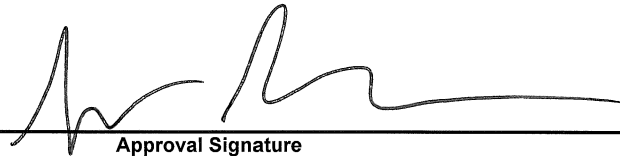


**U.S. Programs
Criminal Justice Fund
Summary of Recommended Grants
Out-of-Docket
August 11, 2011**

Criminal Justice Fund Grantmaking Budget 2010	Criminal Justice Fund (24027)
Grantmaking Budget Allocation	10,500,000
Reverse Accrual	
Rollover	
Out of Docket Grantmaking	(225,000)
Docket I Grantmaking	(3,414,320)
Docket II Grantmaking	(3,970,000)
Docket III Grantmaking	
Catch-Up Docket Grantmaking	
Total 2010 Available Grantmaking Budget:	\$ 2,890,680

Program Area/Organization	Grants Totals	Grant Term
Criminal Justice Fund Grantmaking (24027)		
The Aspen Institute	\$ 25,000	4 months
Juvenile Justice Initiative	\$ 7,500	5 months
The Community Foundation for the National Capital Region (as fiscal sponsor for the Youth Transition Funders Group)	\$ 10,000	2 years
Justice Policy Institute	\$ 10,000	7 months
The Innocence Project	\$ 15,000	1 year
Total Recommended:	\$ 67,500	

CJF GRANTMAKING TOTAL THIS DOCKET: \$ 67,500


Approval Signature

8/13/10
Date

Memo

To: Ann Beeson
From: Leonard Noisette; William Johnston; Terrance Pitts; Angela Cheng
Date: 11 August 2010
Re: Criminal Justice Fund Out-of-Docket Grant Recommendation

Criminal Justice Fund staff recommends five grants for out-of-docket approval, totaling \$67,500: a project grant add-on to **The Aspen Institute (Aspen)** in the amount of \$25,000 over four months to finalize editing and to design, print, and distribute 1,000 copies of *The Rethinking Crime and Punishment for the 21st Century Reader*; a \$7,500 project grant over five months to the **Juvenile Justice Initiative** to convene a working group meeting in August 2010 at Northwestern University School of Law to design a blueprint for a national campaign focused on reducing incarceration of youth; a \$10,000 project support grant over two years to support the work of the **Juvenile Justice Work Group (JJWG)** to facilitate advocacy and networking as the Group's members identify strategic investments that grantmakers can make to improve outcomes for youth entangled in the justice system; a \$10,000 project grant over seven months to the Justice Policy Institute to evaluate the nature of victim involvement in the criminal justice system by convening a roundtable meeting of victims, victim advocates, and other criminal justice stakeholders; and a \$15,000 project grant over one year to the **Innocence Project** to create an interactive online resource for outreach efforts associated with the publication of a book by University of Virginia School of Law Professor Brandon Garrett, to be titled *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* in April 2011 by Harvard University Press. These grants would collectively advance the Criminal Justice Fund's interest in reducing mass incarceration, eliminating harsh punishment, eliminating racial disparities and securing a fair and equitable justice system.

If you approve, kindly sign and date the attached grant summary sheet.

Name of Organization: The Aspen Institute

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

Purpose of Grant: To finalize editing and to design, print, and distribute 1,000 copies of *The Rethinking Crime and Punishment for the 21st Century Reader*

FPOS Grant Description: To provide \$25,000 in project funding over one year to The Aspen Institute (Aspen) to finalize editing and to design, print, and distribute 1,000 copies of *The Rethinking Crime and Punishment for the 21st Century Reader*. With prior OSI funding, Aspen's Roundtable for Community Change created and convened a multidisciplinary group of scholars and intellectuals to rethink the dominant perspectives on crime and punishment in the U.S. and to frame a strategic, progressive vision going forward. OSI add-on funding would enable Aspen to finalize for publication papers from project participants and other materials that begin to articulate a criminal justice system reduced in size and not predicated on structural racism.

Previous OSI Support: \$879,780
(\$125,000 JEHT Foundation Emergency Fund-2009; \$24,780 Criminal Justice Fund-2009; \$390,000 U.S. Justice Fund-2006; \$50,000 U.S. Justice Fund-2004; \$65,000 Governance and Public Policy Program-2000; \$25,000 President's Grants-1998; \$200,000 Reproductive Rights and Health Program-1998)

Organizational Budget: \$1,942,746

Project Budget: \$25,000

Sources of Support: Not Applicable

Amount Requested: \$25,000

Amount Recommended: \$25,000 (Criminal Justice Fund, T1: 24027)

Term: 4 months

Matching Requirements: None

Description of Organization:

Created in 1950 by Chicago businessperson Walter Paepcke, The Aspen Institute (Aspen) promotes enlightened leadership, nonpartisan inquiry, and open-minded dialogue through seminars, policy programs, conferences, leadership development initiatives, and publications. Aspen supports fifteen policy programs directed by leading policymakers and practitioners that explore topics such as international peace and security; democracy and citizenship; economic opportunity; social innovation through business; the nonprofit sector; and community initiatives for children and families. Among these programs, Aspen's Roundtable on Community Change, a national forum for leaders working on innovative and promising community revitalization efforts, works to strengthen the quality of policies, research, and practice in the community change field.

OSI has awarded a variety of project grants to Aspen since 1998. In 2006, OSI funded Aspen's Roundtable on Community Change to create and convene a multidisciplinary group of scholars and intellectuals to rethink the dominant perspectives on crime and punishment in the U.S. and to reframe, reformulate, and disseminate a strategic, progressive vision.

Description of the Project for Which Funding Is Sought:

The Aspen Institute's Roundtable on Community Change requests add-on project funding over 4 months to finalize editing and to design, print, and distribute 1,000 copies of *The Rethinking Crime and Punishment for the 21st Century Reader (Reader)*. Specifically, OSI funding will enable Aspen to:

- Finalize editing the *Reader's* "Forward," "Introduction," and thirteen chapters including papers Aspen commissioned from social scientists and justice reform experts who advised the project and analyses, insights, and recommendations prepared by Aspen by synthesizing the discussions that took place during the project's advisory group convenings.
- Develop and finalize the *Reader's* design;
- Prepare the *Reader* for printing; and
- Print and Disseminate 1,000 hardcopies of the *Reader* and create a PDF version for electronic dissemination.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in eliminating racial disparities and securing a fair and equitable justice system and in reducing mass incarceration by fostering connections between theory and practice and encouraging discussion and debate among a broad range of stakeholders, from scholars, policymakers, and practitioners to advocates and community activists about the excessive economic and social costs of incarceration.

In 2004, inspired by many of the organizations we fund and other field leaders whose work has helped to reframe the complex conversation on crime in the U.S. and to stimulate innovative solutions to the criminalization of race and poverty, U.S. Programs criminal justice staff began developing the *Rethinking Crime and Punishment for the 21st Century* project. In 2006, as part of the *Rethinking* project, OSI funded Aspen's Roundtable on Community Change to bring together criminal justice scholars, community development practitioners, and experts in education, employment, business, and other important domains to: a) explore how national values and ideologies shaped by a historical legacy of racial inequality influence how we approach crime and punishment; b) look systemically at important interconnections between a criminal justice system characterized by racial disparities and other institutional areas such as education, employment, housing, and child welfare; c) create the initial outlines of strategic and practical visions for tackling salient community level issues that dramatize the interconnections across sectors and institutions; and d) lay the groundwork for a progressive justice infrastructure to support ongoing efforts to achieve change in criminal justice policies and practices. The grant culminated with a public forum and panel discussion in January, 2009, during which project participants presented papers commissioned by Aspen as part of the *Rethinking* project.

The public forum and panel discussion generated a high level of interest, rich discussion, and more interest in the papers than we had anticipated when the project was originally conceived. More

importantly, we did not envision then the remarkable opportunities for engaging and influencing the criminal justice policymaking environment that our current political and economic circumstances appear to present. A great deal has changed in the external context to heighten the utility of the strategic insights and proposals that the *Rethinking* project has generated. The advisory group of scholars and justice reformers that Aspen organized and convened believes that both the Obama administration and important stakeholders at all levels of our justice system and other sectors are receptive to new insights and proposals for advancing smart criminal justice and related policies.

Following the forum in 2009, we discussed with Aspen's Roundtable for Community Change the possibility of co-publishing with it a compendium publication that featured the commissioned papers and captured the full scope of insights and recommendations offered over the course of the *Rethinking* project. With both Aspen and OSI in agreement that such a publication would be timely and advantageous, OSI funded Aspen to work with the *Rethinking* participants to develop and edit the commissioned papers to reflect the discussion at the public forum and to write an executive summary, an introduction, and a synthesis of the analyses and recommendations developed during the *Rethinking* project to prepare the *Reader* for co-publication with OSI. Under this original arrangement, OSI agreed to finalize the editing and design of the publication and print and disseminate the Reader, upon completion. With turnover in OSI's Communications department, however, the project has been delayed, and given Aspen's and our interest in having the publication completed in a timely manner, we have agreed to have Aspen take over as the sole publisher of the Reader.

For these reasons, the Criminal Justice Fund recommends add-on funding to The Aspen Institute in the amount of \$25,000 over four months.

<u>Name of Organization:</u>	Juvenile Justice Initiative
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	To support a working group meeting to plan a national summit and begin developing a blueprint for a national campaign focused on reducing mass incarceration of youth.
<u>FPOS Grant Description:</u>	\$7,500 project grant over five months to the Juvenile Justice Initiative to convene a working group meeting in August 2010 at Northwestern University School of Law to design a blueprint for a national campaign focused on reducing incarceration of youth. The working group will discuss current strategies, identify obstacles, and develop state and national strategies and frameworks to reduce the mass incarceration of youth in the United States. The working group will include leading juvenile justice advocates, foundation representatives and reform-oriented juvenile justice system administrators.
<u>Previous OSI Support:</u>	\$150,000 JEHT Emergency Fund 2009
<u>Organization Budget:</u>	\$348,550
<u>Project Budget:</u>	\$15,000
<u>Sources of Support:</u>	\$7,500 MacArthur Foundation (pledged)
<u>Amount Requested:</u>	\$7,500
<u>Amount Recommended:</u>	\$7,500 (T1: 24027)
<u>Term:</u>	5 months
<u>Matching Requirements:</u>	None

Description of Organization

The Juvenile Justice Initiative (JJI) is a nonprofit, nonpartisan coalition established in 2000 as a collaborative of the MacArthur Foundation and the Woods Fund of Chicago. JJI is the only statewide coalition dedicated to reforming the juvenile justice system in Illinois, with a mission to reduce reliance on confinement, enhance fairness for all youth, and develop a comprehensive continuum of community-based resources throughout the state. JJI's statewide approach to systemic reform for youth in the justice system begins with research and analysis, then links policy development, policy education, coalition building, policy advocacy, policy evaluation, and policy implementation. Through collaborative advocacy on issues ranging from transfer from juvenile to adult court to conditions of and reductions of confinement, JJI had substantial impact on criminal and juvenile justice policies in Illinois in the past ten years.

Description of Program for Which Funding Is Sought

JJI will convene a working group of the nation's leading juvenile justice advocates along with foundation representatives and reform-oriented juvenile justice system administrators to discuss current strategies,

identify obstacles, and develop frameworks to reduce the mass incarceration of youth in the United States. The working group will develop a detailed blueprint for a national strategy and framework to reduce and dismantle the mass incarceration of juveniles in the US. One of the immediate outcomes is to develop a detailed plan for a national summit focused on juvenile deincarceration. Support from the Criminal Justice Fund will help defray the travel cost of the convening participants.

Rationale for Recommendation

This grant advances the Criminal Justice Fund's priorities of reducing mass incarceration and ending the harsh punishment of youth.

In the 1970's, Congress acknowledged a severe crisis with youth held in inappropriate facilities – mainly, adult prisons. Congress passed the Juvenile Justice and Delinquency Prevention Act to remove youth from adult prisons and ensure adolescent appropriate treatment. The juvenile residential centers that resulted from compliance with the federal Act were operated under a philosophy of reintegration and rehabilitation. But these rehabilitative goals were gradually replaced with more punitive programming as the juvenile facilities grew more like adult prisons. The result is today's juvenile corrections crisis with states struggling to maintain expensive juvenile prisons that lack adequate education, programming and aftercare.

The United States incarcerates more juveniles than any other nation. There are numerous advocacy efforts within the states working to reduce the population of juvenile facilities or even in a few instances to dismantle youth prisons. Despite these efforts, there is no national coordination or strategy. From the Luzerne juvenile prison scandal in Pennsylvania to the efforts to close the doors of juvenile prisons to low level offenders in New York and California, to the reform efforts underway in Texas and Ohio and Illinois, numerous advocates across the nation are struggling to reduce, dismantle and reform the operation and funding of the juvenile prison system. Unfortunately, each state advocate labors in a vacuum. Without a national spotlight on the issue of juvenile mass incarceration, each state's issues appear to be unique and thus state advocates fight the same battles time and again due to the lack of a more coordinated effort.

Now is the time to harness the collective energy of isolated efforts in support of a national reform movement. Increasingly, policy makers and the public recognize the unsustainable costs, and proven failures of current practices, and agree that kids deserve a second chance. Litigation in states ranging from Ohio to California and Texas, have forced juvenile prisons to close their doors. Federal investigations have forced juvenile prison closings in Ohio and Arizona, along with great cost to the states in fines and other litigation expenses. California has been closing juvenile prisons over the past several years, finally concluding the cost did not justify the outcome. Texas reacted to multiple allegations of abusive conditions by passing massive reform legislation and setting up a juvenile ombudsman. The cost of maintaining youth in expensive, dangerous and ineffective juvenile prisons is forcing closings in New York. Illinois is involved in a campaign to move its juvenile prisons over to child welfare in order to force downsizing.

The efforts of the working group coincide with plans by the MacArthur Foundation to develop a strategy to launch a national juvenile justice reform campaign in collaboration with advocates and other funders. For the abovementioned reasons, CJF recommends a 5-month grant to JJI in the amount of \$7,500.

<u>Name of Organization:</u>	The Community Foundation for the National Capital Region (as fiscal sponsor for the Youth Transition Funders Group)
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	To support the facilitation, advocacy, and networking of the Juvenile Justice Work Group of the Youth Transition Funders Group.
<u>Previous OSI Support:</u>	\$30,000 (to the Youth Transition Funders Group) (\$10,000 Gideon Project 2008; \$10,000 Gideon Project 2006; \$5,000 Gideon Project 2005; \$5,000 Criminal Justice Institute 2003)
<u>Organization Budget:</u>	\$4,888,646 (fiscal sponsor)
<u>Project Budget:</u>	\$110,000
<u>Sources of Support:</u>	\$25,000 MacArthur Foundation; \$10,000 Tow Foundation; \$1,000 Wilson Foundation; \$1,000 Youth Justice Funding Collaborative
<u>Amount Requested:</u>	\$10,000
<u>Amount Recommended:</u>	\$10,000 (T1: 24027)
<u>Term:</u>	2 years
<u>Matching Requirements:</u>	None

Description of Organization

Established in 2001, the Youth Transition Funders Group (YTFG) is an affinity group of grantmakers committed to increasing the number of vulnerable young people connected to a range of healthy support networks. The YTFG has three working groups focused on either youth served by the foster care system, youth in the juvenile or adult criminal justice system, and youth who are out of school or at risk of dropping out. The Juvenile Justice Work Group (JJWG) of YTFG is composed of family, regional, and national grantmakers who recognize that the overwhelming majority of youth entangled in the justice system are the same youth struggling through adolescence that many foundations engage through programs in youth development, foster care, education, and workforce development. The Community Foundation for the National Capital Region (CFNCR) serves as the fiscal sponsor for YTFG. Since 1973, CFNCR has managed the philanthropic dollars of area families, individuals, corporations, and institutions. Today, CFNCR manages more than 560 funds.

Description of Program for Which Funding Is Sought

This grant will support the work of the Juvenile Justice Work Group (JJWG) to facilitate advocacy and networking as the Group's members identify strategic investments that grantmakers can make to improve outcomes for youth entangled in the justice system. In 2010 and 2011, the JJWG will accomplish the following goals:

- Facilitate meetings to promote advocacy and networking and to ensure ongoing communication and coordination among the JJWG members working or interested in the juvenile justice reform.

The JJWG will plan agendas and guide discussions that seek to advance advocacy, networking, and information sharing among members;

- Update and publish the JJWG's *Blueprint for Juvenile Justice Reform*;
- Organize the JJWG sponsored funder's briefings on juvenile justice reform in a variety of states in an effort to engage grantmakers in justice reform efforts; and
- Engage strategic thinking about additional work the JJWG might undertake, both providing feedback about the group's progress and suggestions for how to proceed, as well as providing recommendations and analysis around key items and decisions being considered for the work group.

Rationale for Recommendation

This grant advances the Criminal Justice Fund's priorities of eliminating harsh punishment and securing a fair and equitable system of justice.

During a time when states are faced with budget shortfalls and have begun cutting juvenile justice programs, the JJWG is the only national funder affinity group working to support juvenile justice reform. Members have found value in the network by sharing information, co-funding projects and supporting research around innovations and promising practices in the field of juvenile justice reform. The network offers a way for funders to become increasingly related and complementary in their grantmaking, respond more rapidly to needs in the field, and capture knowledge that is not easily acquired.

The JJWG has advanced advocacy and shared evidence of successful policies and practices. In particular, some of the JJWG's achievements include the following:

- Held five in-person meetings over the past two years to discuss juvenile justice issues, best practices, opportunities for public/private funding partnerships and reform efforts;
- Advised the U.S. Department of Justice on juvenile justice reform efforts;
- Encouraged funders interested in issues affecting at-risk youth to expand their portfolios to include juvenile justice;
- Conducted conference calls on issues of importance to the field including juvenile life without parole, family and community participation in the justice process, and youth dually involved in the child welfare and justice systems;
- Continued to disseminate the *Blueprint for Juvenile Justice Reform*, a document that aims to attract new funders to the field of juvenile justice reform; and
- Maintained and cultivated an extensive listserv of funders interested in juvenile justice issues. The JJWG currently has over 70 funders from large national and smaller regional and family foundations throughout the country that share information and network with one another.

For the abovementioned reasons, CJF recommends project support to the JJWG of the Youth Transition Funders Group over two years in the amount of \$10,000.

Name of Organization: Justice Policy Institute (JPI)

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

Purpose of Grant: To evaluate the nature of victim involvement in the criminal justice system by convening a roundtable meeting of victims, victim advocates, and other criminal justice stakeholders.

FPOS Grant Description: \$10,000 project grant over seven months to the Justice Policy Institute to evaluate the nature of victim involvement in the criminal justice system by convening a roundtable meeting of victims, victim advocates, and other criminal justice stakeholders. The grant would enable JPI to collaborate with groups that advocate for victims to reform the criminal justice system.

Previous OSI Support: \$1,696,000
(\$100,000 OSI Baltimore 2010; \$340,000 Criminal Justice Fund and Seize the Day Fund 2009 Fund; \$50,000 OSI Baltimore 2009; \$175,000 Sentencing & Incarceration Alternatives 2008; \$125,000 OSI Baltimore 2008; \$100,000 OSI Baltimore 2007; \$125,000 Sentencing & Incarceration Alternatives 2006; \$100,000 OSI Baltimore 2006; \$200,000 Special Opportunities Fund 2005; \$100,000 OSI Baltimore 2005; \$5,000 Re-entry 2003; \$100,000 OSI Baltimore 2004; \$176,000 Policy & Research 2003)

Organizational Budget: \$1,321,062

Project Budget: \$20,000

Sources of Support: Not Applicable

Amount Requested: \$10,000

Amount Recommended: \$10,000 (T1: 24027)

Term: 7 months

Matching Requirements: None

Description of Organization:

The Justice Policy Institute (JPI) is a D.C.-based nonprofit research and public policy advocacy organization dedicated to reducing reliance on incarceration and promoting effective and just solutions to social problems. JPI provides policy, research, communications, and media support to nonprofit organizations, advocates, and policymakers nationwide to enhance the public debate about problems of the criminal and juvenile justice systems, including promoting alternatives to incarceration. JPI's research expertise includes analyzing national and state data trends, synthesizing the publications of academic research, and working with research consultants to create cutting-edge policy reports.

Description of the Project for Which Funding Is Sought:

JPI will convene a roundtable meeting of victims, victim advocates, and other criminal justice stakeholders to critically evaluate the nature of victim involvement in the criminal justice system and encourage specific policy reforms to reduce mass incarceration. As part of the convening process, JPI will collaborate with groups that advocate for victims to reform the criminal justice system.

The convening will include participants whose justice involvement ranges from individuals who have been impacted by crime, advocates for victims of crime and justice system experts, including those who work in the field of restorative justice. JPI will use the convening of experts and advocates to accomplish the following:

- Analyze the role of victims at different stages in the justice system including pre-sentencing, sentencing and release;
- Evaluate the role of victims in the criminal justice process and determine those aspects that harm or benefit defendants and victims;
- Determine areas of consensus and divergence among victims advocates and criminal justice system advocates to better identify strategies that reduce incarceration; and
- Explore opportunities for collaboration among victims advocates and criminal justice system advocates to improve the justice system.

JPI will produce a final report that includes policy recommendations. The primary audience of the report will be advocates for victims' rights and advocates who are seeking reform the criminal justice system. JPI will distribute the report via its website and advocate listservs. JPI will also present the convening findings at conferences and workshops of stakeholder organizations. Upon termination of the convening, JPI will encourage additional collaboration which may include a jointly written opinion piece for submission to a national news outlet.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by broadening coalitions for reducing use of incarceration and involving those who are directly impacted by the criminal justice system in policy reform and advocacy.

In the past thirty years there have been substantial changes in the area of victims' involvement in the justice system. Currently, victims across different jurisdictions have varying degrees of involvement at different points in the system. Research has shown that despite some existing opportunities for victims to actively participate in the justice system, many may not believe "justice" was served in their case, and may feel re-victimized by the justice system and process. In cases where defendants enter a guilty plea that eliminates trial, victims often feel slighted by the criminal justice process and relegated to bystander instead of active participants with influence in trial and sentencing. At the same time, many who are incarcerated have been crime victims themselves, and victim services are not always culturally competent in addressing all those who identify as victims or survivors.

JPI's proposed project provides space for diverse system stakeholders to navigate the tension between polarized policy goals. Victims are caught in the middle of reform arguments to either shift the criminal justice system to provide more rehabilitation and second chances, or to a system that is more punitive. To earnestly advance toward a society that relies less on incarceration and more on effective social solutions, CJF concurs with JPI's assessment that advocates must understand the nature of victim involvement and look for parallels with the victim community on how to realize a more fair system that recognizes the needs of everyone impacted. A thorough discussion of the evolving role of victims in the justice system is

needed and timely given the current direction of criminal justice reforms, including both the growing restorative justice movement and the increased use of actuarial risk in decision-making at all points in the system – not to mention the possible launch of a national commission on criminal justice.

JPI is well positioned to carry out the proposed project. The organization has deep expertise and distinctive ability to synthesize research on criminal justice issues and craft analyses that are accessible to the public, policymakers, and the media. JPI has evolved into one of the most thoughtful and progressive voices for crafting workable solutions to problems plaguing our juvenile and criminal justice systems. Fairness and Accuracy in Reporting (FAIR), a leading national media watch group, has ranked JPI as one of the 25 most quoted think tanks in the country. JPI's research is frequently cited by policy makers and in America's leading print and electronic media, including *The New York Times*, *The Washington Post* and *The Wall Street Journal*. For the aforementioned reasons, the Criminal Justice Fund recommends a grant of \$10,000 over seven months.

Name of Organization: The Innocence Project (as fiscal sponsor to Project to Support *Convicting the Innocent*)

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

Purpose of Grant: To create an interactive online resource for outreach efforts associated with the April 2011 publication of a book by Brandon Garrett to be titled *Convicting the Innocent: Where Criminal Prosecutions Go Wrong*.

FPOS Grant Description: \$15,000 project grant over one year to the Innocence Project to create an interactive online resource for outreach efforts associated with the publication of a book by University of Virginia School of Law Professor Brandon Garrett, to be titled *Convicting the Innocent: Where Criminal Prosecutions Go Wrong* in April 2011 by Harvard University Press. This would be the first interactive website allowing the public to see how wrongful convictions happen.

Previous OSI Support: \$1,950,000 (to the Innocence Project)
\$350,000 JEHT Emergency Fund 2010; \$375,000 JEHT Emergency Grantmaking 2009; \$450,000 Gideon Project 2007; \$300,000 Gideon Project 2005; \$200,000 Gideon Project 2001; \$200,000 Gideon Project 2003; \$75,000 Law & Society Judicial Independence 1999

Organization Budget: \$5,905,078

Project Budget: \$15,000

Sources of Support: Not Applicable

Amount Requested: \$15,000

Amount Recommended: \$15,000

Term: 1 year

Matching Requirements: None

Description of Organization

The Innocence Project (IP) is a non-profit legal clinic and national litigation and public policy organization founded in 1992 by Barry Scheck and Peter Neufeld at the Benjamin N. Cardozo School of Law. The mission of the Innocence Project is to exonerate wrongfully convicted people through DNA testing and to reform the criminal justice system to prevent future injustice.

Description of Program for Which Funding Is Sought

This grant would support the development of an interactive and online resource for outreach efforts associated with the publication of a book by University of Virginia School of Law Professor Brandon Garrett, to be titled *Convicting the Innocent: Where Criminal Prosecutions Go Wrong*, in April 2011 by Harvard University Press. This would be the first interactive website inviting the public to see how

wrongful convictions happen and how such injustices can be prevented in the future. The interactive resource is intended to bring the *Convincing the Innocent* findings to a broader audience and increase the impact of the book and the underlying research.

The proposed project would create a website with interactive features providing an overview of what happened in the cases of the first 250 people exonerated by DNA testing and specific interactive features for each of the causes of those wrongful convictions including: (1) false confessions; (2) eyewitness misidentifications; (3) flawed forensic science; (4) false informant testimony; (5) inadequate defense representation and prosecutorial misconduct; and (6) deferential post-conviction review and obstacles to obtaining post-conviction DNA testing and exoneration.

Each interactive feature tracks one of the chapters in *Convincing the Innocent* and will focus on a specific exoneree's case. Each stand-alone web module will feature a timeline with embedded video, case documents, data about larger patterns of error in all of the cases, and information and recommendations about reform efforts to ensure that such errors are not repeated. The web features will tell a story while allowing viewers to learn more about what went wrong in other cases and about how they can help with reform efforts. These modules will be embedded in key sections of the Innocence Project's website and will also be available in a central dedicated location. The modules will be available for users to embed on blogs and other websites for free and will include integrated social media sharing tools such as Twitter and Facebook.

Rationale for Recommendation

This grant would advance the Criminal Justice Fund's priorities of eliminating racial disparities and securing the fair administration of justice by improving identification procedures, forensic science practices and the provision of public defense services.

The project will assist efforts at public education surrounding flaws in our criminal justice system and the need for reform, by making the connection between individual stories about wrongful convictions. The project will also support policy driven research and analysis, as well as impact litigation and policy advocacy.

The initial study by Prof. Garrett (funded by OSI) focusing on the criminal appeals and post-conviction proceedings brought by these exonerees attracted national and international attention in publications such as the *New York Times*, *The Atlantic*, the *Baltimore Sun*, the *Atlanta Journal-Constitution*, the *Richmond Times-Dispatch*, Canada's *Globe and Mail* and Germany's *Der Spiegel* and *Focus*. Since its release, the study has also been cited twice by the U.S. Supreme Court and by other courts, as well as policymakers and scholars. See, e.g. *District Attorney's Office v. Osborne*, 129 S.Ct. 2308, 2337 n.9 (2009) (Stevens, J. dissenting); *Baze v. Rees*, 128 S.Ct. 1520, 1551 (2008) (Stevens, J.). The widespread interest and concern with the problem of wrongful convictions may explain an increased anxiety that our criminal justice system is intolerably error-prone.

There is no interactive resource of this type that allows the public to see the causes of wrongful convictions. The project is timely since it will coincide with the release of the book. Although the goal is that the book *Convincing the Innocent* will have a significant impact on public education and public opinion, the book will have a greater impact on the public and policymakers if it is presented in an interactive form that can make the data more concrete and accessible. Moreover, the interactive website will be a useful instructive resource for law schools, graduate schools in criminology and psychology and in undergraduate courses relating to criminal justice. Additionally, the IP policy department will use the website as a training tool for law enforcement implementing reforms.

The Innocence Project and Prof. Garrett are perfectly suited to develop the project. The Innocence Project has a well-designed, highly trafficked website dedicated to DNA exonerations. In turn, Prof. Garrett's researching culminating in the book is the first to systematically study the cases of DNA exonerees to analyze what went wrong. The project will put a human face to the underlying problems of wrongful convictions and serve as a resource to policymakers and state-based advocates working on grassroots campaigns.

For the abovementioned reasons, the Criminal Justice Fund recommends a project support grant in the amount of \$15,000 to the Innocence Project for the development of the proposed highly innovative, web-based project.