
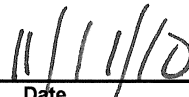


**U.S. Programs
Criminal Justice Fund
Summary of Recommended Grants
Out-of-Docket
November 2, 2010**

Program Area/Organization	Grants Totals	Grant Term
<u>SJF Advocacy Track II Agency Operating (24076)</u>		
A New Way of Life Foundation	\$ 15,000	3 months
Total Recommended:	\$ 15,000	
<u>Criminal Justice Fund Grantmaking (24027)</u>		
Defender Association of Philadelphia	\$ 18,500	3 months
Total Recommended:	\$ 18,500	

CJF GRANTMAKING TOTAL THIS DOCKET: \$ 33,500


Approval Signature


Date

Memo

To: Ann Beeson

From: Leonard Noisette; Adam Culbreath; Luisa Taveras; William Johnston; Angela Cheng; Christina Voight

Date: 3 November 2010

Re: Criminal Justice Fund Out-of-Docket Grant Recommendation

Criminal Justice Fund staff recommends two grants for out-of-docket approval, for a total of \$33,500. They include:

A New Way of Life Foundation, \$15,000 project grant over three months to develop and implement a communications strategy to raise awareness about the value of local and national efforts to support the successful reentry of formerly incarcerated people. OSI funding will enable A New Way of Life to leverage the prestige of the Gleitsman Citizen Activist Award and the publicity of CNN's Top Ten Heroes, which were both recently awarded to the organization's Executive Director Susan Burton. By targeting local media outlets and social network users, the strategy will educate a diverse audience about critical criminal justice issues, focusing on the value of expanding opportunities to people with criminal records and challenging unreasonable barriers to successful reentry. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by attacking the excessive social and economic costs of incarceration and our interest in eliminating harsh punishment by expanding opportunities to people with criminal records and challenging unreasonable barriers to successful reentry. This grant would also advance our interest in expanding the civic engagement, participation, and leadership of people directly affected by criminal justice policy.

Defender Association of Philadelphia, \$18,500 project grant over three months to produce and disseminate *A Snapshot of Juvenile Sex Offender Registration and Notification Laws: A Handbook of Fifty States*. This guidebook will be the first compilation of the various state juvenile sex offender laws and the Federal Adam Walsh Child Protection and Safety Act, Title I: Sexual Offender Registration and Notification Law (SORNA), due to take effect in July 2011. *Snapshot* will serve as the go-to guide for legislators, policy makers, advocates, people directly impacted, and anyone interested in understanding the various statutes governing this complex and controversial area of the law. This grant would advance the Criminal Justice Fund's goal of securing a fair and equitable system of justice by ending harsh punishment and the criminalization of children.

We look forward to discussing any questions you might have about these grant recommendations. If you approve, please sign and date the attached financial summary.

Name of Organization: A New Way of Life Foundation

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

Purpose of Grant: to develop and implement a communications strategy that leverages the prestige and publicity associated with the Gleitsman Citizen Activist and CNN's Top Ten Heroes awards to raise awareness about the value of local and national efforts to support the successful reentry of formerly incarcerated people

FPOS Grant Description: To provide \$15,000 in project funding over three months to A New Way of Life Foundation to develop and implement a communications strategy to raise awareness about the value of local and national efforts to support the successful reentry of formerly incarcerated people. Founded in 1998, A New Way of Life Foundation operates five social service-enriched transitional homes in South Los Angeles for formerly incarcerated women, facilitating a successful transition back from jail and prison to community life. As a community advocate, A New Way of Life works to restore the civil rights of people with criminal records to housing, employment, public benefits, and the right to vote. OSI funding will enable A New Way of Life to leverage the prestige of the Gleitsman Citizen Activist Award and the publicity of CNN's Top Ten Heroes, which were both recently awarded to the organization's Executive Director Susan Burton. By targeting local media outlets and social network users, the strategy will educate a diverse audience about critical criminal justice issues, focusing on the value of expanding opportunities to people with criminal records and challenging unreasonable barriers to successful reentry.

Previous OSI Support: None

Organizational Budget: \$561,307

Project Budget: \$39,100

Sources of Support: \$11,000 Cable News Network; \$7,600 Gleisman Award; \$5,500 Individual Donors

Amount Requested: \$15,000

Amount Recommended: \$15,000 (SJF Advocacy Track II Agency Operating, T1: 24076)

Term: 3 months

Matching Requirements: None

Description of Organization:

Founded in 1998, A New Way of Life Foundation operates five social service-enriched transitional homes in South Los Angeles for formerly incarcerated women, facilitating a successful transition back from jail and prison to community life. As a community advocate, A New Way of Life works to restore the civil

rights of people with criminal records to housing, employment, public benefits, and the right to vote. A New Way of Life is the convener and coordinator of the Los Angeles chapter of *All of Us or None*, a national movement led by formerly-incarcerated people to restore the rights of people with criminal records. A New Way of Life's *Women Organizing for Justice* project trains formerly incarcerated women to participate in policy advocacy campaigns. Its *Reentry Employment Rights* project addresses employment discrimination issues through advocacy, public education, and a monthly Reentry Legal Clinic, which helps people expunge their criminal records. Since its founding the organization has helped more than 500 women and their children.

Description of the Project for Which Funding Is Sought:

A New Way of Life Foundation requests project funding to develop and implement a communications strategy that leverages the prestige and publicity associated with the Gleitsman Citizen Activist and CNN's Top Ten Heroes awards to raise awareness about the value of local and national efforts to support the successful reentry of formerly incarcerated people. Specifically, OSI funding will enable A New Way of Life to:

Develop and implement communications strategies and messaging. To raise awareness about the value of supporting the successful reentry of people after jail and prison and to raise awareness about local and national organizing efforts to advance the rights of people with criminal records, A New Way of Life will develop stories that humanize people affected by the criminal justice system and extol successful strategies for supporting successful reentry. To ensure that the communications messaging is strategic and effective, A New Way of Life will work with a public relations firm to develop and execute communication strategies and messages. The firm will also train and prepare A New Way of Life staff for media interviews and to field media inquiries.

Engage and connect social network users on supporting successful reentry. A New Way of Life will develop a strategy for using social network platforms to educate people around the country about successful reentry strategies. It will identify blogs and other websites that focus on women's issues, criminal justice issues, and social justice advocacy, to disseminate information about the work A New Way of Life and the organization's Executive Director Susan Burton.

Secure print, radio, and television media coverage through national, regional and local outlets. With assistance of the public relation firm, A New Way of Life will develop and distribute press kits about the Gleitsman Citizen Activist Award and the CNN Hero award and pitch stories about women who have been involved with A New Way of Life.

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 and our interest in eliminating harsh punishment by expanding opportunities to people with criminal records and challenging unreasonable barriers to successful reentry. This grant would also advance our interest in expanding the civic engagement, participation, and leadership of people directly affected by criminal justice policy.

Criminal justice reformers and practitioners have come to see stable housing with wraparound services as fundamental to supporting the successfully transition of people back into the community after jail or prison. Yet, access to affordable and publicly subsidized housing, whether permanent, transitional, or assisted, is scarce for populations that face severe barriers to housing and economic stability, especially people with criminal records. In California, in particular, reentry projects like A New Way of Life, which provides housing and wraparound services for women after jail or prison, will be even more critical over

the next few years. In August 2009, federal judges ruled that California's prisons were overcrowded and ordered a release of 40,000 people over the next two years. Although California is appealing the ruling, it appears likely that California will be releasing people from prison in large numbers at a time when the state is cutting state-funded reentry programs.

A New Way of Life is uniquely positioned to educate the public and policymakers about the value and importance of investing in housing and support services for people after jail and prison. As a frontline provider of housing and services to women returning from jail and prison, A New Way of Life is a credible and authentic source for advancing the understanding about issues affecting people with criminal records. A New Way of Life's Executive Director Susan Burton is a certified dependency counselor and a leading criminal justice reform expert who has become an increasingly important and respected player in justice policy circles, in California and nationally, as an advocate and organizer for All of Us or None. As a 2006 Soros Justice Fellow, Ms. Burton educated, organized, and trained formerly incarcerated women in Southern California to advocate against barriers facing women with criminal records as they seek to obtain employment and housing and become responsible, productive contributors to society.

In addition, the Center for Public Leadership at Harvard Kennedy School of Government's recent decision to award the prestigious Gleitsman Citizen Activist Award to A New Way of Life's Executive Director Susan Burton in October and Ms. Burton's current candidacy for CNN's Hero of the Year creates an extraordinary opportunity for public and policymaker education through strategic communications. The Gleitsman award is bestowed biannually to a leader who has "struggled to correct social injustice in the United States." Some of the previous honorees include Bryan Stevenson, Gloria Steinem, Al Gore, Jack Kevorkian, and Ralph Nader. As one of CNN's Top Ten Heroes of 2010, Susan has already received numerous inquiries from individuals who are interested in replicating programs like A New Way of Life across the U.S. Staff is cautiously optimistic that media opportunities and press coverage related to these two awards will help A New Way of Life and Ms. Burton reach a wider, more mainstream audience. OSI funding will enable the organization to capitalize on these opportunities.

For these reasons, we recommend project funding to A New Way of Life Foundation in the amount of \$15,000 over three months.

Name of Organization: Defender Association of Philadelphia

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

Purpose of Grant: to create, publish, and disseminate *A Snapshot of Juvenile Sex Offender Registration and Notification Laws: A Handbook of Fifty States*, the first comprehensive, nationwide compilation and analysis of the various state and federal juvenile sex offender laws and registration and notification systems in the 50 states.

FPOS Grant Description: \$18,500 project grant over 3 months to produce and disseminate *A Snapshot of Juvenile Sex Offender Registration and Notification Laws: A Handbook of Fifty States*. This guidebook will be the first compilation of the various state juvenile sex offender laws and the Federal Adam Walsh Child Protection and Safety Act, Title I: Sexual Offender Registration and Notification Law (SORNA), due to take effect in July 2011. *Snapshot* will serve as the go-to guide for legislators, policy makers, advocates, people directly impacted, and anyone interested in understanding the various statutes governing this complex and controversial area of the law.

Previous OSI Support: \$120,000 (Criminal Justice Fund: 2010)

Organizational Budget: \$36,617,000

Project Budget: \$35,170

Sources of Support: \$17,670 Public Welfare Foundation (to be requested)

Amount Requested: \$18,500

Amount Recommended: \$18,500 (Criminal Justice Fund, T1: 24027)

Term: 3 months (November 2010 – February 2011)

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 all its clients with quality, zealous and client centered legal representation and advocacy. Originally founded in 1934, the Association is led 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 the Commonwealth. It is also the federal community defender and capital habeas corpus office for the eastern district of Pennsylvania.

Nicole Pittman, Esq., is the Juvenile Justice Policy Analyst at the Defender Association. Ms. Pittman is recognized as a national expert on legal and legislative issues related to juvenile sexual offending behavior. Ms. Pittman is also nationally recognized as *the* expert on the Federal Adam Walsh Child

Protection and Safety Act's Sexual Offender Registration and Notification Act (SORNA) and its application to children in the justice system. She has worked at the state and national levels, educating juvenile advocates, policymakers, lawmakers, and law enforcement officials about the impact and collateral consequences of SORNA, and its progeny, on adjudicated children, state policy and budgets. Nicole is regularly invited to consult with members of the U.S. House and Senate Judiciary Committees as well as executives at the U.S. Department of Justice, Office of Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).

Ms. Pittman's work and commitment were formally recognized on October 15, 2010, when she received the *Robert E. Shepard Jr. Leadership Award for Excellence in Juvenile Defense* from the National Juvenile Defender Center, a core CJF grantee, for outstanding dedication and advocacy in the field of juvenile defense.

Description of the Project for Which Funding Is Sought:

A Snapshot of Juvenile Sex Offender Registration and Notification Laws: A Handbook of 50 States project (*Snapshot*) seeks to develop and disseminate the first comprehensive guidebook of the 50 states' current juvenile sex offender laws and registration and notification systems, as well as the requirements of the 2006 Federal Adam Walsh Act, Title I: Sexual Offender Registration and Notification Act (SORNA). The aims of this project are to (1) create an easy-to-read reference book of the various state and federal laws as a primary educational and advocacy tool for legislators, policy makers and juvenile advocates, identifying and understanding existing juvenile sex offender laws and registration/notification systems and the public policy implications; and (2) serve as the foundation for advocates engaged in the debate or negotiations regarding amendments to the Adam Walsh Act to exclude, or limit its application, to children adjudicated delinquent.

Snapshot will be divided into four key parts: (1) a description and analysis of the juvenile sex offender laws in the 50 states, (2) a description and analysis of Federal SORNA due to take effect July 2011, (3) a case study of the impact of SORNA implementation on one jurisdiction to demonstrate the unintended consequences of this legislation, and (4) a directory of state sex offender registration administrators. Dissemination of the guidebook is scheduled for January 2011 as part of a public education campaign that coincides with the opening of the 2011 legislative sessions and several months before the July 2011 deadline for state compliance with SORNA. 500 hard copies will be broadly disseminated to state and federal legislatures, policymakers, and advocates. *Snapshot* will also be available on-line via the websites of the National Juvenile Defender Center and the Department of Justice, Office of Justice Programs.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goal of securing a fair and equitable system of justice by ending harsh punishment and the criminalization of children.

In 1989, Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Omnibus Crime Bill in 1994, requiring states to implement a sex offender registration program or forfeit 10 percent of federal funds for state and local law enforcement under the Byrne Grant Program of the U.S. Department of Justice. Today, all 50 states and Washington D.C. have sex offender registry systems.

Children adjudicated delinquent, however, were not a priority in the wave of registration and notification legislation that swept across the country in the 1990's (e.g. Megan's Law). In fact, these federal laws neither required nor prohibited the application of sex offender systems to juveniles. As a result, there is great variance among state juvenile sex offender systems, with at least 36 state registration and

notification systems covering juveniles to varying degrees and several state sex offender systems that exclude children all together.

In an effort to standardize state registration systems, in July 2006, President George W. Bush signed into law, the Adam Walsh Child Protection and Safety Act. Title I, the Sex Offender Registration and Notification Act (SORNA), provides that juveniles adjudicated delinquent of sexual offenses be treated in the same manner as adult sex offenders.¹ Alarming, under SORNA, adjudicated children will be subjected to the same public disclosure as their adult counterparts by making public their names, addresses, photographs, and even the name and address of their schools. Additionally, they will be banned from public parks, movie theaters, possibly public schools; fliers detailing their “crimes” will be mailed to their neighbors; and for many, they will be placed on a lifetime registry without the possibility of future removal.

This substantial shift from previous sex offender legislation has caused great consternation to many legislators, policy makers and child advocates at both the state and federal levels. Four years after the passage of SORNA, only four states have been deemed to be in compliance with the Adam Walsh Act, and a recent national survey revealed that 23 states cited the main barrier to SORNA implementation was the juvenile provision of the Act.² Many state officials have expressed concerns that this overly-broad system of registration and notification ignores scientific research that children are different from adults and, therefore, more amenable to rehabilitation. In fact, some studies have found that over 98 percent of all children and adolescents adjudicated delinquent of sex offenses did not have an adult sex offense by age 27. Nonetheless, the Obama Administration has fervently stated that states will not be granted further extensions and must implement SORNA by July 2011 or forfeit 10 percent of their Byrne Grant funds.

In response to the Administration’s mandate, several states have created SORNA working groups or legislative advisory committees to weigh the various policy considerations in deciding whether or how to implement SORNA, and advocates are preparing to bring constitutional challenges to the Adam Walsh Act. Over the past year, Nicole Pittman has emerged as the go-to person for anyone seeking better information and counsel on this law. For example, Ms. Pittman was invited to consult or testify in approximately 35 states, presented on SORNA at the Annual Summer Meeting of the National Association of Attorney Generals, and testified before the U.S. House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security’s first hearing on sex offender legislation. Significantly, Ms. Pittman has become the *de facto* advisor to executives at the DOJ’s SMART office, which candidly acknowledged in a recent meeting, that an impact analysis of juvenile sex offender laws *should have* been conducted before including juveniles in federal SORNA legislation.

It is evident that any discussions on the practical and constitutional implications of SORNA, and any amendment negotiations aiming to exclude juveniles from the federal legislation, first requires knowledge of the various state juvenile sex offender systems. Since no central repository for this information exists, Ms. Pittman set out to develop *A Snapshot of Juvenile Sex Offender Registration and Notification Laws: A Handbook of 50 States (Snapshot)*. A prototype of the guidebook analyzing the juvenile sex offender laws and registration systems in nine states was unveiled at the National Juvenile Defender Center’s Annual Summit on October 15, 2010. A working group, consisting of juvenile defenders, state sex offender registration administrators, law enforcement agents, judges, and juvenile advocates, is currently editing and advising on *Snapshot*.

¹ Other troubling provisions of the law include (1) establishing a new strict liability state and federal criminal offense for ‘Failure to Register’ punishable by a minimum sentence of one year and a day , (2) broadening the range of registerable offenses, (3) imposing an offense-based registration system that eliminates judicial and prosecutorial discretion, the use of risk assessments, and reclassifies sex offender laws, and (5) retroactivity to pre-SORNA enactment or state SORNA compliance.

² Other barriers include the financial burden of implementation and concerns related to public safety.

This resource will fill a critical information gap by providing a user-friendly compilation of the current laws of the 50 states and SORNA and serve as a useful tool for advancing an informed debate of this complex and controversial area of the law. Additionally, it will provide critically missing educational materials to lawmakers as they debate critical amendments to the Adam Walsh Act. For these reasons, the Criminal Justice Fund recommends \$18,500 project support grant over three months to the Defender Association of Philadelphia for completion and dissemination of *A Snapshot of Juvenile Sex Offender Registration and Notification Laws: A Handbook of 50 States*.