

**U.S. Programs
Criminal Justice Fund
Summary of Recommended Grants
Docket III
September 27, 2010**

Program Area/Organization	Grants Totals	Grant Term
Criminal Justice Fund Grantmaking (24027)		
Women's Prison Association and Home	\$ 100,000	1 year
Critical Resistance	\$ 200,000	2 years
Campaign for Youth Justice ¹	\$ 175,000	1 year
Robert A. Taft Institute for Government (on behalf of the Center for NuLeadership) ²	\$ 100,000	2 years
Youth Justice Coalition	\$ 75,000	2 years
Green For All	\$ 200,000	2 years
Texas Defender Service (as fiscal agent for the Atlantic Center for Capital Representation)	\$ 50,000	5 months
Texas Defender Service (as fiscal agent for Capital Litigation Communications Project)	\$ 200,000	2 years
NAACP Legal Defense and Educational Fund	\$ 50,000	1 year
Texas Defender Service ³	\$ 275,000	1 year
The Regents of the University of California (U.C. Berkeley Law School Lethal Injection Project)	\$ 65,000	6 months
Orleans Public Defenders	\$ 200,000	2 years
Defender Association of Philadelphia (as fiscal agent for the Pennsylvania Indigent Defense Representation Reform Project)	\$ 120,000	16 months
ProTex: Network for a Progressive Texas (dba Texas Criminal Justice Coalition)	\$ 100,000	1 year
Immigrant Legal Resource Center ⁴	\$ 300,000	2 years
Make the Road New York	\$ 192,530	1 year
Spitfire Strategies LLC	\$ 113,064	1 year
Total Recommended:	\$ 2,515,594	

CJF GRANTMAKING TOTAL THIS DOCKET: \$ 2,515,594

JEHT Emergency Fund (59959)

Campaign for Youth Justice ¹	\$ 160,000	1 year
Texas Defender Service ³	\$ 250,000	1 year
Total Recommended:	\$ 410,000	

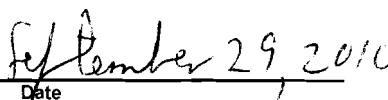
National Drug Treatment Initiative (21087)

Robert A. Taft Institute for Government (on behalf of the Center for NuLeadership) ²	\$ 100,000	2 years
Total Recommended:	\$ 100,000	

Equality and Opportunity Fund (24023)

Immigrant Legal Resource Center ⁴	\$ 240,000	2 years
Total Recommended:	\$ 240,000	


Approval Signature


Date

1. Total grant to Campaign for Youth Justice is \$335,000 (\$175,000 from CJF; \$160,000 from JEHT Emergency Fund)
2. Total grant to Robert A. Taft Institute for Government (on behalf of the Center for NuLeadership) is \$200,000 (\$100,000 from CJF; \$100,000 from the National Drug Treatment Initiative)
3. Total grant to Texas Defender Service is \$525,000 (\$275,000 from CJF; \$250,000 from JEHT Emergency Fund)
4. Total grant to Immigrant Legal Resource Center is \$540,000 (\$300,000 from CJF; \$240,000 from EOF)

Criminal Justice Fund

Memo

To: Aryeh Neier

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

Date: 17 September 2010

Re: Criminal Justice Fund Docket III Grant Recommendations

The Criminal Justice Fund recommends 17 grants on Docket III, September 27, 2010, totaling \$3,264,594 in funding.¹ Eleven of these grants are renewals and six support new organizations and/or new work. Two (2) of these grants would advance our goals of reducing mass incarceration; nine (9) support our efforts to eliminate harsh punishment, including five to further our Campaign to Abolish the Death Penalty by 2025; and six (6) advance our interest in eliminating racial disparities and ensuring a fair and equitable justice system in the United States, four to improve indigent defense services, including one grant to enhance the capacity to defenders to address the immigration consequences of criminal charges, and two grants to support our newest effort to address excessive policing practices in New York City.

Reducing Mass Incarceration

These two recommendations are for renewal grants to long-time grantees, one to support base-building and organizing work in key regions where CJF is working to combat high levels of incarceration, and the second to support a focus on the particular effects on women of current criminal justice practices. The grant to **Women's Prison Association and Home, Inc.** will support much-needed, authoritative national voice and resource on issues impacting women in the criminal justice system, and promote the participation of formerly incarcerated women in public debate about incarceration policies. Funding for **Critical Resistance** will support its efforts to reduce the size of the California prison system and its Community Legal Clinic in New Orleans, which provides expungement support for people with criminal records and engages them in various reform campaigns.

Eliminating Harsh Punishment

Three of the four grants we propose in this area would address our key priority of targeting practices that excessively punish youth. The **Campaign for Youth Justice (C4YJ)** and **Center for NuLeadership on Urban Solutions (CNUS)** will challenge the practice of prosecuting children as adults, with C4YJ providing technical assistance and strategic support to advocates across the country, and CNUS building a campaign in New York State. The **Youth Justice Coalition** will challenge a number of critical issues affecting youth in California, including excessive school disciplinary practices and sentencing juveniles to life without the possibility of parole, by building youth and community led campaigns. The final proposed grant in this area, to **Green for All**, continues our work challenging barriers to employment for

¹ CJF also recommends an additional \$225,000 in funding to **Demos: A Network for Ideas and Action (Demos)**, toward a \$300,000 project grant renewal over one year (\$225,000 from the Criminal Justice Fund and \$75,000 from the Transparency and Integrity Fund) which will be presented in the Transparency and Integrity Fund's docket.

individuals with prior criminal justice system involvement, with a particular focus on increasing employment opportunities in the emerging green economy.

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

The long term goal of the Campaign to Abolish the Death Penalty by 2025 (Campaign) is evident from its name. The short term goals are to repeal the death penalty laws in low use jurisdictions, defeat attempts to reinstate it in those jurisdictions that do not currently authorize it, and move a critical mass of active jurisdictions in which repeal is not currently viable to some combination of disuse or more infrequent use.

The grants we propose to the **Texas Defender Service** and the **Atlantic Center for Capital Representation** support the Campaign's goals and strategies by targeting direct representation and impact litigation to reduce capital prosecutions, death sentences and executions through exposing and remedying major flaws in the criminal justice system. The grants to the **Capital Litigation Communications Project** and **U.C. Berkeley School of Law Death Penalty Clinic & Lethal Injection Project** support the Campaign's efforts to raise awareness of the failures of the death penalty and flaws in its use, thereby creating the opportunity for serious debate, moratoria on executions and repeal efforts. The grant to the **NAACP Legal Defense and Educational Fund** supports the Campaign's goals by advancing a comprehensive review of the application of the federal death penalty, with a particular focus on the issues of race and racial bias in the implementation of the death penalty.

Eliminating Racial Disparities and Securing a Fair System of Justice

Indigent Defense

Three indigent defense grants we recommend support our developing strategy of devoting more resources to state based efforts, supplementing the work of key national organizations. Our continued support of the **Orleans Public Defenders** furthers our targeted investment in reform in New Orleans; our recommendation for a new grant to **Texas Criminal Justice Coalition** support the creation of a public defender office in Harris County (Houston) both takes advantage of a unique opportunity to change the landscape of defense services in Texas and furthers CJF's and USP's intention to more strategically invest in this key state as part of our evolving State Strategies Initiative. Support for the **Pennsylvania Indigent Defense Representation Reform Project** will assist leaders there take advantage of exposure of widespread deficiencies to push for meaningful reforms. The last grant recommendation in this area, to the **Immigrant Legal Resource Center**, would provided continued support to build the capacity of defenders to address to immigration consequences of criminal prosecutions, a need made more urgent by the U.S. Supreme Court Ruling in *Kentucky v. Padilla*.

Police Accountability

In our second round of grants supporting our new focus on policing, we have shifted to begin building the community-based advocacy capacity we believe to be a critical component of reforms efforts. Coupled with a convening of local advocates, researchers, litigators and other stakeholders planned for this fall, this added capacity will help propel efforts to reform New York City's stop and frisk practices. The proposed grant to **Make the Road New York** will support the development of a comprehensive campaign consisting of grassroots education and mobilization and policy advocacy designed to address the negative consequences and racially disparate impact of the New York Police Department's stop-and-frisk practices in African-American and Latino communities. The grant to **Spitfire Strategies** will help the field develop and implement well-informed, targeted and effective communication strategies for opposing these practices.

Name of Organization: Women’s Prison Association and Home, Inc.

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

Purpose of Grant: To provide continued support for the Institute on Women and Criminal Justice

FPOS Grant Description: To provide \$100,000 in project funding over one year to the Women’s Prison Association and Home (WPA) to support the Institute on Women and Criminal Justice. OSI funding will enable WPA to continue conducting research, public education, and advocacy to challenge the overreliance on incarceration and promote alternative approaches; serve as a much-needed, authoritative national voice and resource on issues impacting women in the criminal justice system; and to promote and support the participation of formerly incarcerated women in public debate about incarceration policies.

Previous OSI Support: \$1,075,000
(\$100,000 Criminal Justice Fund-2009; \$100,000 U.S. Justice Fund-2007; \$150,000 U.S. Justice Fund-2006; \$150,000 U.S. Justice Fund-2005; \$55,000 U.S. Justice Fund-2002; \$25,000 Criminal Justice Initiative-2002; \$420,000 Center on Crime, Communities & Culture-1998; \$75,000 Center on Crime, Communities & Culture-1996)

Organizational Budget: \$6,628,470

Project Budget: \$152,425

Sources of Support: \$2,425 Women’s Prison Association and Home General Fund

Amount Requested: \$100,000

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

Term: 1 year

Matching Requirements: None

Description of Organization:

Founded in 1845, Women’s Prison Association and Home (WPA) is the nation’s first organization dedicated solely to working with women involved in the criminal justice system and their families. Based in New York, WPA provides alternative residential housing to women facing long prison sentences; transitional housing where homeless women who have criminal justice involvement can reunite with their children; the Incarcerated Mothers Law Project; job placement; a range of prison, jail and community-based HIV/AIDS services; independent living and parenting skills; and family preservation services.

In 2005, with seed funding from OSI and the JEHT Foundation, WPA established the Institute on Women and Criminal Justice (the Institute) as a national center for dialogue, research, and information about criminal justice-involved women, their families, and communities. Housed at WPA, the Institute is informed by the organization’s New York-based reentry services for women and is dedicated to

addressing the special policy considerations concerning women in the justice and prison systems by injecting issues of gender into the policy debates on sentencing, prisons, and reentry, as well as other relevant public institutions and systems. The Institute's Women's Advocacy Project (WAP) uses an issue-based service-learning curriculum that provides hands-on advocacy and leadership training to formerly incarcerated women through participation in ongoing public education and policy reform campaigns centered on issues affecting women in the criminal justice system.

OSI has funded WPA periodically since 1998. In 2009, OSI provided renewed funding for the Institute on Women and Criminal Justice.

Description of the Project for Which Funding Is Sought:

The Women's Prison Association and Home requests renewed project funding for its Institute on Women and Criminal Justice (Institute). Renewed funding over one year will support the Institute to reform policies and practices that affect women in the criminal justice system by:

Providing gender-specific research and expertise. The Institute will publish a report tentatively titled *What Smart on Crime Means for Women*, which will offer recommendations on how systems can work together more effectively to reduce women's involvement in the criminal justice system, including alternative to incarceration programs and other community-based interventions, and will use the publication as a launching point for its *Pre-entry Initiative*, which will promote non-traditional alternative to prosecution and incarceration. To promote effective model programs that respond to a woman's individual needs and incorporate evidence-based practices that work within existing systems such as child welfare, housing, and public benefits, the Institute will publish and disseminate to criminal justice system stakeholders the *Pre-entry Toolkit: A Practical Guide for Judges, Prosecutors, and Service Providers*. In developing the toolkit, the Institute will convene an advisory group of relevant stakeholders to provide expertise and offer feedback. The Institute will also continue to engage in and provide non-partisan research and analysis, campaign strategy, and media outreach expertise to policy reform efforts and reform coalitions at the local, state, and national levels.

Serving as a national resource to policymakers, practitioners, and the media. The Institute will continue to enhance its capacity for proactive and responsive media relations and electronic communications and keep its growing list of constituents (including allied organizations, policymakers, and concerned community members) informed on current issues. The Institute staff will continue to participate in local and national conferences and public forum to raise the profile of issues relating to women in the criminal justice system.

Involving directly affected women in advocacy and policy. The Institute will engage participants and graduates of its Women's Advocacy Project (WAP), an advocacy training course for formerly incarcerated women, in local coalition meetings, panels, and media opportunities, to share their experiences with the criminal justice system and their policy recommendations. The Institute will enlist the expertise of WAP members in the Pre-entry Initiative by soliciting feedback from and incorporating recommendations of current WAP members and graduates into the Pre-entry Toolkit. The Institute will finalize the WAP curriculum for external audiences and disseminate the curriculum in 2011 for direct service organizations, including nonprofit and grassroots organizations that seek to harness the experiences and passion of directly affected communities to advocate for system reform.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration and eliminating harsh punishment by attacking the excessive social and economic costs of incarceration,

fostering reform efforts affecting vulnerable populations such as women and children, and by expanding opportunities for people with criminal records.

While men are imprisoned at 14 times the rate of women, the rate of increase of women's incarceration in state or federal custody continues to outpace the rate of increase for men by more than 40 percent. Despite this troubling trend, the particular needs and interests of women are often absent from policy discussions. The Criminal Justice Fund is making a concerted effort to close this gap, especially as we seek to attack the economically destructive costs of incarceration and address issues related to the impact of incarceration on families and communities. WPA has a critical role to play not only in shedding light on the increase in incarceration rates for women, but also in identifying specific gender-innovative responses that go beyond incarceration and narrow definition of alternatives to incarceration.

As the largest multi-service agency in the country exclusively devoted to serving criminal justice-involved women, WPA is highly respected as an authority on the impact of female incarceration and efforts to reform the systems that impact criminal justice-involved women. Its 2009 national report on women's nurseries, *Mothers, Infants and Imprisonment* continues to generate at least weekly media inquiries and attention from practitioners and researchers around the country. The Institute's dissemination of the report and its outreach efforts to varied groups such as nurses and midwives also demonstrate WPA's ability to build shared commitment to criminal justice reform among non-criminal justice communities. With help of new board member Piper Kerman, Vice President of Spitfire Strategies, WPA is poised to increase its capacity to proactively guide the conversation on women and criminal justice.

The Institute's commitment to infusing and highlighting the voices and recommendations of people who are most directly affected is equally important to the Criminal Justice Fund. Over the past few years, the Institute has learned a great deal about supporting the leadership and professional development of women with criminal records, and we believe other organizations will benefit from the publication of its soon-to-be finalized WAP curriculum.

As WPA considers pursuing strategic planning, continued support for WPA's Institute on Women and Criminal Justice is both timely and important to ensure that WPA continues to engage in city, state, and national discussions on criminal justice policy issues facing women with criminal justice involvement. Because of the economic downturn and a shrinking organizational budget, WPA has reorganized its staff responsibilities. This summer, WPA's Manager of Public Policy and Advocacy left the organization to pursue a fellowship opportunity. WPA brought on Alexandra Villano as Director of Strategic Initiatives to assume responsibility for the public policy and advocacy work of the Institute and guiding and implementing WPA's agency-wide communications strategy. Ms. Villano has nearly 15 years of experience working with various nonprofit organizations dedicated to improving the lives of women and girls, through roles in direct social services, executive management, development, research, academia, and policy advocacy. Shifting responsibility for WPA's policy, advocacy, and communications work to staff that also has closer connections to direct service work helps to ensure that WPA's work with clients informs and is informed by policy and advocacy efforts. As an executive level staff, Ms. Villano will re-elevate and more fully integrate WPA's policy work within the overall structure of the agency.

For these reasons, the Criminal Justice Fund recommends renewed project funding in the amount of \$100,000 over one year to the Women's Prison Association and Home.

<u>Name of Organization:</u>	Critical Resistance
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	To provide general support
<u>FPOS Grant Description:</u>	To provide \$200,000 general support over two years to Critical Resistance, which works to end the reliance on incarceration as an answer to social, political, and economic issues by promoting safe and healthy communities by shifting society's investment in law enforcement and prisons toward basic resources that create true public safety, such as education, health care, and housing.
<u>Previous OSI Support:</u>	\$1,141,728 (\$100,000 Criminal Justice Fund-2009; \$120,000 U.S. Justice Fund-2008; \$113,017 U.S. Justice Fund-2007; \$50,000 U.S. Justice Fund-2007; \$118,711 U.S. Justice Fund-2006; \$40,000 Strategic Opportunities Fund-2005; \$200,000 U.S. Justice Fund-2004; \$200,000 Criminal Justice Initiative-2002; \$200,000 Center on Crime, Communities & Culture-2000)
<u>Organizational Budget:</u>	\$419,550
<u>Sources of Support:</u>	\$125,000 Individual Donations; \$50,000 Akonadi Foundation; \$50,000 Ben & Jerry's National Movement Building Fund; \$30,000 Fund for Nonviolence; \$30,000 21 st Century Foundation; \$30,000 Ms. Foundation for Women; \$25,000 Solidago Fund; \$11,500 Earned Income
<u>Project Budget:</u>	Not applicable
<u>Amount Requested:</u>	\$200,000
<u>Amount Recommended:</u>	\$200,000 (Criminal Justice Fund, T1: 24027)
<u>Term:</u>	2 years
<u>Matching Requirements:</u>	None

Description of Organization:

In September 1998, a young, fledgling organization that would come to be known as Critical Resistance (CR) held a conference in Berkeley, California, on the over-reliance on incarceration and prison expansion in the United States. Over 3,500 activists, academics, formerly incarcerated people and their family members, labor leaders, religious leaders, feminists, and policymakers from every state in the U.S. and several other countries attended. Since then, with very limited funding, CR has created a national organization and infrastructure dedicated to ending the reliance on imprisonment as an answer to social, political, and economic issues through movement building; grassroots organizing; and popular education to change public opinion and public policy.

In addition to its national headquarters in Oakland, California, CR has regional offices in New York and New Orleans, and seven local chapters: Baltimore, Chicago, Gainesville, Los Angeles, Tampa/St.

Petersburg, and Washington, DC. Through its chapters, CR organizes and mobilizes those most directly impacted by mass incarceration, focusing on communities of color, people with criminal records, loved ones of people in prison, and poor people; anti-prison, prison reform, and social justice advocacy communities; and communities indirectly impacted by criminal justice policy, including groups affected by rising prison budgets such as teachers, healthcare workers, and students.

CR also produces and distributes original media materials. Its members and staff have published book length studies of prison issues (including 2007's acclaimed *Golden Gulag* by Soros Justice Fellow Ruth Wilson Gilmore and *Forced Passages* by Dylan Rodriguez), and have contributed articles to publications including *Women, Girls, and Criminal Justice*, *Radical History Review*, and the forthcoming anthology *Education or Incarceration?*. It has also created several organizing toolkits, edited two widely used anthologies, and produced five original films, which provide activists, policy makers, and community members with a diverse array of organizing tools.

Over the next two years, CR will pursue the following goals:

Shrink the California prison system. As a leader of the Californians United for a Responsible Budget (CURB) alliance, a statewide grassroots coalition working to reduce the prison population and to close prisons and representing all regions of California, CR provides infrastructure for the alliance, coordinates strategy sessions and monthly conference calls, and supports allied organizations.² Against the backdrop of California's severe budget crisis, CR is developing and implementing a "budget for Humanity" campaign that partners with social safety net and revenue reform advocates to link prison population reduction to other budget solutions that preserve social safety nets.

Sustain the New Orleans Community Legal Clinic and New Orleans communities. To reduce discrimination against people with criminal records, CR's Community Clinic has collaborated with OSI grantees VOTE, Safe Streets/Strong Communities, and the Orleans Public Defenders to coordinate resources for expungement and launch campaigns to expand expungement. To continue its support of New Orleans neighborhoods, CR is helping to build the organizing capacity of community members through supporting educational events that link New Orleans to nationwide efforts to end mass incarceration.

Challenge and develop alternatives to policing and prison. To maintain prison population reductions and shift public opinion around what creates safety, CR promotes alternatives to expansion of policing and incarceration. CR participates in coalition-based efforts to prevent gang injunctions across Oakland and partners with the STOP (Storytelling and Organizing Project) of Creative Interventions by collecting and distributing stories of how people have responded to interpersonal violence without reliance on the criminal justice system. CR is piloting for its allies and members a new Policing Workshop, which combines historical analysis of policing and the prison industrial complex with strategy development.

National movement building and local chapter support. CR provides formal and informal coordination and leadership at the national level through education, technical assistance, and alliance-building.

Description for the Project for Which Funding is Sought:

Critical Resistance requests renewed general support.

² The Californians United for a Responsible Budget coalition is composed of more than 40 organizations, including OSI grantees *All of Us or None* and the *Youth Justice Coalition*, as well as the ACLU of Southern California, the Labor Community Strategy Center, Families to Amend California's Three Strikes, the California Prison Moratorium Project, and the California Coalition for Women Prisoners, among others.

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 and in eliminating harsh punishment by expanding opportunities for people with criminal records.

For nearly five years, CR helped to uphold a de facto moratorium on California prison expansion and helped swing current policy debates and public conversation toward the possibility of a large-scale system reduction. With the current "perfect storm" of a state budget crisis and pending litigation regarding prison population and conditions, the coming years are opportune for amplifying advocacy efforts for reform in California. Particularly once the U.S. Supreme Court weighs in on population reduction orders this fall, California will have two years to reduce overcrowding and address medical conditions through a combination of release, changes in parole policies, decriminalizing substance possession and use, constructing new facilities, and transfers to county jails and out-of-state facilities. Renewed support from OSI would enable CR to continue its leadership independently and through CURB to hold the line against substantial expansion of the prison system.

By challenging prisons as providers of social services and demanding public investments in social safety nets, and by linking prison population reductions to revenue reform and budget solutions, CR helps to build diverse alliances, large constituencies, and united reform agendas in California. As a member agency of Take Action California,³ a collaborative of service agencies and community organizations working together to support social changes throughout the state, CR engages advocates and communities who push for criminal justice reform as well as expanded employment opportunities, poverty reduction, access to quality public education, access to quality, affordable healthcare, reproductive health and justice, crime free neighborhoods, clean communities, and an end to violence against women and children.

Nationally, CR's policy agenda of reducing the country's reliance on incarceration through cultivating new leadership and supporting movement-building has had a positive impact on the way that people across the country think about imprisonment, the people who have been in prison, and on the number of people inspired to organize around ending mass incarceration. With stories in the *New York Times*, *Los Angeles Times*, *New Orleans Times-Picayune*, *San Francisco Chronicle*, *Oakland Tribune*, *Sacramento Bee*, *San Diego Union-Tribune*, and *Christian Science Monitor*, CR brings prison issues to the forefront, generating hundreds of media hits per year. Through this work, it has transformed what were once "CR talking points" into generally accepted axioms of the prison policy debate. CR's tradition of national and regional conferences where communities most affected serve as the "experts," help CR and the field organize priorities, develop leadership and gives voice to communities most impacted, renew activism, attract significant media attention, and help construct and maintain strategic coalitions.

CR's staff and leadership are strong organizers with deep understanding of the U.S criminal justice system. Its Board of Directors consists of seven people from around the country who are all formerly incarcerated and/or family members of people in prison. CR's National Organizing Body, which shapes CR's national political agenda, includes acclaimed activists, academics, and professionals who have themselves extensively shaped the prison reform and public safety agendas over the past twenty years, as

³ Take Action California includes: African-American Health Institute, All of Us or None, A New Way of Life, California Partnership, Californians United for a Responsible Budget, California Pan Ethnic Health Network, Ella Baker Center, Families to Amend California's Three Strikes, Legal Services for Prisoners with Children, Time for Change Foundation, The Women's Foundation of California, and Youth Justice Coalition.

well as new organizers.⁴ At the same time, since CR's founding National Campaign Director stepped down as a staff member in 2009, CR has been grappling with generational transfer of staff leadership and how to build capacity of the organization to one that can continuously sustain CR's programmatic goals. Over the last two years, CR has undertaken a strategic planning process to develop its internal capacity. This grant would allow CR to work toward objectives in its strategic plan to continue internal capacity building of its memberships, chapter leaderships, and plan for long-term sustainability.

For these reasons, the Criminal Justice Fund recommends renewed general support in the amount of \$200,000 over two years to Critical Resistance.

⁴CR's National Organizing Body members include: Soros Justice Fellow Ellen Barry (1998 MacArthur "Genius Award" winner, Founding Director of Legal Services for Prisoners with Children); Soros Justice Fellow Ruth Wilson Gilmore (Associate Professor of American Studies and Ethnicity at USC and author of the acclaimed *Golden Gulag*); Soros Justice Fellow and Open Society Fellow Kung Li (former Executive Director of the Southern Center for Human Rights); Soros Justice Media Fellow Cassandra Shaylor (2001 Leadership for a Changing World Award winner, co-founder of Justice Now); and Dorsey Nunn (Executive Director of OSI grantee Legal Services for Prisoners with Children, All of Us or None Co-founder).

Name of Organization: Campaign for Youth Justice

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

Purpose of Grant: to provide general support

FPOS Grant Description: \$335,000 general support renewal over one year to Campaign for Youth Justice to support a national campaign to end the practice of trying, sentencing and incarcerating youth in the adult criminal justice system and to improve conditions of the juvenile justice system

Previous OSI Support: \$1,135,000
(\$1,000,000 Gideon Project 2007; \$135,000 JEHT Emergency Fund 2009)

Organizational Budget: \$1,267,500

Project Budget: N/A

Sources of Support: \$250,000 Public Welfare Foundation; \$230,000 Atlantic Foundation; \$135,000 MacArthur Foundation (requested); \$115,000 California Endowment (requested); \$100,000 Ford Foundation; \$25,000 Fund for Nonviolence; \$10,000 Tow Foundation (to be requested); \$50,000 Annie E. Casey Foundation (to be requested); \$2,500 Falk Foundation

Amount Requested: \$335,000

Amount Recommended: \$335,000
(\$175,000 Criminal Justice Fund, T1: 24027)
(\$160,000 JEHT Emergency Fund, T1: 59959)

Term: One year

Description of Organization:

The Campaign for Youth Justice (CFYJ), based in Washington, D.C., was launched in 2005 to end the practice of trying, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system. CFYJ also seeks to promote research-based, developmentally-appropriate rehabilitative programs and services for youth as an alternative to the adult criminal justice system. The strategic goals of CFYJ are: 1) to reduce the number of youth prosecuted as adults; and 2) to decrease the harmful impact of prosecuting youth as adults with a focus on reducing detention and incarceration in adult jails and prisons.

CFYJ accomplishes its goals through the following strategies:

State-based Campaigns. CFYJ leverages the strengths of state-based organizations in more than a dozen states to promote reforms in state policies on transferring youth to adult court. In addition to providing intensive technical assistance in more than a dozen current state-based campaigns (including Connecticut, Maryland, North Carolina, Virginia and Wisconsin), CFYJ will launch campaigns in new states including Montana and Nevada.

Federal Campaigns. CFYJ manages the “Act 4 Juvenile Justice” campaign, a national campaign to educate the public and policy makers on the role of the federal government in improving juvenile justice systems by hosting conference calls with national organizations and state and local allies, developing and disseminating nonpartisan policy analysis, and media outreach.

National Outreach and Coalition Building. To engage broad constituencies throughout the country, CFYJ works with leading organizations in the juvenile justice field and national civil rights organizations, and reaches out to juvenile and adult court judges, juvenile and adult detention and correctional administrators, probation and parole departments, youth-serving agencies, legal organizations, and state and local advocacy groups.

Youth, Parent & Family Engagement. To promote and represent parent and family voices in policy reform efforts, CFYJ provides support, advocacy training, organizing tools, and educational materials to families. CFYJ coordinates a “National Parents Caucus,” a clearinghouse for parents who need specific information and support for their individual needs and links them to a larger movement focused on affecting change in their communities and their states. CFYJ’s Case Profiles projects documents cases of youth prosecuted in adult court and collects testimonies of youth and families to establish a platform for affected individuals to express their concerns to policymakers, the public, and the media on how policies that prosecute children as adults negatively impact youth, their parents and families. CFYJ’s Spokespersons Bureau trains affected individuals to tell their stories publicly.

Media and Communications. To elevate the issue of prosecuting, sentencing, and incarcerating youth as adults, CFYJ works with editorial boards to develop and publish editorials, opinion pieces, and letters to the editors in targeted markets that complement state and federal campaigns. CFYJ also provides communications assistance to state-based campaigns to increase their capacity to promote the issue in the media and garner the attention of policymakers. In an effort to expand its grassroots movement, CFYJ launched a highly successful Join the Movement campaign in concert with the release of *A Question of Freedom*, a book authored by 2010 Soros Justice Fellow R. Dwayne Bets, a poet who became an advocate for juvenile justice reform after serving eight years in an adult prison beginning at the age of 16. The national book tour and Join the Movement Campaign reached thousands of individuals nationwide.

Research & Policy Analysis. CFYJ promotes national research on the prosecution of youth as adults and advises federal agencies, universities, and researchers who study the number of youth prosecuted as adults and how they are treated by the justice system. CFYJ has issued several influential policy briefs including a series to document the inequities and consequences of racism for vulnerable children in the criminal justice system.

Description of the Project for Which Funding Is Sought:

Campaign for Youth Justice requests general support funding.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund’s interest in eliminating harsh punishment by ending the treatment of children as adults in prosecution and sentencing and our interest in expanding the civic engagement, participation, and leadership in advocacy of people directly impacted by criminal justice policy.

Youth who are prosecuted, sentenced, or incarcerated in adult jails and prisons are a population that falls through the cracks and have limited advocacy on its behalf. While many state and national organizations condemn the practice of prosecuting young people as adults, juvenile justice advocates do not always

have the capacity to include this population in their calls for transforming the justice system in their states. Additionally, because youth who are transferred to the adult system are not considered part of the juvenile justice system, they are often invisible.

Every year, an estimated 200,000 youth are prosecuted in the adult criminal justice system and over 10,000 youth are charged or sentenced as adults and languish in adult facilities where they are among the most vulnerable populations at risk of assault, abuse, and suicide. According to the Bureau of Justice Statistics, 21 percent and 13 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005 and 2006 respectively were youth under the age of 18, although only 1 percent of jail inmates are juveniles. In June 2009, the National Prison Rape Elimination Commission (NPREC) issued its final report to Congress and the Obama Administration highlighting the fact that youth under 18 are at the greatest risk of sexual assault in adult jails and prisons. NPREC cited strong concerns that even potential remedies to protect youth, such as placement in isolation or in solitary confinement, could be detrimental to youth's mental health. Additionally, youth are also 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility and 20 times more likely to commit suicide in an adult jail than youth in the general population.

Despite the stark statistics, recent developments at the federal and state levels signal the possibility of significant progress toward meaningful reform. In December 2009, the U.S. Senate Judiciary Committee introduced and approved with bipartisan support, legislation to reauthorize the Juvenile Justice & Delinquency Prevention Act (JJDP). To support reauthorization of JJDP, CFYJ has helped develop reauthorization workshops for key national decision-making groups and identified and assisted with outreach to key decision-makers. While the JJDP has not yet been reauthorized, the Senate bill and the forthcoming House version will include key policy reforms to remove youth from adult jails and prisons. To successfully implement a newly authorized JJDP, sustained organizing by seasoned advocates with knowledge of federal, state, and local constituencies and allies is critical. CFYJ and its partners have the expertise needed to provide technical assistance and develop advocacy strategies to implement the Act after it is passed and signed. On the state level, CFYJ continues to provide strategic support to several states that have advanced policy goals. For instance, Connecticut enacted legislation to reduce the automatic prosecution of youth in adult court; the Virginia Crime Commission decided to study the issue of youth prosecuted as adults; and North Carolina established a Legislative Task Force to analyze and report how the state can successfully implement changes to the state's policies of automatically prosecuting 16- and 17-year-olds as adults.

In the five years since CFYJ opened its doors, the organization has become an authoritative and respected national leader, leveraging and changing public opinion on transfer issues and reform. CFYJ obtained media coverage of the issue of prosecuting youth as adults in major media outlets, including The Associated Press, Time.com, *The Washington Post*, *The Baltimore Sun*, and National Public Radio. CFYJ also obtained editorials in *The New York Times* and *The Washington Post* and has recently published opinion pieces in *The Washington Post*, *The Baltimore Sun*, and *The Pittsburgh Gazette*. Equally important and impressive is CFYJ's success at organizing and mobilizing people directly impacted by harsh prosecution and sentencing practices and elevating their voices in media outreach and reform efforts. Despite its programmatic successes, CFYJ is still adjusting to loss of funding due to the closing of the JEHT Foundation in December 2008. A portion of this general support grant is recommended for funding from OSI's JEHT Emergency Fund budget, to give CFYJ the flexibility to develop and sustain new or deepened funding sources while maintaining its programmatic work.

For these reasons, CJF recommends funding the Campaign for Youth Justice in the amount of \$335,000 over one year.

Name of Organization: Robert A. Taft Institute for Government
(on behalf of the Center for NuLeadership on Urban Solutions at Medgar Evers College in the City University of New York)

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

Purpose of Grant: To conduct research and analysis and public education to strengthen public health and community approaches to drug use and abuse and public safety and to inform juvenile justice reform in New York

FPOS Grant Description: To provide \$200,000 in project funding over two years to the Center for NuLeadership on Urban Solutions at Medgar Evers College in the City University of New York (CNUS) to strengthen public health and community approaches to drug use and abuse; and to conduct a study of criminal justice policies in New York that treat young people less than eighteen years of age as adults and form a coalition of advocates and system stakeholders for reform in these practices.

Previous OSI Support: None

Organizational Budget: \$1,635,750

Project Budget: \$1,300,000

Sources of Support: \$100,000 Medgar Evers College; \$125,000 Individual Donors; \$50,000 Corporate Donations; \$25,000 Honoraria; \$20,000 Presbyterian Committee on the Self Development of People; \$35,000 New York State Senate Discretionary Fund; \$40,000 New York State Assembly Discretionary Fund; \$15,000 City Council Discretionary Fund; \$15,000 Membership

Amount Requested: \$200,000

Amount Recommended: \$200,000
(\$100,000 Criminal Justice Fund, T1: 24027)
(\$100,000 National Drug Treatment Initiative, T1: 21087)

Term: 2 years

Matching Requirements: None

Description of Organization:

Based at Queens College of the City University of New York, The Robert A. Taft Institute for Government (Taft Institute) was founded in 1961 as a nonpartisan, public charity organization dedicated to honoring Senator Robert A. Taft's record of public service by promoting informed citizen participation in the United States and around the world. Its programming reflects the conviction that democracy requires each new generation of citizens to be committed to civic involvement, fostered at the earliest age and supported through adulthood. As a City University of New York-based 501(c)(3) public charity organization, the Taft Institute serves as fiscal sponsor for grants awarded to City University of New York projects.

An outgrowth of the Open Society Institute-seeded NuLeadership Policy Group—developed in 2001 by Eddie Ellis as a national criminal justice reform speakers bureau led by and comprised of formerly incarcerated professionals—The Center for NuLeadership on Urban Solutions (CNUS) was established in 2003 as a center of the School of Professional and Community Development at Medgar Evers College in the City University of New York. The first and only public policy, research, advocacy, and training center whose staff is comprised almost entirely of formerly incarcerated people, CNUS is an interdisciplinary forum for previously incarcerated scholars, policy analysts and advocates, lawyers, clergy, and justice system practitioners seeking to address contemporary economic, social, and criminal justice issues. CNUS’s mission is to reduce the over-reliance on criminal justice system responses to social and economic issues through research and analysis and the development of model policies, programs, and practices that address the historical and contemporary role of race and ethnicity in mass unemployment, mass disenfranchisement, and mass incarceration. Its programs include the *NuLeadership Policy Group*, which engages in research, policy development, public education, advocacy, and community organizing for reform of the criminal justice system; the *NuLeadership Training Institute*, which trains and develops leadership capacity of people with criminal records; and the *Institute for Juvenile Justice Reform and Alternatives* (previously the Prison Moratorium Project, a former OSI grantee), which it integrated in 2008 as its juvenile justice reform arm.

Description of the Project for Which Funding Is Sought:

The Center for NuLeadership on Urban Solutions at Medgar Evers College in the City University of New York requests project funding to conduct research and analysis and public education to strengthen public health and community approaches to drug use and abuse and public safety and to inform juvenile justice reform in New York. Specifically, OSI funding will enable CNUS’s *NuLeadership Policy Group* and *Institute for Juvenile Justice Reform and Alternatives* to engage in the following:

NuLeadership Policy Group (NuLPG). To inform Rockefeller Drug Reform implementation in New York, the NuLPG will support the development and dissemination of a public health model for treating people with chemical dependency that is informed by and rooted in the experience of communities of color. NuLPG will create and regularly convene the Public Health Task Force on a Public Health Model for Drug Policy (Public Health Task Force),⁵ consisting of leading public health and drug treatment experts. NuLPG will support the Public Health Task Force in the development, publication, dissemination, and promotion of research papers and policy briefings that outline a public health model and a system for its implementation based on the latest and best evidence-based research available and involving a broadened perspective on the roots of alcohol and drug dependency (including historical/cultural trauma and institutional racism. NuLPG will produce companion public education materials for dissemination at community forums, symposia, and presentations with public health and

⁵ Invited Public Health Task Force members, include: Patricia Allard (confirmed), Attorney/researcher and Soros Justice Fellow; Joy DeGruy, Ph.D., Portland State University; Clarence Edwards (confirmed), former president, National Organization of Black Law Enforcement Executives (NOBLE) and former Police Chief, Montgomery County, Maryland; Arthur C. Evans, Ph.D., Director Philadelphia Department of Behavioral Health and Mental Retardation; Reginald Fluellen, Ph.D. (confirmed), President Fluellen Associates and Director, National Justice Initiative; Robert Fullilove, Ph.D., Professor/researcher, Columbia University; Carl Hart, Ph.D. (confirmed), Associate Professor, Department of Psychiatry, Columbia University; James Jackson, Ph.D., Professor, School of Public Health, University of Michigan; Dorothy Lewis (confirmed), Director, Division of Practice and Systems Development, Substance Abuse and Mental Health Services Administration; Lureen McNeil (confirmed), Director, Bureau of Recovery Services, State of New York, Office of Alcohol and Substance Abuse Services (OASAS); Onaje Muid, MSW, CASAC, LMHC, Deputy Clinical Director of Reality House; Mark Sanders, LCSW, CADAC, Researcher and consultant; Deborah Small, Attorney, Executive Director, Breaking the Chains; and Gina Wood, Deputy Director, Health Police Institute, Joint Center for Political and Economic Studies.

criminal justice advocates and practitioners and will conduct a strategic public education and awareness campaign with decision makers, experts, and practitioners in the public health, drug policy, and criminal justice fields. NuLPG will also work with the New York Academy of Medicine and the Drug Policy Alliance to support the campaign they jointly launched in 2009 for a public health agenda for drug policy.

Institute for Juvenile Justice Reform and Alternatives (IJJRA). To support the development of a policy platform and advocacy infrastructure in New York to end the practice of trying, sentencing, and incarcerating young people under the age of 18 as adults, IJJRA will conduct non-partisan research to evaluate the practice of trying and sentencing youth in the adult criminal justice system in New York; convene stakeholders throughout the state to create a reform coalition; and coordinate the development and implementation of a statewide public education and media advocacy campaign. IJJRA will produce a policy impact study that reviews policies in the state that enable young people aged 16-18 years to fall under the jurisdiction of the adult criminal court, evaluates the social and economic impacts of these policies, and outlines recommendations for increasing the minimum age for adult court jurisdiction. IJJRA will organize a series of meetings with advocates, legal service providers, and other community stakeholders to support the creation of a statewide coalition. With its coalition partners, IJJRA will develop and implement a public education and media advocacy campaign, including organizing a briefing tour to present its research findings to key stakeholders and conducting media outreach to generate coverage of the issue.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by attacking the excessive social and economic costs of incarceration, fostering new approaches to drug policy, and ensuring effective implementation of Rockefeller Drug Law Reform in New York. It would also address the Criminal Justice Fund's interest in eliminating harsh punishment by ending the treatment of children as adults in prosecution and sentencing. The grant would also advance the Campaign for a New Drug Policy's interest in developing and enriching the drug policy reform debate by promoting a policy response to drug use and abuse based on harm reduction and public health principles rather than one based on law enforcement and incarceration and engaging the communities most directly impacted by the war on drugs, especially communities of color.

On April 7, 2009, elected officials signaled a sea change in attitudes toward the "war on drugs" when Governor David A. Paterson signed Rockefeller Drug Law Reform into law. Effectively dismantling New York's notoriously draconian drug laws by expanding judicial discretion to not only divert drug users into treatment but also to reduce incarceration as the preferred response to drug law-related crime, New York set the stage for demonstrating the effectiveness of harm reduction and public health approaches to addressing drug use and dependence. However, while policy makers, reform advocates, and community leaders embrace the shift to a medical recovery model for dealing with drug addiction, many correctly caution that successfully demonstrating the effectiveness of harm reduction and public health principles will require neighborhood-based treatment interventions that are grounded in the community's experience; involve a role not only for the individual but also her immediate social contacts; provide access to intensive wrap-around services; and are flexible enough to change course if and when the intervention fails.

CNUS's strategy of informing the policy discussion in New York by supporting and promoting the research and analysis of leading drug treatment thought leaders and experts who can speak to the particular needs of communities of color plays to the organization's strengths and complements the Rockefeller Drug Law Reform implementation efforts of OSI grantees the National Justice Initiative, the Center for Community Alternatives, and the Drug Policy Alliance. We are cautiously optimistic that successful implementation of Rockefeller Drug Law Reform in New York will demonstrate to other states

the financial and public safety benefits of addressing drug use and abuse through an approach based on public health and harm reduction principles rather than through an approach that relies on the criminal justice system. We will continue to work with CNUS's NuLeadership Policy Group, the Drug Policy Alliance, the National Justice Initiative, and the Center for Community Alternatives to make sure their efforts inform one another and leverage success both in New York and nationally.

The work of CNUS's Institute for Juvenile Justice Reform and Alternatives will also support much needed advocacy to reform the way young people are handled in New York's criminal justice system. Although New York has begun to move in the right direction toward closing juvenile prisons, the state continues to lead the nation with some of the harshest treatment of young people, particularly the practice of trying and prosecuting youth in adult criminal court. Over the past 30 years, states have increasingly allowed for the prosecution of young people in adult criminal court, but New York and North Carolina are the only two states in which criminal liability starts at 16 years of age, whereby 16 and 17 year olds are automatically transferred to adult criminal court. In addition to the lower age of criminal liability, New York is one of only 8 states that allow children as young as 13 to be transferred to adult court. In New York, all 13 year olds charged with murder, and all 14 and 15 year olds charged with designated felonies, such as murder, kidnapping, arson, assault, manslaughter, rape, sodomy, burglary, and robbery are criminally prosecuted in adult courts as "juvenile offenders." With juvenile justice reform advocacy in the state having been mainly focused on closing juvenile detention facilities over the past few years, relatively little attention has been paid to the state's continuing treatment of children as adults at the front end of the system. We believe that IJJRA's research, coalition building, and public education efforts are an important first step in efforts to getting children out of the criminal justice system.

As a public policy, research, advocacy, and training center based at Medgar Evers College in Brooklyn, CNUS brings with it the credibility and resources of the City University of New York. Its distinction as the first and only such center led and staffed by people with criminal records not only advances the Criminal Justice Fund's interest in fostering the leadership of individuals and communities most directly affected by criminal justice and drug policy, it also brings CNUS credibility within the broader criminal justice reform field and in communities most harshly impacted by current policies. Although this is the first grant recommendation staff has made on behalf of CNUS, *per se*, OSI has had a strong history with the two CNUS programs requesting funding. Through funding in 2001, OSI seeded the nascent NuLeadership Policy Group. Additionally, the Institute for Juvenile Justice Reform and Alternatives received OSI funding from 2000 to 2006 for its efforts conducting public education and engaging in grassroots organizing for juvenile justice and criminal justice reform under its earlier incarnation, the Prison Moratorium Project. As such, CNUS has longstanding strategic alliances with OSI grantees and other reform organizations in New York and across the country and has demonstrated its ability to add value to their campaigns.

For these reasons, the Criminal Justice Fund recommends project funding to Robert A. Taft Institute for Government on behalf of the Center for NuLeadership on Urban Solutions at Medgar Evers College in the City University of New York in the amount of \$200,000 over two years.

Name of Organization: Youth Justice Coalition

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

Purpose of Grant: To provide general support and project support for technical assistance for organizational development

FPOS Grant Description: To provide \$50,000 general support and \$25,000 project support for technical assistance over the next two years to Youth Justice Coalition, which works to build and support a youth-led movement to challenge the California’s juvenile and criminal justice systems through base building, mobilizing youth-led campaigns, and developing and supporting youth leadership in justice reform advocacy.

Previous OSI Support: \$113,150
(\$25,000 CJF 2009; \$25,000 CJF 2008; \$25,000 U.S. Justice Fund-2003; \$38,150 Criminal Justice Initiative-2002)

Organization Budget: \$748,925

Project Budget: Not applicable

Sources of Support: \$171,000 Individual Donors; \$4,000 Membership Income; \$5,000 Special Events; \$91,121 In-Kind Support; \$70,000 Surdna Foundation; \$30,000 Edward W. Hazen Foundation; \$35,000 Fund for Nonviolence; \$30,000 Liberty Hill Foundation; \$50,000 the U.S. Human Rights Fund; \$10,000 California’s Women Foundation; \$5000 21st Century Foundation.

Amount Requested: \$75,000

Amount Recommended: \$75,000 (Criminal Justice Fund, T1: 24027)

Term: 2 years

Description of Organization:

The Youth Justice Coalition (YJC), a Los Angeles based organization, builds and unites a youth-led movement to challenge race, gender and class inequality in Los Angeles and throughout California’s juvenile and criminal justice systems. Its mission is to dismantle a justice system that has promoted the massive jailing of people of color, has led to widespread police brutality and corruption, often violates the constitutional and human rights of youth and communities of color and has created the world’s largest prison system. Through direct action organizing, advocacy, and activist arts, YJC’s campaigns seek to change youth incarceration policy and practice in Los Angeles and throughout California. YJC’s work centers on the following five priorities:

Strengthening and supporting local groups to engage in criminal justice reform. YJC is working to maintain Chucho’s Justice Center as a community resource for leadership training and apprenticeship, a meeting space, and resource designed to support the movement led by prisoners, youth, families and communities to challenge the mass incarceration of poor people and people of color. Additionally, it seeks to build a countywide movement led by youth with support from family and community allies that

is united in its vision, clear and consistent in its message, powerful in its ability to demand change, and that can respond quickly and efficiently in times of crisis.

Building membership base and mobilizing youth-led campaigns. YJC engages youth members and individual and organizational allies and hosts monthly countywide meetings where participants raise issues to explore. YJC works with its membership and allies to establish a research agenda, campaign planning, public education, and mobilization and advocacy strategies. Over the next two years, YJC will continue to improve and expand its communications to its allies through street outreach and will convene and expand mobilization of parents and family members of youth who are facing or serving life without parole or other harsh sentences.

Recruiting, developing, and supporting youth leadership. YJC offers Street University, a 60-hour course to for youth to understand policy formation, government structure, organizing tactics, advocacy strategies, and develop skills in public speaking, research, and writing. Its Free L.A. High School provides a full high school education program and a juvenile justice system alternative for 80 youth who are returning home after being detained or incarcerated, are on probation or parole, or who have been pushed out of their schools or school districts. The school helps students earn high school diplomas, connect to activist arts and organizing apprenticeships, and earn college credits. Each year, YJC recruits, trains, and supports at least 13 youth for its organizing apprenticeship LOBOS (Leading our Brothers and Sisters Out of the System), which works to implement the day-to-day work of YJC, including research, community assessment, legal education, court support, and constituency mobilization.

Promoting a new victims' rights voice. California's victims' rights vision and public policy advocacy is dominated by one group – Crime Victims United, (CVU) – which is funded and otherwise supported by the California Corrections and Parole Officers' Association, (CCPOA or prison guards union). Their membership is largely white and middle to upper class, and does not reflect the overwhelming majority of the state's crime victims. YJC recognizes that its membership's life circumstances, treatment by the justice system, and its vision for change are much different than that of CVU. Therefore, during the past year, YJC raised awareness of this issue and over the next two years will continue to educate and train its members and allies to develop public policy expertise and an enhanced vision in the area of victim's rights, and incorporate its members' stories as survivors of crime and violence, including murder, into the justice reform movement.

Campaign development and systems change. YJC has targeted L.A., Compton and Inglewood school districts to challenge the School-to-Jail Track resulting in the massive push out and arrest of students and work for the implementation of restorative justice strategies, school safety plans that include gang intervention workers at schools and on the routes to and from schools (Safe Passage Programs), and an end to the use of truancy fines and sweeps. During the past year, the YJC developed a platform and organizing strategy to end the School to Jail Track and worked with CADRE, Labor Community Strategy Center and Public Counsel (through the L.A. Chapter of the Dignity in Schools Campaign) to challenge truancy tickets, end truancy sweeps and create new policies for police in schools.

Description of Project for Which Funding Is Sought:

The Youth Justice Coalition requests general support funding over two years. YJC is also requesting project support to engage the services of an organizational management consultant to guide the YJC management team through an organizational assessment and strategic development process.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interests in reducing mass incarceration and eliminating harsh punishment by challenging punitive school disciplinary policies and the excessive sentencing of youth.

Although northern California consistently produces high quality, innovative criminal justice reform advocacy, southern California's advocacy infrastructure is relatively weak. Given that California is a bellwether state whose statewide reforms generate powerful ripple effects for the rest of the country, there is an obvious need to coordinate and strengthen the work of northern *and* southern California advocates. Staff has devoted considerable time and thought to identify southern California criminal justice groups capable of building and nurturing advocacy infrastructure there. YJC stands out as a critical player dedicated to seeding the juvenile and criminal justice movement in Los Angeles. YJC has created and coordinates the Deon Whitfield Work Group, an effort to bring system decision makers, advocates, youth and parents together on a monthly basis to address key juvenile justice issues. In addition to community based organizations, members of the work group include Human Rights Watch, the ACLU, the Advancement Project, the Los Angeles Police Department, the Los Angeles County Sheriffs Department, the Los Angeles County Department of Health, Los Angeles County Children's Planning Council, Los Angeles County Probation Department, the Los Angeles Mayor's Office, and the Los Angeles City Counsel.

Since YJC first began its work in 2001, LA's juvenile hall population has decreased by 24 percent; the probation camp population has decreased by 19 percent; and the Division of Juvenile Justice (DJJ) population decreased by 50 percent. YJC cannot take full credit for these decreases, but it has played a critical role in challenging the state's juvenile justice policies and exposing the harmful effects of youth incarceration in Los Angeles. More recently, YJC's core campaigns include: challenging gang suppression tactics, including gang injunctions; building support against harsh confinement conditions and sentencing for youth, including life without parole; and promoting community-based alternatives to incarceration.

In addition to YJC's unwavering commitment to youth and its resourceful advocacy efforts, its commitment to movement-building—which is apparent in the most basic aspects of its operation—is particularly compelling. From its inception, YJC decided that its office would serve as a community center that provides office and meeting space and telephone and internet access for other groups challenging incarceration policies in Los Angeles.

YJC also seeks to build its own organizational capacity by strengthening its internal processes. As a relatively new independent organization, YJC would benefit from project support funding for technical assistance and capacity building to develop and enhance the board and staff's knowledge and skills in fiscal and organizational management. Thus, over the next year YJC will work closely with an organizational management consultant who will guide the leadership through a focused operational assessment and develop a strategic plan for improved internal systems that will help the organization most efficiently meet its goals and fulfill its mission.

YJC's lead organizer and founding partner, Kim McGillicuddy, has distinguished herself as a thoughtful and energetic leader with a strong understanding of power and its connection to policy. She has been an impressive participant of larger strategy meetings on zero tolerance school disciplinary policies and field building for juvenile justice advocates hosted by OSI in the past. Under Kim's guidance, YJC's work to engage young people of color is helping to shape future advocates and leaders of color around criminal justice issues. She has also led YJC to establish positive relationships with other juvenile justice advocacy efforts in the state and will continue developing relationships with youth-led advocacy efforts—particularly in the Bay Area—to improve coordination of information, tactics, and activities.

For these reasons, the Criminal Justice Fund recommends funding to Youth Justice Coalition in the amount of \$75,000 over two years.

Name of Organization: Green For All

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

Purpose of Grant: To conduct public education, policy development and advocacy, and technical assistance to expand opportunities in the emerging green economy for people with criminal records

FPOS Grant Description: To provide \$200,000 in project funding over two years to Green For All (GFA) to conduct public education, policy development and advocacy, and technical assistance to expand opportunities in the emerging green economy for people with criminal records. OSI funding will enable GFA to work at the federal level to educate policy makers to remove barriers and create opportunities in the green economy for people with criminal records; and continue activities to support practitioners and advocates across the country to connect people with criminal records to green sector employment and career opportunities.

Previous OSI Support: \$150,000
(\$75,000 Criminal Justice Fund-2009; \$75,000 Criminal Justice Fund-2008)

Organizational Budget: \$5,600,000

Project Budget: \$200,000

Sources of Support: Not Applicable

Amount Requested: \$200,000

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

Term: 2 years

Matching Requirements: None

Description of Organization:

Founded in 2008, Green For All (GFA) is a national organization whose mission is to improve the lives of all Americans by building an inclusive green economy strong enough to lift people out of poverty. GFA works in collaboration with business, government, labor, and grassroots organizations to secure local, state, and federal commitments to job creation, training, and entrepreneurial opportunities in the emerging green economy and to connect people who are most in need of work to living wage, career-path green-collar jobs that contribute to environmental sustainability. Through policy development, capacity building, and movement building GFA seeks to expand and set standards on public investment in the green economy; scale local green business growth, job creation, and access to employment targeting low-income communities and communities of color; and empower the constituent base for systemic change.

GFA created and supports Communities of Practice to connect on-the-ground practitioners and advocates who are working in various fields throughout the country on programs and policies to address climate change and to create pathways out of poverty through green-collar jobs. GFA currently supports two

Communities of Practice, including the Green Pathways Out of Poverty, which focuses on green job training programs, and the Retrofit America's Cities, which focuses on programs designed to perform energy-efficiency retrofits at a city-wide scale. Each has hundreds of members, with a couple of dozen of committed leaders as its working group to coordinate the Community's activities.

Green For All has been an OSI grantee since 2008. In 2009 OSI funded Green for All to build the capacity of its Green Pathways Out of Poverty Community of Practice and promote strategies for expanding green job opportunities available to people with criminal records.

Description of the Project for Which Funding Is Sought:

Green For All seeks project funding to conduct public education, policy development and advocacy, and technical assistance, to expand opportunities in the green economy for people with criminal records. Specifically, OSI funding will enable GFA to:

Increase job access and quality on the federal and state levels. Through existing relationships with federal officials such as EPA Administrator Lisa Jackson, Secretary of Energy Steven Chu, and Secretary of Labor Hilda Solis, GFA will continue to educate and encourage policymakers to remove unreasonable barriers to green jobs faced by people with criminal records and to affirmatively include qualified people with criminal records in green job programs. With a focus on California, GFA will continue to promote job creation through energy retrofit programs and recommend hiring standards that target young people that have had juvenile or criminal justice system contact and adults with criminal records.

Replicate best practices and expand local green jobs initiatives. To develop best practices for comprehensive career pipelines into the green economy for young people and adults with criminal records, GFA will convene a Community of Practice working group focused on pathways out of poverty for youth, identify green sectors that are most accessible; identify national, state, and local policies that expand opportunities; and document and disseminate best practices for job training and employment programs. GFA will continue to provide technical assistance and communications support to cities and local organizations that work to create high-quality jobs for historically underrepresented contractors and workers in the clean-energy economy, including replicating community benefit agreements that include labor unions, community-based organizations, contractors, training providers, public agencies, and financial institutions.

Build capacity of employers. To build the capacity of employers to employ people with criminal records and contribute to workforce development models that support career pathways, GFA will convene Business Academies, which provide small green business owners with tools, resources, and networks to scale their operations and to affirmatively hire, train, and retain a workforce of people with criminal records. In target cities including Pittsburgh, New York City/Tri-State area, Seattle, New Orleans and Buffalo, GFA Business Academies will feature employers who can speak to their positive experiences in hiring and working with formerly incarcerated workers. GFA will also integrate formerly incarcerated individuals and their green businesses in its Coaching Program, which links budding entrepreneurs across the country with business leaders willing to help them get their businesses off the ground.

Develop and promote leadership of people with criminal records. GFA will affirmatively enroll people with criminal records in the Green For All Academy, which identifies, recruits, and trains young leaders from low-income communities and communities of color across the United States to deliver, in their own voices, green jobs messages that influence public opinion and public policy. In 2010 and 2011, GFA will target emerging leaders from the following cities: Boston, Buffalo, Columbus, Dallas, Detroit and Portland, Oregon.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by eliminating unreasonable barriers to successful reentry and increasing access to living wage employment and career opportunities in the emerging green economy for people with criminal records.

Although more funding is becoming available to support green jobs and train people facing barriers to employment, including people with criminal records, workforce development practitioners serving people with criminal records and employers still face challenges. In the current recession, practitioners must navigate an increasingly competitive job market, one in which even highly experienced and skilled people without criminal records have difficulties competing for few vacancies. Often, in cases where green jobs are available, workforce development practitioners that work with people with criminal records may not be qualified to provide appropriate training, or they do not have the connections necessary to link their clients to the opportunities in the emerging green economy. Moreover, practitioners often must confront employers' resistance to hire people with criminal records and other limitations stipulated by funders or boards that prevent workforce development practitioners from serving people with criminal records (especially for those convicted of violent or sexual crimes). Separated by their sector of work or by geography, practitioners are often unexposed to potential solutions.

Success in institutionalizing the elimination of unreasonable barriers to reentry nationally requires not only obtaining long-term public funding but also ensuring that policymakers, employers, and service providers are informed by the best practices that integrate people with criminal records and their communities into efforts that advance social justice, economic opportunity, and a sustainable environment. Green For All's Community of Practice (CoP) is a well-developed project that convenes practitioners from various sectors—businesses, government, non-profits, workforce development, higher education, labor, among others—to collaborate on developing tools, resources, and strategies to make the promise of a green economy real for people with criminal records. Through specialized convenings and facilitated conversations, the Green Pathways Out of Poverty CoP is already counting policy wins. Last year, the Green Pathways Out of Poverty working group drafted a letter to Secretary of Labor Hilda Solis with specific recommendations for the Solicitation for Grant Application (SGA) for green jobs training grants. The final SGA included many of the CoP's recommendations, including eligibility for people with prior convictions for training in green careers.

Since spinning off from the Ella Baker Center in 2008, Green For All has become a dynamic and active member of the green jobs coalition; built a solid, fiscally viable organization; and recruited an impressive staff of seasoned program and policy professionals. Its leadership in the ground-breaking municipal scale retrofit programs, Clean Energy Works Portland (Oregon) and Community Power Works in Seattle created "High Roads Agreements" that established contracting, subcontracting, training and employment policies that will ensure high-quality work, safe conditions for workers, and strategies for establishing career pathways for low-income and other historically underserved populations. These "high roads" standards and community benefits, which were created through a partnership of public, private, nonprofit, community, and labor organizations, are evidence of GFA's powerful advocacy and networking capabilities to forge many unlikely alliances in the civil rights, faith-based and labor communities.

For these reasons, the Criminal Justice Fund recommends renewed project funding to Green For All in the amount of \$200,000 over one year.

Name of Organization: Texas Defender Service (as *fiscal agent* for the Atlantic Center for Capital Representation)

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

Purpose of Grant: to support the development of a new defender organization whose goal is to reduce the use of the death penalty in Pennsylvania and Delaware and make the repeal of the death penalty more likely in these states.

FPOS Grant Description: \$50,000 project support to Texas Defender Service as fiscal agent for the Atlantic Center for Capital Representation (ACCR). The project’s main activities include intensive consultation with capital defense teams, statewide trainings targeted to the needs of cases of Pennsylvania and Delaware practitioners, strategic communications to galvanize public opinion around issues that have traction in the region, and advocacy for policy reform that results in fewer death sentences

Previous OSI Support: n/a

Organizational Budget: \$2,919,837

Project Budget: \$252,000

Sources of Support: \$25,000 Vital Projects Fund; \$25,000 Philadelphia Bar Foundation; \$150,000 Other Grants

Amount Requested: \$50,000

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

Term: 5 months

Description of Organization:

Founded in 1955, Texas Defender Service (TDS) is a non-profit litigation and policy reform advocacy organization with a mission to establish a fair and just criminal justice system in Texas, emphasizing the improvement of the quality of justice for people facing the death penalty. TDS has two central long-range objectives: reduce death sentences and executions through aggressive pre-trial and post-conviction case tracking, consulting, litigation, attorney training, and strategic communications campaigns; and establish an indigent defense system that functions effectively and independent from the judiciary.

After three years of consultation with the country’s top death penalty litigators, TDS established the Atlantic Center for Capital Representation (ACCR) in July 2010 to reduce the use of the death penalty in Pennsylvania and Delaware and thus make repeal of the death penalty more likely in those states. Key litigators working with the Campaign to Abolish the Death Penalty by 2025 consider Pennsylvania, along with Texas, Alabama and Georgia, among the top four states as priority for death penalty reform.

Description of the Project for Which Funding Is Sought:

This grant will support the ACCR as it works to implement its four main objectives, which include: 1) Provide pre-trial case tracking and consultation services to arm defense teams with tools to secure life pleas and sentences; 2) Improve the quality of representation by improving the quality of training of

capital defense teams and educating teams about the importance of a diverse, highly-qualified team; 3) Collaborate with policy reform organizations; and 4) Develop a strategic communications campaign to support litigation and policy reform. These objectives and related activities are described in more detail below.

Provide Case Tracking and Consultation

ACCR's attorneys will establish a case tracking system to ensure that ACCR can intervene in cases early and collect information about the flaws in the system, including those related to the provision of counsel. Providing case consulting assistance will improve the quality of capital representation in specific cases and improve the quality of defense culture by raising the standard of representation.

Improve Quality of Representation

ACCR's attorneys will lead defense team trainings and provide model motions and briefs to increase the number of attorneys and other members of capital defense teams better-equipped and trained to handle death penalty issues and cases effectively.

Advance Policy Reforms to Limit the Death Penalty

ACCR will form a coalition of organizations to take a targeted approach to securing policy reforms that would decrease the number of death prosecutions, verdicts and executions. These reforms will include measures designed to improve the quality of trial and state habeas counsel, provisions to enforce the ban on the execution of the mentally retarded and reform the capital sentencing scheme. Other reforms may include full videotaping of all homicide confessions, an open file discovery policy for capital cases, and a statewide database for all capital cases.

Develop a Strategic Communications Campaign

ACCR will work with communications experts to help frame the principle death penalty reform issues, emphasize the flaws in the system of capital punishment and build support among key constituencies.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's priorities of abolishing the death penalty, reforming indigent defense systems, and eliminating race and class disparities in sentencing. The grant also supports the goals of the Campaign to End the Death Penalty by 2025 to reduce capital sentences in Pennsylvania and Delaware and to move these states closer toward reform.

Presently there is no coordinated litigation strategy in Pennsylvania or Delaware and there is no centralized repository for litigation tools. To move toward abolition, it is imperative to implement litigation strategies that will lower the death sentencing rate and continue the high rate of reversals. Neither Pennsylvania nor Delaware has an organization providing resources or guidance for capital defense teams preparing for or engaged in trials. Pennsylvania has no centralized system of representation at all—with 67 individual public defender offices and a county-by-county system of court appointments. There is a critical need for a center that can create a statewide database of capital cases which can be used at all phases of litigation to ensure issue preservation and serve as an information clearinghouse. Delaware, a much smaller state, has a statewide public defender system, but no unit dedicated to capital representation and no central repository for motions or jury instructions. The ACCR will provide services with broad impact including sample pleadings and cutting-edge legal challenges that will aid all capital defense teams, as well as individualized consulting necessary for effective representation.

Pennsylvania is at a tipping point in its death penalty system—the state is spending an unconscionable amount of money to maintain the form of capital punishment while not enforcing any of the substance of it. It has the fourth largest death row in the country—currently 225—trailing only California, Texas, and Florida; and each year, approximately eight new death sentences are imposed. But the state has executed only three people in the modern era (1976 to present), and each of them gave up their appeals and demanded to be executed. Pennsylvania epitomizes the wastefulness of the death penalty. Not only have death sentences not resulted in executions but *in more than 200 cases since the death penalty statute was rewritten in 1977*, death sentences have been reversed. The staggering rate of reversals leads the nation, and is a result of ineffective assistance of counsel at trial and astute litigation by habeas lawyers. Thus Pennsylvania continues to act like a prominent death penalty state at trial while failing to execute a single person in the last eleven years. The formation of ACCR is perfectly timed to begin lessening death sentences and using its platform to make the above facts better known to the public through strategic messaging.

Delaware is in a very different place from Pennsylvania—it has less than one-twelfth of Pennsylvania’s population and its death row is one-twelfth Pennsylvania’s death row. Yet Delaware has executed five times the number of people as Pennsylvania, and that number would surely have been greater but for the intervention of the Philadelphia Capital Habeas Unit in 2006, which promptly took over all Delaware post-conviction cases, litigated a lethal injection challenge, and has thus imposed a de facto moratorium on Delaware executions. Delaware’s capital representation is in total disarray. A review of two affidavits filed by prominent Delaware practitioners at the behest of the Philadelphia Capital Habeas Unit reveals that a small handful of attorneys handle both trial and post-conviction capital work, and are thus very hesitant to criticize each other’s work. They admittedly have no expertise in death penalty jurisprudence, and are badly overworked due to their heavy caseloads in other fields of criminal law. Finally, there is no state statute dictating the experience or training level of a Delaware capital practitioner —anyone can handle a capital case if appointed by a judge. Thus, while Delaware is admittedly a lower priority state than Pennsylvania due to its smaller population and death row, its proximity to Pennsylvania and the disarray of its capital community make it a viable and necessary target for the ACCR.

The ACCR is led by Marc Bookman and Dana Cook, two nationally respected litigators from the Defender Association of Philadelphia’s homicide unit. Mark Bookman has been in that unit since its inception in 1993 and Dana Cook has been a mitigation specialist in the unit for seven years. Prior to that, she worked for at the Capital Habeas Unit for the Federal Defender in Philadelphia. With support of the highly successful Texas Defender Service (TDS), a CJF grantee, the ACCR is perfectly poised to lower death sentencing rates and continue to increase the rate of reversals. For these reasons, the CJF recommends a \$50,000 grant to the ACCR as a project of the TDS, over five months.

<u>Name of Organization:</u>	Texas Defender Service (as <i>fiscal agent</i> for Capital Litigation Communications Project)
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	To support the Capital Litigation Communications Project
<u>FPOS Grant Description:</u>	\$200,000 project support renewal over two years to Texas Defender Service as fiscal agent for the Capital Litigation Communications Project to further the Project’s mission to serve as a nationwide communications resource for capital litigators. The project will operate nationally to assess and develop the communications potential in various state cases and to locate and recruit effective media messengers.
<u>Previous OSI Support:</u>	\$100,000 Criminal Justice Fund 2009; \$230,000 Gideon Project 2008; \$50,000 Gideon Project 2008; \$50,000 U.S. Justice Communications Fund 2008
<u>Organizational Budget:</u>	\$2,915,337
<u>Project Budget:</u>	\$529,000
<u>Sources of Support:</u>	\$299,000 FADP; \$30,000 NAACP Legal Defense and Education Fund
<u>Amount Requested:</u>	\$200,000
<u>Amount Recommended:</u>	\$200,000 (Criminal Justice Fund, T1: 24027)
<u>Term:</u>	2 years
<u>Matching Requirements:</u>	None.

Description of Organization:

Founded in 1955, Texas Defender Service (TDS) is a non-profit litigation and policy reform advocacy organization with a mission to establish a fair and just criminal justice system in Texas, emphasizing the improvement of the quality of justice for people facing the death penalty. TDS has two central long-range objectives: reduce death sentences and executions through aggressive pre-trial and post-conviction case tracking, consulting, litigation, attorney training, and strategic communications campaigns; and establish an indigent defense system that functions effectively and independent from the judiciary.

The Capital Litigation Communications Project (CLCP) is a national communications strategy with the mission of drawing public attention to the mistakes and unfairness in capital cases to highlight the broader systemic failures of capital punishment, continue to erode public confidence in the death penalty, and ultimately effect its abolition. CLCP serves as a nationwide resource for capital litigators and plays a key coordination role between capital litigators and the broader anti-death penalty advocacy community. CLCP is directed by Laura Burstein, a communications professional who is highly regarded in the capital advocacy community with over 20 years of experience in social justice communications campaigns. She has focused on anti-death penalty communications work for the past 13 years. Ms. Burstein works with an advisory board of leading death penalty advocates such as George Kendall of Holland & Knight and Andrea Keilen, the

Executive Director of CJF grantee Texas Defender Service, and is assisted by a full-time communications associate and a legal consultant.

Description of the Project for Which Funding Is Sought:

This grant will enable the Capital Litigation Communications Project (Project) to continue to serve as a nationwide resource for capital litigators where the strategic use of communications has the power to highlight the system’s failures and erode public support for the death penalty. The mission of the Project is to draw public attention to the mistakes and unfairness in individual cases to highlight the broader systemic failures of capital punishment, continue to erode public confidence in the death penalty, and ultimately bring about its abolition. During the grant period, the Project staff will engage in a number of activities including the following:

1. Create Strategic Communications Plans

Project staff will work with litigators to identify the communications goal, target audiences, strategy, messages, messengers, and tactics needed to increase chances for litigation success and bring widespread exposure to the problems with the death penalty.

2. Recruit Messengers Beyond the “Usual Suspects”

The Project will strategically enlist unlikely allies such as victims, former prosecutors, judges and other prominent individuals and groups who bring instant credibility and attract media attention. These messengers are essential for both bylining opinion pieces and persuading governors, clemency boards, courts and other key decision-makers.

3. Brief Journalists and Editorial Boards

Project staff will carefully cultivate relationships with journalists and editorial writers to frame media coverage in ways that highlight the unfairness and lack of efficacy of the death penalty.

4. Build Relationships and Facilitate Communication

Project staff will facilitate communication among all affinity areas within the 2025 Campaign, including capital litigators, state and national advocates, and researchers to ensure that all parties convey persuasive messages at critical moments. The Project will coordinate conference calls and provide advocates with talking points, template opinion editorials and letters to the editor, and sample letters to clemency boards and governors. On the national level, the Project staff will facilitate communication and strategy discussion among federal death penalty attorneys and national advocacy organizations.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund’s priorities of abolishing the death penalty, reforming indigent defense systems and eliminating race and class disparities in sentencing. The grant also supports the goals of the Campaign to End the Death Penalty by 2025 to support strategic communications that advances the goal of abolition.

By utilizing the media to draw attention to egregious problems in death penalty cases such as innocence, racial discrimination, judicial misconduct and poor indigent defense, the Capital Litigation Communications Project (Project) helps educate opinion leaders, policymakers, judges, potential jurors, and the public-at-large. It also creates a public climate where capital punishment is no longer tolerated.

Since the Project's inception in October 2007, its staff has provided communications consultation on more than two dozen capital cases, including substantial communications support on 11 cases with scheduled execution dates (eight received stays of execution or the death sentence was overturned or commuted to life), three Supreme Court cases, and several cases in pre-*cert* posture. With each success, the anti-death penalty movement grows in sophistication and more capital attorneys and advocates see the power of collaboration between litigation, grasstops/grassroots organizing, and communications.

Over the past year, the Project staff worked on several death penalty cases in their appeals to the U.S. Supreme Court, including one involving DNA testing claims in Texas that will be heard in the upcoming term; launched a comprehensive clemency campaign around an innocence case in Ohio; coordinated communications on the capital indigent defense issue around cases in Georgia and Mississippi; promoted the release of a report and the launch of an initiative around racial discrimination in jury selection in the South; and provided substantial communications support on numerous other cases.

The Project's work on the case of Hank Skinner (Texas) is an example of successful communications outreach. In March 2010, the U.S. Supreme Court granted a stay of execution to Hank Skinner, agreeing to hear an innocence claim involving untested DNA. The stay was preceded by several weeks of major national and international media attention. In consultation with Mr. Skinner's legal team, the Project staff designed a communications strategy where messages would be carried by editorial boards in Texas and unlikely allies. News, opinion and editorial coverage appeared in hundreds of outlets, including every major newspaper in Texas, with the goal of reaching Governor Rick Perry and the U.S. Supreme Court with the message that there was growing and serious public concern that Texas was on the verge of executing someone before testing readily available DNA evidence that could resolve questions of guilt.

For the above mentioned reasons, the CJF recommends a project support grant in the amount of \$200,000 over two years to the Texas Defender Service to advance the work of the Capital Litigation Communications Project.

Name of Organization: NAACP Legal Defense and Educational Fund

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

Purpose of Grant: to support the Campaign for Prisoners Facing Federal Execution, a communications and outreach campaign that calls for the Department of Justice to conduct a comprehensive review of the application of the federal death penalty

FPOS Grant Description: \$50,000 project renewal grant over one year to the NAACP Legal Defense and Educational Fund to support the Campaign for Prisoners Facing Federal Execution, a communications and outreach campaign that calls for the Department of Justice to conduct a comprehensive review of the application of the federal death penalty, examining the issues of race and racial bias in its implementation, before any federal executions take place. The project seeks to raise awareness among federal decision makers about the continuing unanswered questions regarding the administration of the federal death penalty including its lack of transparency, racial disparities, and extraordinary cost.

Previous OSI Support: \$300,000 Criminal Justice Fund and Equality and Opportunity Fund 2010; \$200,000 Strategic Opportunities Fund 2010; \$75,000 Criminal Justice Fund 2009; \$200,000 U.S. Justice Fund 2008; \$350,000 Progressive Infrastructure Grant 2007; \$200,000 Special Opportunities Fund 2005; \$200,000 Racial Justice Initiative 2005; \$200,000 Policy & Research/Civil Rights 2003; \$50,000 Policy & Research/Policy Reform 2003; \$300,000 Re-entry 2000; \$25,000 Center on Crime, Community & Culture 1996

Organizational Budget: \$13,895,578

Project Budget: \$125,000

Sources of Support: \$50,000 Atlantic Philanthropies

Amount Requested: \$50,000

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

Term: One year

Matching Requirements: None

Description of Organization:

Founded in 1940 by Thurgood Marshall, the NAACP Legal Defense and Educational Fund (LDF) is a non-profit legal organization with the mission of achieving racial equality for African-Americans and, ultimately, all Americans. LDF has a rich history that includes the landmark 1954 victory before the U.S. Supreme Court in the school desegregation case of *Brown v. Board of Education*. Through advocacy efforts, public education, outreach, coalition-building, policy research, and litigation, LDF pursues justice for all Americans, especially traditionally marginalized and underserved populations. In March 2008, John Payton succeeded Theodore Shaw and became the sixth Director-Counsel in LDF's 68-year history.

With the re-emergence of the death penalty in 1976, LDF has been deeply involved in litigation and public education efforts to limit the reach and harmful effects of capital punishment. LDF has participated as counsel of record, friend of the court, or expert consultant providing assistance to other attorneys, in most of the capital cases argued in the Supreme Court during the past 25 years. LDF has provided representation in hundreds of capital trial, appeal, and habeas corpus cases. LDF attorneys have testified on numerous occasions before state and federal legislative bodies about a variety of criminal justice reform measures. LDF has also been at the forefront of exposing the inherent fallibility of the death penalty by investigating and publicizing the cases of individuals.

Description of the Project for Which Funding Is Sought:

The Campaign for Prisoners Facing Federal Execution is a communications and outreach campaign to ensure that the Obama Administration performs a comprehensive review of the application of the federal death penalty, examining most particularly the issues of race and racial bias in its implementation. The specific goals of this comprehensive communications campaign are two-fold: 1) raising awareness among federal decision makers about the continuing unanswered questions regarding racial bias in the administration of the federal death penalty, including the lack of transparency and the extraordinary cost; and 2) persuading the Obama/Holder Department of Justice to perform the comprehensive research needed to address the issues detailed above before proceeding with any federal executions.

The Campaign members will also work with the defense teams of six federal capital defendants, all African-American men, who are next in line for execution by the U.S. Government. If their executions are carried out, eight of the nine people put to death under the modern federal death penalty will have been men of color, with the exception of Timothy McVeigh. A federal execution rate that is nearly 90% black and Latino is unacceptable for a myriad of reasons, not least of which is the terrible message it sends the states about any need to eradicate racial bias in the administration of capital punishment.

The Raben Group serves as the day-to-day coordinator of the communications campaign. With expertise in both communications and policy advocacy, the Raben Group has strong personal connections to many of the high-level appointees in the new Obama Administration. At the White House these individuals include Melody Barnes, head of the Domestic Policy Council (DPC), and Heather Higginbottom and Steve Croley, deputies at DPC. At DOJ, these connections include Attorney General Eric Holder, Associate Attorney General Tom Perrelli, Assistant Attorney General Lanny Breuer (heads of the criminal division), Assistant Attorney General for Legislative Affairs Ron Weich and Tom Perez, Assistant Attorney General of the Civil Rights Division. These relationships put the Campaign team in the position of communicating directly with primary decision-makers. The Campaign members have been coordinating efforts since early 2008.

The Campaign will build on a recently-developed “ratcheting-up” strategy to further push the DOJ to conduct a full review of a system that the Campaign members believe to be marred with transparency issues, procedure and process inconsistencies, and racial biases. The central aspects of the continued work will include increased “grasstops” communication with DOJ officials – including a Death Penalty Working Group created within the Department, Attorney General Holder himself, and others – to urge progress in this area. Continued communication with and updates for congressional staffers and other key third-party allies will help ensure that their work and messages complement the Campaign’s strategy.

Rationale for Recommendation:

The grant supports the Criminal Justice Fund’s goal of eliminating harsh punishment by abolishing the

death penalty and reducing racial and class disparities in sentencing and incarceration. This comprehensive effort is also an integral component of the federal strategy of the Campaign to End the Death Penalty by 2025. The grant would also support the goal of the Transparency and Integrity Fund to promote effective oversight of government institutions, as well as advance the Equality and Opportunity Fund's commitment to prohibit arbitrary and discriminatory government action and to challenge structural racism.

For almost a decade, DOJ has failed to answer questions around many aspects of the federal capital system: the role that race plays (intentionally or unintentionally) in charging defendants; other biases or improper influences that may arise in the decision making process for seeking the death penalty; the full cost to the taxpayer that the government expends in federal resources on a capital case; and the qualifications or the training of personnel that carry out these executions through lethal injection.

The public and the states often consider the federal death penalty system the "gold standard," where all procedures are administered in a fair, transparent, and accurate manner. Unfortunately, this is far from the case. With a population of 57, federal death row is now bigger than that of half the states with capital punishment. The cases of these men and women are plagued by some of the same problems we see in the states: defendants of color tried by all or mostly white juries; defense lawyers failing to take adequate steps to protect their clients; the ultimate sanction being reserved predominantly for killings where the victims were white. Moreover, DOJ has become increasingly secretive when it comes to disclosure of its protocols and procedures.

The last comprehensive research survey conducted on the federal death penalty took place in 2000 under Attorney General Janet Reno, who said she was "sorely troubled" by the results that showed significant racial disparities, particularly at the initial charging stage. Then-Deputy Attorney General Eric Holder said that "no one reading this report can help but be disturbed, troubled, by this disparity." At the time, DOJ expressed its intent to follow up with a full analysis of the issues identified in the survey, focusing particularly on the initial charging decision, the point at which the greatest disparities appeared and from which the rest of the process flowed. When the Bush Administration took office in 2001, however, that follow-up research was not undertaken. Instead, DOJ relied heavily on a RAND Corporation report released in 2005. The RAND study, purporting to find no evidence of racial bias, included no data on the initial charging decisions and was severely criticized by experts in the field for flawed methodology. Particularly in light of the fact that six African American men could soon be facing execution, it is time for a serious examination of the federal capital process.

The Campaign is at an important juncture. Politically, it is important to move the Obama Administration forward during the next twelve to sixteen months in order to minimize the impact of election politics on the DOJ's work. The current litigation challenging lethal injection in the U.S. District Court in D.C. has a briefing schedule that runs through October of this year; after that, the case could be decided at any time. If that decision permits the lethal injection procedures to stand, execution dates could then be set in any of the six cases involved. Despite the challenges ahead, the involvement and guidance of LDF as a leading civil rights organization, and of John Payton, will have an important impact on the Campaign's central audiences – policymakers in the Holder Department of Justice. LDF's standing in the community makes the Campaign singularly well-positioned to be an important messenger to the Administration. For the abovementioned reasons, the CJF recommends a grant of \$50,000 over one year to the NAACP LDF.

<u>Name of Organization:</u>	Texas Defender Service
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	To provide general support.
<u>FPOS Grant Description:</u>	\$525,000 general support renewal over one year to Texas Defender Service (TDS) to reduce death sentences and executions and establish an indigent defense system that functions effectively and independent from the judiciary.
<u>Previous OSI Support:</u>	\$250,000 Criminal Justice Fund 2009; \$147,500 JEHT Emergency Fund 2009; \$440,000 Strategic Opportunities Fund 2008; \$300,000 Gideon 2007; \$25,000 General Fund 2007; \$200,000 Gideon 2005; \$100,000 Gideon 2003; \$50,000 Gideon 2001; \$35,000 Gideon 2001
<u>Organizational Budget:</u>	\$2,919,837
<u>Project Budget:</u>	N/A
<u>Sources of Support:</u>	\$657,500 Atlantic Philanthropies; 22,500 Tides Foundation; \$25,000 Butler Family Fund; \$250,000 Texas Innocence Network; \$150,000 Vital Projects Fund; \$25,000 Maverick Lloyd; \$25,000 Texas Bar Foundation; \$70,000 Houston Building Fund; \$95,000 FADP grants; \$65,000 Other grants; \$125,000 Court Appointment Fees; \$250,000 MCLAP; \$125,000 Contributions/Donations
<u>Amount Requested:</u>	\$525,000
<u>Amount Recommended:</u>	\$525,000 (\$275,000 from Criminal Justice Fund, T1: 24027; \$250,000 from JEHT Emergency Fund, T1: 59959)
<u>Term:</u>	One year
<u>Matching Requirements:</u>	None

Description of Organization:

Founded in 1955, Texas Defender Service (TDS) is a non-profit litigation and policy reform advocacy organization with a mission to establish a fair and just criminal justice system in Texas, emphasizing the improvement of the quality of justice for people facing the death penalty. TDS has 28 employees, including 18 lawyers, 4 mitigation specialists and administrative staff. The organization is led by executive director Andrea Keilen, formerly a Soros Justice Fellow.

TDS has two central long-range goals: 1) reduce death sentences and executions; and 2) establish an indigent defense system that functions effectively and independently from the judiciary. TDS strives to achieve its goals by implementing four main strategies: 1) Provide direct case assistance and impact litigation including post-conviction and trial litigation, case tracking, crisis case intervention, attorney training and case consulting; 2) advance policy reforms to limit the death penalty; 3) improve the quality of defense representation in capital cases; and 4) reform pre-trial discovery in criminal cases to provide

the defense adequate notice of exculpatory/impeachment evidence and the nature of testimony the prosecution plans to present.

1. Reduce Death Sentences and Executions

To reduce the use of the death penalty in Texas, TDS will identify cases with compelling injustices and relate that information to policy makers and the public. To implement this strategy, TDS will: 1) collect data to identify cases that provide litigation opportunities; 2) track death penalty cases at all phases of the proceedings; 3) litigate injustices by representing TDS's clients and consult with other lawyers; 4) train trial and post-conviction lawyers to identify and challenge flaws in the system; and 5) report, study and conduct media outreach to educate the public and policy makers about the flaws inherent in Texas's system of capital punishment.

2. Advance Policy Reforms to Limit the Death Penalty

TDS advances policy reforms that will: 1) decrease the number of death prosecutions, verdicts and executions; 2) improve the quality of trial and state habeas counsel; 3) enforce the ban on the execution of the mentally retarded; and 4) reform the capital sentencing scheme.

3. Improve the Quality of Defense Representation in Capital Cases

The absence of public defender systems and institutional deficiencies created by inconsistent attorney standards and haphazard access to resources leaves defense attorneys ill-equipped to zealously advocate for their clients. Some of the activities TDS will engage in to improve representation include consulting with and training trial and post-conviction lawyers; equipping defense teams with the skills and resources such as briefs, motions, and links to mitigation specialists and experts; and developing strategy sessions and moot-court opportunities.

4. Reform Pre-trial Discovery in Criminal Cases

TDS will work to reform pre-trial discovery in criminal cases to provide the defense adequate notice of exculpatory/impeachment evidence and the nature of testimony the prosecution plan to present.

Description of the Project for Which Funding Is Sought:

TDS seeks general support in the amount of \$525,000 over one year.

Rationale for Recommendation:

This grant will advance several of the Criminal Justice Fund's goals including eliminating harsh punishment by abolishing the death penalty, reforming indigent defense systems, and eliminating race and class disparities in sentencing. The grant also supports the goal of the Campaign to End the Death Penalty by 2025 to reduce capital sentences in Texas and move Texas from a high-use to an ambivalent state.

In Texas, approximately 400 cases are indicted each year as capital eligible cases. In the 2009 calendar year, 32 cases went to trial and more than half of those resulted in a sentence less than death. This means that most of the capital cases indicted were resolved without a trial, thereby avoiding the possibility of a death sentence. The Trial Project at TDS is involved in most of these cases with the Trial Project director alone consulting on approximately 40 cases each week. While the Trial Project consults in dozens of cases each week, during the past year alone, the Trial Project was *intensely* involved in more than 200 cases and contributed to more than 125 cases in which death was waived or life verdicts were returned.

Many other cases remain pending. TDS training has taught lawyers how to litigate these cases pre-trial. The Trial Project consulting continues to include development of the theory of the case, strategies for developing and presenting the mental health information and evidence, brainstorming legal and factual issues, identifying experts and mitigation specialists, and developing strategy for all phases of trial.

Since the Trial Project's inception in 2000, it has provided hundreds of defense team trainings delivered at capital seminars and continuing legal education programs in Texas and nationally and in 2009 alone is estimated to have reached approximately 4,000 capital defense team members.

TDS has also directly influenced the development and the quality of direct legal services for capital public defender units in Texas at the trial and post-conviction level by supporting the development of the West Texas Capital Trial Office and the creation of new statewide Office of Capital Writs, which will open in September 2010 and handle new state capital habeas cases. TDS's advocacy efforts have also resulted in the expansion of public defender offices. The Texas Task Force on Indigent Defense approved a grant request to expand the scope of the West Texas Capital Trial Office's jurisdiction and awarded the office with a two-year phase-in grant of more than 4 million dollars. What started as a fledgling, small office of a few lawyers will, with the guidance of TDS, grow into an office of more than 30 employees, covering most rural Texas counties.

While the number of new death sentences is reliably decreasing year by year due to a number of factors, including the life without parole sentencing option, improved resources and training for defense teams, resulting in increased life pleas and verdicts, as well as heightened public scrutiny and doubt about the accuracy of the death penalty, the number of executions in Texas is again trending up. There are currently nearly 40 death row inmates in Texas who are completely through federal habeas review. These individuals could get execution dates at any time. TDS refers to these as "cases on the brink" and expends considerable staff resources identifying potential factual and legal issues about which to litigate in state and federal courts and seek stays of execution.

In the modern era of the death penalty (1976 to the present), Texas has been responsible for more than one-third of all executions. These discouraging statistics would be far worse if not for the crisis case intervention practice developed by TDS. In 2008, 12 stays of execution were granted in Texas. TDS was involved in all 12 of those stays of execution. In 2009, 24 inmates were executed and 9 stays of execution were granted in Texas and TDS was involved in all but one of those cases. In 2010, TDS has secured four stays of execution though 15 individuals have been executed.

There is no other legal organization in Texas that has the same approach as TDS to address the death penalty system at every phase in litigation and at the policy reform level. TDS is considered a national model for death penalty reform and strives to work in close collaboration with many local, state and national organizations to further the goal of reducing death sentences and executions. Despite its programmatic successes, TDS is still adjusting to loss of funding due to the closing of the JEHT Foundation in December 2008. A portion of this general support grant is recommended for funding from OSI's JEHT Emergency Fund budget, to give TDS additional time and flexibility to develop and sustain new or deepened funding sources while maintaining its programmatic work. For the above mentioned reasons, the CJF recommends a grant of \$525,000 over one year in general support to TDS.

Name of Organization: The Regents of the University of California

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

Purpose of Grant: to support the Lethal Injection Project at U.C. Berkeley School of Law to continue providing resources and assistance to litigators and abolitionist organizations fighting lethal injection procedures.

FPOS Grant Description: \$65,000 project support renewal over six months to allow the Lethal Injection Project at U.C. Berkeley School of Law to continue providing vital resource assistance to litigators and abolitionist organizations fighting lethal injection procedures. The Clinic provides full-time legal consultation on lethal injection issues to litigators, policy-makers, activists, and journalists around the country and participates in state-based advocacy challenging lethal injection through litigation and administrative proceedings.

Previous OSI Support: \$50,000 Criminal Justice Fund 2009; \$50,000 Gideon Project 2008; \$50,000 U.S. Justice Fund Communications Fund 2008

Organizational Budget: \$3,300,000

Project Budget: \$251,980

Sources of Support: \$186,980 Funders for Alternatives to the Death Penalty

Amount Requested: \$65,000

Amount Recommended: \$65,000 (Criminal Justice Fund, TI: 24027)

Term: 6 months

Matching Requirements: None

Description of Organization:

Established in 2001, the Death Penalty Clinic (DPC) at U.C. Berkeley Boat Hall School of Law is dedicated to ending the unfair and unequal administration of capital punishment in the United States. The Clinic works with approximately 16 students each semester in every aspect of litigating a capital case. In collaboration with leading academics, lawyers, and experts from a range of fields, the Clinic also engages students in projects that address systemic inequities affecting capital and non-capital defendants, such as race discrimination and the denial of effective representation. The Clinic currently provides direct, individual representation to death row clients in California and Alabama, and has been integral to the successful resolution of several pre-trial capital cases in Virginia and Alabama. The Clinic also serves as an important resource to capital defense attorneys across the country.

Description of the Project for Which Funding Is Sought:

This grant will allow the highly successful Lethal Injection Project of the Berkeley Law Death Penalty Clinic (DPC) to continue providing services to litigators and abolitionist groups nationwide. The Project provides full-time legal consultation on lethal injection issues to litigators, policy-makers, activists, and journalists

around the country, and participates in state-based advocacy challenging lethal injection through litigation and administrative proceedings. The main goals of the Project are to 1) support legal challenges to lethal injection; and 2) educate the public about the realities of lethal injection and support the work of anti-death penalty advocates. To accomplish these goals, the Project staff will pursue several objectives and activities outlined in detail below.

1. Provide Case Consultation

Project attorneys bring expertise and a breadth of knowledge about lethal injection and litigation to support lawyers across the country who otherwise would not have the information necessary to promote their case and survive procedural and substantive hurdles. To provide critical case consultation, Project attorneys will: 1) consult with and assist attorneys across the country; 2) draft and edit pleadings; and 3) assist with discovery.

2. Support Administrative Challenges and Proceedings

Legal challenges under state Administrative Procedures Acts (APA) can invalidate existing execution protocols, halt executions, and draw media and public attention to the many problems surround capital punishment. To support administrative challenges and proceedings, Project attorneys will: 1) assist counsel in up to three jurisdictions to litigate APA challenges; and 2) continue to participate in ongoing administrative proceedings including drafting public comments and coordinating with activists and litigators to coordinate responses to the regulatory process.

3. Assist with Expert Witness Development

Because of the medical and scientific aspects of lethal injection, litigators must confer with experts in order to gain an understanding of how lethal injection works and the risks it poses, and how to pursue their legal challenges in court. To support expert witness development, Project staff will: 1) identify potential experts; 2) educate potential experts about lethal injection; and 3) connect potential experts with litigators in need of consulting and testifying experts.

4. Continue Development of Web-Based Clearinghouse

The Project's website, lethalinjection.org, provides litigators, journalists, and activists with a one-stop shop for all the information they need about lethal injection and has proved to be an invaluable resource to hundreds of users. Because the needs of these groups are different and implicate different concerns, project attorneys have designed the website to provide different levels of access. The information for journalists and advocates is unsecured, so anyone can come to the website and peruse public records and updates about lethal injection. The section for litigators is password protected, so that the Project is able to offer litigators access to a database of pleadings and other sensitive documents. To support the development of the website, the Project staff will: 1) maintain existing categories and resources; and 2) develop new categories and sections to meet new developments and challenges.

5. Coordinate Communications Efforts with Anti-Death Penalty Activists

Legal challenges to lethal injection – whether substantive challenges that reveal flawed practices, administrative challenges that invalidate an existing protocol, or applications for stays of execution – often attract media coverage and otherwise bring attention to capital punishment. To support coordination with anti-death penalty advocates, Project staff will: 1) participate in and lead strategy calls with advocates, litigators, and communications specialists; 2) draft talking points and media plans; and 3) consult with abolitionists groups during the public hearing regulatory process.

6. Coordinate Strategic Planning

The legal landscape with respect to lethal injection can change quickly and unexpectedly. A botched execution can bring renewed media interest. The Project staff is positioned to coordinate strategic planning around emerging developments by convening strategy calls and meetings with an informal advisory committee and teams of litigators in several states.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's priorities of abolishing the death penalty and eliminating race and class disparities in sentencing. The work of the Lethal Injection Project (Project) also advances the goals of the Campaign to Abolish the Death Penalty by 2025.

The Project serves as a powerful reminder that targeted litigation can further the goal of abolition. Lethal injection litigation continues to halt executions in at least ten states and *de facto* moratoria have created the opportunity for serious debate about abolition in several states.⁶ Not only did New Jersey abolish the death penalty following successful lethal injection litigation, but abolition efforts nearly prevailed in Maryland after the state's lethal injection protocol was invalidated by a Maryland Court of Appeals. More than three years after the decision, there is still no execution protocol in Maryland and abolition efforts continue to gain traction. North Carolina, a state that executed approximately five people per year from 2001 to 2006, has not executed anyone in four years, thanks to lethal injection litigation in that state. Delaware has not had any executions since the initiation of lethal injection litigation in May of 2006. Arizona has had no executions since May of 2007. Lethal injection litigation pending in the U.S. District Court in Washington, D.C., has also stopped the executions of several federal death row inmates. Likewise, executions in California – which threatened to increase in pace dramatically at the beginning of 2006 – have now been on hold for almost five years as a result of several lethal injection challenges pending in state and federal courts.

In addition to creating *de facto* moratoria, lethal injection litigation has lifted the shroud of secrecy that surrounds lethal injection practices, revealing that states routinely carry out executions in a manner that is disorganized, unprofessional, and dangerous, and that lethal injection procedures have placed condemned men and women at risk of extreme pain and suffering. Against that backdrop, the Project is currently providing consultation (through direct support as well as through the lethalinjection.org website) for ongoing and/or planned litigation in as many as nineteen jurisdictions.⁷

Since the pace of lethal injection litigation has arisen so quickly and so broadly, there are an unusual number of complicated legal issues that many courts are deciding as matters of first impression. In addition to these cutting-edge legal, strategic, and ethical issues, the litigation requires a detailed understanding of the complicated medical issues involved, and a connection to relevant experts (such as anesthesiologists and pharmacokineticists). Unfortunately, many lawyers are ill-equipped to litigate these complex cases successfully. Together, the Project's attorneys know more about lethal injection litigation than anyone in the country. For the reasons stated here, the CJF recommends a project support grant of \$65,000 over six months to the Regents of the University of California to support the work of the U.C. Berkeley Law Death Penalty Clinic Lethal Injection Project.

⁶ Jurisdictions with *de facto* moratoria due to lethal injection litigation include: Arizona, Arkansas, California, Delaware, North Carolina, Kentucky (conducted execution of volunteer but other executions on hold), Louisiana (conducted execution of volunteer but other executions on hold), Maryland, Nebraska, Oklahoma (as of Aug. 2010), Pennsylvania, Washington, and the U.S. Government.

⁷ Arizona, Arkansas, California, Delaware, Florida, Idaho, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, North Carolina, Ohio, Pennsylvania, Tennessee, Washington, and the Federal jurisdiction.

Name of Organization: Orleans Public Defenders

Tax Status: Governmental organization created by the Louisiana legislature

Purpose of Grant: To improve the quality of indigent defense representation for adults and juveniles in Orleans Parish.

FPOS Grand Description: To provide \$200,000 project support renewal grant over two years to Orleans Public Defenders to continue an intensive and comprehensive attorney training program for all OPD lawyers and external conflict panel attorneys and to retain the services of a dedicated public relations/community outreach professional. These efforts will continue to dramatically improve the quality of representation provided to indigent defendants in New Orleans.

Previous OSI Support: \$350,000
(\$200,000 Criminal Justice Fund, 2008; \$150,000 Gideon Project, 2007)

Organizational Budget: \$9,500,000

Project Budget: \$239,890

Sources of Support: \$39,925 Orleans Public Defenders

Amount Requested: \$200,000

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

Term: 2 years

Matching Requirements: None.

Description of Organization:

The office of the Orleans Public Defenders (OPD) is an independent legal office with responsibility for representing all indigent defendants accused of committing crimes in Orleans Parish. Well over 90 percent of criminal defendants in Orleans are indigent. OPD aims to provide the citizens of Orleans Parish with the highest quality client-centered legal representation in Louisiana's criminal and juvenile justice system. Its vision is to create a community-oriented defender office built upon the zealous defense of the poor and indigent while acknowledging the strengths of clients, families and communities. OPD acts to 1) protect the guarantees of the Louisiana and United States Constitutions and maintain adherence to the rule of law, 2) foster a more open and inclusive society by increasing access to and protection within the courts for the poor and indigent, and 3) assist in the development and expansion of rehabilitation and alternative programs for clients and their families.

Derwyn Bunton is the Chief District Defender for New Orleans. In the immediate aftermath of Hurricane Katrina, Derwyn was part of a team of advocates assisting state and local leaders to locate and reunite youth and adult prisoners evacuated and scattered across the state after being trapped by floodwaters in the Orleans Parish Prison. In 2006, Derwyn was appointed to the Orleans Indigent Defender Board to

help lead public defense in New Orleans. As a local board member and member of Louisiana's Right to Counsel Committee, Derwyn assisted in indigent defense reform at the state and local level.

Description of the Project for Which Funding Is Sought:

OPD seeks project support to reverse the havoc wrought by the office's pre-Katrina culture of neglect and allow the office to develop into a permanent model of zealous, client-centered indigent defense advocacy in the state.

Intensive Training for OPD and Conflict Panel Attorneys

The intensive training program addresses the need for improved litigation skills and leadership development of its staff. New lawyers completing their first year of practice will attend the Southern Public Defender Training Center (SPDTC), a Criminal Justice Fund grantee. This program provides 14 days of full-day boot camp followed up by three-day trainings every six months for three years. Additionally, OPD has planned a year-round training program for the entire office and members of the conflict panel. Every month, OPD will provide two integrated training sessions. For each topic or skill, engagement begins with an office-wide informal round-table discussion, drawing on the skills and experience of local experts and experienced OPD trial attorneys. OPD will also provide monthly intensive skill-building training sessions which will be staffed by local and national experts in the field who will donate their time. Finally, select OPD lawyers will attend time-tested intensive skills-based training sessions elsewhere in the country such as the National Criminal Defense College in Macon, Georgia and the Kentucky public defender training in Faubush.

OPD Public Relations and Community Outreach

OPD seeks to continue supporting the hard work of its attorneys with a communications and outreach strategy that promotes the systemic changes necessary to allow for the effective representation of its clients. Centralizing these efforts into one division provides a consistency in messaging and the efficient dissemination of information that would not otherwise be possible.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in securing a fair and equitable justice system by improving indigent defense services. It also supports CJF's longstanding commitment to criminal justice reform in New Orleans and USP's increased commitment to policy reform in the Gulf Region through our developing State Strategies Initiative.

New Orleans, always a high crime city, has seen the rate of crime increase per capita post-Katrina. Aggressive arrest practices, charging practices implemented by the new District Attorney, and archaic court policies have inflated the defense workload exponentially since the election of a new District Attorney 18 months ago. The pressures on OPD's young lawyers are enormous as is the pressure on management to commit all available resources to hire additional lawyers. Moreover, despite the central importance of training and outreach to the long-term success of OPD and sustained indigent defense reform, it is politically difficult to spend significant public money on these programs due to strong opposition from those who did not consider the horrendous pre-Katrina standards of representation to be a problem. Thus, it is important to support these efforts through private assistance.

Over the past three years, OPD has managed to attract supremely committed and talented new attorneys. Unfortunately, they have had less success attracting experienced candidates due, in part, to low salaries and a lack of client-centered practice among local experienced attorneys. Therefore, the office is bottom-

heavy at a time when its workload is extreme and unrelenting. An intensive training program will give OPD lawyers the skills and knowledge they need to represent their clients at a high level while teaching them coping mechanisms that will enable them to better handle the exigencies of high caseloads and a fast paced practice.

Additionally, for the first time in its history, OPD has a positive public image to manage and a platform from which to exert influence on the changing criminal justice system. With previous OSI assistance, OPD retained the services of a dedicated public relations expert, Johnetta Pressley, who has successfully developed a strong network of individuals and groups interested in competency and transparency in the criminal justice system. For example, Ms. Pressley has established strong relationships with neighborhood associations, key partners, and influential institutions (religious, treatment, etc) as a strategy for constituency building. This supportive network was particularly helpful during the recent budget battles with the city and state.

Moreover, through its advocacy efforts, OPD has been able to secure several reforms which allow for improved public defense representation. For example, OPD was able to secure a change in the Rules of Court to allow for vertical representation which allows all parties to know which court the case will be heard in if accepted for prosecution by the District Attorney. This change promises to make a significant impact on OPD's ability to focus its scarce resources and to increase the overall efficiency of its operations. Notably, the change had been vehemently opposed by the judiciary and only the media campaign persuaded the bench to allow the change.

The reforms implemented by the new OPD board and management team have been met with fierce, well-organized, and unrelenting opposition from those who wish to return OPD to a patronage post. The coming years are critical ones for OPD as it seeks to solidify and institutionalize its successes to date. Pressure on the judiciary and policy makers must not be dissipated as OPD continues in its struggle for adequate state funding and improved legal practice in Orleans and throughout Louisiana. Building a strong, competent, and effective public defender system is its best defense against the opposition.

For these reasons, the Criminal Justice Fund recommends a two-year project support grant in the amount of \$200,000 to the Orleans Public Defenders.

Name of Organization: Defender Association of Philadelphia (as *fiscal agent* for the Pennsylvania Indigent Defense Representation Reform Project)

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

Purpose of Grant: to support reform of Pennsylvania’s highly problematic, county funded system for delivering criminal and delinquency defense legal representation services for indigent adults and children

FPOS Grant Description: \$120,000 project grant over 15 months to support the Pennsylvania Indigent Defense Representation Reform Project to provide public education and training, policy advocacy, and coalition building in support of reforming Pennsylvania’s failed county based and county funded system for the delivery of criminal and juvenile indigent defense representation services.

Previous OSI Support: None.

Organizational Budget: \$35,036,005

Project Budget: \$288,650

Sources of Support: \$130,000 PCCD sub-grant to JDAP; \$38,650 Defender Association of Philadelphia In-Kind Donation

Amount Requested: \$120,000

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

Term: 16 months

Matching Requirements: None

Description of Organization:

The Defender Association of Philadelphia is an independent, non-profit 501(c)(3) law firm whose mission is to provide its clients with quality, zealous and client centered legal representation and advocacy. Founded in 1934, the Association is lead by a board of directors that selects the chief public defender and the first assistant defender. The Association contracts with the city/county of Philadelphia to provide adult and juvenile criminal and delinquency indigent defense legal services in Pennsylvania’s First Judicial District and in Pennsylvania’s state appellate courts. The Association is the largest state court public defender office in Pennsylvania. It is also the federal community defender and capital habeas corpus office for the eastern district of Pennsylvania. Defender Association of Philadelphia will serve as the fiscal agent for the Pennsylvania Indigent Defense Representation Reform Project.

Juvenile Defenders Association of Pennsylvania, Inc. (JDAP) is a statewide professional organization whose public defender and private bar members are dedicated to providing quality legal representation for children in Pennsylvania’s delinquency courts. JDAP will support the Pennsylvania Indigent Defense Representation Reform Project through its training coordinator and training resources, its statewide CLE accredited training programs, and through the efforts of its board of directors who will provide strategic advice and assist with access to Pennsylvania policy makers.

Phyllis H. Subin, Esq., is the director of the Pennsylvania Indigent Defense Representation Reform Project (hereinafter, the “Project”). She has extensive national public defender experience as an indigent defense system evaluator, public defender trainer and facilitator, law school clinical professor, and founding/continuing member of the American Council of Chief Defenders. She has served on the board of directors of the National Legal Aid Defender Association (NLADA), a core Criminal Justice Fund grantee, and is the co-chair of NLADA’s Defender Trainers Section. Phyllis is also a former Pennsylvania trial and appellate attorney.

Description of the Project for Which Funding Is Sought:

The Pennsylvania Indigent Defense Representation Reform Project seeks to support reform of Pennsylvania’s problematic, county funded system for delivering legal representation services to poor children and adults. This project will advance the indigent defense reforms recommended by the Pennsylvania Inter-branch Commission on Juvenile Justice⁸, the Pennsylvania Advisory Committee on Services to Indigent Criminal Defendants, and the Task Force on Wrongful Convictions, which includes a review of defense legal representation services. The project will undertake the following activities:

Support JDAP and Systemic Changes for Delinquency Indigent Defense Representation

- Implement juvenile delinquency representation cultural change by working with JDAP to organize and present at six regional training programs focused on practice application of the JDAP *Performance Guidelines* and provide two Train the Trainers programs to expand and build a core group of well qualified trainers to train and work with juvenile defenders.
- Provide training support services and presentations for JDAP’s six sexual assault representation regional trainings, specialized training programs for the northeast region in Luzerne County, and two statewide trainings at the Harrisburg Juvenile Court Judges Conference and one in Pittsburgh at the Cranberry Woods Conference
- Work with JDAP’s board and members on policy advocacy and strategies, and build coalitions to support reform on behalf of uniform, sustained quality and effective juvenile delinquency representation.

Offer Training and Technical Assistance to Chief Public Defenders

- Conduct outreach to chief defenders at the statewide defender gathering in Harrisburg.
- Offer technical assistance support to chief public defenders to promote change strategies within their offices to meet national best practices related to caseload/workload limits and other relevant standards. Offer communications support to enhance the chiefs’ capacity for tapping into state and federal fund streams.
- Serve as a policy and organizing voice for indigent defense reform in Pennsylvania by reaching out to all justice system stakeholders, speaking at meetings and conferences, writing editorial opinions or newspaper articles, and by reaching out to all potential community allies.

Produce a “White Paper” documenting Strategies for Implementing, Monitoring and Sustaining Standards/Guidelines/ Principles Applicable to Criminal and Delinquency Indigent Defense Legal Representation

The Project will conclude with a report that offers concrete ideas and suggestions for the adoption, implementation, monitoring and sustainability of the application of best practices, national standards, and

⁸ The *Pennsylvania Interbranch Commission on Juvenile Justice* was formed by Pennsylvania’s judicial, executive and legislative branches of government following the Luzerne County “kids for cash” scandal that resulted in the federal court indictments of two Common Pleas Court judges and in the overturning of more than six thousand juvenile delinquency adjudications for both unrepresented and represented children.

organizational sustainability at public defender offices. Using the Pennsylvania JDAP *Performance Guidelines* as a baseline, the report could serve as a blueprint for improved indigent defense practices in the state and nationally.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund’s goal of securing a fair and equitable system of justice by improving indigent defense services and enforcing the constitutional guarantee of effective representation at every critical stage of the court process.

Pennsylvania remains the only state in the nation that does not appropriate any funds to support either trial, appellate, or capital indigent defense representation services. The state’s 67 counties bear the full responsibility of providing criminal and delinquency legal representation for the indigent client population. This situation has resulted in a system that lacks fundamental fairness and places poor persons at constant risk of wrongful convictions and adjudications. Moreover, it is a system that disproportionately impacts people of color. For example, next to Texas (70%), Pennsylvania (69%) has the highest percentage of racial and ethnic minorities on its death row and according to the 2007 Juvenile Court Judges Commission’s *Juvenile Court Disposition Report*, of the 34,715 males who received a delinquency disposition, over 50 percent involved non-white males. As numerous statewide indigent defense studies have shown, when counties primarily fund indigent defense systems, inevitable inequities arise that result in legal errors and abuses—Pennsylvania is no exception.

The problems with Pennsylvania’s indigent defense system are further exacerbated by the lack of adherence to national performance standards. For example, many county chief defenders are appointed by the county commissioners and owe these appointments to their local political contacts, including judges, thus compromising their independence and violating ethical obligations to their clients. Additionally, many chief defenders lack criminal law practice experience or knowledge and have poorly trained and supervised staff. With regards to indigent juveniles, for example, the perception remains among chief defenders that juvenile delinquency court is a benign “kiddie” court focused on child social welfare issues. That misguided belief ignores reality and the harsh penalties that now follow many delinquency adjudications such as serving the basis for adult court prosecution, state authorized civil mental health commitment of juvenile sex offenders, juvenile sex offender registration and notification, and immigration consequences. In spite of these and other harsh penalties, defender offices fail to provide the extensive systems information and training necessary to represent children impacted by multiple court systems, developmental and educational issues, abuse and trauma backgrounds, significant mental health problems, and other multi-layered complex issues.

While the Luzerne County “kids for cash” scandal shocked Pennsylvania and the nation by exposing a variety of judicial malfeasance, it also highlighted the many failures of an under-funded, poorly trained, and under-resourced public defender system where attorneys lacked the skills, the knowledge, and the willpower to fight against unconstitutional judicial practices. However, the crisis also created an opportunity to promote comprehensive systemic reform and improve the quality of the delivery of indigent defense services. The Project’s intensive skills training program, coupled with a comprehensive advocacy agenda, is designed to foster a community of competent, zealous, and committed public defenders and raise the standard of representation for accused indigent children and adults in Pennsylvania. Therefore, it is important to support these reform efforts while the scandal is still in the public consciousness and on the political and legislative radar screens. The Pennsylvania Indigent Defense Representation Reform Project will significantly enhance the quality of indigent defense representation throughout Pennsylvania.

For the above reasons, the Criminal Justice Fund recommends a \$120,000 project support grant over sixteen months to the Defender Association of Philadelphia for the *Pennsylvania Indigent Defense Representation Reform Project*.

Name of Organization: Protex: Network for a Progressive Texas, Inc.
(dba Texas Criminal Justice Coalition)

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

Purpose of Grant: To provide project support

FPOS Grant Description: \$100,000 project grant over one year to Texas Criminal Justice Coalition (TCJC) to support the *Harris County Public Defense Reform Project*. TCJC will establish a satellite office in Harris County to spearhead a grassroots effort to ensure the successful implementation of a public defender office in the county and seed a local coalition able to support a comprehensive criminal justice reform agenda in the region focused on reducing jail over-crowding, promoting alternatives to incarceration, and decriminalizing certain low level offenses.

Previous OSI Support: \$1, 815,517
(\$407,500 Criminal Justice Fund-2010; \$280,000 U.S. Justice Fund-2008; \$113,017 U.S. Justice Fund-2007; \$160,000 U.S. Justice Fund-2006; \$10,000 U.S. Justice Fund-2006; \$200,000 U.S. Justice Fund-2005; \$335,000 U.S. Justice Fund-2004; \$160,000 Criminal Justice Initiative-2002; \$80,000 Criminal Justice Initiative-2001; \$20,000 Southern Initiative Program-2001; \$50,000 The Gideon Project-2000)

Organizational Budget: \$334,491

Project Budget: \$100,000

Sources of Support: N/A

Amount Requested: \$100,000

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

Term: 1 year

Matching Requirements: None

Description of Organization:

The Texas Criminal Justice Coalition (TCJC) is an Austin-based organization that was founded in 1999 as a project of ProTex: Network for a Progressive Texas—an umbrella organization formed to coordinate the efforts of advocacy organizations seeking systemic change to Texas’ criminal justice, health care, and taxation systems. In 2004, when ProTex’s leadership decided to close the umbrella organization, staff and coalition of partners of TCJC—ProTex’s strongest project at the time—agreed on the need sustain their coordinated efforts and assumed ProTex’s 501(c)(3) status. Today, TCJC is an independent organization committed to identifying and advancing real solutions to the issues facing Texas’ juvenile and criminal justice systems by providing policy research and analysis, forming effective partnerships, and educating stakeholders to promote effective management, accountability, and best practices that preserve civil rights and increase public safety in Texas. TCJC manages the *Fair Defense Project* which

supports the efforts of the Texas Taskforce on Indigent Defense and promotes systemic change to ensure that indigent defendants are informed of their right to counsel and effective representation.

TCJC has established itself as one of the foremost criminal justice advocacy groups in Texas and in the country. Executive Director Ana Yanez-Correa has successfully fostered relationships among criminal justice practitioners, law enforcement groups, civil rights organizations, and other community members, allowing TCJC to promote policies that serve diverse stakeholders. During the 80th state legislative session in 2007, Ana was formally honored by the Texas House of Representatives and Texas Senate for “working toward real solutions to the problems facing the Texas criminal justice system.”

Description of the Project for Which Funding Is Sought:

In 2001, through the commitment and vision of Texas State Senator Rodney Ellis (Houston) and with the support of other key leadership, Texas passed the Fair Defense Act (FDA). The FDA established the Task Force on Indigent Defense (Task Force), which is responsible for setting basic standards for the provision and delivery of indigent defense services throughout the state. The Task Force has been instrumental in assisting counties in the establishment and maintenance of public defender offices.

Harris County (Houston), the largest county in Texas and the largest court system in the nation, does not have a public defender system. However, on August 25, 2010 the Task Force approved Harris County’s proposal for the creation of a public defender office. TCJC requests project support to establish a satellite office in Harris County to spearhead a grassroots effort to ensure the successful implementation and operation of a public defender system in the county. The dearth of criminal justice reform advocacy, coupled with over-enforcement practices by police, has severely hampered efforts to deliver quality indigent defense services in the region. TCJC seeks to establish a continuous presence in the region focused on (a) coalescing the advocacy coalition and strengthening organizing efforts, (b) engaging with Commissioners Court and other local leadership to promote and monitor the proper implementation of the public defender office, (c) providing technical assistance to the Commissioner’s and the Chief Defender in the effective delivery of indigent services, and (d) developing region-specific recommendations for a broader criminal justice reform agenda that addresses related issues of jail overcrowding, re-entry, and racial disparity.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund’s goal of securing a fair and equitable system by improving indigent defense delivery systems and promoting the fair treatment of people of color and the poor. This grant also supports USP’s increased commitment to policy reform in Texas through our developing State Strategies Initiative.

The Harris County court system has been characterized by national criminal justice experts as “one of the most flawed systems of a major metropolitan area.” According to a 2009 study conducted by the Justice Management Institute, at the request of the Harris County Commissioner’s Court, between 2004 and 2009 the jail population in Harris County increased by more than 50 percent from 7,648 to 11,546—a percentage growth that far exceeded the percentage growth of the county’s general population. In 2009, to address the issue of jail over-crowding, the County shipped more than 1,000 jail inmates to privately-operated facilities in Louisiana. Additionally, the Sheriff’s detention command logged an estimated 1 million overtime hours every two weeks. During this same five year period, caseloads increased by 63 percent, driven primarily by an upsurge in arrests for small amounts of illegal drug possession or delivery, which is charged as a felony. On August 23, 2009, the *Houston Chronicle* reported that more than half of the 11,500 inmates “crammed” into the Harris County jail had not been found guilty of a crime and more than half had served more time than the minimum amount of time required for the crime they were

accused of. The article further noted that high pre-trial detention populations have been shown to be "a direct result of ineffective and uncoordinated indigent defense services."

In response to the county's endemic problems, TCJC organized an ad hoc coalition of community leaders to demand the creation of a Harris County Public Defender Office.⁹ The main target of this advocacy has been the Harris County Commissioner's Court, which is responsible for approving county plans and budgeting strategies. As a result of the unrelenting pressure from the coalition, in 2008 the Commissioners voted to conduct a feasibility study on the establishment of a local public defender office. In April 2010, the Commissioners proposed establishing a public defender pilot program and submitted a proposal to the Task Force.

What has consistently distinguished TCJC's work is its skill in managing the dual role of inside deal maker and outside reformer. That distinction has been most evident in its efforts in Harris County. For example, as a member of the Task Force's Discretionary Grant Review Team, TCJC noted the deficiencies in the County's original proposal that lacked adherence to the *ABA Ten Principles of a Public Defense System*, such as addressing case load standards, lack of independence, and limited composition of the oversight board, which could prevent insulation of the public defender office from undue influence by the Commissioners and judiciary. Through "inside" collaboration and "outside" advocacy, TCJC was instrumental in attaining a commitment from the County in their revised proposal to increase the number of participating judges at the trial level from 5 to 20 (of 22), set case load standards, and expand the composition of the oversight board to include several defense attorneys and community members representing the interest of indigent persons.

TCJC's presence is crucial to bolstering current efforts of local advocates, while also developing the relationships and alliances necessary to promote comprehensive criminal justice reforms in the future. Harris County has certainly taken a significant step towards improving the delivery of indigent defense services in the region. However, the proper implementation and development of the new public defender office will be critical to its long-term success. Thus far, the gains have come about in large part as a result of TCJC's grassroots organizing and assistance to the Task Force and Commissioner's Court. TCJC seeks to sustain recent gains through a concentrated advocacy effort in Harris County so that current and potential future victories do not go unrealized as public attention to the issue wanes.

For these reasons, the Criminal Justice Fund recommends project grant support to the Texas Criminal Justice Coalition for the *Harris County Public Defense Reform Project* in the amount of \$100,000 over one year.

⁹ This coalition includes Ana Yáñez-Correa, Executive Director of the Texas Criminal Justice Coalition (TCJC); Reverend William A. "Bill" Lawson, President of the William A. Lawson Institute for Peace and Prosperity; Mary L. Ramos, LULAC National Civil Rights Commissioner; Howard Jefferson, President Emeritus of Texas NAACP; Pastor James Nash and Reverend Robert Jefferson, Houston Ministers Against Crime; Suzie Painter, Director of the Christian Life Commission, Baptist General Convention of Texas; and many others.

Name of Organization: Immigrant Legal Resource Center

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

Purpose of Grant: To support the *Defending Immigrants Partnership*, a joint initiative of the Immigrant Legal Resource Center, the Immigrant Defense Project, and the National Immigration Project.

FPOS Grant Description: \$540,000 project support renewal grant over two years (\$300,000 CJF, \$240,000 EOF) to support the Defending Immigrants Partnership (DIP). DIP is a joint initiative of the Immigrant Legal Resource Center, the Immigrant Defense Project, and the National Immigration Project. DIP provides training, technical assistance, education and consultation to public defenders throughout the country to ensure that public defenders meet the Sixth Amendment requirement of effectively representation by advising non-citizen defendants on the immigration consequences of a criminal conviction as affirmed by the Supreme Court in *Padilla v. Kentucky*.

Previous OSI Support: \$2,620,000
(\$400,000 CJF and EOF 2009; \$420,000 Gideon Project and Immigrants Rights 2007; \$50,000 Strategic Opportunities Fund 2006; \$125,000 Immigrant Rights 2004; \$400,000 Gideon Project and Immigrant Rights 2004; \$100,000 Immigrants Rights 2003; \$100,000 Gideon Project 2003; \$200,000 U.S. Justice Fund 2002; \$50,000 U.S. Programs 2001; \$75,000 ELF Advocacy & Policy 1997; \$500,000 ELF Direct Services 1996)

Organizational Budget: \$2,208,709.00

Project Budget: \$582,863

Sources of Support: \$500,000 Ford Foundation (to be requested); \$32,864 National Immigration Project of the National Lawyers Guild; \$10,000 Immigrant Legal Resource Center

Amount Requested: \$540,000

Amount Recommended: \$540,000
\$300,000 (Criminal Justice Fund, TI: 24027)
\$240,000 (Equality and Opportunity Fund, T1: 24023)

Term: Two years

Matching Requirements: None

Description of Organization:

The San Francisco-based Immigrant Legal Resource Center (ILRC), established in 1979, is a national legal resource center that advances the rights of immigrants. ILRC is the coordinating member of the Defending Immigrants Partnership (DIP), a collaborative project between three non-profit legal organizations formed in

2002, with support from OSI. DIP is committed to preventing the needless deportation of low-income non-citizens accused of crimes by providing defense counsel with the training and assistance needed to protect such persons against the immigration law consequences of criminal convictions. DIP is comprised of ILRC, the New York City-based Immigrant Defense Project (IDP), and the Boston-based National Immigration Project (NIP) of the National Lawyers Guild. All three organizations are experts in the challenging task of analyzing the complex intersection between criminal and immigration law, as well as in training criminal defense attorneys in this area and creating resources that defenders can easily access, understand, and utilize.

Description of the Project for Which Funding Is Sought:

On March 31, 2010, the Supreme Court issued its momentous Sixth Amendment decision in *Padilla v. Kentucky* affirming that, in light of the severity of deportation and the reality that immigration consequences of criminal convictions are inextricably linked to criminal proceedings, defense counsel is required to provide affirmative, competent advice to noncitizen defendants regarding the immigration consequences of a criminal conviction and failure to advise constitutes ineffective assistance of counsel. DIP's years of work on this issue provided, in part, the legal basis for the *Padilla* ruling.

DIP will continue to employ a multifaceted strategy to enable public defense attorneys to provide high-quality legal representation for indigent immigrant clients in criminal matters. DIP will provide local, state, and national trainings, mentorship, printed and online materials, and technical support to public defenders, and monitor litigation addressing the scope of *Padilla* in post conviction relief cases. DIP will focus its work in the following four areas:

Training: DIP trainings will discuss the implications of the *Padilla* decision and explain how to implement *Padilla* in defense practices, educate defenders on immigration consequences of crimes, and share strategies for mitigating such consequences. The Partnership will focus on providing trainings to defenders in states with large or emerging immigrant populations, such as, California, New York, New Jersey, Pennsylvania, Florida, Illinois, Louisiana, North Carolina, Texas, and Virginia. DIP will provide training and support to federal defenders as well.

Mentoring in-house experts, institutionalizing knowledge in defender offices: DIP seeks to increase the number of experts in this very complex field, through empowering and mentoring attorneys. Over the next two years DIP will identify and recruit additional in-house experts and continue supporting and mentoring existing in-house immigration experts at defender offices in New York, Pennsylvania, Colorado, Minnesota, North Carolina, Arizona, California, and elsewhere as needed.

Technical Assistance: DIP will consult with defenders on individual cases and assist in formulating strategies for resolving defender's questions or issues, such as reviewing and crafting favorable plea agreements and/or drafting legal briefs.

Post-Conviction Relief Project: DIP will engage in targeted work to collaborate with practitioners in the field who can be their "eyes and ears," thus enabling DIP to identify quick-moving litigation vehicles, conduct deeper work in the states, and seed strategies for successful post relief litigation. NIP/NLG, which has already issued a national practice advisory on *Padilla* post-conviction relief issues, will take the lead in framing post-conviction issues among practitioners and identifying strategic opportunities to intervene.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in improving indigent defense services, eliminating harsh punishment and the collateral consequences of convictions such as deportation, and

combating the criminalization of immigrants. The grant will also advance EOF's interest in supporting efforts to ensure justice and equality by lifting the barriers that prevent immigrants from participating fully in economic, social and political life.

According to the 2005 census, more than 12 percent of the United States population is foreign-born. In areas of high immigrant population, such as California and Texas, 60 percent and more of public defender caseloads are for noncitizens. Noncitizens convicted of crimes are subject to a devastating second punishment in the form of immigration consequences, a punishment that in many cases is grossly disproportionate to the crimes charged and strikingly disparate from the consequences for citizens convicted of similar offenses. Even a single conviction for a minor offense, such as simple marijuana possession, could result in mandatory and extended immigration detention, mandatory deportation, permanent separation from family and community, and in some cases, persecution or even death upon return to the country of origin.

Additionally, the increasingly harsh interpretations of immigration laws and zealous enforcement practices by the Department of Homeland Security, coupled with no right to assigned counsel in deportation cases, have dramatically increased the number of persons detained and deported for criminal offenses. Immigration enforcement has become increasingly enmeshed with the criminal justice system resulting in new or expanded Immigration and Customs Enforcement (ICE) programs, such as Secure Communities, Criminal Alien Program, and 287(g) to identify, detain, and deport non-citizens accused of crimes in record numbers. By 2013 ICE expects to enroll every U.S. jail in a network that allows the agency to identify and detain immigrants that have been arrested. Sadly, according to government statistics, the Obama administration is on track to deport a record 400,000 people this fiscal year. DIP seeks to halt or reduce this trend by educating, training, and supporting defenders in their understanding of the draconian immigration consequences of criminal convictions, thereby empowering defenders to offer competent advice and effectively represent their non-citizen clients.

While in many cases an informed public defender could fashion a plea to avoid the worst immigration consequences, too often public defenders lack access to the analysis and resources necessary to obtain such disposition. Significantly, the law governing immigration consequences of crimes is hyper-technical, circuit-specific, fast-changing, and uses wholly different concepts and structures than what defenders encounter in the criminal justice system. Without resources targeted specifically for use by criminal defenders, or an expert immigration attorney willing to consult on each case, indigent defense counsel simply cannot adequately represent their non-citizen clients on these issues.

DIP's work is more relevant today than ever given the increasingly hostile environment created by the national immigration reform debate and the *Padilla* mandate. Its unprecedented collaboration among the foremost immigration advocacy and defense organizations in the nation with expertise in this extremely complex area of the law, the consistently outstanding quality of its trainings, resource materials, technical assistance, and the groundwork it has laid in establishing a national network of trainers and in-house experts have made DIP the leader in this arena.

For the above reasons the Criminal Justice Fund and the Equality and Opportunity Fund recommend a two-year project support grant in the amount of \$540,000 to the Immigrant Legal Resource Center to support the Defending Immigrants Partnership. CJF will contribute \$300,000 and EOF will contribute \$240,000 to this grant.

Name of Organization: Make the Road New York

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

Purpose of Grant: To develop and conduct a campaign consisting of grassroots education and mobilization and policy advocacy to address the negative consequences and racially disparate impact of the New York Police Department's stop-and-frisk practices in African-American and Latino communities.

FPOS grant description: \$192,530 project support over one year to Make the Road New York to develop and conduct a campaign to ameliorate the racially disparate impact of NYPD's current stop-and-frisk practices by developing policy recommendations and by engaging and mobilizing: 1) low-income African American and Latino youth in Brooklyn and Queens; 2) recent immigrant Latino adults who have become increasingly impacted by police practices; and 3) and community organizations and a stakeholders.

Previous OSI Support: \$732,350
\$500,000 Seize the Day Fund 2009; \$50,000 USJF Racial Justice Initiative 2006; \$7,350 Strategic Opportunities Fund 2005; \$100,000 USJF Racial Justice Initiative 2004; \$75,000 NYC Community Initiative 2000

Organization Budget: \$7,459,115

Project Budget: \$221,196

Sources of Support: \$5,000 Board Contribution; \$23,666 Individual Contribution

Amount Requested: \$192,530

Amount Recommended: \$192,530 (Criminal Justice Fund, TI: 24027)

Term: 1 year

Description of Organization

Make the Road New York (MRNY) promotes economic justice, equity and opportunity for all New Yorkers through community and electoral organizing, strategic policy advocacy, leadership development, youth and adult education, and high quality legal and support services. The organization was created in 2007 through the merger of Make the Road by Walking and the Latin American Integration Center, two grassroots organizations with a track record of supporting and educating immigrant New Yorkers, including youth. The merger created a citywide organization that combines democratic accountability to low-income people and mix of strategies to confront inequity and economic injustice. The organization is membership-led and based in the low-income communities of Bushwick, Brooklyn, Northwest Queens, and Port Richmond, Staten Island. With more than 7,000 members, MRNY is one of the largest participatory immigrant organizations in New York City.

Description of the Project for Which Funding Is Sought

This grant will support Make the Road New York's (MRNY) efforts to address the negative consequences and racially disparate impact of the New York Police Department's (NYPD) stop and frisk practices in African-American and Latino communities. MRNY aims to transform the way that communities are policed in New York City by engaging community stakeholders, building strong partnerships with like-minded allies, and strategically influencing public opinion through the media.

MRNY will achieve this goal by implementing a three- three-pronged strategy explained in detail below.

I. Promote broad public scrutiny of NYPD's stop-and-frisk practice by educating, engaging, mobilizing and elevating the voices of communities most directly affected.

- Engage directly impacted communities and train youth leaders
 - MRNY will engage 20 of its core youth leaders to help plan a grassroots education and mobilization campaign that includes the development of policy recommendations. Through training and education, MRNY will lay the groundwork for youth to be mobilized and take part in public events led by MRNY during critical moments of its community engagement campaign.
- Engage adult membership base in campaign
 - MRNY will engage its immigrant adult membership base in Brooklyn and Queens through workshops and campaign strategy sessions led by core youth leaders.
- Develop and implement a media mobilization strategy
 - MRNY will work with communications experts to develop a media strategy that elevates the stories and engages individuals directly impacted by NYPD's stop-and-frisk practice. MRNY will identify and train 14 media spokespeople from organizations in communities that have been most directly impacted by NYPD's stop and frisk practice. These 14 leaders will participate in a five-day intensive leadership training, with two of the days focused on media messaging training by Spitfire Strategies (also recommended for funding in this docket). These trained grassroots media spokespeople will provide the personal stories that can help influence public opinion about the NYPD's current stop and frisk practices. MRNY will work to place stories which highlight these community voices and proposed policy solutions.

II. Promote alternatives to the stop-and-frisk practice which support dignity and justice in communities of color and low-income communities in New York City.

- Propose policy solutions
 - MRNY senior staff will work closely with a small group of law interns, 20 core youth leaders and staff organizers to research and develop policy alternatives and educate decision-makers and the public about substantive policy changes to ensure a greater degree of racial justice.

III. Support the growth of a grassroots movement to change NYPD's stop-and-frisk practice.

- Nurture development of a grassroots coalition
 - MRNY will help to build a durable and effective coalition of organizations to address the stop-and-frisk problem in New York City by involving participants in developing and pushing for policy solutions. This coalition will include the seven organizations taking part in the media and campaign training.

Rationale for Recommendation

This grant advances the Criminal Justice Fund's priorities of eliminating racial disparities and ensuring a fair and equitable system of justice by directly involving impacted communities to design and advocate for changes to policing practices in New York City.

Communities of color in New York City continue to be stopped and frisked at disproportionately high rates that have increased in intensity over the years. Between 2002 and 2009, the numbers of New York City residents stopped and frisked per year increased from 97,000 to 580,000. In 2009, approximately 85 percent of those stopped were African-American or Latino. Only 1.3 percent of those stopped were caught with some kind of weapon and under 6 percent of those stopped were arrested for a crime. The intensity of stops has not abated. During the second quarter of 2010, the New York Police Department made 169,403 stops and frisks, a 21 percent jump from the same period in 2009. Moreover, a recent article by the *New York Times* reported that police officers logged nearly 52,000 stops alone within eight blocks of the predominately minority Brownsville section of Brooklyn over the last four years. One 26-year-old-legal assistant with no legal record reported being stopped 30 to 40 times. The arrest rate for the Brownsville stops is less than 1 percent and only 25 guns have been recovered since 2006.

NYPD's stop-and-frisk practices are troubling not only because the stops have not proven to be an effective tool in promoting community safety but also because the practice damages legitimacy of the police in the eyes of the communities they are to serve. Residents in historically low-income, marginalized neighborhoods in New York City have increasingly become stigmatized by police practices which target them and make them vulnerable to unnecessary harassment and even documented cases of abuse.

The recent debates in the news media about the stop-and-frisk issue in New York City indicate that the public is becoming more aware of the issues at stake. However, the battle is not over. There is strong opposition by police leadership and certain government officials to changing the current police practices. A visible and highly organized opposition is needed to develop and make a strong argument for alternative practices. This organizing effort requires considerable strategic planning and a highly coordinated effort.

MRNY is perfectly poised to mobilize impacted communities to address the stop-and-frisk crisis in New York City. It has developed a track record of mobilizing its membership base of nearly 7,500, which consists of largely low-income Latino and African-American residents in Brooklyn and Queens, to develop and implement public policy campaigns. This year alone, the organization is developing 27 advocacy campaigns. The organization's Youth Power Project, which will manage the stop-and-frisk campaign, has been particularly successful leading a variety of advocacy campaigns and securing victories. One such victory includes a legal settlement for 17 young men who were wrongfully arrested in Bushwick, Brooklyn while on their way to a wake in 2007. Moreover, this project will be led by individuals who live and work in the impacted communities, many of whom who have been victims of abusive police practices. Overall project leadership will rest with Co-Executive Director, Oona Chatterjee, a co-founder of MRNY and a magna cum laude graduate of Yale College and a graduate of the New York University School of Law. In recognition of her work at MRNY, she has been awarded the Do Something Brick Award, the Union Square Award and the Reebok Human Rights Award. Under Chatterjee's leadership, the Youth Power Project has grown to serve more than 750 youth annually. For the above mentioned reasons, the CJF recommends a project support grant of \$192,530 over one year to Make the Road New York.

Name of Organization: Spitfire Strategies LLC

Tax Status: For-profit entity

Purpose of Grant: to conduct public-opinion research on New York Police Department’s stop-and-frisk practice and provide communications training and capacity-building support to a coalition of community organizations opposed to NYPD’s stop-and-frisk practice.

FPOS Grant Description: \$113,064 project support over one year to help develop and implement communication strategies for opposing the New York Police Department’s stop-and-frisk practice. Spitfire will conduct a media audit of the stop-and-frisk issue in New York City and analyze how the issue has been framed. Spitfire will also work with a national research partner to interview residents of New York City neighborhoods most impacted by stop-and-frisk practices. Additionally, Spitfire will provide strategic communications and messaging training and support to CJF grantees working on this issue.

Previous OSI Support: \$369,320
\$200,000 Gideon Project 2008; \$169,320 Criminal Justice Fund 2010

Organizational Budget: \$ 6,200,000

Project Budget: \$113,064

Sources of Support: None

Amount Requested: \$113,064

Amount Recommended: \$113,064 (Criminal Justice Fund, TI: 24027)

Term: 1 year

Matching Requirements: None

Description of Organization:

Spitfire Strategies was founded in 2002 to provide strategic communications solutions to promote positive social change. Spitfire’s mission is to help social change organizations use their voice in a strong, clear and compelling way to articulate their vision of a better world. Specifically, Spitfire provides communications assessments, strategic planning, implementation and training to philanthropies and nonprofits.

Description of the Project for Which Funding Is Sought:

This grant will support Spitfire Strategies effort to lead neighborhood-based research and provide communications training and capacity-building support to a coalition of community organizations opposed to the New York Police Department’s stop-and-frisk practice. Over the long-term, Spitfire’s work will help to eliminate arbitrary and disproportionate minority contact with law enforcement in New

York City and increase effective and fair public safety measures in the communities that suffer from high crime rates. Specifically, Spitfire will accomplish the following during the grant period:

- Provide a communications overview of the stop-and-frisk issue and insight on the public debate that has already taken place about stop-and-frisk at a convening of organizations to be held in New York City in October 2010 and at follow-up meetings;
- Conduct research in the communities directly affected by the NYPD escalation of stop-and-frisk practices and citywide; and
- Provide communications and media relations counsel and training to Make the Road New York and other community organizations that will form a grassroots network and spokespeople from affected communities to advocate for change.

These three goals are described in detail below.

I. Provide a comprehensive communications overview and analysis

In October 2010, OSI and Atlantic Philanthropies will convene a meeting of interested parties to discuss a concerted effort in opposition to NYPD's stop-and-frisk policy. Participants will include dozens of stakeholders including the New York Civil Liberties Union, the NAACP, the Audre Lorde Project, the Brennan Center, Bronx Defenders, Make the Road New York, John Jay College of Criminal Justice Center on Race, Crime and Justice, the Center for Constitutional Rights, to name a few. At this meeting, the participants will discuss potential policy changes that could be sought and their willingness to work collaboratively to achieve those changes.

At the convening, Spitfire will lead a session to provide a communications overview of the stop-and-frisk issue in New York City. To prepare for this session, Spitfire will conduct a review of media coverage from the past 12 months along with other relevant publications and materials, and present an analysis to the group of how the public conversation on stop-and-frisk has been framed to date. Spitfire will identify the primary arguments for and against the policy, who the most powerful voices are behind those arguments, and which audiences have been exposed to which points of view based upon the demographics of the media outlets. Spitfire's support during this phase of the campaign development will help to shape stakeholders' strategic approach to policy change while taking into account realistic communications opportunities and challenges.

II. Conduct research in directly impacted communities

While a great deal of the vigorous press debate about the stop-and-frisk policy focuses on data (both its availability and interpretation) there has not been any research about the issue to date in communities directly impacted. Media coverage captures strong positions pro and con from some of "the usual suspects," but offers an ambivalent perspective from residents of the neighborhoods most affected by the policy (and citywide). To better inform communications efforts and for use as a potential communications tool, Spitfire will work with a research firm to gather more information about the perspectives of New York City residents on the stop-and-frisk policy and on their experiences of public safety measures.

The research will consist of focus groups conducted with residents of the neighborhoods most affected by stop-and-frisk. Questions will explore the merits and downsides of the policy for residents, their perception of their safety before the policy was escalated and after and their opinions on the merits of other public safety measures they see taking place in their communities or measures that they might prefer be practiced or expanded. Obtaining this research is important for several reasons. First, the perspective and insights of residents with the strongest stake in affected communities will provide advocates insight about what kind of public safety policy change will be perceived as most valuable. Additionally, the

research will provide a better understanding of the residents' perceptions of safety and fairness related to community policing, police presence and perceived gaps in public safety measures that take place in the impacted neighborhoods. A variety of advocacy organizations taking part in initial strategy meetings in New York City to address the stop-and-frisk issue have underscored the importance of obtaining this information directly from community residents. Overall, the data will advocates map a route to policy success and serve as a public communications tool for a concerted coalition or campaign effort.

III. Provide communications and media relations counsel to community-based organizations

Working with seven other community-based organizations, Make the Road New York (MRNY) (also recommended for funding in this docket) proposes to develop a strong base of trained spokespersons and youth advocates who will focus on opposing stop-and-frisk as currently practiced in the communities most directly affected by the policy (Brownsville, East New York, Bedford-Stuyvesant, Jamaica, and East Harlem). Spitfire will provide communication strategy planning and counsel to help MRNY craft a communications approach that effectively engages the community residents and supports the desired policy outcomes identified by the stakeholder group convened by OSI. Spitfire's will work with MRNY to accomplish the following:

- Develop a strategic message platform for up to four discrete target audiences;
- Assist MRNY in developing a set of strategic narratives to use in communications outreach (MRNY will identify the source of these stories);
- Provide media outreach tools and materials in a toolkit (i.e. tip sheet, talking points, sample pitch letter) to help MRNY place stories; and
- Conduct two days of media training to train 14 spokespeople for communications with community members, policymakers and media.

Rationale for Recommendation:

This grant advances the Criminal Justice Fund's priorities of eliminating racial disparities and ensuring a fair and equitable system of justice by directly involving impacted communities to design and advocate for changes to policing practices in New York City.

The current NYPD stop-and-frisk policy disproportionately affects poor communities of color in New York City. The neighborhoods most impacted by this practice are Brownsville, East New York, Bedford-Stuyvesant, Jamaica, and East Harlem. The residents of these communities most likely to be targeted by the policy are African-American and Latino boys and young men. However, everyone suffers when the rights of some are infringed. When mistrust of law enforcement is high and equal justice is eroded there is a serious threat to public safety. Reducing disproportionate minority contact with law enforcement and demanding fair and effective public safety policies will create a more efficient justice system for all New Yorkers.

As use of the stop-and frisk-policy by the NYPD has increased so has public debate of the policy. Media coverage of stop-and-frisk has been significant with arguments both pro and con playing out in various outlets. Community-based groups, policy organizations and other stakeholders seeking to collaborate on an effort to change the policy must take into account the communications context and requirements necessary to secure more equitable police practices. Spitfire has the communications expertise needed to support the groups working to address the stop-and-frisk issue in New York City. Spitfire Strategies is deeply committed to increasing the communications capacity of justice reform organizations, supporting targeted policy change efforts, and shifting the national narrative on the criminal justice system from

tough-on-crime and overreliance on incarceration to one focused on fair and effective public safety and justice for the communities most affected by crime and violence.

The organization has many years of experience working on criminal justice reform issues from death penalty reform to the rights of children with incarcerated parents. Spitfire has worked directly and indirectly with OSI over the last five years to build the capacity of national organizations and state advocates to advance indigent defense reform. Through this work, Spitfire has trained dozens of state advocates to effectively deliver the messages to support the improvement of public defense systems. Spitfire will bring the same energy, enthusiasm and expertise to New York City police reform efforts. For these reasons, the CJF recommends a one-year project support grant in the amount of \$113,064 to Spitfire Strategies.