

Criminal Justice Fund

Memo

To: Ann Beeson and U.S. Programs Staff

From: Leonard Noisette and Criminal Justice Fund Staff

Date: 10 May 2010

Re: Prospective Criminal Justice Fund Docket II Grant Recommendations

The Criminal Justice Fund is considering recommending the following twenty seven (29) grants on Docket II, June 28, 2010. These grants would advance our goals of reducing mass incarceration, reducing harsh punishment, eliminating racial disparities and ensuring a fair and equitable justice system in the United States, and strengthening voices to establish a new drug policy paradigm. Several of these grants represent collaborative/co-funding partnerships between the Criminal Justice Fund and one or more other U.S. Program Funds. We look forward to discussing with you other possible opportunities for collaboration/co-funding should they arise.

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. This 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 the length and harshness of sentencing. 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.

FACTS Education Fund (FACTS), \$100,000 general support renewal grant over two years. FACTS is a Los Angeles-based grassroots organization that educates, engages, and mobilizes communities most directly impacted by California's draconian sentencing policies to promote a fair and just criminal justice system and an end to California's Three Strikes Laws. This grant would advance our interests in reducing mass incarceration and harsh punishment by attacking the excessive and economically destructive costs of incarceration, eliminating harsh and unjust sentencing practices, and fostering new approaches to drug policy.

Michigan Council on Crime and Delinquency (MI-CCD), \$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 program in up to two prisons in the state. OSI funding would enable MI-CCD 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

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

The Sentencing Project, \$550,000 general support grant renewal over two years (from the Criminal Justice Fund budget). 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. This grant would advance the Criminal Justice Fund’s interest in reducing mass incarceration by attacking the excessive and economically destructive cost of incarceration, eliminating harsh and unjust sentencing practices, and fostering new approaches to drug policy. This grant would also advance the Criminal Justice Fund’s expanding opportunities to people with criminal records and eliminating unreasonable barriers to reentry and our interest in eliminating racial disparities and securing a fair and equitable justice system.

Reducing Mass Incarceration – Drug Policy Reform

Mothers Against Teen Violence—MATV), \$50,000 project grant over two years (\$25,000 from USP Drug Policy Reform budget and \$25,000 from IHRD Drug Policy Reform budget) to continue educating and engaging communities disproportionately affected by punitive drug policies, particularly Black and Latino communities, about the negative consequences of existing policies and generate individual and collective activism in support of drug policy reform in Texas. OSI funding will enable MATV to engage in public education, grassroots organizing and mobilizing, and advocacy to promote drug policy reforms that focus on violence prevention from a perspective that implicates prohibition policies as the major cause of drug-related violence and that elevates the importance of a harm reduction and public health approach minimizes the role of law enforcement in responding to drug use and abuse. This grant would advance the Criminal Justice Fund’s, OSI Baltimore’s and the International Harm Reduction Development Initiative’s shared 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.

National Justice Initiative—NJI), \$20,000 project grant over one year (\$10,000 from USP Drug Policy Reform budget and \$10,000 from IHRD Drug Policy Reform budget) to engage in public education and advocacy in support of ensuring effective implementation of Rockefeller Drug Law reform. OSI funding will enable NJI to convene community organizations, religious leaders, criminal justice and other government officials, and substance abuse service providers in Buffalo, Rochester, and Albany, New York for advocacy and information gathering luncheons on the implementation of the 2009 Rockefeller Drug Law Reform. This grant would advance the Criminal Justice Fund’s, OSI Baltimore’s and the International Harm Reduction Development Initiative’s shared interest in developing and enriching the drug policy reform debate by engaging public health, medical, and treatment communities in drug policy reform. This grant also advances the Criminal Justice Fund’s interest in reducing mass incarceration by fostering new approaches to drug policy and ensuring effective implementation of Rockefeller Drug Law Reform in New York.

The Tides Center (Break The Chains project—BTC), \$100,000 project grant renewal over one year (\$50,000 from USP Drug Policy Reform budget and \$50,000 from IHRD Drug Policy Reform budget) to continue educating and engaging communities disproportionately affected by punitive drug policies, particularly Black and Latino communities, about the negative consequences of existing policies and generate individual and collective activism in support of drug policy reform. OSI funding will enable BTC to continue planning and produce a pilot episode for SHAKE-TV, an online forum for multimedia programming focused on the consequences of and alternatives to the “war on drugs.” OSI funding will also enable BTC to continue its *Futures Up In Smoke* project, which demonstrates how marijuana law enforcement policies disproportionately target minority youth in our nations’ cities and undermine efforts to promote school retention and employability. This grant would advance the Criminal Justice Fund’s, OSI Baltimore’s and the International Harm Reduction Development Initiative’s shared 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.

II. Eliminating Harsh Punishment

Families and Friends of Louisiana’s Incarcerated Children (FFLIC), \$100,000 general support over one year. 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. 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. 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. This grant would advance our interests in decriminalizing vulnerable populations such as youth of color and poor youth, eliminating racial disparities, and securing a fair and equitable justice system. This grant would also advance the Criminal Justice Fund’s interest in reducing mass incarceration and harsh punishment by promoting alternatives to incarceration that impose the least restrictive conditions, and challenging policies and practices that treat children as adults

National Employment Law Project, \$300,000 project grant over two years (\$200,000 from the Criminal Justice Fund and \$100,000 from the Equality and Opportunity Fund budgets) 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 on employment policy reforms, and media strategies to generate coverage of strategic issues related to employment for people with criminal records. This grant advances the Criminal Justice Fund’s interest in reducing harsh punishment by eliminating unreasonable barriers to employment for people with criminal records.

Just Detention International, \$150,000 project grant renewal over one year (from the JEHT Emergency Fund budget) 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 national standards without watering them down; 2) states and localities begin implementing the standards without delay; and 3) policymakers and the public recognize independent audits and federal oversight are recognized as crucial to the

standards and their effective implementation. 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.

FACTS Education Fund (FACTS), \$100,000 general support renewal grant over two years. FACTS is a Los Angeles-based grassroots organization that educates, engages, and mobilizes communities most directly impacted by California's draconian sentencing policies to promote a fair and just criminal justice system and an end to California's Three Strikes Laws. This grant would advance our interests in reducing mass incarceration and harsh punishment by attacking the excessive and economically destructive costs of incarceration, eliminating harsh and unjust sentencing practices, and fostering new approaches to drug policy.

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

Equal Justice Initiative (EJI) - \$900,000 general support grant over 21 months to advance EJI's primary mandate to abolish the death penalty and \$225,000 in project support to manage litigation that will be pursued following the Supreme Court's decision in *Sullivan v. Florida* and *Graham v. Florida*. These cases will determine whether it is constitutional to sentence children convicted of non-homicide crimes to life without the possibility of parole. EJI will develop a coordinated national litigation strategy and ensure attorneys representing individuals who be granted relief in *Sullivan/Graham* are adequately trained to handle the cases. To further the goal of the Campaign to Abolish the Death Penalty by 2025, EJI will work to reduce death sentences and executions, targeted activities must be increased in the South - the location of the most intractable death penalty states. By virtue of EJI's reputation and its position as a leader in the south, the CJF and the Campaign Steering Committee members have identified EJI as one of a small number of organizations selected for an increase in capacity in order to accomplish the goals of the Campaign.

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) - \$205,000 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 (Tides) - \$200,000 project support over two years 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 18 major reports on the death penalty and 15 annual reports. Three 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. The grant furthers the CJF's goal of ending the use of capital punishment and is part of the Campaign to Abolish the Death Penalty by 2025. 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. EJUSA's Executive Director, Shari Silberstein, continues her invaluable role as a Steering Committee member of the Campaign.

Philadelphia 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.¹ This grant advances the CJF's goal of improving indigent defense systems and abolition of the death penalty and is part of the Campaign to Abolish the Death Penalty by 2025. The grant will capitalize on the momentum building in the mid-Atlantic and Northeast regions toward abolition of the death penalty. The Federal Community Defender Office (FCDO) for the Eastern District of Pennsylvania through its Capital Habeas Unit (CHU) represents the vast bulk of prisoners sentenced to death in Pennsylvania's courts when their cases are ready for state post-conviction review (SPC) or federal habeas corpus review (FHC). However, there is no governmental funding for representation in SPC even though the rules of federal habeas proceedings dictate that all federal claims must first be presented in state courts. This presentation generally occurs in SPC. The PCRP enables CHU personnel to litigate SPC proceedings by raising private funds. Since its inception in 1995, the CHU has had an unprecedented record of achievement and is among the premier defenders of capital prisoners in the nation. Pennsylvania, which has the nation's fourth largest death row, has not had a non-volunteer execution since the start of the CHU and PCRP. CHU and PCRP have obtained relief from death sentences for scores of capital prisoners by litigating claims of actual innocence, prosecutorial misconduct, racial bias, defense counsel ineffectiveness, mental retardation, and other mental infirmities. The CHU and PCRP have created the space for abolition in Pennsylvania and have recently expanded federal court work to Delaware and by application to SPC in Delaware. In 2009, PCRP will continue the much needed representation of capital defendants in Pennsylvania and Delaware state courts

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

City University of New York Research Center, John Jay College of Justice - \$100,000 project support over one year to develop 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

¹ The Philadelphia Capital Representation Project is part of the Federal Community Defender Office for the Eastern District of Pennsylvania, which is a 501(c)(3) organization.

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 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 234 innocent people from prison, including 17 on death row. In February 2008, Kennedy Brewer of Noxubee County, Mississippi became the state's first person to be exonerated through post-conviction DNA testing. The IP has also raised 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. The Innocence Project lost \$750,000 in pledged general support grants from the JEHT Foundation over the next two fiscal years, a loss of one-eighth of their yearly budget. The organization's mission to free the wrongfully convicted and achieve policy reform aligns with the Criminal Justice Fund's commitment to the fair and equal administration of justice, including reduction of over-reliance on incarceration, fair treatment of people of color and the poor, death penalty reform, and improved public defense services.

Juvenile Regional Services (JRS), \$60,000 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. This grant would advance our interest in securing a fair and equitable justice system by improving indigent defense services and systems for youth.

National Juvenile Defender Center (NJDC), \$300,000 general support grant over two years. 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, led by Patricia Puritz, 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. This grant would advance our interests in decriminalizing vulnerable populations such as youth of color and poor youth, eliminating racial disparities, and securing a fair and equitable justice system.

Safe Streets/Strong Communities (Safe Streets), \$100,000 project grant renewal over one year (from the Criminal Justice Fund budget) to strengthen the organizational capacity of the organization as it transitions into new leadership and to continue public education, organizing and mobilizing constituent communities, and advocacy for criminal justice policies and practices in New Orleans that are smart and just and responsive to constituent community interests and needs. OSI funding will enable Safe Streets to continue its campaign to end abuse and corruption within and bring transparency and accountability to the New Orleans Police Department and continue public education, base-building, and grassroots organizing and mobilization around criminal justice reform issues prioritized by the neighborhoods with which it works. This grant would advance our interests in reducing mass incarceration and harsh punishment by attacking the excessive and economically destructive costs of incarceration and in eliminating racial disparities and securing a fair and equitable justice system by reforming the policies and practices of law enforcement.

Seattle University School of Law, the Defender Initiative, \$125,000 project grant over one year to increase the number of courts in Seattle, Washington 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 also enable the Defender Initiative to develop a plan to replicate the model in two other states, possibly Kentucky, Pennsylvania, or California. This grant advances our interest in securing a fair and equitable justice system through targeted indigent defense reform.

Vera Institute of Justice (Vera), \$200,000 project grant renewal over one year (from the JEHT Emergency Fund budget) 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. 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.

Youth Transition Funders Group (YTFG), \$10,000 over two years, to support the revision of the Juvenile Justice WorkGroup's *Blueprint for Juvenile Justice Reform* booklet and their work-group coordinator. This grant would advance our interests in decriminalizing vulnerable populations such as youth of color and poor youth, eliminating racial disparities, and securing a fair and equitable justice system.

IV. Grants Addressing Multiple CJF Priorities

Juvenile Law Center (JLC), \$300,000 general support grant over one year (from OSI's JEHT Emergency and Criminal Justice Fund grantmaking budgets). JLC's mission is to advance the interests of children whose legal rights have been compromised by the public agencies in charge of their care. 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 advance our interests in decriminalizing vulnerable populations such as youth of color and poor youth, eliminating racial disparities, and securing a fair and equitable justice system. This grant would also advance the Criminal Justice Fund's interest in reducing mass incarceration and harsh punishment by promoting alternatives to incarceration that impose the least restrictive conditions, and challenging the policies and practices that treat children as adults and sentence them to lengthy terms of imprisonment, including life without the possibility of parole.

Legal Services for Prisoners with Children (LSPC), \$400,000 project grant renewal over two years (\$300,000 from the Criminal Justice Fund budget, \$50,000 from USP Drug Policy Reform budget, and \$50,000 from IHRD Drug Policy Reform budget) 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 in drug policy reform efforts individuals and communities most directly affected by drug war policies. 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 in drug treatment programs. This grant would also advance the Criminal Justice Fund's, OSI Baltimore's, and the International Harm Reduction Development Initiative's shared 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.

Youth Justice Coalition (YJC), \$25,000 general support over one year. YJC's mission is to build and support a youth-led movement to challenge the Los Angeles and California juvenile and criminal justice systems. Over the next year, the organization will continue its focus on strengthening and supporting local groups to engage in criminal justice reform, building membership base, and mobilizing youth-led campaigns, and recruiting, developing, and supporting youth leadership in juvenile and criminal justice reform advocacy. This grant would advance our interests in decriminalizing vulnerable populations such as youth of color and poor youth, eliminating racial disparities, and securing a fair and equitable justice system.