

Criminal Justice Fund

Memo

To: Ann Beeson and U.S. Programs Staff

From: Leonard Noisette and Criminal Justice Fund Staff

Date: 9 August 2010

Re: Prospective Criminal Justice Fund and Campaign for a New Drug Policy Docket III Grant Recommendations

The Criminal Justice Fund is considering recommending 18 grants on Docket III, September 27, 2010. Twelve of these grants are renewals and six support new organizations and/or new work. Three (3) of these grants would advance our goals of reducing mass incarceration; nine (9) support of 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.

We also describe here six grants are presented as part of USP's newest initiative, the Campaign for a New Drug Policy, housed within CJF. We look forward to your feedback and to the opportunities for collaboration/co-funding should they arise.

CRIMINAL JUSTICE FUND

Reducing Mass Incarceration

Women's Prison Association and Home, Inc. (WPA), \$200,000 project grant renewal over two years to provide continued support for the Institute on Women and Criminal Justice. OSI funding will enable WPA to continue to conduct 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.

Critical Resistance (CR), \$200,000 general support grant renewal over two years. Critical Resistance 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. Over the next two years, CR's efforts will focus on reducing the size of the California prison system by preventing expansion, winning implementation of population reduction measures, and supporting efforts to reprioritize revenue and spending decisions at statewide and local levels; sustain its Community Legal Clinic in New Orleans, which provides expungement support for and engages people with criminal records on campaigns to eliminate unreasonable barriers to successful reentry; launching new campaigns and projects to target the expansion of policing, develop alternatives, and link those projects to our ongoing work; and supporting the national movement by continuing to provide formal and informal coordination and leadership at a national level through education, technical assistance, and alliance-

building.

Medgar Evers College (Center for NuLeadership on Urban Solutions—CNUS), \$200,000 project grant over two years (co-funded with the Campaign for a New Drug Policy) to conduct research and analysis and public education to strengthen public health and community approaches to public safety and drug use and abuse. OSI funding will enable CNUS to inform the discussion in New York about Rockefeller Drug Law Reform and nationally by commissioning researchers to produce papers outlining a community-based public health approach to substance use and addiction; synthesize the papers; and present the research and synthesis to policymakers, practitioners, and advocates working in New York and nationally. Funding will also enable CNUS to conduct a policy impact study of juvenile and criminal justice policies in New York and convene advocates and system stakeholders to inform reform efforts in the state.

Eliminating Harsh Punishment

Campaign for Youth Justice (C4YJ), \$335,000 general support renewal over one year (\$175,000 from the Criminal Justice Fund, \$160,000 from the JEHT Emergency Fund) to support a national campaign to end the practice of trying, sentencing and incarcerating children in the adult criminal justice system and to improve conditions of the juvenile justice system. To achieve its goals, the C4YJ will continue to replicate a campaign approach in states across the country. Specifically, the C4YJ will develop relationships with state-based advocates, provide strategic support to state-based campaigns, support evidence-based research about youth who are tried in the adult system, and engage youth, parents, and families in the development and implementation of state campaigns.

Youth Justice Coalition (YJC), up to \$50,000 general support renewal grant over one year. YJC's mission is to build and support a youth-led movement to challenge the Los Angeles and California juvenile and criminal justice systems. Over the next year, the organization will continue its focus on strengthening and supporting local groups to engage in criminal justice reform, building membership base, and mobilizing youth-led campaigns, and recruiting, developing, and supporting youth leadership in juvenile and criminal justice reform advocacy, in particular challenging school disciplinary practices that contribute to the "school-to-prison pipeline," the practice of sentencing juveniles to life without parole (JLWOP) and other excessive punishment, and the use of gang databases and harsh truancy laws.

Demos: A Network for Ideas and Action (Demos), Up to \$300,000 project grant renewal over one year (\$225,000 from the Criminal Justice Fund and \$75,000 from the Transparency and Integrity Fund) to conduct public education and advocacy to end the districting bias created by the Census Bureau's policy of counting incarcerated people as permanent residents of prison districts rather than their home communities. OSI funding would enable Demos to partner with the Prison Policy Initiative to lead public education to shape the debate on this issue and to mobilizing key stakeholders and constituencies to advocate for Census reform. This grant builds on the important work begun under a Soros Justice Fellowship by Prison Policy Initiative's Executive Director Peter Wagner and the recent successes on this issue in Delaware and New York.

Green For All (GFA), Up to \$200,000 project grant renewal over two years 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; continue facilitating a *Green Pathways Out of Poverty Community of Practice* work group that supports practitioners and advocates across the country to connect people with criminal records to green sector employment and career opportunities; create a work group in its *Youth Opportunity*

Community of Practice that focuses on issues faced by young people with criminal records; prioritize the enrollment of people with criminal records in its Coaching program and Business Academies, which develop and support green entrepreneurs; and work with state and local organizations and policymakers to ensure people with criminal records access jobs in energy efficiency and other green sectors growing as a result of public investment.

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

Atlantic Center for Capital Representation (fiscal agent Texas Defender Service) - \$50,000 project grant over five months 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. The project's main activities include intensive consultation with capital defense teams, statewide trainings targeted to the needs of cases of Pennsylvania and Delaware practitioner, 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.

Capital Litigation Communication Project (Texas Defender Service as fiscal sponsor), \$200,000 project support renewal over two years to further the Project's mission to serve as a nationwide communications resource for capital litigators. Led by communications expert Laura Burstein, this project will address the media and communications needs of the anti-death penalty movement. Ms. Burstein has been instrumental in locating new allies in the fight for abolition, focusing invaluable media attention on cases like that of Jeffrey Hill in Ohio where the victims' family members unanimously asked for his clemency. Ms. Burstein will continue to support the public-education aspects of this type of high-impact death penalty case. Ms. Burstein will operate nationally to assess and develop the communications potential in various state cases and to locate and recruit effective media messengers.

NAACP Legal Defense and Education Fund, \$50,000 project support renewal over one year 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. The campaign works with communication experts, death penalty reform advocates, and defense attorneys for the six African American men who are next in line for execution by the federal government.

Texas Defender Service (TDS), \$525,000 general support renewal over one year (\$275,000 from the Criminal Justice Fund; \$250,000 from the JEHT Emergency Fund) to maintain capacity for key trial and post-conviction litigation activities aimed at reducing the number of death sentences and executions in Texas and thus the nation. The grant will allow TDS to continue the organization's "crisis-case" intervention – cases with imminent execution dates and viable legal issues that have not been properly litigated (if at all). TDS will also continue to identify developing issues in cases and educate and equip lawyers to better handle these challenges. In recent years, this type of trial-case litigation support has resulted in a dramatic reduction in death sentencing.

U.C. Berkeley School of Law Death Penalty Clinic & Lethal Injection Project, \$65,000 project support renewal over three months to allow the Lethal Injection Project to continue providing vital resource assistance to litigators and abolitionist organizations fighting lethal injection procedures. The Death Penalty 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. 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.

Eliminating Racial Disparities and Securing a Fair System of Justice

Indigent Defense

Orleans Public Defender (OPD), \$200,000 project support renewal grant over two years to continue an intensive and comprehensive attorney training program for all OPD lawyers and external conflict panel 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 and ensures that OPD maintains its presence in the criminal justice landscape and a voice in public debates about the future direction of the criminal justice system in New Orleans and throughout the state. This grant supports CJF 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.

Pennsylvania Indigent Defense Representation Reform Project (Defender Association of Philadelphia as fiscal sponsor), \$100,000 project grant over fifteen months 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. Pennsylvania is the only state in the nation that does not appropriate any general funds to support either trial, appellate, or capital indigent defense representation services. The Defender Association of Philadelphia and the Juvenile Defenders Association of Pennsylvania are collaborating to carry out the project.

Texas Criminal Justice Coalition, \$100,000 project grant over one year 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 build a local coalition 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. Harris County is the largest county in Texas and the largest court system in the nation without a public defender system. This grant supports USP's increased commitment to policy reform in Texas through our developing State Strategies Initiative.

Indigent Defense: Immigration Consequences of Criminal Accusations

Immigrant Legal Resource Center (ILRC), up to \$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*.

Police Accountability

Make the Road New York, up to \$200,000 project support over one year to develop 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 project will engage low-income African American and Latino youth in Brooklyn and Queens through a sustained base-building and leadership development strategy; engage recent immigrant Latino adults which have become increasingly impacted by police practices; engage and mobilize up to seven community organizations by cultivating spokespeople through media training; and work with a variety of stakeholders to propose policy recommendations that will ameliorate the impact of NYPD's current stop-and-frisk practice.

Spitfire Strategies, up to \$158,000 project support over six months to help develop and implement well-informed, targeted and effective communication strategies for opposing the New York Police Department's controversial stop-and-frisk policy. Specifically, Spitfire will conduct a media audit of the stop-and-frisk issue and present an analysis of how the issue has been framed including identification of primary arguments for and against the policy, the most powerful voices behind the arguments, and which audiences have been exposed to which points of view. Additionally, Spitfire will work with a national public opinion research partner to lead neighborhood-based resident research. The research will be conducted in two phases. The first phase consists of focus groups or interviews conducted with residents of the neighborhoods most impacted by stop-and-frisk practices. Questions will explore merits and downsides of the policy for residents, their perception of safety, and their opinions on the merits of other public safety measures in their communities. The second phase will consist of a citywide poll of residents on the stop-and-frisk policy to help ascertain the demographic and geographic reality of support or opposition to the policy. Finally, Spitfire will provide strategic communications and messaging training and support to CJF grantees working on this issue.

CAMPAIGN FOR A NEW DRUG POLICY

In this second docket of the Campaign for a New Drug Policy, we propose to recommend six grants (We also propose co-funding one grant with CJF, to The Center for NuLeadership on Urban Solutions, described separately in the CJF memo). Collectively, these grant further the three priorities of the Campaign: to increase access to effective treatment and harm reduction services; decriminalize addiction and non-dependent drug use; and promote effective policies to reduce criminal penalties for low-level involvement in illicit drug trade. In addition, four of these grants support our goals of addressing the particularly harmful effect of current policies of communities of color, and three seek to advance our goal of engaging directly affected communities in the debate about meaningful reform.

George Washington University Department of Health Policy (GWUDHP), \$137,000 project grant over one year to provide on-going research and policy support to the Coalition for Whole Health, a coalition focused on ensuring meaningful inclusion of addiction prevention, treatment and recovery-related services in regulations being promulgated for the new health reform law. GWUDHP conducts wide-ranging research into emerging health policy issues and program and policy evaluations, produces short-term policy analyses and environmental assessments, and provides technical assistance to grantees. The addiction treatment field has generally been siloed from the rest of the health care industry. OSI funding will allow GWUDHP to guide advocates as they work towards the integration of behavioral health and addiction treatment into the wider healthcare field, which will be necessary under reform laws. GWUDHP has a long history of working in the somatic health care arena, but the key members of this project team also have experience with addiction treatment work. This grant would advance the Campaign for a New Drug Policy's interest in developing and enriching the drug policy reform debate by strengthening the traditionally weak community of addiction treatment advocates, and ensuring that the field is equipped to take advantage of the recently-passed reform law.

The Law Enforcement Assisted Diversion Stakeholders Group (LEADSG—The Seattle Foundation as fiscal sponsor), \$400,000 project grant over two years (\$200,000 from USP Drug Policy Reform budget and \$200,000 from IHRD Drug Policy Reform budget) to launch, direct, and evaluate the Law Enforcement Assisted Diversion, a pre-booking diversion model for reducing the harms of low-level drug law-related offenses in the Belltown and Skyway neighborhoods of Seattle, Washington. OSI funding will enable LEADSG to work with city agencies and community stakeholders to finalize the project's operational diversion and operational protocol; develop and release an RFP to identify and select community-based service providers to participate in the demonstration project; train and provide ongoing provide technical assistance to police officers, prosecutors, and service providers to implement the project protocol; and to finalize the evaluation design and begin collecting data for project evaluation. This grant would advance the Campaign for a New Drug Policy's interest in developing and enriching the drug policy reform debate by developing a new role for law enforcement under a drug policy paradigm not reliant on policing and punishment.

CA-NAACP (USA Cares Corporation as fiscal sponsor), \$50,000 project grant over one year (\$25,000 from USP Drug Policy Reform budget and \$25,000 from IHRD Drug Policy Reform budget) to continue educating and engaging communities disproportionately affected by punitive drug policies, particularly communities of color, about the negative consequences of existing policies and generate activism in support of drug policy reform in California. OSI funding will enable CA-NAACP to engage in public education, grassroots organizing and mobilizing, and advocacy to promote policy changes in the area of the disproportionate arrest rate of people of color for drug possession. This grant would advance the Campaign for a New Drug Policy's interest in developing and enriching the drug policy reform debate by engaging the communities most directly impacted by the war on drugs, especially communities of color.

Community Studies of New York, up to \$126,000 project support over one year to support the Misdemeanor Drug Arrest Project. Through quantitative and qualitative research on marijuana possession arrests, the project seeks to educate the public and policymakers about the damaging and costly consequences of policing drug possession and to provide criminal justice reform advocates with quality data for their work. Led by CUNY sociologist Harry Levine, the project emphasizes the effects of arrests for marijuana possession on the vast majority of people arrested—teenagers and people in their twenties, disproportionately low-income, and disproportionately African American and Latino young people.

Mothers Against Teen Violence (MATV), \$100,000 project grant over two years (\$50,000 from USP Drug Policy Reform budget and \$50,000 from IHRD Drug Policy Reform budget) to continue educating and engaging communities disproportionately affected by punitive drug policies, particularly Black and Latino communities, about the negative consequences of existing policies and generate individual and collective activism in support of drug policy reform in Texas. OSI funding will enable MATV to engage in public education, grassroots organizing and mobilizing, and advocacy to promote drug policy reforms that focus on violence prevention from a perspective that implicates prohibition policies as the major cause of drug-related violence and that elevates the importance of a harm reduction and public health approach that minimizes the role of law enforcement in responding to drug use and abuse. This grant would advance the Campaign for a New Drug Policy's interest in developing and enriching the drug policy reform debate by engaging the communities most directly impacted by the war on drugs, especially communities of color.

National Advocates for Pregnant Women (NAPW), \$200,000 general support grant over two years (\$100,000 from USP Drug Policy Reform budget and \$100,000 from IHRD Drug Policy Reform budget). NAPW engages in legal advocacy, organizing, broad-based coalition-building, and public education, to secure the civil and human rights, health and welfare of all women, focusing particularly on pregnant and parenting women and those who are most vulnerable—low income women, women of color, and women who use drugs—and advances drug policy reform principles as an essential part of the Reproductive Justice and Pro-Choice Movements. This grant would advance the Campaign for a New Drug Policy's interest in developing and enriching the drug policy reform debate by engaging the communities most directly impacted by the war on drugs, especially women and communities of color, and by building partnerships and collaborations for drug policy reform across communities, sectors, and issues.