulf Coast Fund; \$30,000 Youth Justice Funding Collaborative; \$85,000 Baptist Community Ministries; \$5,900 Threshold Foundation; \$184,157 Unrestricted Grants

Amount Requested: \$125,000

Amount Recommended: \$125,000
(\$100,000 Criminal Justice Fund, T1: 24027)
(\$25,000 Campaign for Black Male Achievement, T1: 21098)

Term: 1 year (June 2010–July 2011)

Description of Organization

Families and Friends of Louisiana’s Incarcerated Children (FFLIC) is a state-wide, membership-based organization that works to guarantee a better life for all of Louisiana’s youth, especially those involved, or at risk of becoming involved, in the justice system. Through chapters located in the Parishes of New Orleans, Lake Charles, Lafayette, and Shreveport, FFLIC engages in education, community building and leadership development advocacy to transform individuals, families, and communities into personally and politically powerful forces that can reform currently oppressive systems and institutions into systems that truly uphold equity and justice for all of Louisiana’s children and families.

The majority of FFLIC’s members are parents of children who have been disregarded and disrespected in the education and justice systems. FFLIC began in 2000 as an informal parent group supporting CJF grantee Juvenile Justice Project of Louisiana (JJPL) in its effort to close down the notorious Tallulah Correctional Center for Youth in Louisiana. During the *Close Tallulah Now* campaign, parents of incarcerated youth presented lawmakers with horrific stories of the physical and mental abuse and rape of their children who were incarcerated at Tallulah. By courageously sharing their stories these parents were able to put a face and name to the victims abused while in state custody. The Tallulah Correctional Center for Youth was eventually closed in 2001. However, parents who had been galvanized by the campaign realized that they needed to continue to raise their voices in protest and advocate for a fairer

and more humane justice system. In 2001 Families and Friends of Louisiana's Incarcerated Children was formed.

Gina Womack, co-founder of FFLIC, leads the organization today. She is a New Orleans native with deep roots in the community. Ms. Womack is a board member of the Louisiana Public Defender Board, the Petra Foundation, the Metairie Park Country Day School, the Juvenile Justice Institute Advisory Board, and on the executive committee of the Justice for Family Alliance. Ms. Womack's outstanding contributions to justice and education reform in Louisiana were formally recognized in 2009 when she received the Juvenile Justice Project of Louisiana's Advocate of the Year Award, and the Ms. Foundation's Women of Vision Award. Ms. Womack is supported by a seven-member staff that includes five Black women born and raised in Louisiana, and a formerly incarcerated father of a 14 year old young Black man currently on trial for murder. FFLIC's work is also guided by a four-member Board of Directors that includes CJF grantees Norris Henderson, founder and Executive Director of Voice Of The Ex-offender (VOTE), and James Bell, Esq., founder and Executive Director of the W. Haywood Burns Institute.

Description of Project for Which Funding Is Sought

Families and Friends of Louisiana's Incarcerated Children requests general support in the amount of \$125,000 over one year.

Rationale for Recommendation

This grant would advance the Criminal Justice Fund's goals of eliminating harsh punishment by combating the criminalization of young people and promoting alternatives to incarceration that impose the least restrictive conditions, ending punitive school disciplinary practices, and dismantling the school-to-prison pipeline. It also supports U.S. Programs' ongoing development of a comprehensive regional grantmaking effort in the gulf region. This grant would also advance the Campaign for Black Male Achievement's goals of promoting educational opportunities for African American youth and advancing a fair and equitable criminal justice system.

Sadly, the educational and juvenile justice systems in Louisiana continue to perpetuate poverty and racism, destroying thousands of children's lives in the process, and barring them from future participation in civic society. Louisiana lags behind the national average in every category of student performance in education. High school graduation rates are among the worst in the nation with Louisiana ranking 46th. According to the Schott Foundation's 2008 report, *Public Education and the Black Male Student*, black males had a 38 percent high school graduation rate while white males had a 60 percent high school graduation rate. Alarming, Louisiana schools suspend over 86,000 students and expel over 7,000 students annually. Moreover, these punitive practices are used to respond to minor instances of disruption and conflict ranging from classroom fights to "willful disobedience" with African American students being twice as likely to be suspended than white students. African American youth are similarly targeted and disproportionately represented in the juvenile justice system. Louisiana has the highest youth incarceration rate in the U.S. with 40 percent of youth in Louisiana being incarcerated for non-violent offenses.

FFLIC seeks to reverse these troubling trends through education, advocacy, and parent and community organizing. Its overarching goals are to (1) curtail the school-to-prison pipeline, and (2) reform Louisiana's juvenile correction system by moving it towards a rehabilitative and therapeutic model, and promoting greater use of alternatives to incarceration.

FFLIC's efforts have yielded some remarkable successes. In partnership with education officials, it developed a Reformed School Discipline Code with a safety and security plan that specifies and limits the type of offenses for which children can be suspended or expelled. It also compelled the Recovery School District (RSD) in New Orleans to hire a School Climate and Safety Executive to oversee the comprehensive school safety and security plan, which reduced the number of school security guards by 50 percent. In April 2010, in partnership with the National Economic and Social Rights Initiative (NESRI), FFLIC produced and released *Pushed Out: Harsh Discipline in Louisiana Schools Denies the Right to Education*, a comprehensive examination of policies and practices that impact school climate, discipline and education outcomes for students. This report has raised local and national awareness of the crisis in education in Louisiana. Similarly, FFLIC played a pivotal role in the closure of the Jetson Correctional Center for Youth—a facility plagued by violence, rapes, and guard-inmate violence—as part of a comprehensive overhaul of the state's juvenile justice system. The proposed grant would enable FFLIC to build on these efforts.

Derailing the School-to-Prison Pipeline

FFLIC aims to reduce the number of youth who are “school referred” from the public schools to the juvenile justice system by 35 percent. FFLIC will engage in education campaigns targeting state policymakers and the general public to raise awareness of questionable education policies that are harmful to children. It will develop fact sheets on relevant education reform topics and develop and facilitate workshops for parents and community members. In New Orleans Parish, FFLIC will continue to develop and implement the *Parent in Leadership Project*, which is designed to organize parent councils in the four Recovery School District (RSD) schools with the highest expulsion rates. The goal of this project is to have each parent liaison collaborate with school officials to create opportunities for meaningful parent involvement in successfully implementing the Positive Behavior Supports principles, thereby decreasing the number of student expulsions and suspensions. Moreover, FFLIC will build on its strong relationships with Paul Pastorek, Louisiana's Superintendent of Education, and Paul Vallas, the RSD's Superintendent, to jointly enhance and evaluate the program. At the one year benchmark, FFLIC intends to produce a process evaluation documenting the impact of the initiative at each school.

Promoting Juvenile Justice Reform

FFLIC will continue to zealously advocate for the closure and downsizing of Louisiana's existing juvenile secure facilities. For example, while FFLIC and its allies have made significant progress in reforming the juvenile justice system, stories of abuse and neglect of youth in confinement continue to plague the system. FFLIC now seeks to close down the Swanson Correctional Center for Youth, which is notorious for violence against its young inmates. Additionally, it will continue to advocate for the elimination of razor-wire fences, the abolition of juvenile shackling, and promoting regionalization of facilities, similar to the Missouri System Model, so that parents can participate in their child's treatment and rehabilitation.

FFLIC continues to build its base by engaging in courthouse outreach to families whose children are being processed through the courts and by participating in “Parent Listening Meetings,” organized by the JJPL and the Office of Juvenile Justice (OJJ), in efforts to identify parents of incarcerated youth. Additionally, in partnership with youth advocates across the state, FFLIC will build coalitions and hold press conferences and accountability sessions with the Governor, in order to reveal the continued abuse of youth in confinement, and to hold the Juvenile Justice Implementation Commission accountable for exercising its authority to ensure that the Office of Juvenile Justice implements reform measures with all deliberate speed.

Building Organizational Capacity

The last two years have proven to be a time of intense organizational growth with the simultaneous impact of a dramatic reduction of funds due to the national economic downturn and a philanthropic arena that has dramatically reduced its funding streams. Thus, when the greatest amount of campaign development, training and clarity of strategic vision was necessary, FFLIC experienced diminished organizational capacity. In 2009, FFLIC underwent an organizational assessment and strategic planning process and developed a plan for improved internal processes designed to more effectively advance its goals and fulfill its mission. This grant also advances the Campaign for Black Male Achievement's goals of investing in promising practices and model organizations that advocate on behalf of improving life outcomes for black men and boys in the Campaign's target-region of New Orleans, LA; and supporting advocacy and organizing efforts, especially those that empower black males, to advocate for education reform, ensure fair discipline policies, and avoid school push-out tactics that fuel the school-to-prison pipeline.

For these reasons, the Criminal Justice Fund recommends general support funding to Families and Friends of Louisiana's Incarcerated Children in the amount of \$125,000 over one year.

Name of Organization: National Employment Law Project

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

Purpose of Grant: To enhance economic opportunity and security for vulnerable workers and their families by strengthening the safety net for those displaced by the recession and by expanding employment opportunities for people with criminal records.

FPOS Grant Description: To provide \$700,000 in project funding over two years to the National Employment Law Project to enhance economic opportunity and security for vulnerable workers and their families by strengthening the safety net for those displaced by the recession and by expanding employment opportunities for people with criminal records. OSI funding will enable NELP to: 1) preserve the economic security of the unemployed; 2) enforce labor protections for low-wage and immigrant workers; 3) ensure a sustainable economic recovery built on good jobs; and 4) remove unreasonable employment barriers faced by people with criminal records.

Previous OSI Support: \$420,000
(\$270,000 U.S. Justice Fund-2007; \$100,000 U.S. Justice Fund-2005; \$50,000 U.S. Programs-1997)

Organizational Budget: \$4,656,727

Project Budget: \$5,441,535

Sources of Support: \$1,975,000 Ford Foundation; \$820,000 Rockefeller Foundation; \$600,000 Public Welfare Foundation; \$262,000 Annie E. Casey Foundation; \$220,000 Rosenberg Foundation; \$134,500 Individual Contributions; \$125,000 New York Community Trust; \$120,000 Service Employees International Union; \$107,034 Joyce Foundation; \$80,000 Robert Sterling Clark Foundation; \$50,000 Discount Foundation; \$80,000 Panta Rhea Foundation; \$60,000 General Service Foundation; \$40,000 New World Foundation; \$30,000 Scherman Foundation; \$16,000 Peggy Browning Fund; \$12,500 East Bay Community Foundation; \$10,000 Solidago Foundation

Amount Requested: \$700,000

Amount Recommended: \$700,000
(\$400,000 Seize the Day Grantmaking, T1: 21079)
(\$300,000 Criminal Justice Fund, T1: 24027)

Term: 2 years

Matching Requirements: None

Description of Organization:

The National Employment Law Project (NELP) was founded in 1974 as a legal organization funded by the federal government to promote the employment rights of the working poor and unemployed through legal services for low-income communities. In 1994, as welfare reform was sweeping the country and Congress eliminated NELP's federal funding, NELP began expanding its constituency to include a broader community of organizers, policy advocates, policymakers, and unions serving the interests of all low-wage workers. Today, NELP is a leading national research authority and advocacy organization dedicated to promoting employment opportunities, building a stronger safety net, and enforcing labor standards on behalf of the working poor. With offices located in New York City, Michigan, California, and Washington State, NELP's diverse staff of legal and policy advocates has advanced a broad range of progressive employment policies at both the state and federal levels and engaged the labor movement, progressive advocates, and other major allies. NELP played a key role forging labor-community alliances for progressive welfare reform, and successfully advocating for protections for workfare workers and subsidized wage-paying jobs for welfare recipients with the benefits of public sector union membership. It has been at the forefront of efforts to enforce and expand the labor rights of immigrant workers, including the rights of undocumented workers to labor protections under U.S. and International human rights laws. NELP has led national efforts to reform the unemployment system to meet the needs of low-wage workers by forging alliances between labor unions and progressive advocates that have produced model policies in nearly half the states.

In 2007, OSI awarded NELP funding to support its *Second Chance Labor Project*, a national effort to engage labor unions in efforts to remove unreasonable employment barriers for people with criminal records. It has since become a recognized, highly successful and oft-quoted leader on these efforts.

Description of the Project for Which Funding Is Sought:

The National Employment Law Project requests project funding to enhance economic opportunity and security for vulnerable workers and their families by strengthening the safety net for those displaced by the recession and by expanding employment opportunities for people with criminal records. Specifically, with OSI funding NELP will engage in the following:

1. Preserve economic security for the unemployed

Modernize unemployment insurance. NELP will extend its program of technical assistance to state-based partners working on modernization, including legal analysis, strategic advice, communications assistance and cost analyses. To bolster modernization campaigns, NELP will conduct new research and analysis that provide information on the impact and costs of modernization reforms.

Sustain federal extended benefits. NELP will continue to serve as the center of a campaign to sustain the extension of federal benefits, including timely research, active public relations, coalition-building, and educating stakeholders and policymakers. NELP will redesign www.unemployedworkers.org, an information and action portal, to be more interactive in order to engage more jobless workers in various campaigns, to strengthen and improve unemployment benefits and infrastructure.

Secure unemployment insurance amid state financial crisis. NELP will work with other national partners to educate and assist state-based policy groups, labor unions, government agencies, and policymakers in upcoming state financing and benefit reduction debates, including in-personal national and regional trainings, conducting research, and providing testimonies before state panels. NELP will also develop and disseminate policy recommendations for federal solvency standards and benefit protections.

Strengthen states' benefit delivery infrastructure. NELP will engage and advocate the U.S. Department of Labor to enforce federal unemployment insurance standards and encourage replication of model state policies. NELP will also work with the USDOL to promote discrete federal initiatives such as clamping down on employers that misclassify employees and independent contractors.

2. Enforce Labor Protections for Low-Wage and Immigrant Workers

Reform U.S. Department of Labor to enforce labor protections. NELP will continue to lead, coordinate advocacy, provide research and policy analysis to its *Just Pay Working Group* to implement administrative and regulatory changes in the USDOL, including engaging with USDOL staff, drafting and submitting comments on the currently planned regulatory changes for the FLSA recordkeeping requirements, which currently exempt most home care workers from minimum wage and overtime coverage.

Support immigrant worker centers in wage theft campaigns. NELP will continue its partnership with worker center networks to provide legal and policy technical assistance to grassroots workers rights campaigns. NELP will produce an advocacy guide on state and city policies to combat wage theft, providing model policies, legal assessments, and economic arguments and evidence in support of reform. NELP will continue to support and grow the private enforcement community through its National Wage and Hour Clearinghouse, www.just-pay.org, an online resource center for attorneys and community groups, and by advising or participating in cases that enforce minimum wage and overtime rights for low-wage and immigrant workers. NELP will publish its *Toolkit for Collaborating* with the U.S. Department of Labor to Recover Unpaid Wages, an advocate's guide with talking points, and contact information for district and regional USDOL wage and hour offices around the country, to encourage worker advocates to develop strategic alliances with the newly-energized USDOL's Wage & Hour Division and Office of the Solicitor in the regions.

Advocate for stronger enforcement of employee classification. NELP will advise state and federal policymakers on strategies to help protect workers from being misclassified as independent contractors under existing law, such as strong wage reporting requirements for businesses receiving stimulus funds. NELP will also continue to monitor and report on state and federal legislative and agency activity and promote best practices around the states by providing testimony, consulting with state agencies and legislators, and advising federal agency staff on the Obama administration's new independent contractor initiative. NELP will prepare a comprehensive policy brief on independent contractor misclassification, the nature and magnitude of the problem, and the best state and federal reform models.

3. Ensure a Sustainable Economic Recovery Built on Good Jobs

Harness regional economic development for living wage jobs. NELP will continue to partner with grassroots advocates on living wage campaigns that promote innovative economic development policies in cities and states across the country, including New York City, Chicago and Maryland. NELP will provide legal analysis, policy advice, economic impact research, public education, and media work. NELP will publish an advocacy and policy guide to living wage policies, which will inventory existing legislation and campaigns at the city level, analyze evidence to date on economic impacts, and provide an accessible guide to the arguments for these policy models.

Advocate for living wage standards at the federal level to raise wages of front-line service jobs. NELP will continue to work with allies such as the Center for American Progress on its campaign for a federal contracting executive order, and will develop other campaigns for new, good jobs standards for federal government grant programs. Key areas for new campaigns may include federal grant programs for childcare and home health care jobs and other lowest paid occupations where federal spending is directly contributing

to working poverty. Drawing on NELP's expertise around living wage, apprenticeship and local hiring standards, NELP will continue to partner with allies to explore strategies for ensuring that federal investment for infrastructure and environmental sustainability creates quality jobs that are accessible to low-income communities. NELP will publish an analysis of national job growth trends as the recovery continues, focusing on the wages of high growth jobs, especially front-line occupations that do not require a four-year college degree.

4. Remove Unreasonable Employment Barriers Faced by People with Criminal Records

Reform federal hiring and improve federal criminal records databases. NELP will continue its advocacy before key federal agencies and policymakers to secure an Office of Personnel Management policy identifying model federal contractor hiring practices and a more transparent OPM appeals process. NELP will engage and encourage the Department of Justice and other federal agencies to support and replicate OPM model hiring policies as applied to all federal agencies and their contractors. NELP will also educate policymakers on the FBI criminal background checks database and screening process and how to protect workers affected by the records screening.

Expand and enforcing civil rights and privacy protections of persons with criminal records. NELP will continue to provide input into development by the EEOC and the Federal Trade Commission of new guidance for workers and employers about regulation of criminal background checks under Title VII of the Civil Rights Act and the Fair Credit Reporting Act. Working in partnership with Community Legal Services of Philadelphia, NELP will engage local advocates to promote new EEOC policy guidance enforcing Title VII laws as applied to criminal background checks for employment. NELP will file new EEOC charges against strategically targeted employers whose criminal records screening practices and policies appear to violate Title VII.

Promote state and local hiring reforms. NELP will collaborate with the National League of Cities in publicizing and disseminating model reforms at the state and local level. NELP will continue to provide technical assistance to cities and states to encourage adopting of criminal records screening reform, and promote hiring of people with criminal records for federal and state projects promoting green jobs.

Expand communications and media outreach. NELP will continue to develop and implement a proactive and sustained communication strategy, including generating talking points to support national and local criminal background check reform efforts, and securing feature stories in major news outlets on employer compliance with EEOC guidelines, and editorials on criminal records screening.

Rationale for Recommendation:

This grant would advance the Equality and Opportunity Fund's interest in lifting barriers that prevent people from participating fully in economic, social, and political life by promoting economic opportunity, particularly for low-wage workers. This grant would also advance the Criminal Justice Fund's interest in reducing harsh punishment by eliminating unreasonable barriers to employment for people with criminal records and would further the goal of the Seize the Day Fund to ensure equity in the economic recovery.

Even as analysts tentatively report the first glimmers of an economic turnaround, families across the country remain in deep crisis. A staggering 15 million Americans are out of work, the largest monthly unemployment count in the post-World War II period. The nation has hemorrhaged nearly eight million jobs since the recession began at the end of 2008, with employers shedding jobs faster than in any recent downturn. And our unemployment insurance system—the key safety net on which these workers rely—is strained and struggling as the result of unprecedented demands, weak administrative infrastructure, and unsound state and federal financing decisions, while workers reliant on the program suffer from

restrictive eligibility rules and inadequate benefit levels. At the same time, workers with jobs have seen their wages fall and their hours cut. Long before the current recession set in, working families were already struggling to survive in a world of stagnant wages, disappearing benefits and diminishing job security.

The situation for people with criminal records and their families is even more daunting. The widespread and growing use of criminal background checks to screen for employment is imperiling job opportunities for millions, regardless of the age or severity of their offense, and wielding a particularly devastating blow to employment opportunities for African Americans and Latinos, who are disproportionately represented in the criminal justice system. The “reentry” movement of the past few years has made laudable gains in reducing employment barriers, but public policies and employer practices have a long way to go to catch up with the needs of people leaving prison or struggling to find work even with old criminal records.

Perhaps the biggest unspoken challenge for our recovery and sustained prosperity will be to rebuild an economy that works for all working families. If we want to “create jobs that sustain families and sustain dreams,” as President Obama put it, we have to act now to lay down an institutional and regulatory framework that prioritizes good jobs as the key to sustaining our communities. Otherwise, we risk getting trapped in a recovery model that narrowly focuses on job creation without attention to job quality, and that fails to address the needs of the tens of millions of workers already stuck in low-wage, dead-end jobs, or who have difficulty finding work because of discrimination as a result of a past criminal conviction.

We believe that NELP is singularly qualified to address these complicated and critical issues challenging our society. It has been the premier national organization keeping a spotlight on the unemployment crisis, developing and publicizing crucial empirical analyses informing policy development, and bringing the voices of jobless workers directly into public debates. NELP is one of the leaders of the national movement to combat unfair and illegal working conditions, providing research to document its scope and the policy solutions needed to shift more employers towards compliance and partnering with immigrant worker centers, unions, legal services advocates and policymakers to promote reform at the federal, state, and local levels to help bring jobs out of the underground economy. Its landmark 2009 study, *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities*, which received extensive attention in the media and among government leaders, NELP has provided the most rigorous national research to date documenting the startling scope of this problem and has provided a key tool for advocates in making the case for reform. NELP is the lead provider of technical, legal, and economic research assistance to the living wage movement, by helping organizations design and draft new policies, overcome legal hurdles, and by providing the crucial research and case studies making the case that reforms are economically realistic and will not stall growth or cost jobs. And, with OSI funding for its *Second Chance Labor Project* over the past five years, NELP has become a leader in challenging the unreasonable employment barriers faced by people with criminal records and has expanded the constituency for criminal justice reform by forging partnerships with labor unions whose interests were threatened because they were losing members due to criminal background checks that had become mandatory in some industries.

In all of NELP's work, its efforts to mobilize directly affected communities and move the policy debate is greatly enhanced by aggressive communications and outreach that, among other things, elevates workers' stories and brings their voices into the debate. Combining solid research and analysis with access to a strong network of advocacy partners and affected workers, NELP has engaged all the major media outlets, including editorial boards, in worker rights issues. In 2009, NELP and its staff registered well over 800 media cites on critical economic opportunity and security issues. In the area of criminal records and employment, NELP has taken advantage of timely opportunities, such as the Transportation Safety Administration's implementation of the national port worker background check program, to draw

attention to how criminal background checks affect workers and the need to ensure transparency, accountability and worker protections in the process. NELP has had selected success engaging the media around these issues and has built a strong relationship with the New York Times editorial staff, who have written seven strong editorials pitched by NELP addressing criminal background checks for employment, featuring both model and problem background check policies. This grant would enable NELP to continue developing the stories and media attention to promote its reform agenda in these areas.

For these reasons, Criminal Justice Fund and Seize the Day Initiative staff jointly recommend project funding to National Employment Law Project in the amount of \$700,000 over two years.

Name of Organization: Just Detention International

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

Purpose of Grant: To continue its *Raising the Bar for Safety and Justice Campaign*, which capitalizes on the first ever national standards addressing sexual violence in detention, currently under review by the U.S. Attorney General, to open detention facilities to urgently needed external scrutiny through regular independent audits and oversight

FPOS Grant Description: To provide \$150,000 in project funding over one year to Just Detention International to continue its *Raising the Bar for Safety and Justice Campaign*, which capitalizes on the first ever national standards addressing sexual violence in detention, currently under review by the U.S. Attorney General, to open detention facilities to urgently needed external scrutiny through regular independent audits and oversight. OSI funding will enable JDI to continue its efforts to ensure that: 1) the U.S. Attorney General adopts the national standards without weakening them; 2) states and localities begin implementing the standards without delay; and 3) policymakers and the public recognize independent audits and federal oversight as crucial to the standards and their effective implementation.

Previous OSI Support: \$255,000
(\$150,000 JEHT Emergency Fund 2009; \$75,000 U.S. Justice Fund 2007; \$30,000 Center on Crime, Communities & Culture 1997)

Organizational Budget: \$1,620,000

Project Budget: \$997,306

Sources of Support: \$305,000 Anonymous Foundation Donor; \$120,000 Individual Donors; \$75,000 Rockefeller Family Fund; \$50,000 Ford Foundation; \$50,000 NoVo Foundation; \$50,000 Arcus Foundation

Amount Requested: \$150,000

Amount Recommended: \$150,000 (JEHT Emergency Fund, T1: 59959)

Term: 1 year

Matching Requirements: None

Description of Organization:

Founded in 1980 as Stop Prisoner Rape, Just Detention International (JDI) is a human rights organization whose mission is to end sexual abuse in all forms of detention. JDI provides expert analysis; survivor accounts; training and technical assistance to policymakers and corrections officials at the federal, state, and county levels; and mobilizes allied organizations to: 1) engender policies that ensure government accountability for prisoner rape; 2) change ill-informed attitudes toward sexual assault in detention settings; and 3) promote access to resources for survivors of this type of violence. To address the more

immediate needs of prison rape survivors, JDI also mobilizes allied organizations to combat sexual abuse in detention and trains rape crisis centers nationwide to address the needs of prisoner rape survivors. JDI created *The Resource Guide for Survivors of Sexual Abuse Behind Bars*, a unique state-by-state guide to legal and psychological counseling resources for survivors who are still incarcerated, those who have been released, and loved ones on the outside who are searching for ways to help. JDI was instrumental in securing passage of the Prison Rape Elimination Act (PREA) of 2003 and has since led the call for the law's meaningful implementation. As part of that effort, JDI works closely with several federal agencies, including the National Prison Rape Elimination Commission (NPREC), the Bureau of Justice Statistics (BJS), the Review Panel on Prison Rape, and state and local authorities to bring facilities and systems into compliance.

In 2009, OSI provided JEHT Emergency funding to enable Just Detention International to continue working with the Oregon Department of Corrections to bring Oregon's state prison system into compliance with binding standards for the prevention and detection of sexual violence, required by the Prison Rape Elimination Act of 2003.

Description of the Project for Which Funding Is Sought:

Just Detention International requests project funding to continue its *Raising the Bar for Safety and Justice Campaign*, which capitalizes on the first ever national standards addressing sexual violence in detention, currently under review by the U.S. Attorney General, to open detention facilities to urgently needed external scrutiny through regular independent audits and oversight. Specifically, OSI funding will enable JDI to engage in the following efforts:

Promulgation of national standards to prevent and respond to sexual violence in detention. To ensure that Attorney General Eric Holder promulgates strong standards in a timely manner, JDI will mobilize a diverse group of stakeholders supporting the standards, including corrections leaders, service providers, survivors, advocates, and other allies who are members of JDI's *Raising the Bar Coalition*. JDI will conduct an extensive campaign to educate policymakers and corrections officials and advocate directly with Department of Justice staff reviewing the standards. To ensure that the cost of adopting and implementing the standards is only one factor among many when considering the standards, the campaign will emphasize the importance of addressing sexual violence because states have constitutional and other legal obligations to keep people safe, because it is the right thing to do, and because it is good corrections practice. Through media alerts, press releases, and direct contacts with individual journalists, JDI will inform and engage national and state media. JDI and other coalition members will distribute letters to the editor, op-ed articles, press statements, and disseminate informational materials about the standards and the early implementation projects.

Implementation of the standards. JDI will encourage state and county systems to begin implementing the standards, by working with jurisdictions that have formally committed to become early adopters of the standards (California Department of Corrections and Rehabilitation, Oregon Department of Corrections, and the Macomb County Sheriff's Office in Michigan) and by developing and sharing best practices. As the Attorney General releases its final standards, JDI will work with the early adopter sites to assess the impact of their efforts to implement policy and procedure changes that address requirements of the standards. To ensure appropriate practices in facilities, JDI will help develop and implement trainings for staff and incarcerated people, addressing relevant laws, policies, and practices that protect the rights of incarcerated people to be free from sexual abuse. JDI will continue to provide training and consultation to departments of corrections nationwide regarding PREA implementation and standards, and will identify jurisdictions that have developed innovative ways to incorporate the standards. JDI will also publicize the successes of early implementation efforts and their relevance to the standards review process.

Compliance and Oversight. As the standards are finalized, JDI will negotiate with the Attorney General to ensure that a system is put in place through which the federal government monitors whether states are in compliance. JDI will work with experts on the monitoring of public institutions to review existing oversight mechanisms within prisons, jails, and other public facilities. With this expertise, JDI will develop recommendations for how independent audits should be conducted, how standards compliance should be measured, what actions should result from a finding of noncompliance, and the role of the Department of Justice in evaluating compliance certifications. JDI will also mobilize oversight experts to participate in the Department of Justice's public comment period. JDI will also advocate for the Department of Justice to develop a system of meaningful oversight of compliance with the standards at the national level, including creating a Special Assistant for PREA to monitor and coordinate PREA-related activities, ensure implementation of the standards, visit facilities, communicate with staff and incarcerated people, and make recommendations for how to improve compliance.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by eliminating sexual abuse within United States prisons and our interest in securing a fair and equitable system of justice by ensuring effective public oversight and accountability of U.S. jails and prisons.

There is broad consensus among corrections experts and administrators that sexual violence in detention is vastly under-reported. According to the best available research, 20 percent of incarcerated men in the United States face sexual abuse at some point during their incarceration. The rate for women varies dramatically from one facility to another, with one in four women sexually abused in the worst facilities. In its first national survey of incarcerated people, the Department of Justice's Bureau of Justice Statistics (BJS) reported that about 4.5 percent (or 60,500) of the more than 1.3 million people held in federal and state prisons had been sexually abused in 2006.² In January, BJS released results of a survey of more than 9,000 young people in custody, which found 12 percent reporting being sexually abused one or more times, mainly by staff members. More alarming, the study found several juvenile facilities where 30 percent or more of the young people reported being raped.

These latest findings are consistent with those reported in June 2009 by the bipartisan National Prison Rape Elimination Commission, a federal commission created by Congress under the 2003 Prison Rape Elimination Act. The commission, which examined the problem for five years, also outlined a list of sensible policy changes, which the Justice Department has the power to make mandatory for all corrections institutions that accept federal money. By law, Attorney General Eric Holder has until June 2010 to review the standards and issue a final rule, making them binding on detention facilities nationwide. As such, the standards have the potential to become the most powerful tool so far in the effort to end sexual abuse in detention. However, the Department of Justice's review of the standards is moving slowly and it is clear that Attorney General Holder will miss the deadline.

Some corrections leaders are pressuring the Justice Department to weaken the standards, arguing that they will be too expensive. In response, the Attorney General has commissioned a cost projection study of standards implementation. However, this study is not a cost-benefit analysis; it is based on estimated expenses provided by corrections administrators. Officials who oppose the standards, or who are seeking to bolster corrections appropriations, have an obvious incentive to inflate their estimates. Beyond the questionable utility and accuracy of such a study, it dangerously encourages a focus on financial cost

² Beck, Allen J., and Paige M. Harrison. "Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007." U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics. Washington, DC: September 2007.

without regard for safety or human rights, for both staff and inmates. The fiscal benefits of the standards will be substantial, as the costs of sexual abuse in detention are enormous. States lose millions of dollars every year in prisoner abuse lawsuits alone. Based on JDI's work with corrections officials who are already adopting the measures recommended by the National Prison Rape Elimination Commission, we know that the expense need not be significant. Indeed, officials who are supportive of the standards, such as the Oregon Department of Corrections, are able to find low-cost solutions.

In addition to advancing the effort to end sexual abuse in detention, increase safety, and induce savings from litigations, the standards will set up systems of oversight that will benefit issues beyond sexual abuse. We are encouraged by the standards and the project's potential to stimulate and inform efforts to increase accountability and transparency of prison policies and practices.

JDI is distinctively qualified to undertake and lead the project. In addition to being instrumental in securing passage of the Prison Rape Elimination Act (PREA) of 2003, JDI has helped develop similar state laws in California and Texas. JDI also worked with the National Prison Rape Elimination Commission to draft and develop the standards in question. Already, JDI has mobilized a broad coalition of advocacy groups that support the standards, including the National Gay and Lesbian Task Force, the National Minority AIDS Coalition, the Campaign for Youth Justice, First Focus, the United Methodist Church General Board of Church and Society, and Prison Fellowship Ministries. By collecting and mobilizing voices of survivors, faith-based, conservative, and civil society organizations, JDI ensures that the Department of Justice is not just receiving messages from opponents in corrections.

In 2009 OSI awarded Just Detention International JEHT Emergency Funding to replace the unpaid JEHT Foundation's commitment for 2009, enabling the organization to continue working with the Oregon Department of Corrections to bring Oregon's state prison system into compliance with binding standards for the prevention and detection of sexual violence, required by the Prison Rape Elimination Act of 2003. Renewal funding from OSI's JEHT Emergency Fund would help JDI continue the work that it began with the Oregon Department of Corrections and apply lessons learned and best practices to the *Raising the Bar for Safety and Justice Campaign*, and will ease JDI's transition from JEHT funding by giving the organization the flexibility to develop new or sustain deepened funding sources while maintaining its programmatic work. JDI staff has been advised that OSI funding will not be provided beyond this grant.

For these reasons, we recommend project funding to Just Detention International in the amount of \$150,000 over one year from the JEHT Emergency Fund.

<u>Name of Organization:</u>	Murder Victims' Families for Reconciliation
<u>Tax Status:</u>	501(c)(3)
<u>Purpose of Grant:</u>	to provide general support
<u>FPOS Purpose:</u>	\$135,000 general support grant over two years to enhance Murder Victims' Families for Reconciliation'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.
<u>Previous OSI Support:</u>	\$75,000 Criminal Justice Fund 2009; \$125,000 Gideon Project 2003; \$100,000 Gideon Project 2001; \$50,000 Gideon Project 2000
<u>Organizational Budget:</u>	\$386,645
<u>Sources of Support:</u>	\$100,000 Atlantic Philanthropies – Proteus Action League; \$100,000 Tides Foundation – Sheilah's Fund; \$25,000 Fund for Nonviolence
<u>Amount Requested:</u>	\$135,000
<u>Amount Recommended:</u>	\$135,000 (Criminal Justice Fund, T1: 24027)
<u>Term:</u>	Two years (July 2010 – June 2012)

Description of Organization:

Founded in 1976, Murder Victims' Families for Reconciliation (MVFR) has helped to raise the consciousness of Americans and dispel the myth that all murder victims' family members are proponents of state killing. The group has been praised by Sister Helen Prejean—internationally renowned anti-death penalty activist, author and Nobel Peace Prize nominee—and recognized by many other national and international human rights advocates and organizations for its trailblazing work.

MVFR influences public opinion against the death penalty by presenting the unique and compelling stories of murder victims' family members who oppose capital punishment. Murder victims' family members bring irrefutable integrity and unquestionable moral authority to the debate about the death penalty, and have been some of the most effective advocates for abolition across the country. MVFR works to identify, recruit, train, and mobilize murder victims' family members across the United States in collaboration with state and national anti-death penalty work, incorporating their voices and perspectives in support of death penalty reform. MVFR also advocates for effective programs to support and compensate the family members of murder victims, and advocates against the diversion of financial resources into the costly capital punishment system. Some of the organization's recent accomplishments include:

- **Played a central role** in a successful citizen education campaign that led to the abolition of the death penalty in New Mexico (2009).

- **Crafted** a three-year (2009-2011) strategic plan that established clear programmatic, organizational, and financial goals to propel MVFR forward at the state and national level in the second decade of the 21st century.
- **Built** a national membership base with over 850 murder victims' family members and nearly 4,900 supporters in communities spread across the United States. This represents a 25 percent increase in the number of murder victims' family members joining MVFR since January, 2009. MVFR plans to increase membership by 20 percent in each of the subsequent years.
- **Established** state-based networks in California, New Mexico, and North Carolina during the last several years. MVFR, working in alliance with the active anti-death penalty groups in those three states, pioneered models for integrating the messages and messengers of MVFR into dynamic organizing activities.
- **Developed** a training manual to enhance the leadership and communication skills of murder victims' family members and their allies, and complimentary training program for organizers of victims' family members in state campaigns across the United States. As of April 15, 2010, over 60 organizers have participated in four training sessions. MVFR plans to develop additional in-person and web-based training opportunities for members and supporters.
- **Organized** a national speaker's network that has connected its members with thousands of people across the nation through presentations to business associations, civic groups, colleges and universities, congregations, and leadership bodies that shape public policy.
- **Initiated** and/or **Participated in** recruitment, outreach, training, and organizing efforts to involve murder victims' family members in state anti-death campaigns in Arkansas, California, Connecticut, Nebraska, North Carolina, Ohio, Pennsylvania, Texas, and Virginia.

Description of the Project for Which Funding Is Sought:

MVFR requests a renewal grant of \$135,000 over two years for general support.

Rationale for Recommendation:

This grant would advance the CJF priority area of eliminating harsh punishment, and the goal of involving those who are directly impacted by the criminal justice system in policy reform and advocacy. Specifically, the grant will support MVFR's singular role in the Campaign to End the Death Penalty by 2025 as the original and longest-operating national organization of murder victims' family members who oppose the death penalty.

Prosecutors and tough-on-crime politicians often cite the rights of murder victims' family members as justification for vengeance and executions. Unfortunately, the public and other politicians are often swayed by this rhetoric. Prosecutors and death penalty proponents understand the enormous political value of murder victims' family members. There is tremendous cultural and systemic pressure placed on murder victims' family members to advocate for executing the identified killer of their loved ones, and prosecutors frequently employ heavy-handed tactics to persuade family members to support a death sentence. The media and public opinion are consistently steered toward the perspective that opposing a death sentence is a sign that a family member does not care deeply about their loss.

Murder victims' family members who speak out against the death penalty challenge one of the most compelling arguments propping up capital punishment, and over the last several years they have emerged as a powerful force in the anti-death penalty movement. In 2008 and 2009, murder victims' family members published opinion editorials in the *Baltimore Sun*, *Fort Worth Star-Telegram*, and the *Washington Post*, and were featured in print and electronic media stories in communities throughout the United States. Murder victims' family members also played an important public education role during the campaign leading to abolition of the death penalty in New Mexico in 2009. Cathy Ansheles, an MVFR board member and a founding member of the New Mexico Coalition to Repeal the Death Penalty, assumed a core leadership position as a speaker and organizer of victims' family members in that state. MVFR also published a New Mexico version of its powerful booklet, *Not In Our Name*, featuring the stories of local victims' family members and highlighting their opposition to the death penalty.

This is a unique moment in the history of the movement to abolish the death penalty in the United States and murder victims' family members are playing a key role in advocacy and reform efforts. To advance its goals over the next year, MVFR will prioritize the states of California, North Carolina, Texas and six additional target states over the next two years: Arkansas, Connecticut, Nebraska, Ohio, Pennsylvania, and Virginia. To support this work, MVFR will hire additional organizing staff and strengthen its communications capacity to influence national media, public opinion and public policy. MVFR has already hired an organizer in Texas, working closely with the Texas Coalition to Abolish the Death Penalty (TCADP) and conducted a training program at the TCADP annual conference. Working with the ACLU of Northern California and CJP grantee Death Penalty Focus, MVFR has established the California Crime Victims for Alternatives to the Death Penalty, run by two part-times staff members.

As a key resource to mobilize murder victims' family members, MVFR brings an irrefutable integrity and unquestionable moral authority to the debate about the death penalty. For the above mentioned reasons, the CJP recommends a renewal grant of \$135,000 to MVFR over two years.

Name of Organization: National Coalition to Abolish the Death Penalty

Tax Status: 501(c)(3)

Purpose of Grant: To provide general support

FPOS Grant Description: This grant will provide \$215,000 in general support to the National Coalition to Abolish the Death Penalty (NCADP) over two years. NCADP provides critical leadership development, technical assistance, membership development and campaign organizing support to its extensive network of over one hundred affiliate organizations dedicated to abolishing the death penalty.

Previous OSI Support: \$250,000 Criminal Justice Fund 2009; \$80,000 U.S. Justice Fund 1997; \$10,000 Law & Society 1999; \$50,000 Gideon 2000; \$25,000 Gideon 2002

Organizational Budget: \$1,466,792

Project Budget: N/A

Sources of Support: \$200,000 Atlantic Philanthropies; \$25,000 Tides Foundation - Sheila's Fund; \$200,000 Ford Foundation; \$371,756 European Union; \$275,000 Major Gifts; \$20,000 Affiliate Dues

Amount Requested: \$215,000

Amount Recommended: \$215,000 (T1: 24027)

Term: Two years (July 2010–June 2012)

Matching Requirements: None

Description of Organization:

Founded in 1976, the National Coalition to Abolish the Death Penalty (NCADP) is a network of over 100 groups and local affiliates, including human rights, civil rights and professional organizations. NCADP is the nation's oldest organization dedicated exclusively to death penalty abolition, and unifies its extensive network of over 100 affiliate organizations, thousands of dedicated advocates and volunteers, murder victim family members, and prominent civil justice organizations in the fight to end the death penalty permanently.

As a leading national voice of the movement, NCADP engages in advocacy and public education plans and programs. Headquartered in the District of Columbia, NCADP's staff of seasoned professionals has a wide range of experience in advocating change in public policy and mobilizing institutions and individuals against capital punishment. Executive Director Diann Rust-Tierney has over 20 years of experience as a lawyer and policy advocate on this issue and extensive experience in the legislative advocacy arena, having organized and managed the ACLU Washington legislative office as its Associate Director from 1993 to 2000.

Currently, NCADP is one of only two national anti-death organizations providing important strategic support to advocacy organizations and allies working to abolish the death penalty. NCADP's support includes: 1)

specialized leadership training to activists providing instruction on the core elements of designing and executing a campaign to repeal or abolish the death penalty; 2) an annual training conference for advocates and affiliate executive directors; 3) technical assistance to affiliate leaders through bi-weekly conference calls; 4) communications and messaging outreach and support to affiliate members; 5) fundraising advice; and 6) intensive assistance and on-site support to affiliates leading active repeal or reform campaigns.

In January 2010, NCADP hosted its annual conference for more than 400 activists, attorneys and abolitionist leaders. Conference sessions presented viewpoints of murder victims' family members, law enforcement officers, religious and conservative leaders and workshops on membership development, effective communications and fundraising.

In addition to providing leadership development and training opportunities for affiliate members, activists and attorneys, NCADP has provided intensive technical assistance to affiliates implementing death penalty reform campaigns including membership development, fundraising assistance, advice on building or strengthening grassroots campaigns, communications assistance, board development and strategic planning. In 2009, and thus far in 2010, NCADP has been on the ground providing technical assistance in Alaska, Arkansas, Colorado, Florida, Illinois, Iowa, Kansas, Kentucky, New Mexico, North Carolina, Ohio, Pennsylvania, South Carolina, Texas, Utah, and Virginia.

Description of the Project for Which Funding Is Sought:

NCADP seeks general support in the amount of \$215,000 over two years.

Rationale for Recommendation:

This grant supports the Criminal Justice Fund's goal of eliminating harsh punishment, and fully supports the goals of the Campaign to End the Death Penalty by 2025, a coordinated national movement that was developed with OSI's support.

During the next two years, NCADP will expand its capacity to provide assistance and support to state affiliates thereby building a stronger base of anti-death penalty organizations and advocates pushing for reform or abolition. NCADP will:

- Increase the number of affiliates that have long-term public advocacy plans, such as those in Virginia and Texas.
- Increase the number of NCADP affiliates with memberships of at least 3,000 people, to demonstrate the breadth and depth of the pro-repeal movement.
- Increase the number of NCADP affiliates with budgets of \$100,000 or more by providing affiliates with fundraising support including trainings and ensuring that affiliates have strong development plans that include strategies to diversify funding sources. With this financial security, affiliates will be better able to respond to opportunities and threats while developing proactive repeal programs.
- Increase the number of NCADP affiliates with paid, full-time staffs that can provide needed organizing skills on the ground.
- Provide ongoing intensive technical assistance to at least eight states including Arkansas, Colorado, Illinois, Kansas, Pennsylvania and Virginia, and added assistance to at least 10 affiliates including Florida, Idaho, South Dakota and Utah. This assistance will include

- Build the broad base necessary for repeal including working with conservatives, the religious community and victims groups. Additionally, NCADP will take a leadership role to help affiliate members increase diversity in the recruiting of staff and board members and will help affiliates engage communities of color in membership and volunteer programs.
- Continue to serve as a model for developing partnerships and reaching out to a wide variety of organizations to further the goal of abolition. For the past several years, NCADP has convened the Ad Hoc Working Group, which consists of the leading abolition groups in the country, including CJP grantees Equal Justice USA and Death Penalty Information Center, and OSI grantees Amnesty International and the ACLU, among others.
- Work with the legal community to reduce the number of death sentences and executions by improving representation at capital trials. NCADP will continue to provide skills-building to local capital defenders and will continue to work with the National Consortium for Capital Defense Training and the International Justice Project to develop a program designed to empower defense counsel in capital cases to address mental health issues among their clients, with the hope of saving clients from death sentences.
- Work with the research community to explore the role of race and the death penalty. NCADP will continue to work with Harvard Law School's Charles Hamilton Houston Institute to conduct a series of summits on race and the death penalty and develop specific policy outcomes.

During the grant period, NCADP will continue to provide overall strategic leadership in coordination with the Campaign to Abolish the Death Penalty by 2025. Ms. Rust-Tierney has served on the Campaign's Steering Committee and will continue to provide invaluable input to the Steering Committee on a more informal basis in 2010 as she steps down from this term-limited position. Ms. Rust-Tierney's leadership and policy acumen is bolstered by the expertise of veteran organizer Abe Bonowitz, a fundamental partner in the success of New Jersey's repeal in 2007. Mr. Bonowitz has provided invaluable, in-person support to states as disparate as Alaska, Missouri and New Mexico, and maintains essential lines of communication with state partners and the Campaign's coordinator.

NCADP continues to play a leading role within the national death penalty abolition movement by helping state-based organizations aimed at abolition develop robust programs, build membership, craft strategic campaigns, recruit diverse constituents, and train leaders. For the above mentioned reasons, the Criminal Justice Fund recommends a general support grant to NCADP for two years in the amount of \$215,000.

<u>Name of Organization:</u>	Tides Foundation
<u>Tax Status:</u>	501(c)(3)
<u>Purpose of Grant:</u>	to support the Death Penalty Mobilization Fund
<u>FPOS Purpose:</u>	\$200,000 project support over one year to support the Tides Foundation’s Death Penalty Mobilization State Strategies Fund, which re-grants pooled donor funds to grassroots organizations that are leading state campaigns to abolish the death penalty. Contributing to the Fund allows OSI to leverage its resources with those of other donors in supporting emerging state-based organizations that are often overlooked by the national foundation world but are critical to the success of the fight to end capital punishment.
<u>Previous OSI Support:</u>	\$200,000 Gideon Project 2008; \$150,000 Gideon Project 2005; \$150,000 Gideon Project 2003; \$150,000 Gideon Project 2001
<u>Organizational Budget:</u>	\$6,000,000
<u>Project Budget:</u>	\$325,000
<u>Sources of Support:</u>	\$125,000 Sheilah’s Fund
<u>Amount Requested:</u>	\$200,000
<u>Amount Recommended:</u>	\$200,000 (Criminal Justice Fund, T1: 24027)
<u>Term:</u>	One year (August 2010 – July 2011)
<u>Matching Requirements:</u>	None

Description of Organization:

The Tides Foundation (“Tides”), a San Francisco-based public charity founded in 1976, partners donors who are interested in charitable giving with organizations that are working for progressive social change. Tides actively promotes a society founded on the principles of social justice, broadly shared economic opportunity, a robust democratic process, and sustainable environmental practices. Currently, Tides manages over 350 donor-advised funds, and it has awarded nearly \$450 million in grants over the past five years. Other Tides initiatives focus on economic and racial justice, Native American rights, environmental justice, youth programs, violence prevention, and civic participation.

In 2000, Tides formed the Death Penalty Mobilization Fund (DPMF) to support anti-death penalty work at the state level. To date, DPMF has awarded \$1.6 million in grant support to state-based grassroots organizations working against the death penalty via two structures: the State Strategies Fund and the Rapid Response Fund. Currently, only the State Strategies Fund of DPMF—which OSI has supported since 2001—remains active.

Description of the Project for Which Funding Is Sought:

The Tides Foundation seeks a renewal grant of \$200,000 over one year to support the Death Penalty Mobilization State Strategies Fund (“Fund”). The Fund’s goal is to abolish the death penalty through the

re-granting of pooled donor funds to state-based grassroots organizations to support public education and mobilization. Additionally, the Fund provides increased capacity to state-based organizations that strategically shape public opinion against the death penalty. A typical grant from the Fund ranges from \$30,000 to \$60,000 per year.

The Fund's grantmaking decisions have been guided by an Advisory Committee composed of invited activists and contributing grantmakers including OSI's Criminal Justice Fund, Atlantic Philanthropies, and Sheilah's Fund. Collectively, the committee determines which states are most likely to succeed in their reform efforts and which organizations within these states are best suited to mobilize groups to support reform.

In the recent past, the Advisory Committee has recommended grants to Coloradans Against the Death Penalty, Death Penalty Focus, Illinois Coalition to Abolish the Death Penalty, Kansas Coalition Against the Death Penalty, Nebraskans Against the Death Penalty Foundation, New Hampshire Council of Churches and Religious Education (with the New Hampshire Coalition to Abolish the Death Penalty), Ohioans to Stop Executions, and Pennsylvanians for Alternatives to the Death Penalty.

Rationale for Recommendation:

This grant supports the Criminal Justice Fund's priority of eliminating harsh punishment in the criminal justice system and advances the goals of the Campaign to End the Death Penalty by 2025.

The anti-death penalty movement is reaching a critical moment in which the political and social environment for abolition of the death penalty is within reach, and 2011 promises to be an exciting year for grassroots opportunities. Prosecutors are not seeking the death penalty as often as they had a decade ago, and jurors are not voting for death as often. New death sentences and execution rates continue to decline. Studies show that most Americans believe that an innocent person has been executed, and two-thirds believe that merely enacting death penalty reforms will not eliminate the multiple problems endemic to capital punishment systems. The economic cost argument continues to be relevant in state and national media. Finally, the base of opposition to capital punishment continues to broaden to include former death penalty proponents, murder victims' family members, victims' advocates, members of the law enforcement community, and an increasing array of editorial boards. The movement to abolish the death penalty received a tremendous boost in 2007 when New Jersey became the first state to repeal its capital punishment law since 1976, joined in early 2009 by New Mexico. The New York state legislature has thrice refused to reinstate the state's capital punishment following a 2004 decision of New York's highest court that declared the statute unconstitutional. Several other states are moving toward abolition including Colorado and Montana.

The Fund plays singularly important role in the abolition movement by adding capacity to small, state-based organizations that are building their base of support and increasing their organizational capacity to support the goals of the Campaign to End the Death Penalty by 2025. State-based organizations, and community involvement that they generate, are critical to the continued success of the anti-death penalty movement. However, the small scale at which these groups operate leaves them vulnerable to being overlooked by national foundations, which are ill equipped to seek out and evaluate numerous requests from small and fledgling groups. By participating in the Fund, OSI pools its funds with those from other donors and pursues a nationwide strategy of promoting promising grassroots organizations. OSI benefits from the administrative assistance provided by the Tides staff. Additionally, the combined experience and expertise of the Fund's Advisory Committee supports grantmaking decisions and maximizes opportunities for success.

For these reasons, Criminal Justice Fund staff recommends a renewal project support grant of \$200,000 over one year to the Tides Foundation Death Penalty Mobilization State Strategies Fund.

Name of Organization: Death Penalty Information Center

Tax Status: 501(c)(3)

Purpose of Grant: to provide general support

FPOS Purpose: \$200,000 general support grant over two years to assist DPIC's efforts to provide information and analysis on the use of capital punishment in the United States. DPIC regularly issues press releases and conducts briefings for journalists and is one of the most widely cited sources of information on the death penalty in the media. Since its inception, DPIC has produced and broadly disseminated 19 major reports on the death penalty and 15 annual reports.

Previous OSI Support: \$65,000 CJF 2009; \$100,000 JEHT Emergency Grantmaking 2009; \$200,000 Gideon Project 2008; \$160,000 Gideon Project 2006; \$100,000 Gideon Project 2003; \$100,000 Gideon Project 2001; \$50,000 Gideon Project 2000; \$70,000 Law & Society Criminal Justice 1999

Organizational Budget: \$529,964

Sources of Support: \$108,337 European Union Grant; \$245,000 R. MacArthur Foundation; \$7,135 Individual Donations

Amount Requested: \$200,000

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

Term: Two years (July 2010–June 2012)

Description of Organization:

The Death Penalty Information Center (DPIC) is a D.C.-based private foundation that serves the media and the public by providing information and analysis on the use of capital punishment in the United States. Formed in 1999, DPIC operates under the premise that the more the public knows about the death penalty, the more it will understand that this form of punishment is a government policy with excessive costs, questionable returns and irremediable flaws, and must be brought to an end. Richard Dieter became the executive director in 1992 and continues in that role.

DPIC regularly issues press releases and conducts briefings for journalists, and is one of the most widely cited sources of information on the death penalty in the media. DPIC has produced and broadly disseminated 19 major reports on the death penalty, and four of which have been based on commissioned national opinion polls. All of these reports have been widely covered in the media. DPIC's most recent report, "Smart on Crime: Reconsidering the Death Penalty in a Time of Economic Crisis" (2009), was cited in editorials in such diverse papers as the *New York Times*, the *Cleveland Plain Dealer* and the *Wichita Eagle*. It was widely covered by CNN, NBC, national radio, and papers around the country as states struggled with budget constraints. *Parade Magazine*, which reaches about 35 million readers, ran a significant story about the costs of the death penalty citing the report. DPIC's Year End Report for 2009, with its message of the declining use of the death penalty, was mentioned in over 700 news outlets, setting the tone for the death penalty debate in 2010.

DPIC also operates a state-of-the-art website. In 2009, the website received approximately 139 million hits, a 12 percent increase in the volume of traffic from 2008. Many national outlets have included links to the DPIC site, and it is frequently referenced in court opinions, books, and articles. The site was upgraded in 2008 and has a presence on networking websites such as Facebook, Twitter, YouTube, and produces free podcasts available through iTunes. DPIC maintains four additional websites—two each for its high school and college curricula (in the case of each curriculum, one website is designed for students and the other for teachers). DPIC’s high school curriculum has been used by teachers in all 50 states and 36 countries. DPIC’s college curriculum has been used by professors in 46 states plus the District of Columbia. The curricula are in keeping with DPIC’s philosophy, and Thurgood Marshall’s hypothesis, that the more people know about how the death penalty is applied the more likely they are to oppose it. Though there is no survey at the beginning of each class regarding student opinions about the death penalty (in an effort to avoid the implication that there is a “right” answer), students come away from these courses better informed about the death penalty, which has proved to be one of the most persuasive methods of increasing opposition.

In addition, DPIC makes presentations at conferences and before journalists, school groups, international audiences, legislative bodies, and interested organizations. In 2009 and early 2010, DPIC made presentations at the National Coalition to Abolish the Death Penalty Conferences in Harrisburg, PA, and Louisville, KY; William & Mary Law School; the Big Read program in White Plains, NY; American University; Catholic University; the Airlie Conference for death penalty litigators; and for two international gatherings at the British Embassy. DPIC’s Executive Director was invited to provide testimony on the costs of the death penalty by legislatures in Alaska, Kansas, and New Hampshire. DPIC participated in the strategic planning process on the death penalty organized by foundations, and DPIC’s Executive Director served as the Chair of the Steering Committee for this work.

Over the next two years, DPIC plans to undertake creative initiatives in key areas while maintaining its core work of public communications, assistance to key constituencies, and education of the public about the death penalty. DPIC will also continue its outreach to communities of faith and other under-utilized and unlikely allies.

Description of the Project for Which Funding Is Sought:

DPIC seeks a general support renewal grant of \$200,000 over two years.

Rationale for Recommendation:

This grant supports the Criminal Justice Fund’s priority of eliminating harsh punishment in the criminal justice system. It also advances the goals of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSI helped to develop.

In the last few years, caution and skepticism about capital punishment have been running high, resulting in fewer death sentences and executions, and increased activity in state campaigns for reform or abolition. Through its consistent work, DPIC has contributed to a shift in the national discussion on the death penalty. The polarizing discourse that had focused on the morality of capital punishment has moved toward a critical analysis of the system’s risks and problems.

Enormous opportunities lie ahead if the current momentum can be sustained. Unfortunately, the death penalty remains a tempting political symbol, even if it has no positive effect on public safety. To ensure significant movement away from the death penalty, comprehensive opinion research—followed by carefully crafted new messages delivered in a professional, systematic manner—is needed.

DPIC was formed in 1991, at a time when the number of death sentences, the number of executions, and public support for the death penalty were on the rise. By the mid-1990s, the number of new death sentences had increased to more than 300 per year, the highest level since the death penalty was reinstated by the Supreme Court in 1976. As the public's perception of this issue has changed, there has also been a dramatic reversal in death penalty trends. In 2009, executions were down 47 percent from a decade ago, and death sentencing has dropped over 60 percent during the same period. Even in Texas there were only nine new sentences in 2009, compared to 48 in 1999. The size of death row is also on the decline, from a high of 3,593 in 2000 to 3,270 in 2009.

DPIC has played an instrumental role in bringing about these reversals. For 17 years, it has provided journalists, scholars, and the public with accurate and current information on the death penalty. DPIC has strategically shifted the debate over the death penalty, once mired in moral and constitutional arguments, by demonstrating that the death penalty is applied in an unfair and arbitrary manner. DPIC's fact-based reports document the cases of the more than 100 death row inmates who have been exonerated based on innocence, the sharp racial disparities in the application of the death penalty, the dearth of well-trained counsel, the astronomical costs of prosecuting death-eligible cases, the skewing and withholding of evidence by overzealous police and prosecutors, the availability of life without parole sentences as an alternative to death sentences, and the weaknesses of the jury system.

Significant challenges remain: there were more executions in 2009 than in the previous two years due to the lifting of the moratorium on executions imposed while the Supreme Court considered the constitutionality of lethal injection. As more states resolve their problems with lethal injection, they too could return to regular executions. There has also been an expansion in the use of the federal death penalty, and some states without the death penalty have considered reinstating it.

The progress of recent years continues, with executions in 2010 moving at a slower pace than last year. Some efforts to expand the death penalty were defeated in recent legislative sessions, and states are continuing to re-evaluate the death penalty in light of the high costs of trying cases and maintaining this system. A number of states, including Maryland, Illinois, Colorado, and Montana, appear to be on the cusp of repealing capital punishment. Consistent and effective communications strategies will be needed to sustain momentum, especially as new cases of innocence have emerged, fueling public doubts about the fairness of the capital punishment system.

As a well known, much consulted, and trusted source of information on the death penalty, DPIC is poised to continue raising concerns about the fairness of the death penalty, and to continue driving down its use. For the abovementioned reasons, Criminal Justice Fund staff recommends a two-year general support renewal grant of \$200,000 to the Death Penalty Information Center.

Name of Organization: Equal Justice USA

Tax Status: 501(c)(3)

Purpose of Grant: To provide general support

FPOS Grant Description: This grant will provide \$400,000 in general support to Equal Justice USA (EJUSA) over two years. EJUSA is a national, grassroots organization working to build a criminal justice system that is fair, effective, and humane starting with repeal of the death penalty and increased services to families of homicide victims.

Previous OSI Support: \$75,000 Criminal Justice Fund 2009; \$250,000 Gideon 2008; \$100,000 Gideon 2006; \$80,000 Gideon 2003; \$80,000 Gideon 2001

Organizational Budget: \$917,117

Sources of Support: \$ 400,000 Atlantic Philanthropies; \$100,000 Tides Sheilah's Fund; \$105,450 Individual donations

Amount Requested: \$400,000

Amount Recommended: \$400,000 (Criminal Justice Fund, T1: 24027)

Term: Two years (July 2010–June 2012)

Description of Organization:

Equal Justice USA (EJUSA) was established in 1990 as a grassroots criminal justice program of the multi-issue Quixote Center located in Hyattsville, Maryland. EJUSA's mission is to build a criminal justice system that is fair, effective, and humane, and to mobilize ordinary citizens to advocate for reforms. In 1997, EJUSA launched a grassroots campaign that seeks a moratorium on executions throughout the United States and the reallocation of resources saved in the process toward support for the family members of murder victims. This campaign is now EJUSA's primary focus. On July 1, 2008, EJUSA separated from the Quixote Center and gained status as an independent non-profit entity. EJUSA recently relocated from Maryland to New York City. Over the past two years, EJUSA has increased its staff size from four to seven.

Description of the Project for Which Funding Is Sought:

EJUSA seeks general support in the amount of \$400,000 over two years.

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 led, in part OSI.

This grant would provide needed assistance to permit EJUSA to continue its work as a nationally recognized leader in the death penalty abolition movement. In recent years, EJUSA's leadership has demonstrated its organizational savvy and ability to bring together a variety of groups through a hands-on, collaborative

approach to political organizing. EJUSA has been particularly effective at targeting states that are ripe for engagement on death penalty abolition and building the capacity of grassroots groups in states such as New Jersey, New Mexico and Maryland. In addition, EJUSA continues to conduct an Annual Training and Strategy Retreat and on-site trainings, which have provided organizers in over two dozen states with effective strategies for reducing and eliminating state-imposed executions.

EJUSA's primary long-term objective over the next 10-20 years is to support abolition of the death penalty in the United States while improving services for the family members of murder victims—families currently harmed by the death penalty but which proponents claim the death penalty serves. EJUSA's short-term objectives to help achieve the Campaign's goal of abolition are to:

1. Provide campaign support and technical assistance in at least two states where EJUSA currently plays a significant role and expand grassroots organizing capacity of state organizations in two additional states, which may include Maryland, Montana, Connecticut, New Hampshire or Illinois.
2. Support state-based organizations develop and implement realistic and strategic campaigns, increase participation of key communities (law enforcement, victims' family members, and conservatives), and/or build the necessary grassroots capacity. As appropriate, ensure that states pursuing studies have the resources in place to make the study a success. Potential states where EJUSA will play a role include Nebraska, Ohio, Montana, Tennessee, Pennsylvania, Kansas, Indiana, and Washington.
3. Improve national-level coordination among various sectors of the movement to ensure that national activities are strategic and help drive momentum for repeal at the state level.

To implement these objectives, EJUSA will provide technical assistance to state partners over a multi-year period. Some of the services EJUSA will provide are described in more detail below.

- **Provide Technical Assistance and Capacity Building.** EJUSA will provide national and on-site training and technical assistance to state groups in organizing, policy advocacy, media and message development, campaign coordination, custom development of public education materials, membership and organizational development, and fundraising.
- **Support Field Organizing.** EJUSA's field organizers will devote themselves to a cluster of states in a geographical region and provide constant capacity-building assistance to organizations in these states. Recently, EJUSA has deployed field organizers in Cincinnati, Atlanta and Seattle.
- **Provide Campaign Coordination.** When state campaigns reach a high level of sophistication, EJUSA will facilitate a "strategy team" of key staff, media and political consultants while state team members carry out on-the-ground campaign activities.
- **Senior Advising.** EJUSA plays an in-depth consultation role in campaigns where the organization is not coordinating. As consultants and advisors from within the movement, EJUSA is poised to catch opportunities that state groups sometimes miss because they are too close to the campaign or too demoralized by prior failures. EJUSA shares best practices, lessons learned, and contacts with other states to ensure that state campaigns understand their relationship to the work happening outside their borders.
- **Develop Constituencies.** EJUSA helps states expand the breadth of constituencies in their campaigns through relationships with national organizations and national leaders that trickle down to the state level or cross state lines and through concerted organizing in targeted communities like law enforcement, victims, and conservatives. EJUSA has conducted workshops

- **Leverage Financial Assistance.** EJUSA will occasionally provide modest funds to state groups to get them off the ground or assist them in an emergency, recognizing that for some state groups, several thousand dollars—or even several hundred dollars—can make a tremendous difference, and that smaller and less sophisticated groups have few places to turn to for funding.

EJUSA's leadership has nurtured collaborative relationships that have resulted in tremendous victories for the anti-death penalty movement. Executive director Shari Silberstein has the strategic vision to identify states that are ripe for reform, train and develop exceptional partners in those states, and strike quickly and effectively when new opportunities arise. Ms. Silberstein's skill and sophistication in grassroots organizing and national networking have become evident to both the funders and advocates who have teamed up in the past year to launch the Campaign to End the Death Penalty by 2025. Ms. Silberstein was the innovator who designed a matrix for categorizing state campaigns, which continues to serve as an invaluable tool for both funders and advocates as they prioritize the objectives of the Campaign to End the Death Penalty by 2025. Ms. Silberstein has also played a leadership role as a Steering Committee Member of the Campaign. For the above reasons, the Criminal Justice Fund recommends a two-year general support grant of \$400,000 to Equal Justice USA.

Name of Organization: Defender Association of Philadelphia (fiscal agent for Pennsylvania Capital Representation Project)

Tax Status: 501(c)(3)

Purpose of Grant: to provide direct legal representation in state post-conviction proceedings to indigent prisoners sentenced to death in the state courts of Pennsylvania and Delaware

FPOS Grant Description: This grant will provide \$100,000 in project support over one year to the Defender Association of Philadelphia (fiscal agent for Pennsylvania Capital Representation Project (PCRPP)). PCRPP will provide critical state post-conviction litigation support for indigent prisoners convicted and sentenced to death in the state courts of Pennsylvania and Delaware.

Previous OSI Support: \$100,000 Criminal Justice Fund 2009

Organizational Budget: \$12,000,000 (does not apply to this project)

Project Budget: \$159,000

Sources of Support: \$30,000 Staff Contributions; \$15,000 individual donors; \$10,000 Independence Foundation; \$4,000 Philadelphia Bar

Amount Requested: \$100,000

Amount Recommended: \$100,000 (T1: 24027)

Term: One year (June 2010–May 2011)

Matching Requirements: None

Description of Organization:

The Defender Association of Philadelphia, a 501(c)(3) organization, is the public defender for the City of Philadelphia. In addition to providing representation to poor people charged with crime in state courts located in Philadelphia, it has a division which serves as the Federal Public Defender for the United States District Court for the Eastern District of Pennsylvania (FPD). In 1995 the FPD was provided with federal funding to create a Capital Habeas Corpus Unit (CHU). The mandate of the CHU is to provide representation in federal habeas corpus proceedings for poor prisoners who have been convicted and sentenced to death in the state courts of Pennsylvania. The FPD and CHU receive funding from the federal government to fulfill this mission.

In 1998, the CHU created the Pennsylvania Capital Representation Project (PCRPP) in response to the complete absence of state funding for capital prisoners to litigate their cases in Pennsylvania state post-conviction proceedings, which is an essential component of any successful challenge to a death sentence. PCRPP may not use any of the CHU's federal funds to represent its clients in state court. Thus, PCRPP's mission is to raise funds to permit CHU staff to litigate cases in state post-conviction proceedings. PCRPP has received funding from foundations and from individual donors.

Since the CHU's inception (1995) and PCRCP's founding (1998), the projects have achieved unparalleled success in obtaining actual relief—new trials or new penalty hearings—for dozens of condemned men and women in Pennsylvania. Because of their success, CHU and PCRCP's have been asked to assume representation outside of Pennsylvania. PCRCP currently has cases in Arkansas, Texas, Missouri, Oklahoma, Virginia, Maryland, and Indiana. The Project's achievements were recently recognized when the CHU received the *2009 Outstanding Legal Services Award* given by CJF grantee the National Coalition to Abolish the Death Penalty.

In 2006 the CHU's funder (the Administrative Office of the United States Courts) asked the CHU to assist with Federal habeas corpus cases in the neighboring state of Delaware.³ As in Pennsylvania, Delaware's state post-conviction process is deeply flawed. There is inadequate funding for state post-conviction proceedings and the local defense bar is not adequately trained to handle these highly specialized proceedings.

Description of the Project for Which Funding Is Sought:

Pennsylvania Capital Representation Project will represent indigent capital prisoners in Pennsylvania and Delaware in state post-conviction proceedings. The Capital Habeas Unit receives adequate funds from the federal government to perform its core function of representing capital prisoners in federal habeas corpus proceedings, however, there is no governmental (i.e. state or federal) funding for representation of prisoners in state post-conviction proceedings and PCRCP may not use any of the CHU federal funds for its state court representation.

Successful post-conviction proceedings are the lynchpin of successful capital defense. Federal habeas corpus cases are governed by complex, demanding and unforgiving procedural rules. Failure to abide by these rules can result in forfeiture of a prisoner's right to have his claims of constitutional error reviewed by the federal courts, with fatal consequences. One of these core rules requires that all constitutional claims that are to be presented to the federal courts must first be presented to the state courts. In capital cases, this should take place in state post-conviction proceedings, which occur after a prisoner's direct appeal is decided but before federal habeas proceedings are commenced.

Capital defendants have no federal constitutional right to counsel in state post-conviction proceedings and accordingly this part of the process is notoriously under-funded by the states. Pennsylvania and Delaware both inadequately fund this stage of a capital case and each of their systems for state post-conviction review is flawed.

Pennsylvania provides no state funds for counsel, experts or investigations, and leaves this critical piece to each county to fund. Pennsylvania's capital post-conviction system and the entire capital defense system have come under intense criticism in a report authored by the American Bar Association: *Evaluating Fairness and Accuracy in Death Penalty Systems: The Pennsylvania Death Penalty Assessment Report* (October, 2007). This report found a number of areas in which Pennsylvania's death penalty system "faltered" and for which "reforms" were suggested, including: 1) failure to protect against poor defense lawyering; 2) no state funding of capital indigent defense services; 3) inadequate access to experts and investigators; and 4) significant limitations on post-conviction relief.

³ In the fall of 2009, the Federal Public Defender of Delaware started a CHU that will ultimately be responsible for federal habeas representation of those capital prisoners convicted and sentenced to death in Delaware. The Delaware CHU is up and running however it still does not have a full staff. Until the Delaware CHU can assume full responsibility for the capital post-conviction case load in Delaware, the PCRCP will be responsible for the state court representation of many Delaware capital prisoners and therefore still requires funding for this purpose.

Similar defects are present in the Delaware post-conviction system. The primary procedural tool by which claims are litigated in state post-conviction proceeding is to allege that prior counsel were ineffective. The use of this tool is impaired in Delaware due to the small size of the capital defense bar. The same lawyers literally handle all of the cases and are often reluctant to even bring claims of ineffectiveness that might reflect badly on their colleagues. The statewide public defender's office has not been involved in post-conviction proceedings in Delaware. Almost all of these cases have been managed by conflict attorneys who are appointed by counties and paid by the state. Most of the assigned lawyers are not properly trained or qualified to represent capital petitioners. As a result of this system, the bulk of Delaware's post-conviction petitioners have foregone substantive claims for relief with dire results. PCRCP will address these critical gaps in the representation.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goals of eliminating harsh punishment by abolishing the death penalty; reforming indigent defense systems; and eliminating race and class disparities in sentencing and incarceration. The grant also supports the goals of the Campaign to End the Death Penalty by 2025, a national initiative developed with OSI leadership.

There is no other organization with CHU's expertise working in either Pennsylvania or Delaware. PCRCP staff is widely recognized as being among the most skilled capital post-conviction litigators in the country and is regularly involved in national training and court committees on the death penalty. The only alternative to PCRCP's state post-conviction representation are the under-funded and unqualified counsel appointed by county courts.

Pennsylvania has a large death row of 220 inmates and it is riddled with the same striking examples of disproportionate punishment that are seen in the South. Delaware has 18 men on death row and the racial statistics tell the same story of discrimination. Delaware's combined African-American and Latino population is approximately 20 percent, while the state's death row is comprised of 50 percent African Americans and 17 percent Latinos, 67 percent of the prison population. Both Delaware and Pennsylvania's death row are populated by poor people. Major mental illness is common, if not predominate among PCRCP's clients. State post-conviction proceedings are an essential—yet under-funded—component of any successful challenge to a capital conviction and sentence. Thus, PCRCP serves as an integral part of the overall mission of the CHU, which is the premier advocate of indigent prisoners convicted and sentenced to die. Since the inception of PCRCP in 1995, there have been no non-volunteer executions in Pennsylvania (three so-called "volunteers" have been executed—two in 1995 and one in 1999). Since the CHU became involved in Delaware in May 2006, it has forestalled executions based on its lethal injection litigation, undertaken in partnership with CJF grantee UC Berkeley Death Penalty Clinic.

Since the prior grant period, the CHU and PCRCP have secured relief for 11 prisoners. PCRCP's litigation efforts have strengthened arguments by advocates that Pennsylvania's death penalty system is broken beyond repair. (See e.g. *The Philadelphia Inquirer*, Editorial: *Death Penalty, The State Must End it Now*, March 26, 2009.) These efforts have led Pennsylvanians for Alternatives to the Death Penalty (PADP), a member of the Campaign to End the Death Penalty by 2025, to renew a push for abolition. PCRCP's work in Delaware led to a *de facto* moratorium for over three years as the Project challenged death sentences in individual cases based on lethal injection litigation.⁴ For the above mentioned reasons, the Criminal Justice Fund recommends a grant of \$100,000 to the Pennsylvania Capital Representation Project.

⁴ The official stay was lifted this spring by a Third Circuit decision. PCRCP is filing an appeal to the Supreme Court of the United States. Unless the Court agrees to hear the stay, there will be no more lethal injection stays.

Name of Organization: Research Foundation of the City University of New York (on behalf of John Jay College of Criminal Justice)

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

Purpose of Grant: To support research by John Jay College of Criminal Justice to assess factors contributing to decreasing crime rate in New York City by addressing research design and measurement issues that have contributed to the inconclusiveness of previous research.

FPOS Grant Description: To provide \$200,000 over one year to support research by John Jay College of Criminal Justice to better understand the decreasing crime rate in New York City. Investigators will assess the impact of policing policies and practices on New York City's crime decline, focus on a broader array of causal factors beyond policing, and put New York City in context of other cities. Specifically, investigators will address design and measurement issues that have contributed to the inconclusiveness of previous research.

Previous OSI Support: \$989,000
(\$500,000 U.S. Justice Fund-2007; \$200,000 U.S. Justice Fund-2006; \$230,000 U.S. Justice Fund-2003; \$20,000 U.S. Justice Fund-2002; \$39,000 U.S. Justice Fund-2002)

Organizational Budget: \$75,000,000

Project Budget: \$248,026

Sources of Support:

Amount Requested: \$200,000

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

Term: 1 year

Matching Requirements: None

Description of Organization:

The Research Foundation (RF) is a not-for-profit educational corporation chartered by the State of New York in 1963. The City University of New York (CUNY) is the nation's largest urban public university, with 23 colleges and professional schools, and more than 100 research centers, institutes, and consortia. The RF supports CUNY faculty and staff in identifying and obtaining support from government and private sponsors and is responsible for the administration of all such funded programs. Although the RF works closely with CUNY, it is governed by its own Board of Directors, issues its own independently audited financial statements, operates its own payroll system and fringe benefits plan, and purchases a wide variety of goods and services in accordance with its own rules and regulations.

Established in 1964, John Jay College of Criminal Justice of The City University of New York is a liberal arts college dedicated to education, research and service in the fields of criminal justice, fire science, forensic science, law practice, social work, teaching, forensic psychology and corrections. The College

offers a curriculum that balances the arts, sciences and humanities with professional studies. Based in Manhattan, the campus is home to over 15,000 students in our undergraduate, master's, and doctoral programs. To facilitate academic research and provide professional development and training, the College has established 16 centers, institutes, and academies, including the Center on Race, Crime and Justice, Criminal Justice Research & Evaluation Center, Community Policing Leadership Institute, and Prisoner Reentry Institute. John Jay College has been an OSI grantee since 2002.

Description of the Project for Which Funding Is Sought:

John Jay College of Criminal Justice requests project funding to support research to better understand the decreasing crime rate in New York City and its impact on city residents. In particular, the project will harness the expertise of researchers nationwide by carefully examining research design and measurement issues that have contributed to the inconclusiveness of prior research examining the causes of the crime decline in New York City.

New York has gained considerable acclaim as the city that has experienced the longest and steepest drop in crime of any large city in the United States. What was once a national trend has come to vary considerably by jurisdiction and no jurisdiction's story has captured the popular imagination as much as New York City's where crime rates have continued to fall as those of other jurisdictions have leveled off or begun to fluctuate. For example, New York City's homicide rate fell by nearly 30 percent between 2001 and 2008, while the national rate remained essentially flat.

The crime drop in New York City has been most often attributed to "get tough" policies implemented in the criminal justice system and particularly by the New York Police Department since the early 1990s. The most common answer is that the policing reforms begun in the Giuliani administration and continued thereafter have been the source of the miracle in New York. Those reforms include the implementation of the Compstat program of real-time crime identification and management accountability and a sharp increase in order-maintenance policing, with its strong focus on arrests for minor crimes.

A number of prior studies have been conducted with very mixed results. Four precinct-level studies have been published to date that examine the effect of arrests for minor crimes on changes in crime rates during the early phase of New York's crime drop.⁵ Two of these studies report modest crime reductions (Rosenfeld, Fornango, and Rengifo 2007; Messner et al. 2007); one reports no effect (Harcourt and Ludwig 2006); and one concludes that *all* of New York's crime decline resulted from the order-maintenance policing strategy (Kelling and Sousa 2001). Research findings do not come more divergent than these.

An additional limitation of the existing research examining the crime decline in New York City is that it has focused largely on variations in policing strategies across neighborhoods in the city to determine if these strategies have had an impact on crime. Although such work is an important part of understanding the decline in crime, it is only one piece of a much larger puzzle that must include comparisons of New York to other jurisdictions. The proposed research will attempt to shed new light on the crime drop in New York by helping assess the effect of policing policies by putting the New York experience in the context of other cities in the same period and by examining a broader array of causal factors. Specifically, the researchers will address the following questions:

- 1) Has there actually been a crime drop in New York City and, if so, has it been deeper and longer than in other cities?

⁵ A fifth study has been done but to our knowledge not yet published (Smith and Purtell 2008).

- 2) If there has been a crime drop, why has the depth and duration of New York's crime drop exceeded the extent and length of crime declines in other cities?
- 3) Has significant collateral damage (e.g., unfair or discriminatory enforcement practices) resulted from the policies that contributed to the crime drop?
- 4) If there has been significant collateral damage, are there other policies that can produce similar drops in crime with fewer adverse impacts?

To implement the proposed project, John Jay will commission approximately 20 research papers by experts in the field to outline and articulate in more detail approaches that could be utilized to address the questions above.⁶ The papers will be presented at a meeting of experts where other interested parties will comment on the papers. Following the meeting of experts, John Jay will organize a half-day meeting involving some of the meeting participants, other stakeholders in the policy community, and the press to present the results.

The papers and commentary will serve as the basis for planning more comprehensive research on the decline in the crime in New York City. The two-step approach is useful because a wide range of opinion exists about how certain research design issues should be addressed. The commissioned papers provide experts an opportunity to narrow methodological approaches before more in-depth research is undertaken. Following this proposed planning phase, John Jay will outline a more comprehensive research design with the goal of addressing the crime decline in New York City.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's priorities to eliminate racial disparities and secure a fair and equitable system of justice by reforming police practices.

Unfortunately, since NYPD's coercive practices are being touted as a miracle in reducing crime they are being imported to other cities with similar collateral damage and racially disparate impact. John Jay's research can help to untangle the New York crime reduction miracle and potentially disarm police officials and policymakers who continue to promote policies which have questionable impact and significant collateral damage.

The order-maintenance or broken windows strategy is the primary focus of criticisms that the NYPD has engaged in a campaign of massive and unwarranted harassment of black and Latino youth, with only limited crime reduction to show for it (e.g., Harcourt 2001). Related criticisms have been directed at stop-and-frisk practices that yield few arrests (Fagan et al. 2009).⁷ Even though blacks and Latinos were nine times as likely to be stopped as whites in 2009, there were no more likely to be arrested (*New York Times*, May 12, 2010).⁸ Despite the racially disparate impact on New York's residents, and disputed evidence that NYPD's tactics are directly attributable to the decline in crime, NYPD officials continue to argue that their stop-and-frisk policy suppresses crime. The proposed research by John Jay will demonstrate that understanding the crime drop in New York City is a highly complex phenomenon requiring multiple levels of analysis and methodological approaches. At best, the proposed research will

⁶ Each of the four primary questions has several secondary questions that will be addressed by research experts in the commissioned papers.

⁷ The annual number of stops documented by police officers in New York City has more than tripled from 160,851 in 2003 to 575,996 in 2009. Most of the stops have occurred in five precincts including East Harlem/Upper East Side (23rd), Ocean Hill-Brownsville, Brooklyn (73rd), East New York, Brooklyn (75th), Bedford Stuyvesant, Brooklyn (79th), and Jamaica, Queens (103rd).

⁸ In 2009, 490,000 blacks and Latinos were stopped compared to 53,000 whites. Whites were arrested in slightly more than 6 percent of the stops while blacks were stopped in slightly fewer than 6 percent.

provide the groundwork to demonstrate that NYPD's broken windows policing and stop-and-frisk tactics have not directly led to a drop in crime. Alternatively, the research will provide a framework to present alternative explanations for New York's crime decline and demonstrate that NYPD's assertions for the decline cannot be clearly proven.

Moreover, the project will provide a broader framework for policymakers to understand the research design issues and the multiple variables which impact the decline in crime in New York City. For instance, since perceptions of crime rates are formed largely by police statistics, it is reasonable to ask whether the decline can be attributed, even in part, to changes in the way police collect and report the data on crime. Given recent allegations that the police doctored crime reports under pressure to show continuous crime reductions, this is not a question of mere academic interest. It will also be useful to evaluate how distinctive the decline in crime in New York has been relative to other cities. Additionally, the research will examine alternatives to law enforcement practices that may lead to a crime decline. The project also provides researchers with a framework to investigate alternatives to coercive police practices that can produce crime reductions while minimizing collateral damage. Overall, the research will shed new light on difficult policy questions and provide a forum for rigorous debate, which advances the core OSI strategy of promoting an open society.

For the reasons mentioned above, the Criminal Justice Fund recommends a grant of \$200,000 over one year to the Research Foundation of the City University of New York (on behalf of John Jay College of Criminal Justice).

Name of Organization: Innocence Project Inc.

Tax Status: 501(c)(3)

Purpose of Grant: to provide general support

FPOS Grant Description: \$350,000 general support over 18 months to assist the IP in its mission to exonerate wrongfully convicted people through DNA testing and to reform the criminal justice system to prevent future injustice. The organization has facilitated the freedom of 254 innocent people from prison in 34 states, including 17 on death row. The IP raises awareness about the fallibility of the criminal justice system, leading the charge to improve eyewitness identification procedures, regulate and oversee forensic sciences, improve access to post-conviction DNA testing, and improve evidence preservation systems.

Previous OSI Support: \$375,000 JEHT Emergency Grantmaking 2009; \$450,000 Gideon Project 2007; \$300,000 Gideon Project 2005; \$200,000 Gideon Project 2001; \$200,000 Gideon Project 2003; \$75,000 Law & Society Judicial Independence 1999

Organizational Budget: \$5,905,078

Sources of Support: \$500,000 Pershing Square Foundation; \$350,000 Grousbeck Family Foundation; \$100,000 Ammon Foundation; \$75,000 Roddick Foundation; \$50,000 Mousetrap Foundation; \$45,000 Overbrook Foundation; \$40,000 Frances & Benjamin Benenson Foundation; \$25,000 Joseph & Claire Flom Foundation; \$20,000 Louise & Arde Bulova Fund; \$20,000 Leo Model Foundation; \$17,000 Helen & William Mazer Foundation; \$15,000 Ittleson Foundation; \$15,000 Swartz Family Foundation; \$10,000 Falconwood Foundation; \$10,000 Amy Klette Newman Foundation; \$10,000 Ralph E. Ogden Foundation; \$10,000 Nathan & Lena Seiler Family Foundation; \$10,000 Alvin & Fanny B. Thalheimer Foundation

Amount Requested: \$350,000

Amount Recommended: \$350,000 (JEHT Emergency Fund, T1: 59959)

Term: 18 months (July 1, 2010–December 31, 2011)

Matching Requirements: None

Description of Organization:

The Innocence Project (IP) is a non-profit legal clinic and national litigation and public policy organization founded in 1992 by Barry Scheck and Peter Neufeld at the Benjamin N. Cardozo School of Law. The mission of the Innocence Project is to exonerate wrongfully convicted people through DNA testing and to reform the criminal justice system to prevent future injustice. With OSI's support, the Innocence Project has expanded from a staff of eight to a staff of 48 full-time employees, allowing the Intake and Evaluation Department to accomplish its long-held goal of drastically reducing the amount of

time it takes to evaluate potential cases. There are currently 7,800 cases in evaluation, which represents a reduction due to IP's increased efficiency. Currently, IP is handling an active caseload of over 270. The organization's legal department has grown from three staff attorneys to six attorneys and one paralegal. The Innocence Project has been able to decrease each attorney's caseload, allowing more time to be devoted to each case by deepening the organization's engagement with the private bar and the legal community, including greater law firm participation, a goal set in 2009. The Innocence Project is also a founding member of the Innocence Network, a nationwide network of more than 58 public defender offices and law and journalism schools across the nation assisting prisoners who are trying to prove their innocence (both with and without DNA evidence).

In 2009, the tragic consequences of a wrongful conviction were brought to light largely because of the IP's five-year effort to have forensic evidence in a Texas case examined. The case of Cameron Todd Willingham provides the strongest account on record of an innocent American having been executed since reinstatement of the death penalty in the United States. Mr. Willingham was executed in Texas in 2004 after spending 12 years on death row for allegedly setting a fire in his home that killed his three children. He proclaimed his innocence throughout and refused an offer to plead guilty in exchange for a life sentence. The Innocence Project enabled the detailed investigative article in the September 7, 2009 issue of *The New Yorker* by introducing the facts of the case to the journalist; the article deconstructs every aspect of the case against Mr. Willingham and finds that all evidence used against him was false.

To mark the 250th DNA exoneration in February 2010, the IP released a report, "250 Exonerated: Too Many Wrongfully Convicted," which details each one of the exoneration cases and includes statistics on common causes of the wrongful convictions: 76 percent involved eyewitness misidentification, 50 percent involved un-validated or improper forensic science, and 27 percent relied on a false confession.

The Innocence Project's long-term objectives are to free the staggering numbers of innocent people in prison through the use of DNA evidence and to reform the United States criminal justice system to be more fair and just. Priority issues include reforming practices in eyewitness identification and forensic science, ensuring access to post-conviction DNA testing, securing compensation legislation, and bringing about a moratorium on the death penalty. In addition, the IP has a vigorous communications program to educate the public about the issue of wrongful convictions.

In the short-term, IP is working on field studies in collaboration with law enforcement to improve eyewitness identification practices by providing strategic support and technical assistance to efforts in Florida, Kentucky and South Carolina. These jurisdictions are advocating for new protocols on eyewitness identification for training and certification of law enforcement officers, modeled on the IP's successful initiative in Georgia, which adopted a new training protocol last year.

IP will continue to train defense attorneys, prosecutors and the police on improved eyewitness practices; advocating for the enactment of the National Academy of Sciences recommendations on forensic science practices; maintaining a public speakers' series involving exonerees to advance a moratorium on the death penalty; advocating for access to post-conviction testing in the remaining three states without it; and fighting for compensation for the wrongfully convicted.

Description of the Project for Which Funding Is Sought:

The Innocence Project requests a renewal grant in the amount of \$350,000 in over 18 months.

Rationale for Recommendation:

This grant to the Innocence Project would advance key priorities of the Criminal Justice Fund, including eliminating harsh punishment through reform of the death penalty, and eliminating racial disparities and securing the fair administration of justice by improving identification procedures, forensic science practices and the provision of public defense services.

The Innocence Project has changed the face of criminal justice in this country. The public, policymakers, and law enforcement have seen that our criminal justice system fails far more frequently than we would like. Significantly, 70 percent of those exonerated by DNA testing have been people of color. This has provided a crucial opening to push for reforms in our criminal justice system.

IP's impact on the Campaign to End the Death Penalty by 2025 has been remarkable. DNA exonerations have reframed the terms of the national debate about the death penalty, causing even staunch supporters to re-examine their position. The public's increased awareness of the justice system's flaws has been a major factor in Americans' waning support for capital punishment. In a 2007 RT Strategies/Death Penalty Information Center (DPIC) poll, 60 percent of respondents said that hearing about exonerations had lessened their support of, or increased their opposition to, the death penalty. 87 percent of respondents believe that the U.S. has already executed innocent people. The spate of exonerations has also increased awareness about the importance of a well-balanced adversarial system, as ineffective representation is a major cause of wrongful convictions. The steady flow of exonerations has helped people to understand that competent and resourced defense attorneys are critical to the proper functioning of our criminal justice system.

IP's Eyewitness Identification Field Studies are being implemented in partnership with CJF grantees the American Judicature Society, John Jay College of Criminal Justice, and the Police Foundation. The IP's ongoing communications efforts regarding the Texas Forensic Science Commission and its investigation of the Cameron Todd Willingham case are helping focus public attention on the need for forensic oversight, and highlighting the risk of executing an innocent person.

Due to JEHT Foundation's unexpected closing in December 2008, the Innocence Project lost \$750,000 in pledged general support grants over two fiscal years, a loss of one-eighth of their yearly budget. This loss continues to impact the organization. Continued support from OSI's JEHT Emergency Fund would help to stabilize the organization during this transition period. The Innocence Project has played a critical role in reforming our criminal justice system by preventing hundreds of innocent people in this country from being wrongfully imprisoned, spurred an innocence movement, altered public and policymaker opinion, and opened the door to broader criminal justice reforms. The CJF staff, therefore, recommends an 18-month, general support grant in the amount of \$350,000 to the Innocence Project to continue its important work.

Name of Organization: Juvenile Regional Services

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

Purpose of Grant: To develop a model juvenile justice public defender office in New Orleans, Louisiana

FPOS Grant Description: to develop a model juvenile justice public defender office in New Orleans, Louisiana, that provides comprehensive indigent defense services consistent with the Ten Core Principles for providing quality delinquency representation developed by the National Juvenile Defender Center, and to develop a plan to replicate the model in two additional Louisiana parishes.

Previous OSI Support: Through fiscal sponsor: \$50,000 Criminal Justice Fund 2009; \$50,000 Strategic Opportunities Fund 2008

Organizational Budget: \$769,055

Project Budget: \$120,000

Sources of Support: \$400,000 Orleans Public Defenders; \$125,000 MacArthur Foundation; \$75,000 Wellspring; \$5,000 Board Contributions

Amount Requested: \$120,000

Amount Recommended: \$120,000 (Criminal Justice Fund, T1: 24027)

Term: 1 year (June 2010–May 2011)

Description of Organization

Juvenile Regional Services (JRS) is the only stand-alone, full-time juvenile public defender office in the country. JRS grew in the aftermath of Hurricane Katrina—when the system’s failure was realized in the discovery of over 150 detained youth stranded in New Orleans by the flood, without anyone to document who they were or why they were left behind in detention. JRS moved quickly to ensure that the children were evacuated from their detention centers and provided with access to legal representation, courts, and their scattered families. JRS subsequently represented 149 of these children in their legal cases.

Riding a wave of reform and outrage, the founders of JRS organized and formed a new public interest law office determined to change how young people and families are defended in Louisiana courts. In the fall of 2006, JRS incorporated as a 501(c)(3) and began working to change juvenile defense in Louisiana, beginning in Orleans Parish, by contracting with the Orleans Public Defenders, a CJF grantee. JRS now provides high quality, comprehensive, and effective legal representation to court-involved youth and families in New Orleans. Its mission is threefold: (1) to reduce Louisiana’s reliance on incarceration as a way of treating delinquency; (2) empower Louisiana youth and their families by assisting in the development and expansion of rehabilitation and alternative-to-incarceration programs; and (3) through education, advocacy and litigation, defend the rights of Louisiana’s youth and families harmed by government action or denied educational opportunity.

JRS Board of Directors includes Hector Linares, Project Coordinator of the Juvenile Defender Clinic at Louisiana State University School of Law; and the leaders of two CJF grantees, Norris Henderson, Founder, Voice of the Ex-Offender (VOTE); and Patricia Puritz, Executive Director of the National Juvenile Defender Center (NJDC).

Description of Project for Which Funding Is Sought

Juvenile Regional Services requests project support to solidify its juvenile indigent defense model consistent with its adherence to the *Ten Core Principles for Providing Quality Delinquency Representation* developed by the National Juvenile Defender Center and the National Legal Aid and Defender Association—two core Criminal Justice Fund grantees. Additionally, JRS seeks to develop a plan for exporting its model juvenile indigent defense practice to other parishes in Louisiana and serving as a regional model in the gulf coast.

JRS' efforts to create a model juvenile indigent defense office include (1) developing a Social Work Unit to address the social service and educational needs of the children and develop alternatives-to-incarceration dispositional plans; (2) developing a Transfer Unit to effectively represent youth targeted for transfer to the adult criminal justice system; and (3) developing a Special Litigation Unit to handle writs, appeals and post-disposition advocacy. These special units will complement and support the legal advocacy of its skilled juvenile defenders.

JRS is also a part of the Louisiana public defense system, but with an exclusive focus and dedication to providing comprehensive legal services and strategic juvenile defense practices. Unlike most juvenile defender offices across Louisiana, JRS has been utilizing comprehensive legal services and can offer best practices and technical assistance to other jurisdictions seeking to implement a model juvenile indigent defense delivery system in their county. Specifically, JRS and the staff of the Louisiana Public Defender Board (LPDB) are engaging in discussions about the regionalization of juvenile indigent defense delivery services with JRS serving as the model to be replicated across the state. JRS anticipates regionalizing within the next two years.

Rationale for Recommendation

This grant advances the Criminal Justice Fund's interest in securing a fair and equitable justice system and reducing harsh punishment by improving indigent defense services and systems for youth. It also supports US Programs' ongoing development of a comprehensive regional grantmaking effort in the Gulf Coast and CJF's commitment to reforming and strengthening the criminal justice system in New Orleans.

In 1967, the United States Supreme Court established the right to counsel for youth in delinquency proceedings in its landmark decision *In re Gault*. The Court observed that juvenile defense counsel's role in delinquency proceedings is unique and critical. In 2001, the ABA and the Juvenile Justice Project of Louisiana (JJPL), an OSI grantee, delved into the issues plaguing juvenile indigent defense in Louisiana and released *The Children Left Behind*, a statewide assessment of access to counsel and quality of representation in the state. The report was highly critical of the State, noting numerous systemic failures in the delivery of juvenile indigent defense services. For example, it highlighted the fact that despite the Louisiana Children's Code assurance that children have a right to counsel *at every critical stage* up to 95 percent of children waived the right to counsel—many without every speaking to an attorney. Conversely, for those children who had representation, the assistance of counsel was characterized by a propensity to accept uncontested pleas—as many as 95 percent of cases were resolved in this manner in several jurisdictions.

Delinquency cases are complex matters that raise legal, child and family-centered issues and

engage overlapping court, school, supervision, service and treatment systems. Juvenile Regional Services understands the complexities of juvenile delinquency cases and the high stakes for youth involved in the justice system. JRS is uniquely positioned to define, for Louisiana and nationally, what the right to counsel for youth in the juvenile justice system should look like. It is defined by zealous advocacy delivered by a committed cadre of legal advocates and support staff conversant in constitutional and legal provisions, as well as mental health, education, and principles of adolescent development. In its short existence JRS has handled over 2,000 cases before the juvenile court and receives approximately 1000 new cases annually. JRS provides vertical representation to ensure lawyers develop strong attorney-client relationships until the case is closed, often representing youth for years. Moreover, all cases previously represented by conflict counsel are re-integrated into JRS' caseload for post-disposition advocacy; thus, JRS ultimately represents every youth in the juvenile justice system in New Orleans post-disposition.

JRS also works in partnership with the Director of Juvenile Services, Special Projects Coordinator, and Training Director of the Louisiana Public Defender Board (LPDB) to support its efforts to raise the level of practice across the state and expand the development of model juvenile defender offices. In 2009, for example, JRS hosted a week-long intensive juvenile defender training with participants from New Orleans, including conflict panel counsel and attorneys from the Juvenile Justice Project of Louisiana and juvenile defenders from Caddo, Calcasieu, and Baton Rouge parishes. The esteemed faculty included national experts, local experts from the Orleans Public Defenders, faculty from the Paul Herbert School of Law at Louisiana State University, and the LPDB's Director of Juvenile Services.

JRS continues to work closely with CJF grantee, the Orleans Public Defenders (OPD) to develop training opportunities and practice coordination which brings the expertise of zealous defense practice to JRS and juvenile specialty to OPD, which represents juveniles transferred to the adult system. OPD and JRS have model policies in place to ensure that juvenile defenders are skilled in the adult criminal justice system so that continuity of representation for juveniles transferred from juvenile court to the adult justice system is seamless. JRS and OPD work together to raise the level of practice in court and on appeals and elevate the profile of indigent defense in the New Orleans community and throughout Louisiana.

Because of its dedication to its young clients, its adherence to best practices in juvenile defense, and its innovative programming, JRS is looked to as the model for juvenile representation in Louisiana and as a potential regional model for the delivery of effective juvenile indigent defense representation. For these reasons, the Criminal Justice Fund recommends project support funding to Juvenile Regional Services in the amount of \$120,000 over one year.

Name of Organization: National Juvenile Defender Center

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

Purpose of Grant: To provide general support

FPOS Grant Description: to improve access to counsel and quality of representation for children in juvenile delinquency proceedings nationwide through capacity-building, leadership development, training and technical assistance, and policy, communications, outreach, and resource development activities. NJDC is the linchpin in efforts to develop a viable juvenile indigent defense infrastructure on the national and state level that ensures that juveniles have competent counsel throughout the entire court process.

Previous OSI Support: \$900,000 Gideon Project 2007; \$750,000 U.S. Justice Fund 2004

Organizational Budget: \$2,038,549

Project Budget: N/A

Sources of Support: \$425,000 John D. and Catherine T. MacArthur Foundation; \$400,000, Office of Juvenile Justice and Delinquency Prevention; \$75,000 Annie E. Casey Foundation; \$65,000 Wellspring Advisors

Amount Requested: \$300,000

Amount Recommended: \$300,000 (Criminal Justice Fund, T1: 24027)

Term: One year (August 1, 2010–July 31, 2011)

Matching Requirements: None

Description of Organization:

The National Juvenile Defender Center (NJDC) is a non-partisan, non-profit, mission-driven organization located in Washington, D.C. It was created in 1998 to respond to the critical need to build the capacity of the juvenile defense bar and to improve access to counsel and quality of representation for children in the justice system. In 2005, NJDC separated from its host organization, the American Bar Association, to become an independent 501(c)(3) organization. This independence has given the organization the agility necessary to respond to the national crisis in juvenile indigent defense and support lawyers who represent children charged with delinquent or criminal offenses.

NJDC’s mission is to ensure excellence in juvenile defense and promote justice for all children. It provides support to public defenders, appointed counsel, law school clinical programs and non-profit law centers in urban, suburban, rural, and tribal areas across the country. NJDC offers a wide range of integrated services to juvenile defenders, including training, technical assistance, advocacy, amicus coordination, networking, collaboration, opportunities for scholarship and publication, and resource development. A seven-member Board of Directors governs the organization, and a 17-member national advisory board provides critical guidance. NJDC’s Executive Director, Patricia Puritz, has worked as a child advocate in the juvenile justice system for over 35 years. Prior to creating NJDC, Ms. Puritz founded—and directed for 20 years—the American Bar Association Juvenile Justice Center. Ms. Puritz

has received numerous awards throughout her distinguished career including the 2006 American Bar Association's Livingston Hall Juvenile Justice Award and the 2007 Public Service Award from the Civil Rights-Civil Liberties Law Review of Harvard Law School.

Description of the Project for Which Funding Is Sought:

The National Juvenile Defender Center is requesting renewed general support.

Rationale for Recommendation:

This grant advances the Criminal Justice Fund's priorities of securing a fair and equitable system of justice by improving indigent defense systems, advocating for the elimination of racial disparities and harsh treatment in the juvenile justice system, and combating the criminalization of vulnerable populations such as poor children, and children of color.

No right is more fundamental for youth in delinquency cases than the right to counsel. In its landmark 1967 decision, *In re Gault*, the U.S. Supreme Court extended this right to all youth regardless of income. As the last four decades have demonstrated, however, the juvenile indigent defense systems created in the wake of *Gault* have consistently failed to provide quality representation to the low-income youth they were designed to serve. Major obstacles and inequities persist in the implementation of the right to counsel in juvenile courts and the burden of these floundering juvenile indigent defense systems fall overwhelmingly on low-income youth and youth of color. In many jurisdictions, for example, children are allowed or even encouraged to waive their right to counsel, thus many youth are unrepresented at critical stages of the juvenile justice process. In Georgia, Louisiana, Ohio, Virginia, and Florida, up to 90 percent of youth waive this critical constitutional right without ever speaking with an attorney. Alarming, with no counsel, or represented by poorly trained and inadequately resourced lawyers, post-*Gault*, children in the juvenile and criminal justice systems are subject to severe sanctions including longer sentences, decreased procedural protections because of transfer from juvenile to adult court, placement on lifelong sex offender registries, and harsh institutional conditions.

The need for competent counsel for every child accused of a crime has never been greater. NJDC has been a zealous advocate for raising the quality of representation for children accused of crimes at the national, state, and local level. Over the past 10 years it has amassed a great deal of expertise by conducting assessments of access to, and quality of, counsel in 19 states, hosting 13 national Juvenile Defender Leadership Summits for over 400 juvenile defenders each year, engaging in policy advocacy, and issuing dozens of seminal publications on juvenile defense including the *Juvenile Defender Delinquency Notebook*; *Ten Core Issues for Providing Quality Delinquency Representation Through Public Defense Delivery Systems (English and Spanish)*; *Role of Juvenile Defense Counsel in Delinquency Court (English and Spanish)*, and *Legal Strategies to Reduce the Unnecessary Detention of Children*.

NJDC also offers specific expertise in organizing, supporting, and networking the juvenile defense bar. It provides ongoing training and technical assistance for juvenile defenders, serves as a clearinghouse of juvenile defense related information, has enhanced information sharing and communications strategies for juvenile defender offices, facilitates evaluations of defender initiatives, devises new models of legal service delivery for children and teens, and monitors juvenile and criminal justice trends and emerging issues.

For example, NJDC first documented the practice of indiscriminate shackling of youth in its 2006 Florida Assessment which graphically documented children unnecessarily shackled and chained together or affixed to objects in the courtroom. Once NJDC highlighted this issue, juvenile defenders across the

nation began to litigate and challenge this horrific and harmful practice, leading to substantive reform in many jurisdictions. In 2009, NJDC released, *Hidden Injustice: Lesbian, Gay, Bisexual and Transgender Youth in Juvenile Courts*, the first national effort to examine the experiences of LGBT youth in juvenile courts across the country. The goal of this report is to educate juvenile justice professionals about the continuing stigma against LGBT youth and the relevance of sexual orientation and gender identity in the juvenile justice context and to recommend concrete practice and policy reforms that will protect the rights and safety of LGBT youth and ensure that the system responds effectively to them.

NJDC has also supported advocates engaged in the national campaign seeking to end the practice of sentencing youth to life without parole in non-violent cases. Building on the May 17, 2010, U.S. Supreme Court ruling in *Graham v. Florida* declaring this sentence unconstitutional and a violation of the Eight Amendment bar against cruel and unusual punishment, NJDC and fellow advocates will continue to work tirelessly to end the sentence of life without parole for all children in the justice system.

Over the next two years NJDC plans to continue its efforts to:

- Build leadership capacity within the juvenile defense bar;
- Provide high quality training and technical assistance to juvenile defenders;
- Conduct targeted research by performing state-based Juvenile Indigent Defense Assessments in specific states;
- Monitor state and federal legislative advocacy on juvenile justice issues;
- Enlarge its communications capacity to effectively collect new information and publish and disseminate important and timely information to all defenders;
- Engage in legal research and litigation support;
- Conduct the 14th annual Juvenile Defender Leadership Summit for juvenile defenders; and
- Refine NJDC policy work around youth in the adult system post the U.S. Supreme Court decision in *Graham v. Florida*.

NJDC continues to be the linchpin of the Criminal Justice Fund's efforts to develop a viable juvenile indigent defense infrastructure on the national and state level. For the foregoing reasons, the Criminal Justice Fund recommends a one year general support grant of \$300,000 to the National Juvenile Defender Center.

Name of Organization: Seattle University (as *fiscal agent* for The Defender Initiative)

Tax Status: 501(c)(3)

Purpose of Grant: to support the Defender Initiative’s “Misdemeanor Right to Counsel Project”

FPOS Grant Description: to increase the number of courts in Washington state that provide counsel to accused persons in misdemeanor courts at arraignment or first appearance hearings; offer technical assistance and support to two jurisdictions outside Washington State; and develop a policy platform that promotes greater use of diversion programs as alternatives to prosecution and/or incarceration and declassification of low level misdemeanor offenses as a way of mitigating any potential increases in caseloads as a result of increased representation in misdemeanor first appearances.

Previous OSI Support: \$57,895 Criminal Justice Fund 2009; \$49,400 The After Prison Initiative 1997; \$47,903 The After Prison Initiative 1999

Organizational Budget: \$166,000,000

Project Budget: \$125,000

Sources of Support: Seattle University Law in-kind

Amount Requested: \$125,000

Amount Recommended: \$125,000 (Criminal Justice Fund, T1: 24027)

Term: One year (July 2010–June 2011)

Matching Requirements: None

Description of Organization:

Founded in 2008 at the Korematsu Center for Law and Equality at Seattle University School of Law, The Defender Initiative (the Initiative) aims to improve indigent public defense representation for thousands of people in the state of Washington, and develop replicable models for application in other states. Founded in 1891, Seattle University is recognized for academic excellence, commitment to service, and the formation of the whole person. The urban campus houses eight schools and colleges, and offers 56 undergraduate degree programs, 40 graduate programs, and 22 certificate programs. Seattle University School of Law is the largest and most diverse law school in the Northwest, serving roughly 1,000 students, and home to nearly 200 full and part-time faculty members.

The first project of the Initiative was a joint effort with the National Association of Criminal Defense Lawyers (NACDL) to conduct a comprehensive investigation of misdemeanor public defense in the United States. This project resulted in a report, *Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts*," finding that misdemeanor courts across the country are wasting money and eroding the rights of the accused.

The Initiative is led by Professor Bob Boruchowitz, a former Soros Justice Fellow and experienced litigator and advocate. During the past six years, Professor Boruchowitz has raised national awareness of

the problems in misdemeanor courts through his articles and presentations on the subject, and is in a strong position to provide a national model to address the failure of states to provide counsel at arraignments. He will continue to collaborate with experts in the field as he advances the goals of the Defender Initiative.

Description of the Project for Which Funding Is Sought:

In *Argersinger v. Hamlin* (1972), the U.S. Supreme Court held that the right to counsel guaranteed by the Sixth Amendment applies to defendants facing misdemeanor charges. The Court revisited this question in *Rothgery v. Gillespie* (2008), and in an 8-1 decision determined that a defendant's Sixth Amendment right to counsel attached after his initial appearance before a magistrate where he was informed of the charges against him, the Fourth Amendment probable-cause determination was made, and bail was set. The court's decision has the potential to impact the vast number of individuals who face misdemeanor charges in our nation's courts each year without the assistance of counsel.

The Defender Initiative seeks to increase the number of courts that provide counsel to accused persons in misdemeanor courts at their arraignment or first appearance. Through administrative advocacy, litigation, education and scholarly publications on the right to counsel, the Initiative has had initial success in persuading several courts in Washington State to provide counsel at misdemeanor arraignments. For example, as a result of the advocacy of the Initiative, three municipal courts in Washington now provide counsel at first appearance or arraignment and the Spokane District Court has begun providing counsel for out-of-custody DUI defendants at hearings that did not previously have counsel available. Additionally, in the City of Tumwater, the judge, city attorney, and the local County Prosecutor have implemented a policy prohibiting guilty pleas from unrepresented persons, and is considering providing counsel at all arraignment hearings.

The Defender Initiative now seeks to build on this early success in Washington State and begin replicating the model in additional jurisdictions. Specifically, the Initiative aims to (1) work in three additional courts in Washington State; (2) offer technical assistance and support to two jurisdictions outside Washington State, possibly Kentucky, Pennsylvania, and/or California; and (3) develop a policy platform that promotes greater use of diversion programs as alternatives to prosecution and/or incarceration and declassification of low level misdemeanor offenses as a way of mitigating any potential increases in caseloads as a result of increased representation in misdemeanor first appearances.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goal of eliminating racial disparities and securing a fair and equitable system of justice by improving indigent defense services and enforcing the constitutional guarantee of the right to counsel at every critical stage of the court process.

The majority of defendants in the criminal justice system appear in misdemeanor courts. There are an estimated ten million misdemeanor cases per year in the United States. Despite clear U.S. Supreme Court authority that a guilty plea at arraignment is a critical stage requiring counsel,⁹ one-third or more of the accused persons resolve their cases without counsel in some courts. Often there are simply no defense

⁹ See, e.g., *White v. Maryland*, 373 U.S. 59, 60 (U.S. 1963), "Only the presence of counsel could have enabled this accused to know all the defenses available to him and to plead intelligently."

attorneys available at the first hearings and judges accept “waivers” of the right to counsel that would not withstand appellate review. Moreover, while misdemeanor cases generally have sentences less severe than those for felony cases, the collateral consequences, including loss of work, loss of educational opportunities, and loss of housing can be equally distressing. Significantly, a misdemeanor conviction for non-citizens can result in devastating consequences such as automatic deportation. As the U.S. Supreme Court recognized in its April 23, 2010, landmark ruling in *Padilla v. Kentucky*, deportation is not a mere “collateral” consequence but an “extreme penalty” that warrants the advice of counsel before entering a guilty plea. Therefore, it is imperative that misdemeanor defendants have effective representation at every critical stage including arraignments.

Although the Defender Initiative has made progress in persuading some Washington state courts to provide counsel, many other courts continue to prosecute and conduct arraignments for thousands of people a year without counsel. Moreover, this problem is not unique to Washington state. In an April 23, 2010, convening hosted by the Defender Initiative at OSI, for example, Chief Defenders and advocacy representatives from Rhode Island, Maine, New Hampshire, Maryland, Kentucky, Ohio, Pennsylvania, and New York described the failure of their states to consistently provide counsel at arraignment or first appearance hearings. California, Kentucky and Pennsylvania have been identified as states in which to possibly expand the Defender Initiative because of the prevalence to denying counsel at misdemeanor arraignments and strong local leadership ready to lead the reform efforts on the ground.

In addition to enforcing the right to counsel, the Defender Initiative also seeks to develop a policy agenda advancing diversion and decriminalization of low level misdemeanor offenses. Such alternatives to the criminal court process and criminal sentencing could have an immediate and measurable impact on the number of individuals entering the criminal justice system. For example, in Washington state alone, there are an estimated 100,000 cases each year of individuals driving with a suspended license in the third degree; suspension usually occurs because these drivers failed to appear for a hearing or failed to pay a fine. There are also an estimated 3,000 cases of possession of trace amounts of marijuana, resulting in approximately 11,000 jail days. Although defendants charged with either one of these misdemeanors should receive assistance of counsel at arraignment, many do not. An alternative approach to traditional prosecution would be to divert these two categories of cases into complementary programs that do not involve court time, require the appointment of counsel, or exhaust limited resources. Such diversion programs could result in millions of dollars in savings for Washington state, and serve as a national model.

The Defender Initiative significantly enhances the arsenal of resources available to the indigent defense field and has the potential for national impact. For the above reasons, the Criminal Justice Fund recommends a \$125,000 project support grant over one year to Seattle University School of Law’s Defender Initiative.

Name of Organization: Vera Institute of Justice

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

Purpose of Grant: To continue working with local government and community leaders in New Orleans, Louisiana, to continue its efforts to: 1) develop and implement a pretrial release system; 2) expand expedited screening; and 3) transform the New Orleans Municipal Court

FPOS Grant Description: To provide \$200,000 in project funding over one year to the Vera Institute of Justice (Vera) to continue working with local government and community leaders in New Orleans, Louisiana, to: 1) develop and implement a pretrial release system; 2) expand expedited screening; and 3) transform the New Orleans Municipal Court. OSI funding will enable Vera to build consensus among local criminal justice practitioner stakeholders for the need for a pretrial release system and to develop a comprehensive or pilot implementation plan; expand its expedited screening initiative by developing judicial support and involvement; get agreement from the new superintendent of police to mandate 100 percent summons use for non-violent, public intoxication municipal offenses; facilitate and monitor the handling of state misdemeanors in Municipal Court; and develop a plan for handling non-violent municipal offenses as civil infractions.

Previous OSI Support: \$5,295,903
(\$108,379 Neighborhood Stabilization Initiative-2009; \$350,000 Criminal Justice Fund/JEHT Emergency Fund-2009; \$400,000 U.S. Justice Fund-2008; \$100,000 U.S. Justice Fund-2007; \$400,000 U.S. Justice Fund-2006; \$350,000 U.S. Justice Fund-2005; \$42,500 U.S. Justice Fund-2004; \$110,755 African Initiatives-2002; \$200,000 President's Grants-2006; \$300,000 President's Grants-2005; \$121,745 President's Grants-2005; \$273,800 President's Grants-2004; \$200,000 President's Grants-2004; \$200,000 President's Grants-2003; \$10,000 Resident Scholars Grants-2004; \$25,000 Strategic Opportunities Fund-2004; \$100,000 International Police & Prison Reform-2003; \$85,000 President's Grants-2000; \$75,000 Center on Crime, Communities & Culture-2000; \$48,769 Program on Law & Society-2000; \$151,000 Center on Crime, Communities & Culture-1999; \$1,588,000 National Foundation Law-1999; \$30,755 President's Grants-1999; \$24,000 Program on Law & Society-1999; \$1,200 President's Grants-1997)

Organizational Budget: \$24,856,863

Project Budget: \$500,000

Sources of Support: \$250,000 Baptist Community Ministries

Amount Requested: \$200,000

Amount Recommended: \$200,000 (JEHT Emergency Fund, T1: 59959)

Term: 1 year

Matching Requirements: None

Description of Organization:

In 1961, Louis Schweitzer and Herb Sturz founded the Vera Foundation to repair New York City's unjust bail system, which granted liberty based on income. Working closely with the City's criminal justice leaders, Vera explored the issue, developed and rigorously tested a solution, and demonstrated the City could safely allow pre-trial release for those too poor to afford bail but with strong, verified ties to their communities. Today, The Vera Institute of Justice (Vera) continues to combine reliable research and partnerships with leaders in government and civil society to achieve measurable improvements to the justice system. Through its studies of social issues and current responses and its innovative, affordable programs that often grow into self-sustaining organizations, Vera provides practical advice and assistance to government officials in the U.S. and around the world. It has more than two dozen separate, justice-related projects, including efforts to serve troubled youth at home instead of in juvenile institutions, reduce violence against women, help state leaders develop affordable and humane sentencing policies, and strengthen police-community relations.

Vera has been an OSI grantee since 1997. In 2008, OSI funded Vera to work with local government and community leaders in New Orleans, Louisiana, to: 1) develop and implement pilot programs that rationalize and increase pretrial release and expand the use of alternative sanctions; and 2) assist the City's implementation of new legislation aimed at reducing arrest and detention for municipal offenses.

Description of the Project for Which Funding Is Sought:

The Vera Institute of Justice requests project funding to continue its efforts with local government and community leaders in New Orleans, Louisiana, to: 1) develop and implement a pretrial release system; 2) expand expedited screening; and 3) transform the New Orleans Municipal Court. OSI funding will enable Vera to continue engaging a work group consisting of representatives from the courts, the District Attorney's office, the public defender, and relevant executive branch agencies (Work Group) on these projects, including the following:

Developing a pretrial release system. To build local consensus about the importance of pretrial release for reducing New Orleans' extraordinarily large jail population, Vera will continue providing nonpartisan research and analysis to educate key stakeholders, including the New Orleans Police and Justice Foundation, the New Orleans Crime Coalition, the New Orleans City Council, the new Mayor, and Criminal District Court judges. Vera will work with the Work Group and the D.C.-based Pretrial Justice Institute (formerly the Pretrial Services Resource Center)—which Vera introduced to officials in New Orleans—to identify indicators for pretrial release (charge, criminal history, warrant history, community ties, housing and employment, etc.); reach consensus about arrestees who could safely be released; document such an agreement in a non-binding District Court policy; and design pretrial services functions including initial screening for release, notification of court dates, and possibly new programs to supervise people who have been released without bail. Vera will develop a pilot program aimed at increasing the use of release on recognizance and rationalizing pretrial release and detention decisions to be based on risk of flight and risk to public safety rather than wealth and will write an implementation plan for a pilot program.

Expanding expedited case charging and disposition. Vera will continue efforts to reduce the time during which charging decisions are made and cases are disposed and to increase the number of minor or weak cases dismissed and diverted. Vera will regularly convene the Work Group to refine procedures for ensuring court appearances occur within six days after arrest, by which point the District Attorney will have made a charging decision, the defense attorney will have conducted some initial investigation, and the two parties will have negotiated a resolution in some cases. Vera will continue working with law enforcement officials to ensure their continued support for the pilot program and for the expansion of the classes of cases qualifying for expedited processing. To address the challenge presented by judges who have largely declined to expedite the filing to arraignment time, Vera will continue to work with a small number of judges to encourage them to change their courtroom practices to ensure detained defendants are arraigned the day after the bill of information is filed. Vera will facilitate the Work Group in revising procedures and plans for the expanded pilot.

*Transforming the Municipal Court.*¹⁰ To reduce custodial arrests, fines, and incarceration for municipal offenses, Vera will continue to assist the Work Group in monitoring and implementing City Council legislation requiring the police to issue a summons in lieu of arrest for most municipal offenses and a related ordinance allowing the police not to arrest people they stop who have warrants (called attachments) for municipal offenses. Vera will track the effects of the legislation and develop additional policy responses when feasible. To maximize summons use and minimize custodial arrests, Vera will work to get the new Superintendent of Police to agree to mandate 100 percent summons use for non-violent, non-public intoxication offenses and assist in the development and implementation of a plan to achieve that result. To create a public health-based alternative to the current approach to public intoxication, which relies on custodial arrest, Vera will develop a locally-appropriate non-criminal justice model that directs police officers to take publicly intoxicated people to their home, hotel, or in cases where a person fails to comply, to a 7-day, 24-hour substance abuse treatment and sobering center for a stay of no longer than eight hours.

Vera will partner with the Work Group and the Orleans Public Defenders (an OSI grantee) to facilitate and monitor the handling of state misdemeanor cases in Municipal Court, including analyzing case flow and outcomes from arrest through disposition; identifying problems or inefficiencies and developing solutions; and identifying, gaining agreement to, and implementing alternative sentences to fines and jail for persons who cannot afford to pay fines. Vera will also work with the Right to Counsel Committee of the Louisiana State Bar Association and Municipal Court stakeholders—Judges, the City Attorney’s office, the Orleans Public Defenders, the Municipal Clerk’s office, and the Police Department—to develop a plan for handling non-violent municipal offenses as civil infractions and provide non-partisan analysis demonstrating the value of reclassifying certain state misdemeanors as non-incarceration, non-criminal offenses.

For each of these efforts, Vera will collect and analyze performance and outcome data, and produce a report to build support among system and community stakeholders and avoid unintended negative consequences in the process of encouraging and implementing proposed new system-wide procedures. Vera will also continue to examine current funding mechanisms; develop plans for alternatives that provide more stable funding, remove incentives to incarcerate, and enhance public safety outcomes; and present findings to stakeholders to encourage implementation.

¹⁰ The New Orleans Municipal Court is the second, and larger, criminal court in the city and handles low-level, generally “quality-of-life,” misdemeanors. The most frequent is public intoxication (18 percent of charges), followed by disturbing the peace (15.8 percent), trespass (14.0 percent), obstructing public passage (8.1 percent), and resisting an officer (5.1 percent).

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interests in reducing mass incarceration by attacking the excessive and economically destructive costs of incarceration and in securing a fair and equitable system of justice in New Orleans, Louisiana.

Although Louisiana is a state notorious for its intransigence with respect to criminal justice reform, the disastrous events following Hurricane Katrina coupled with Louisiana's continuing economic challenges have created an opportunity to rethink criminal justice policy and practice in the state. New Orleans, in particular, is a prime target for reform because it is the largest city in Louisiana; continues to have among the highest arrest and incarceration rates in the country; and its criminal justice system is widely recognized as having, since long before the storm, displaced and disenfranchised neighborhoods as a result of policies and practices that incarcerate high numbers of residents unjustly or unnecessarily. Vera has been involved in justice reform efforts in New Orleans since 2006, when the City Council along with Safe Streets/Strong Communities (a New Orleans-based OSI grantee) asked Vera to develop specific recommendations to make the City's criminal justice system more just and effective in terms of cost and public safety.

We agree that the programs Vera is proposing have the potential to demonstrate that New Orleans' criminal justice system can operate differently to improve public safety while safeguarding justice. A major obstacle to reform in Louisiana has been Parish Sheriffs, who have amassed great political power and have a strong incentive to arrest, convict, and incarcerate high numbers of people as a result of state policy that pays a daily fee to parishes for housing state prisoners. In part, because jail and prison population reductions will effectively cut off a major source of revenue for local parishes, there is likely to be pushback from Parish Sheriffs and others who have a vested interest in maintaining the status quo. This political pushback could be more problematic since Vera's proposal begins to directly address incentives that drive the use of incarceration. We believe Vera's strategy of focusing first, not on the funding mechanisms and incentives affecting Parish Sheriffs, but on those affecting New Orleans Municipal Court, is a sound one for opening the discussion for more wide ranging reforms in the future. The Municipal Court also contributes much unnecessary arrest and incarceration and, even the Chief Municipal Judge admits, is particularly influenced by financial incentives resulting from the reliance on fines, fees, and per-person charges to fund the court system.

Although the economic pressure to reduce the state's correctional budget is high and key elected officials and criminal justice stakeholders are favorable, this by no means guarantees that the reforms Vera proposes to test and promote will be adopted without opposition or difficulty. However, we believe Vera is the ideal organization for moving reform in the city because the organization understands the political realities in New Orleans and Louisiana, in general; it has proven its capacity and expertise in designing, evaluating, implementing, and institutionalizing demonstration projects; and it enjoys good working relationships and credibility with Louisiana's state and local government players. Despite embracing many of these suggested reform recommendations, the criminal justice agencies in the city continue to suffer from a lack of internal capacity or expertise to implement reform from beginning to end. Vera has been providing technical assistance to the City for over three years and it has solidified its reputation as reliable, non-partisan policy and research firm. Its ongoing engagement will continue to cultivate and help to implement reforms and encourage agency leaders and, particularly, the City Council and the new Mayor, to invest in the necessary capacity to collect and analyze data, consider options and set policies, and to coordinate the work of agencies to ensure they all drive toward the same goals. Vera is also committed to continuing to work with local grassroots groups, advocacy organizations, and influential civic groups to strategize pressure for reform and will continue to guide and educate the press at every opportunity.

The unexpected closure of the JEHT Foundation in 2008 and the new Mayor's transition this year, which has caused an unexpected delay in the distribution of funds that Vera anticipated from the City's Justice Innovation Fund, have presented challenges to Vera's efforts in New Orleans. This grant, recommended for funding from OSI's JEHT Emergency Fund, would help Vera maintain its programmatic work while it continues to transition from JEHT funding and would provide the organization needed bridge funding until New Orleans Innovation Funds are distributed.

For these reasons, the Criminal Justice Fund recommends project funding to the Vera Institute of Justice in the amount of \$200,000 over one year from the JEHT Emergency Fund.

Name of Organization: Equal Justice Initiative of Alabama

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

Purpose of Grant: to provide general and project support

FPOS Description: To provide general support to the Equal Justice Initiative of Alabama (EJI) to support the organization's efforts to reform the death penalty, confront racial bias in the criminal justice system, improve indigent defense, expose abuses by prosecutors, and ameliorate sentencing and parole policy in Alabama and throughout the country. Additionally, to provide project support that will advance EJI's work challenging life imprisonment without parole sentences imposed on children following the recent U.S. Supreme Court's decision in *Graham v. Florida*.

Previous OSI Support: \$900,000 Gideon Project 2007; \$900,000 Gideon Project 2004; \$525,000 JEHT Emergency Grantmaking 2009; \$400,000 Gideon Project 2002; \$375,000 Gideon Project 2000; \$150,000 Law & Society Criminal Justice 1999; \$150,000 Criminal Justice Fund 2009; \$100,000 Law & Society Criminal Justice 1999; \$100,000 Law & Society Criminal Justice 1997

Organizational Budget: \$2,629,000

Project Budget: \$225,000

Sources of Support: \$1,327,500 Foundation grants; \$400,000 contributions

Amount Requested: \$1,125,000

Amount Recommended: \$1,125,000
\$525,000 (JEHT Response Grantmaking, T1: 59959)
\$475,000 (Criminal Justice Fund, T1: 24027)
\$125,000 (Strategic Opportunities Fund, T1: 21081)

Term: General support (\$900,000): 2 years (July 2010–June 2012)
Project support (\$225,000): 1 year (June 2010–May 2011)

Matching Requirements: None

Description of Organization:

The Equal Justice Initiative of Alabama (EJI) is a non-profit law office that provides legal assistance to poor and disadvantaged people in the Deep South who are affected by the unfair administration of criminal justice. EJI also uses strategic litigation, public education, training, and advocacy to promote civil and human rights and policy reform. Since its founding in 1989, EJI has provided direct legal assistance to death row prisoners, people who have received excessive prison terms, children sentenced to adult prisons, the mentally ill, and others who have been unfairly or illegally convicted. OSI has supported many of EJI's successful activities.

Over the last 15 years, EJI has won reversals in more than 75 death penalty cases. While it is challenging to keep up with Alabama's record death sentencing and execution rates, EJI won four reversals in death penalty cases in the four-month period from December 2009 to March 2010. In January 2009, EJI won relief for Glen

Holladay, an Alabama death row inmate who suffers from mental retardation. The Eleventh Circuit Court of Appeals decision deemed Mr. Holladay's execution as unconstitutional because he is mentally retarded, making Mr. Holladay the first death row prisoner in Alabama to win this type of mental retardation claim over the State's opposition.

In 2007, EJI initiated a project in five southern states that combines research, litigation and public advocacy in an effort to expose the persistence of racial bias in the criminal justice system by focusing on discriminatory jury selection practices. EJI has made great strides in large-scale reform litigation including *McGahee v. Alabama*, a March 2009 ruling by the Eleventh Circuit, granting a new trial to Earl McGahee due the constitutionally impermissible racial bias caused by the trial prosecutor's exclusion of all 24 black prospective jurors at Mr. McGahee's capital trial. *McGahee* represents the first complete guilt-phase reversal by the Eleventh Circuit in a death penalty habeas case in over five years and the decision contains language that should help lawyers and community members challenge discriminatory use of peremptory strikes in other cases. To further advance this goal, EJI released a major report in June 2010 detailing illegal racial discrimination in jury selection. The release will be followed by outreach efforts tied to specific recommendations contained in the report.

Among EJI's more recent work is its focused and targeted litigation efforts to challenge the sentence of life without the possibility of parole. In 2005 EJI won a ruling from the Alabama Supreme Court that permitted non-violent offenders sentenced to life in prison without the possibility of parole (LWOP) to obtain reduced sentences, securing relief for dozens of prisoners who would otherwise have died in prison for petty crimes like drug possession and small property crimes. EJI subsequently secured successful rulings in California, and was an instrumental player in the recent success in *Graham v. Florida*, the United States Supreme Court decision outlawing the sentence for individuals under 18 convicted of non-homicide offenses. EJI's newer initiatives include a cohort of cases that challenge wrongful convictions won through unreliable forensic and other evidence; indigent defendants' inability to effectively challenge faulty or junk science testimony; prosecutorial overreaching; and a major effort to end revocation of parole for technical violations. EJI also launched an initiative to challenge poverty in the Deep South by bringing together historians and mental health, medical, and mitigation experts for a roundtable meeting to address the legacy of segregation, generational poverty and racial bias. EJI will continue to engage local and national leaders, scholars, and advocates with expertise on race and poverty issues.

Description of the Project for Which Funding Is Sought:

This recommendation seeks general support for EJI's full range of activities challenging the inappropriate use of the death penalty, inadequate legal counsel, and racial bias in the justice system in the south, as described above.

We also recommend project support to continue EJI's work to challenge life imprisonment without parole sentences for children, in partnership with the Campaign for the Fair Sentencing of Youth and other advocates following the U.S. Supreme Court's decision in *Sullivan v. Florida* and *Graham v. Florida*. For several years, EJI has pursued a strategic nationwide litigation and advocacy campaign to end the life without parole sentencing for children. Related activities include the publication of a groundbreaking report on the subject; production of films; and participation in the establishment of a national network of advocates working to abolish juvenile life without parole (JLWOP).

The most far-reaching accomplishment of EJI's litigation campaign to date is the U.S. Supreme Court's decision to review the JLWOP sentenced imposed by Florida on Joe Sullivan for a non-homicide offense that occurred when he was just 13 years old. *Sullivan v. Florida* and its companion case involving an older teen, *Graham v. Florida*, has been a major focus of EJI's work in the past year. Bryan Stevenson, EJI's Executive Director and lead counsel for Joe Sullivan, presented the oral argument in case at the Supreme Court in

November 2009. On May 17, 2010, the Court ruled that juveniles who commit crimes in which no one is killed may not be sentenced to life without the possibility of parole.¹¹ This historic ruling has created an urgent need for legal assistance to individuals whom may be entitled to relief. Without committed advocacy in state and federal trial courts, judges in some jurisdictions could simply re-sentence those convicted as juveniles to 70- or 80-year sentences, which would reduce the favorable decision to a symbolic victory. EJI is prepared to take on the role of managing these cases.

EJI will provide legal assistance for three categories of people who have new opportunities following the Supreme Court's decision: 1) a limited number of individuals convicted as juveniles of non-homicides in several states; 2) juveniles age 14 and younger convicted of any crime in several states; and 3) a newly created category of less culpable juvenile homicide clients of any age. EJI will coordinate with the Campaign for the Fair Sentencing of Youth to accomplish these goals.

JLWOP Non-Homicide Cases

EJI believes there are 120-160 cases involving juveniles sentenced to LWOP for non-homicides and now eligible for resentencing in nine jurisdictions, including: Florida, Louisiana, Virginia, Nevada, Iowa, South Carolina, California, Oklahoma, and Delaware. Representation of these individuals in resentencing hearings is a high priority because resolution of these cases will address a critical issue for this movement: the appropriate range of sentencing alternatives to LWOP. Given the large number of these cases in Florida and Louisiana (85-95 percent), these states take priority. EJI currently represents non-homicide clients in Florida and California whose cases are pending in court. EJI will take on new cases in Florida and Louisiana and will explore representation in cases in other states as well.

Challenging JLWOP for the Youngest Adolescents No Matter What the Crime

EJI has 20 cases pending in 13 states in which it seeks to ban LWOP for children who are 14 and younger. EJI will still continue to pursue this theory on an Eight Amendment challenge in state courts, including Arkansas, Missouri, Florida, Mississippi, Alabama, Delaware, Wisconsin, Iowa, North Carolina, Nebraska, Pennsylvania, Michigan, Arizona, and California.

Expanding Reach of *Graham*

While the Court's decision in *Graham* is expressly limited to non-homicide cases, the Court's analysis about the relative culpability and rehabilitative potential of juveniles has implications for homicide crimes which are ripe for litigation. However, any such litigation strategy will require EJI to: 1) define a coherent and clear category of eligible offenders; 2) document the number of people in this category nationwide; and 3) to advance direct appeal cases in states where no procedural, habeas or collateral doctrines preclude the articulation of a new rule.

Rationale for Recommendation:

This grant would advance a number of goals of the Criminal Justice Fund, including reducing mass incarceration by ending the over reliance on imprisonment; eliminating harsh punishment by abolishing the death penalty and reducing prison sentencing, particularly for juveniles sentenced to life without parole; eliminating racial disparities by improving indigent defense systems and addressing inappropriate racial bias by prosecutors and the courts. EJI is supported by the Campaign to Abolish the Death Penalty by 2025, a collaborative initiated with OSI funding, and is a model for effective indigent defense and an important resource in the Campaign's efforts to reduce capital sentencing in the southern states. This grant would also

¹¹ In *Sullivan v. Florida*, the Court ruled that cert was improvidently granted. The Court declined to rule on the case largely due to procedural issues. Despite this ruling, Mr. Stevenson's oral argument was highly influential in the Court's ruling in the companion case *Graham v. Florida*.

advance the goal of the Equality and Opportunity Fund by addressing structural racism, and U.S. Programs' ongoing development of a comprehensive regional grantmaking effort in the Gulf Coast Region.

For over 20 years, EJI has worked to reform the death penalty, confront racial bias in the criminal justice system, improve indigent defense, expose abuses by prosecutors, and ameliorate sentencing and parole policy in Alabama and throughout the country. EJI is known and highly respected for its strategic litigation and advocacy work. The most recent example of EJI's leadership is the role the organization has played in the national campaign to abolish life imprisonment sentences for children. Through direct legal representation, strategic litigation, advocacy, and public education, EJI fights to achieve fairness and equality in the criminal justice system of the U.S., particularly Alabama and other parts of the historic Black Belt. In an area of the nation where the injustices of the criminal justice system are particularly stark, EJI, led by Mr. Stevenson, has consistently been a significant resource and source of hope for poor, minority, and other disadvantaged individuals entangled in the justice system.

Despite its many achievements, EJI's operations continue to be undermined by the closing of the JEHT Foundation in December 2008. Although the JEHT Foundation had committed \$1.5 million in funding over three years to support EJI's work to eliminate juvenile life without parole sentencing, the Foundation had not made any payments to EJI at the time of its closure. Continued support from OSI's JEHT Emergency Fund would permit critical functions at EJI to continue. Similarly, given the immediate new challenges presented by the Supreme Court's historic decision in *Graham v. Florida*, and the need for timely action, the Strategic Opportunities Fund is co-funding EJI's work on JLWOP advocacy by providing rapid response funds, which are critical to support EJI's efforts to help secure meaningful relief for those covered by the Court's ruling.

The impressive and inspiring work of EJI cuts across the priority areas of the Criminal Justice Fund and U.S. Programs. For the above reasons, CJF staff recommends a two-year general support grant in the amount of \$900,000 (CJF and JEHT Emergency Fund) and a one-year project support grant from the Strategic Opportunities Fund and the Criminal Justice Fund in the amount of \$225,000 to support the Equal Justice Initiative of Alabama.

<u>Name of Organization:</u>	Juvenile Law Center
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	To provide general support
<u>FPOS Grant Description:</u>	to advance the interests of children whose legal rights have been compromised by the public agencies in charged with their care. JLC, a Pennsylvania-based public interest law firm and advocacy organization, will advocate for reform of policy and practice affecting children in the foster care, juvenile, and criminal justice systems across the country.
<u>Previous OSI Support:</u>	\$400,000 US Justice General Fund 1997; \$300,000 JEHT Foundation Emergency Grantmaking 2009; \$250,000 US Justice Policy & Research 2002; \$150,000 The After Prison Initiative 2000; \$100,000 Center on Crime, Communities and Culture 1996; \$20,000 The After Prison Initiative 2001; \$1,728 Gideon Grantmaking 2000
<u>Organizational Budget:</u>	\$2,067,925
<u>Project Budget:</u>	Not Applicable
<u>Sources of Support:</u>	\$260,000 United Way, \$320,333 MacArthur Foundation; \$100,000 William Penn Foundation; \$90,000 Public Welfare Foundation; \$20,000 Fels Fund
<u>Amount Requested:</u>	\$300,000
<u>Amount Recommended:</u>	\$300,000 (\$300,000 JEHT Emergency Fund, T1: 59959)
<u>Term:</u>	1 year (January 1, 2010–December 31, 2010)

Description of Organization

The Juvenile Law Center (JLC) was founded in 1975 to advance the interest of children whose legal rights have been compromised by the public agencies charged with their care. It is the oldest multi-issue public interest law firm for children in the United States working on systemic reform issues. JLC has evolved over its 35 year history from a local, Pennsylvania-based organization, responding to problems one child at a time, to become a premier national public interest law firm and advocacy organization. Co-founders Bob Schwartz and Marsha Levick believe that children ought to have a voice in decisions affecting their lives, and that lawyers are well suited to provide that voice. They believe that lawyers can help prevent harm and promote opportunities for youth and level the playing field of civil society by creating opportunities for healthy development, employment and citizenship.

JLC advances its mission by litigating key cases in state and federal courts, leading and supporting amicus efforts on key issues, working with academic researchers to develop sound public policy, training lawyers, judges and professionals, advocating for child welfare and juvenile justice reform legislation and regulation, educating and informing the public, and serving as a media resource. JLC's legal and public education and training services are provided at no cost to its clients or participants.

The Juvenile Law Center has had a major impact on reforming juvenile justice policies and practices in Pennsylvania. It is largely credited with uncovering the Luzerne County “kids-for-cash” judicial embezzlement scheme. Through extensive investigation of complaints from youth in confinement, JLC helped expose a judicial corruption scandal in which two judges have been indicted on federal racketeering charges for accepting \$2.8 million from the builder and operator of a for-profit juvenile detention center in exchange for keeping its facility beds filled.

Furthermore, JLC followed up its remarkable work with the successful national coalition to end the juvenile death penalty in 2005 with an equally impressive effort to end juvenile life without parole (JLWOP) in 2010. JLC served as lead counsel for over 65 advocacy organizations and individuals who submitted an amicus brief in support of the plaintiff in *Graham v. Florida*. The amicus brief highlighted that an offender’s youth or mental capacity can make certain penalties unconstitutional regardless of the severity of the offense. On May 17, 2010, the U.S. Supreme Court relied, in part, on this rationale to declare juvenile life without parole for non-homicide cases unconstitutional and a violation of the Eighth Amendment prohibition of cruel and unusual punishment.

As a result of its outstanding work, in April 2008, the Juvenile Law Center was recognized as one of only eight organizations in six countries to receive the prestigious, international John D. and Catherine T. MacArthur Foundation Award for Creative and Effective Institutions.

Description of Project for Which Funding Is Sought

The Juvenile Law Center requests general support in the amount of \$300,000 over one year.

Rationale for Recommendation

This grant would advance the Criminal Justice Fund’s interest eliminating harsh punishment by challenging policies and practices that treat children as adults and sentence them to lengthy terms of imprisonment. This grant would also advance CJF’s interest in eliminating racial disparities and ensuring equal and effective access to justice by securing the right to counsel for young people.

The Juvenile Law Center is widely recognized as one of the leading litigation, advocacy and policy organizations working to reform juvenile justice practices in the United States. Over the past year, JLC has engaged in sustained efforts to protect the rights and needs of children and adolescents in the child welfare or juvenile justice systems with an emphasis on two substantive areas: (1) judicial corruption casework in Luzerne County, Pennsylvania, and (2) ending juvenile life without parole in Pennsylvania and nationally. It uses an array of advocacy, litigation, and public education campaigns to ensure that young people in these systems have access to key services and to reduce reliance on incarceration, promote fairness, and reverse the criminalization of adolescents that has occurred in the United States over the past two decades.

JLC frames its outcomes in terms of *impact* (on individual children and families); *influence* (the changes in policy and practice it creates that will have an impact on children’s lives); and *leverage* (encouraging other advocates, lawyers, parents, foundations, etc. to devote time and dollars to JLC’s goals). This approach reflects the reality of an advocacy organization; there are multiple steps and many allies between JLC’s work and improved outcomes for youth.

Over the next 12 months JLC will capitalize on the moment of opportunity created by the Luzerne County scandal and the Supreme Court’s decision in *Graham* to promote comprehensive juvenile justice reform in Pennsylvania and nationally. By January 2010, for example, JLC had completed litigation before the Pennsylvania Supreme Court, culminating in the unprecedented vacatur of over 4,500 adjudications,

expungements, and dismissals with prejudice, barring re-trial of a single case. Moreover, in 2009, in response to the scandal and relentless media pressure (mostly generated by JLC), the Pennsylvania General Assembly created the Interbranch Commission on Juvenile Justice—an 11-person Commission legislatively charged with ascertaining how the Luzerne County juvenile justice system failed, restoring public confidence in the administration of justice, and preventing similar events from reoccurring.

In its report to the Commission, *Lessons from Luzerne County: Promoting Fairness, Transparency, and Accountability*, JLC proposed 20 recommendations and provided a guide for improving Pennsylvania's juvenile justice system. Many of JLC's recommendations were adopted in the Commission's May 27, 2010 final report including a recommendation to have every juvenile deemed indigent for purposes of appointment of counsel, and the call for a state-based funding stream for indigent juvenile defense. The Commission's report provides a strong foundation from which to build a fairer and more just system in Pennsylvania and JLC intends to work diligently with the three branches of government to ensure the swift implementation of the Commission's recommendations.

Furthermore, JLC expects a torrent of cases in the wake of *Graham*. There are 129 inmates whose sentences are directly affected by *Graham* and are entitled to new sentencing hearings. JLC intends to collaborate with CJF grantee, the Equal Justice Initiative of Alabama, to operationalize the litigation strategy developed as part of the JLWOP coalition to bring prompt relief to these youths.

Additionally, JLC plans to use the breadth of the majority opinion to litigate several categories of cases that raise JLWOP issues, such as, (1) older youth convicted of first degree murder (2 cases are currently pending in the Pennsylvania Supreme Court), (2) youth of any age convicted of second degree murder that involve accomplice liability in homicide cases, and includes felony murder, and (3) young teens charged with murder, such as the case of Jordan Brown, who was 11 years old when he was charged with killing his father's pregnant fiancé and her unborn baby. Moreover, in Pennsylvania alone, there are about 450 Pennsylvania inmates who received life without parole sentences as juveniles; many of those cases will quickly make their way into the appellate system. JLC has also received requests for assistance from attorneys in California and Ohio representing youth who received the equivalent of life sentences for non-homicide offenses (e.g. a mandatory 79 years sentence and an 89 year sentence, respectively). Thus, JLC intends to embark on a long-term effort to end juvenile life without parole for all youth. It is a battle that the Juvenile Law Center is willing, well able, and prepared to commence.

The JEHT Foundation previously supported Juvenile Law Center annually in the form of general support and challenge grants. With JEHT's closure, JLC has lost key core support. In 2009, CJF recommended JEHT Emergency Funding to allow JLC to continue playing its critical role in juvenile justice reform efforts. Given its central role in responding to emerging field developments, particularly the response to the Supreme Court's decision in *Graham*, the Criminal Justice Fund recommends \$300,000 in general support funding from the JEHT Emergency Fund to the Juvenile Law Center. In furtherance of our broader priorities as outlined in our strategic plan, CJF anticipates providing core support for JLC in 2011 to continue its range of critical work.

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 continue training, organizing, and mobilizing formerly incarcerated people and those directly affected by the drug war and direct regional campaigns for criminal justice reform in California

FPOS Grant Description: To provide \$400,000 in project funding over two years to Network on Women in Prison (dba Legal Services for Prisoners with Children—LSPC) to continue training, organizing, and mobilizing formerly incarcerated people and those directly affected by the drug war and direct regional campaigns for criminal justice reform in California. OSI funding will enable All of Us or None to advocate for policies in California that facilitate access to employment; streamline the process of getting past convictions sealed and dismissed and get certificates of rehabilitation awarded. OSI funding will also allow All of Us or None to conduct public education and advocacy around voting rights for people with criminal records, community-oriented reentry strategies in Oakland, and statewide organizing and leadership development work with people with criminal records and people in drug treatment programs.

Previous OSI Support: \$1,070,000
(\$50,000 USP/IHRD Drug Policy Reform budgets-2009; \$450,000 U.S. Justice Fund-2007; \$250,000 U.S. Justice Fund-2005; \$5,000 Criminal Justice Initiative-2003; \$200,000 Criminal Justice Initiative-2002; \$15,000 Criminal Justice Initiative-2001; \$100,000 Center on Crime, Communities & Culture-1997)

Organizational Budget: \$1,000,000

Project Budget: \$872,338

Sources of Support: \$150,000 Public Welfare Foundation; \$100,000 Akonadi Foundation; \$50,000 Fund for Nonviolence; \$75,000 Falk Foundation; \$60,000 Mitchell Kapor Foundation; \$10,000 East Bay Community Foundation; \$10,000 Common Counsel Foundation

Amount Requested: \$400,000

Amount Recommended: \$400,000
(\$300,000 Criminal Justice Fund, T1: 24027)
(\$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 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.

LSPC has been an OSI grantee since 1997.

Description of the Project for Which Funding Is Sought:

Legal Services for Prisoners with Children requests project funding to support the efforts of its *All of Us or None* project to continue training, organizing, and mobilizing formerly incarcerated people and those directly affected by the drug war and direct regional campaigns for criminal justice reform in California. Specifically, OSI funding will enable LSPC to engage directly affected communities in the following efforts:

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 only job-related convictions are 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 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.

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 or None* will continue its public education, grassroots organizing and mobilization, and advocacy to support its *Plan for a Safer Oakland*, which recommends expanding meaningful reentry supports and services for people coming home from prison and people with drug treatment needs, deeper investments in people and neighborhoods rather than policing and prisons, and ending police suppression tactics, such as the use of gang injunctions, that criminalize otherwise legal behaviors by targeted young people of color.

Rationale for Recommendation:

This grant advances the Criminal Justice Fund’s interest in reducing mass incarceration by attacking the excessive social and economic costs of incarceration and our interest in eliminating harsh punishment by expanding opportunities to people with criminal records and challenging unreasonable barriers to successful reentry. This grant would also advance the Campaign for a New Drug Policy’s interest in developing and enriching the drug policy reform debate by engaging the communities most directly impacted by the war on drugs, especially communities of color.

Years of “tough on crime” and “war on drugs” legislation have resulted in severe marginalization and discrimination that permeate every aspect of life for people with criminal records and the neighborhoods in which they live. People with criminal records face unreasonable statutory and *de facto* barriers to employment, housing, education, and even benefits intended for the neediest, having negative affects not only for the individual but also for his or her family and neighborhood. These barriers can be particularly severe for people with drug law-related convictions. In California, any drug-related conviction results in a lifetime ban on eligibility for Temporary Assistance for 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. 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.

LSPC’s *All of Us or None*’s overall program aimed at expanding economic and civic participation of people with criminal records by eliminating unreasonable barriers is tightly linked to its broader interests in changing failed criminal justice and drug policies that focus on law enforcement and harsh punishment rather than a public health approach that ensures public safety by strengthening communities. Its *Plan for a Safer Oakland* project calls for positive investments in high incarceration communities that increase public safety by making neighborhoods healthy and safe places to live and work rather than investments in aggressive law enforcement that leads to excessive incarceration that destabilizes the community and undermines public safety. Its advocacy for full restoration of rights for people with criminal convictions challenges unreasonable and excessive collateral punishment and advances the notion that everyone deserves a second chance. For example, its insistence that prior convictions should not be considered by employers when they are not job-related has challenged the common assumption from public and private employers that prior contact with the criminal justice system is necessarily an indication of an unreliable

employee. *All or None* has also been a strong leader in California in efforts to establish and fund effective reentry programming 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 people as equal players for the first time. Through its partnership with the National Employment Law Project (also recommended for renewal funding on this docket), *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 for women in Watts 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, we recommend project funding to Legal Services for Prisoners with Children in the amount of \$400,000 over two years.