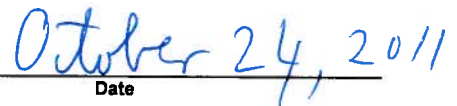


**U.S. PROGRAMS
Criminal Justice Fund
Summary of Recommended Grants
October 2011**

Program Area/Organization					
Organization	Grant Code	Recommended	Term	2011	2012
Reducing Mass Incarceration					
The Sentencing Project	T1: 24015	152,423	9 months	152,423	
Women's Prison Association	T1: 24015	150,000	2 years	100,000	50,000
Eliminating Harsh Punishment					
College and Community Fellowship	T1: 24016	200,000	2 years	100,000	100,000
Regents of the University of California	T1: 24016 (2012 budget)	120,000	1 year	120,000	
Securing an Equitable System of Justice and Eliminating Racial Disparities					
Campaign for Fair and Just Policing in New York City (North Star Fund as fiscal agent)	T1: 24017	173,000	7 months	173,000	
Tides Foundation	T1: 24017 T1: 24017 (2012 budget)	\$1,200,000	1 year	200,000	1,000,000
Total Recommended:		\$ 1,995,423		\$ 845,423	\$ 1,150,000
GRANTMAKING TOTAL THIS DOCKET:		\$ 1,995,423			


Approval Signature


Date

MEMORANDUM

TO: Aryeh Neier
CC: Diana Morris
FROM: Leonard Noisette, for the Criminal Justice Fund
DATE: October 18, 2011
RE: Criminal Justice Fund, October 24, 2011, docket meeting

The Criminal Justice Fund recommends the following six grants, totaling \$1,995,423, for inclusion on U.S. Programs' Docket IV scheduled for October 24, 2011. These grants would advance our core goals of reducing mass incarceration, eliminating harsh punishment, and eliminating racial disparities and securing an equitable system of justice.

REDUCING MASS INCARCERATION

We recommend two grants, totaling \$302,423, that advance the Criminal Justice Fund's programmatic goal of reducing mass incarceration. We propose to support longtime grantee, the **Sentencing Project**, in using its 25th anniversary to promote a bold agenda for reforms aimed at reducing mass incarceration over the next quarter century. A project grant of \$152,423 over nine months will assist the Sentencing Project to develop the framework for a coordinated multi-state collaborative effort among a broad range of advocates to reduce significantly prison populations in the United States. OSF funding would enable The Sentencing Project to convene leaders in criminal justice reform and related fields to articulate a shared vision of a fair and effective justice system no longer reliant on imprisonment and harsh punishment; build knowledge and buy-in; and develop objectives and strategies for achieving significant reductions in corrections populations nationwide.

Our proposed grant to the **Woman's Prison Association** will support its work highlighting the particular impact of mass incarceration practices on women and promoting the leadership of women with criminal histories in policy reform. Renewed project support of \$150,000 over two years will support the Institute on Women and Criminal Justice. Funding will enable the Institute 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 promote and support the participation of formerly incarcerated women in public debate about incarceration policies. This is a tie-off grant, as the Fund continues to tighten its focus and this work is not sufficiently aligned with our strategic priorities.

ELIMINATING HARSH PUNISHMENT

We recommend two grants, totaling \$320,000, to advance our goal of eliminating harsh punishment practices.¹ Renewed project support of \$200,000 over two years to **The College**

¹ We also recommend \$300,000 renewed project support to **Demos: A Network for Ideas and Action (Demos)**, over one year, to challenge "prison gerrymandering," the census practice of counting incarcerated people as residents of the counties in which the prison is located rather than the communities where they lived prior to being

and Community Fellowship will support its continued efforts to expand the availability of quality, publicly funded higher education opportunities to people in and after prison. Funding will enable CCF to continue directing a national campaign to: 1) educate the public and policymakers about the importance of making higher education available to people in and after prison; 2) remove barriers that limit access to higher education for people with criminal records; and 3) promote the expansion of higher education programs and financial assistance for people in and after prison.

A grant to the **Lethal Injection Project** at **U.C. Berkeley School of Law** would advance the Fund's goal of abolishing the death penalty and eliminating race and class disparities in sentencing by challenging lethal injection practices throughout the country. We recommend \$120,000 renewed project support over one year to allow the Project to continue providing vital assistance to death-sentenced individuals, litigators, and abolitionist organizations fighting lethal injection procedures nationwide.

ELIMINATING RACIAL DISPARITIES AND SECURING AN EQUITABLE SYSTEM OF JUSTICE

Police Accountability and Transparency

We recommend two grants, totaling \$1,373,000, to advance the Fund's interest in eliminating race-based policing practices by providing the capacity and infrastructure to support the newly launched Campaign for Fair and Just Policing in New York City and by creating a donor-advised Fund to support activities of organizations working to advance the goals of the campaign.

Project support of \$173,000 over seven months to the **Campaign for Fair and Just Policing in New York City** (North Star Fund as fiscal agent) will support the start-up of the newly initiated Campaign for Fair and Just Policing in New York City. This bridge grant funding will enable the Campaign to hire staff, develop the Campaign governance and structure, and coordinate Campaign activities.

A grant to the **Tides Foundation**, in the amount \$1.2 million over one year will support the creation of a donor advised fund, **the Fund for Fair and Just Policing in New York City**. Through the Fund, the Tides Foundation will re-grant to organizations that advance the goals and objectives of the Campaign.

incarcerated and to which they will presumably return upon release. This support is part of a larger grant recommended by the Transparency and Integrity Fund and approved on October 17, 2011.

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Secure Fair and Equitable Justice System and Eliminate Racial Disparities

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Grant ID: 20033475

Legal Name of Organization: The Sentencing Project

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To develop the framework for a coordinated multi-state collaborative effort among a broad range of advocates to reduce significantly prison populations in the United States

Grant Description: To provide \$152,423 project support over nine months to develop the framework for a coordinated multi-state collaborative effort among a broad range of advocates to reduce significantly prison populations in the United States. OSF funding would enable The Sentencing Project to convene leaders in criminal justice reform and related fields to articulate a shared vision of a fair and effective justice system no longer reliant on imprisonment and harsh punishment; build knowledge and buy-in; and develop objectives and strategies for achieving significant reductions in corrections populations nationwide. This grant would advance the Criminal Justice Fund's goal of reducing mass incarceration by exposing the social and economic costs of incarceration and challenging harsh and unjust sentencing practices.

Previous OSF Support: \$3,929,579

- \$550,000 from Criminal Justice Fund, 2010
- \$1,475,000 from U.S. Justice Fund, 2004-2007
- \$525,000 from Criminal Justice Initiative, 2001-2003
- \$1,379,579 from Center on Crime, Communities & Culture, 1996-2000

Organization Budget: \$1,212,506

Project Budget: \$152,423

Major Sources of Support: n/a

Amount Requested: \$152,423

Is this a contingent grant? No

Amount Recommended: \$152,423 (Criminal Justice Fund, T1: 24015)

Term: 9 months, beginning October 1, 2011

Matching Requirements: n/a

Description of Organization:

The Sentencing Project was founded in 1986 to provide defense lawyers with sentencing advocacy training and to reduce the reliance on incarceration. Today, The Sentencing Project is a national research and advocacy organization working to eliminate mass incarceration and to ensure a fair and effective criminal justice system by promoting reforms in sentencing law and practice and alternatives to incarceration. It pursues these goals through the publication of non-partisan analysis and research, aggressive media campaigns, and strategic advocacy for reform. It draws upon its experience and a pool of national experts to provide consultation to local and state governments and advocates on strategies and programs to reduce incarceration, enact reform of sentencing policies, and examine and reduce racial disparities. The Sentencing Project seeks to counter the misinformation that has fueled jail and prison expansion for over four decades, including by examining drug policy, racial disparities throughout the criminal justice system, juvenile justice, reentry, voting rights, and collateral consequences.

The Sentencing Project has been an OSF grantee since 1996.

Description of the Project for Which Funding Is Sought:

The Sentencing Project requests project funding to develop the framework for a coordinated multi-state collaborative effort among a broad range of advocates to reduce significantly prison populations in the United States. Specifically, OSF funding will enable The Sentencing Project to:

Articulate a shared vision of a fair and effective justice system. To begin articulating a vision of the future that provides the framework for policy change, The Sentencing Project will work with reform leaders to outline the 25-year vision for a U.S. justice system no longer reliant on imprisonment and harsh punishment and the steps necessary to turn that vision into reality, particularly through forging a receptive policy environment. The Sentencing Project launched this effort on October 11, 2011, by convening *Criminal Justice 2036*, a half-day forum at the National Press Club in Washington, DC, to celebrate the organization's 25th anniversary and to begin framing a vision for the next 25 years. The forum's program included a keynote address by Jeremy Travis and a panel discussion facilitated by Professor Angela Jordan Davis, focusing on strategies to begin implementing a 25-year vision.² The Sentencing Project also produced *Moving Beyond Prisons*, a film that examines the issues brought on by mass incarceration, the growing movement for reform, and new directions for public safety, which it featured at *Criminal Justice 2036* and will distribute through its website, its networks of reform advocates, and other media.

Early in 2012, The Sentencing Project will also publish a compendium of 25 op-ed style essays produced by *Criminal Justice 2036* panelists and other scholars and policy advocates that lays out the authors' 25-year visions for reform, opportunities for immediate policy change to reduce incarceration levels, and strategies for achieving both short-term and long-term objectives.³ The Sentencing Project will disseminate the compendium and individual essays widely to the advocacy community, policymakers, and the media.

Build knowledge and buy-in. The Sentencing Project will facilitate a series of dialogues across the country. Strategically targeting key cities, the Sentencing Project will host up to three public forums featuring presentations by the authors of the 25th Anniversary "vision" essays and a screening of *Moving*

² The *Criminal Justice 2036* forum's panelists include former County Executive of Dane County, Wisconsin, Kathleen Falk; Brooklyn, New York, District Attorney Charles J. Hynes; Bart Lubow, Director of the Annie E. Casey Foundation's Juvenile Justice Strategy Group; Glenn Martin, The Fortune Society's Vice President of Development and Public Affairs; Grover Norquist, Vice President of Americans for Tax Reform; and Deborah Prothrow-Stith, MD, former Associate Dean and Professor of Public Health Practice at the Harvard School of Public Health.

³ Criminal Justice Fund program director Leonard Noisette contributed an essay.

Beyond Prisons. It will convene approximately 15 to 20 state leaders in the criminal justice reform movement to outline their 25-year vision for reform, build consensus around a targeted multi-state strategy to address mass incarceration, and discuss their commitment for participating. The Sentencing Project will also meet with the National Steering Committee of the Formerly Incarcerated and Convicted People's Movement (an OSF grantee) as well as clergy and lay leaders of faith to solicit their input to and involvement in the national campaign. It will also consult with national reform organizations (e.g., the ACLU, NAACP, and the American Bar Association) that heavily invest in criminal justice reform, have a long history of conducting successful advocacy and public education campaigns, and who would be vital partners in a national effort.

Synthesize insights and develop objectives and strategies. Following this series of activities, The Sentencing Project will synthesize the findings and consensus ideas developed and produce a summary document that presents a series of recommendations for implementing, managing and evaluating a coordinated, multi-state national strategy for reducing corrections populations over the long-term. The Sentencing Project will : 1) assess the current and likely environment over the short- and long-term for criminal justice policy reform; 2) prioritize states for potential focus; 3) identify specific short-term and long-term policy objectives; 4) identify obstacles—current and potential—to substantial reductions in jail and prison populations and strategies for overcoming them; 5) establish likely strategies, tactics, benchmarks, and timeframes; 6) identify likely and potential allies—with an emphasis on those that would be new to criminal justice reform advocacy—and suggest other constituencies and organizations that, through outreach, may come to support state- and national level efforts; and 7) estimate the financial and human resources necessary to mount a successful long-term effort.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goal of reducing mass incarceration by exposing the social and economic costs of incarceration and challenging harsh and unjust sentencing practices.

The United States is the world leader in imprisoning its people. Since 1972, its incarcerated population has risen more than 500 percent, far outpacing the 37 percent rise in the overall population during this time. Today, 7.2 million people in the U.S. are under some form of correctional supervision, including 2.3 million in prison or jail and five million on probation or parole. Mass incarceration and the criminal justice system that sustains it have disproportionately burdened communities of color and have substantially shifted monies away from the public investments that could prevent the reliance on prisons. The nation's failure to invest in sufficient opportunities for community-based mental health and substance abuse treatment is a case in point. Without such investments, hundreds of thousands of marginalized people are continuously pushed into the court system, where only a few are fortunate enough to receive services they could not otherwise access. In any case, criminalization should not be a qualifier for assistance.

Fortunately, the terms of debate have changed somewhat in recent years. As the U.S. economy continues to struggle and states to grapple with severe fiscal crises, one emerging positive development is the increasing awareness among policymakers and the public that the escalating cost of a massive prison system is not sustainable. Increasingly, state officials across the country are acknowledging that their respective jurisdictions cannot afford to continue to create an underclass of people marginalized by their contact with the criminal justice system and unable to participate fully in society as a result. In addition, newcomers to the movement for criminal justice reform, including political conservatives and public health officials, are beginning to commit resources to bring about reform. As a result, many of the criminal justice reform policies OSF has supported for many years are now attracting broader attention and consideration. Support has grown nationally for justice reinvestment strategies, reentry programming, the removal of young people from the adult correctional system, diversion programs,

resources for treatment of substance abuse and mental illness, and thoughtful re-examination of the use of mass incarceration as a tool for promoting public safety. In the past year alone we have seen the actual or planned closing of 13 prisons and a reduction of 15,000 prison beds across the country.

These modest developments suggest it is time for a more aggressive and coordinated, multi-state effort to reduce corrections populations that is based on a clear vision, is guided by a well-articulated national strategy, and is informed by the experiences of those most affected and those in a position to have an influence on public opinion and policy change. Although the efforts of criminal justice reformers and concerned policymakers has led to some important gains, the impact has been constrained by *ad hoc* and poorly coordinated responses to emerging opportunities and crises. Much of the recent success of key organizations—some of whom are OSF grantees, such as the Council of State Governments—has involved working with policymakers to advance “back end” release valve strategies that have helped slow prison population growth but has not taken on more significant reductions in corrections populations. In addition, there has not existed a shared and clearly articulated conception among advocates about what the justice system should “look like” in the United States, let alone any clear idea about the steps needed to implement a comprehensive vision. This project would begin to pull together these loose threads by articulating a long-term vision, identifying short- and medium-term objectives for collective action, and strengthening the connection and coordination of local, state, and national efforts, thus laying the groundwork necessary for preparing criminal justice reformers and allies for sustained, coordinated reform efforts in targeted states and nationally.

The Sentencing Project is uniquely qualified to lead this effort. It has a strong reputation among advocates, practitioners, and policymakers, who have come to rely on its expertise and technical assistance *vis-a-vis* problems with current policies and solutions for better public safety outcomes. In May 2011, Executive Director Marc Mauer testified before the U.S. Sentencing Commission, arguing that that the federal sentencing guidelines for crack cocaine should be applied retroactively for persons currently in prison. The Commission later adopted retroactivity, reducing the sentences of about 12,000 federal prisoners by an average of three years. The Sentencing Project’s non-partisan analysis, publications, and advocacy impact debates and have helped define a national agenda for reform. In 2010, The Sentencing Project published *Downscaling Prisons: Lessons from Four States*, which documents the significant prison population reductions achieved in New York, Michigan, New Jersey, and Kansas and the reforms that brought about these reductions. The Sentencing Project’s credibility and expertise have generated nationwide media attention, and its staff serves as a key resource for national and regional media, providing data analysis, story ideas, op-eds and letters-to-editors.

Staff will work closely with The Sentencing Project to ensure that this project both leverages our investments and informs our efforts in our reducing mass incarceration nationally and in states where we have significant interest, such as California and Texas, and in others we might target for strategic investment.

For these reasons, the Criminal Justice Fund recommends project support for The Sentencing Project in the amount of \$152,423 over nine months.

Grant ID: 20033495

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

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To support the Institute on Women and Criminal Justice, a national center for dialogue, research, and information about criminal justice-involved women and their families

Grant Description: To provide \$150,000 project support and tie-off grant to the Institute on Women and Criminal Justice, a national center for dialogue, research, and information about criminal justice-involved women and their families. OSF funding will enable the Institute to continue to conduct research, public education, and advocacy to challenge the overreliance on incarceration and promote alternative approaches; serve as an authoritative national voice and resource on issues affecting women in the criminal justice system; and promote the participation of formerly incarcerated women in public debate about incarceration policies. This grant would advance the Criminal Justice Fund’s goal of reducing mass incarceration by exposing the social and economic costs of incarceration and challenging the criminalization of vulnerable populations, such as women and children, and advance our goal of eliminating harsh punishment by challenging the collateral consequences of criminal convictions. The grant would also advance our interest in promoting civic participation and developing new leaders in historically underrepresented communities by supporting the engagement of women with criminal records in public discourse about the policies and practices that affect their lives.

Previous OSF Support: \$1,175,000

- \$100,000 from Criminal Justice Fund, 2010
- \$100,000 from Criminal Justice Fund, 2009
- \$100,000 from U.S. Justice Fund, 2007
- \$150,000 from U.S. Justice Fund, 2006
- \$150,000 from U.S. Justice Fund, 2005
- \$55,000 from U.S. Justice Fund, 2002
- \$25,000 from Criminal Justice Initiative, 2002
- \$420,000 from Center on Crime, Communities & Culture, 1998
- \$75,000 from Center on Crime, Communities & Culture, 1996

Organization Budget: \$6,405,987

Project Budget: \$439,266

Major Sources of Support: National Resource Center on Criminal Justice Involved Women \$47,472
WPA General Fund \$39,294
Mary J. Hutchins Foundation \$16,500

John Blackman Foundation	\$ 6,000
New York Foundation	\$40,000
Edward C. Moore Foundation	\$60,000
ADCO Foundation	\$20,000
Liz Claiborne Foundation	\$30,000
Eileen Fisher	\$30,000

Amount Requested: \$200,000

Is this a contingent grant? No

Amount Recommended: \$150,000 (Criminal Justice Fund, T1: 24015)

Term: 2 years, beginning October 1, 2011

Matching Requirements: n/a

Description of Organization:

The Women’s Prison Association and Home (WPA) was founded in 1845 as the nation’s first organization dedicated to providing services exclusively to women involved in the criminal justice system and their families. Based in New York City, WPA today provides alternative residential housing to women facing long prison sentences; transitional housing where homeless women with criminal justice involvement can reunite with their children; 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 OSF and the JEHT Foundation, WPA established the Institute on Women and Criminal Justice as a national center for dialogue, research, and information about criminal justice-involved women, their families, and communities. Housed at WPA, the Institute’s policy work is informed by one of the nation’s leading service providers for women and is dedicated to addressing the special policy considerations concerning women in the criminal justice system, from sentencing and prison conditions to reentry. Its Women’s Advocacy Project uses a 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.

OSF has funded WPA periodically since 1998. In 2010, OSF 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). OSF tie-off funding will enable the Institute to prepare for financial sustainability while continuing to engage in the following:

Promoting systemic adoption of gender-informed policies and practices. The Institute works with local and state government officials, national organizations, and on-the-ground advocates to promote local and national change in criminal justice policy and practice. At the national level, WPA will continue to participate as a principal member of the National Resource Center on Criminal Justice Involved Women, which the Bureau of Justice Assistance recently established in partnership with the National Institute of Corrections. The Center was created to make the criminal justice system more gender-responsive by

helping practitioners understand and apply research, practices, and insights related to criminal justice involved women. At the state level, WPA will continue to serve as a special advisor to New York State's Department of Criminal Justice Services as it implements a new reentry protocol and a special unit for women preparing for release from incarceration, and it will collaborate with the state to implement evidence-based cognitive behavioral intervention for women in state correctional facilities. On the city level, WPA will continue its role as a leading member of the Alternative to Incarceration Coalition and will work with the New York City Department of Corrections to implement the Women's Risk and Needs Assessment Instrument for women entering jails. WPA will also continue to provide non-partisan research and analysis to policy reform efforts to stem mass incarceration and tackle barriers to successful reentry.

Serving as a national resource to policymakers, practitioners, and the media. The Institute maintains proactive and responsive media relations and electronic communications that keep a growing constituency (including allied organizations, policymakers, and concerned community members) informed on current issues, ranging from parole policies to sentencing reform to the continuing rise in the number of women incarcerated in the U.S. The Institute will continue to participate in local and national conferences and public debate to raise the profile of issues relating to women in the criminal justice system. In partnership with the National Institute of Corrections, the Institute will continue to maintain the national database of programs for women with criminal justice involvement. It will also begin implementing a formalized technical assistance and training program to help local, regional, and national government agencies and non-governmental organizations to improve services to women involved with the criminal justice system.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goal of reducing mass incarceration by exposing the social and economic costs of incarceration and challenging the criminalization of vulnerable populations, such as women and children, and advance our goal of eliminating harsh punishment by challenging the collateral consequences of criminal convictions. The grant would also advance our interest in promoting civic participation and developing new leaders in historically underrepresented communities by supporting the engagement of women with criminal records in public discourse about the policies and practices that affect their lives.

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. Because women in prison are often the primary caretakers of children at the time their imprisonment, their incarceration often carries with it the collateral consequence of the placement of children in foster care. This is even more troubling given that the overwhelming majority of incarcerated women are in prison for non-violent offenses. Despite these disturbing trends, 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 as we seek to attack the economically and socially destructive costs of incarceration, including the impact of incarceration on families. WPA has played a critical role in shedding light on the increase in incarceration rates for women and promoting evidence-based research and tools that decrease incarceration and prioritize supportive reentry. With the help of board member Piper Kerman, Vice President of Spitfire Strategies, WPA is poised to increase its capacity for proactively guiding the conversation on women and criminal justice.

As the largest multi-service agency in the country exclusively devoted to serving criminal justice-involved women, WPA is a highly respected authority on the impact of female incarceration and efforts to improve outcomes for criminal justice-involved women. As a result, WPA frequently receives requests to present at conferences and participate in workgroups. For example, the federal Bureau of Justice Assistance and the National Institute of Corrections specifically requested WPA to be involved in the

National Resource Center on Criminal Justice Involved Women to reduce the number and improve the outcomes of women involved in the criminal justice system. Also, in July, the New York State Office of Alcoholism and Substance Abuse Services invited WPA to participate in an expert panel of treatment specialists to develop guidelines for substance abuse treatment in New York City. WPA is in a unique position to influence which practices and policy reform efforts are promoted at the national and local levels.

The Criminal Justice Fund values the Institute's commitment to infusing and highlighting the voices and recommendations of people who are most directly affected. Its Women's Advocacy Project harnesses the experiences and insights of criminal justice-involved women in advocating for reform of the systems that affect their lives. The project's structured curriculum develops participants' skills in policy analysis, leadership, and advocacy, and their work culminates in a set of policy recommendations or direct actions on a policy that the participants choose themselves. Project participants and alumnae contribute to the Institute's efforts to promote alternatives to incarceration by playing an important role in meetings with policymakers. 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 expertise and values of WPA's clients and staff.

Consistent with CJF's efforts to sharpen its investments in projects more directly aligned with our programmatic and policy priorities, staff recommends a tie-off grant. OSF funding over the next two years (with reduced payment in the second year) would enable the Institute on Women and Criminal Justice to continue shaping city, state, and national discussions on gender-appropriate responses to reducing mass incarceration and eliminating harsh punishment, while providing time for WPA to diversify funding for the Institute and end its reliance on OSF support. We will monitor WPA's progress as it continues to reflect on its organizational identity and policy priorities under the leadership of a new executive director.

For these reasons, the Criminal Justice Fund recommends renewed project support for the Women's Prison Association and Home in the amount of \$150,000 over two years (\$100,000 in year one and \$50,000 in year two).

Grant ID: 20033477

Legal Name of Organization: The College and Community Fellowship, Inc.

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To continue coalition-building, public education, and advocacy to expand the availability of quality, publicly funded higher education opportunities to people in and after prison

Grant Description: To provide \$200,000 project support renewal over two years to continue coalition-building, public education, and advocacy to expand the availability of quality, publicly funded higher education opportunities to people in and after prison. OSF funding would enable the College and Community Fellowship to continue directing a national campaign to: 1) educate the public and policymakers about the benefits of making higher education available to people in and after prison; 2) challenge barriers that limit access to higher education for people with criminal records; and 3) promote the expansion of higher education programs and financial assistance for people in and after prison. This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions. The grant would also advance our interest in promoting civic participation and developing new leaders in historically underrepresented communities by supporting the engagement of people with criminal records in public discourse about the policies and practices that affect their lives.

Previous OSF Support: \$203,000 from Seize the Day Fund, 2009

Organization Budget: \$1,202,550

Project Budget: \$467,675

Major Sources of Support:

David Rockefeller Fund	\$100,000
College and Community Fellowship In-Kind	\$ 40,000
Individual Donors	\$ 25,500
Support from other organizations	\$ 30,000
Unitarian Universalist <i>Veatch</i> Program	\$150,000

Amount Requested: \$200,000

Is this a contingent grant? No

Amount Recommended: \$200,000 (Criminal Justice Fund, T1: 24016)

Term: 2 years, beginning September 1, 2011

Matching Requirements: n/a

Description of Organization:

Founded in 2000 as a mentoring and tutoring program for formerly incarcerated women, The College and Community Fellowship (CCF) is a New York City-based organization whose mission is to eliminate individual and social barriers to education, economic security, and civic participation faced by women with criminal records and their families. CCF awards education fellowships to people with criminal records—with an emphasis on women—and provides fellows with academic and financial aid counseling and access to mentors and tutors. It provides programming to foster the leadership and civic engagement of its fellows. CCF's Speaker's Bureau strengthens fellows' analytical skills, helps them articulate individual and collective voices, prepares them as leaders in CCF and other community-based organizations, and supports them to speak publicly about their criminal justice system and higher education experiences to increase public awareness about the relationship between education and long-term individual and community health, productivity, and welfare. Its Theater for Social Change and Writers Group provide creative means for fellows to participate in public dialogue about the value of higher education as well as broader criminal justice reform issues. CCF staff, board members, and Speaker's Bureau participants engage in public education and advocacy at the local, state, and national levels.

CCF has been an OSF grantee since 2009, when CJF funded the organization to develop and implement a national campaign to promote the benefits of publicly funded higher education opportunities for people in and after prison.

Description of the Project for Which Funding Is Sought:

The College and Community Fellowship requests renewed project funding to continue coalition-building, public education, and advocacy to expand quality, publicly funded higher education opportunities for people in and after prison.⁴ Specifically, OSF funding will strengthen CCF's capacity over the next two years to engage in:

Coalition-building. CCF will continue to develop and convene the *Education from the Inside/Out Coalition*,⁵ a coalition of criminal justice and education advocacy organizations and individuals advocating for policy reforms to remove barriers to higher education. To expand the coalition, CCF will continue to engage a broad array of researchers, policymakers, victims advocacy groups, law enforcement, prison administrators, faith-based organizations, organized labor, college students, professors and administrators, and other partners in a number of related fields.

Public education and policy advocacy. To increase public awareness about the relationship between education opportunities and successful reentry, CCF will educate a broad audience of community and grassroots organizations, policymakers, public officials, and the media through public speaking engagements, media strategies, and community education events. It will launch an interactive website where audiences can obtain campaign updates and data about the impact of higher education on various indicators of success, such as employment opportunities and outcomes, family reunification, and

⁴ In accordance with U.S. tax law, no OSF funds will be used for lobbying purposes.

⁵ The Education Inside/Out Coalition includes: the Fortune Society, the Correctional Association of New York, the NAACP, SUNY Old Westbury, the NYS DOCS, The Innocence Project, Women's Prison Association, the College Initiative, Pell Grants for Public Safety, Eugene Lang College, The Prisoner Reentry Institute, The Presbytery of New York, Center for Community Alternatives, Coalition for Parole Restoration, Students for Sensible Drug Policy, Citizens Against Recidivism, Cooper Union, the Petra Foundation, Prison Fellowship, and academics, including Dr. Michelle Fine.

recidivism, among others. CCF will mobilize its Speaker's Bureau of formerly incarcerated people who have earned college degrees in or after prison to speak at national, regional, and state conferences, including reentry-focused forums. CCF will also direct the *Education from the Inside/Out Coalition's* state-level public education and policy activities to advance policy reform at the intersection of criminal justice and higher education and that increase grant eligibility, programming, and funding streams for students in prison and post-release.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions. The grant would also advance our interest in promoting civic participation and developing new leaders in historically underrepresented communities by supporting the engagement of people with criminal records in public discourse about the policies and practices that affect their lives.

We know from the research that educational attainment, particularly higher education, is linked to long-term, successful employment and to good health. In particular, studies of the benefits of quality education programming for people in and after prison similarly suggest positive outcomes related to traditional measures of the effectiveness of corrections interventions, such as reductions in recidivism. So perhaps it is not surprising that, even during the recent tough-on-crime decades, the restoration of higher education in prisons enjoyed nearly unanimous support from correctional system commissioners and prison wardens as well as from social scientists, health professionals and educators. Focus groups with families and neighbors of incarcerated residents—often those most affected by crime, incarceration, and community disinvestment—indicate that they want people to return home better educated and more prepared to work and support their families than when they went to prison. In practical terms, in today's competitive labor market, successful employment outcomes cannot be divorced from access to higher education, particularly when the lack of a college degree is coupled with the stigma of a criminal conviction. Yet, ill-advised local and national policies, exacerbated by the current economic crisis, continue to restrict access to financial assistance to support higher education for people in prison and for individuals with criminal records.

Despite the current obstacles preventing the investment in higher education for people in and after prison, there are reasons for hope that some change in the status quo is possible with continued public education and advocacy. Recent developments suggest that there is continued public support for initiatives that support the successful reentry of people after prison. In January 2011, Attorney General Eric Holder convened the inaugural meeting of the Cabinet-Level Reentry Council to identify and advance effective public safety and reentry strategies. Over the past decade, more states have begun implementing post-secondary education programs in their prisons. A 2005 study by the Institute for Higher Education Policy found that participation rates in prison-based postsecondary education programs returned to pre-1994 levels, when federal policy changes eliminated Pell Grant eligibility for people in prison.⁶ In the 2009-2010 academic year, U.S. state prisons saw a slight increase of degree offering programs since 2005, with approximately 71,000 incarcerated persons enrolled in some form of postsecondary education program, nearly 400 incarcerated students receiving bachelor's degrees, and 2,200 students receiving associate's degrees across the country.⁷ CCF's public education and coalition building will inform the ongoing

⁶ Erisman, Wendy, and Jeanne Bayer Contardo. "Learning to Reduce Recidivism: A 50-State Analysis of Postsecondary Correctional Education Policy." Washington, D.C.: The Institute for Higher Education Policy, November 2005.

⁷ Gorgol, Laura E., and Brian A. Sponsler, Ed.D.. "Unlocking Potential: Results of a National Survey of Postsecondary Education in State Prisons." Washington, D.C.: The Institute for Higher Education Policy, May 2011.

policy discussion about the importance of education opportunities for supporting successful reentry and demonstrate broad-based support for publicly funded higher education opportunities for people in and after prison.

CCF is well positioned to advance this national discussion. Its experience and leadership in New York State as an education service provider for people with criminal records and outspoken advocate for expanding education opportunities for people in prison has earned CCF credibility on the issues. As a member of the New York City Discharge Planning Committee and the New York State Department of Criminal Justice Services Service Provider Advisory Committee, CCF advises criminal justice policymakers in New York State on effective prison and reentry issues. In addition, CCF staff has consulted with policymakers and practitioners in California, Illinois, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, and Texas, offering technical assistance on how to establish quality programming as well as policy recommendations to remove barriers to higher education. Earlier this October, CCF co-hosted with OSI-DC “Pell Grants for Public Safety,” an education and strategy session that was attended by over 60 leading advocates working to expand higher education opportunities in prison and by officials from the U.S. Departments of Education, Justice, and Labor. Finally, Soros Justice Fellow and CCF Executive Director Vivian Nixon is passionate in her advocacy for restoring publicly funded higher education to people in and after prison and has become a national criminal justice reform leader, having come to CCF in 2001 as a student after she was released from the Albion Correctional Facility in New York.

CCF has been successful in broadening and diversifying the membership of its *Education from the Inside/Out Coalition* and in encouraging national organizations to educate and engage their own constituents about the importance of higher education opportunities for currently and formerly incarcerated people. This past year, it broadened the Inside/Out Coalition’s existing membership by establishing strategic partnerships with college students and conservative faith leaders. Its engagement with OSF grantee Students for Sensible Drug Policy, which trains and organizes college students on over 180 campuses across the country to advocate for an end to the Drug War, resulted in the organization prioritizing the issue, joining the Inside/Out Coalition, and mobilizing its base for restoring Pell Grant eligibility to people in prison. CCF’s strategic engagement with traditionally conservative organizations resulted in Pat Nolan, president of the Justice Fellowship, formally endorsing the Inside/Out Coalition’s campaign and his commitment to collaborating with the coalition to bring bi-partisan support to the issue. Renewed OSF funding will enable CCF to continue expanding its base by reaching out to and engaging law enforcement, corrections personnel, crime survivors, and potential partners in other fields to strengthen the case that broad-based support exists for expanding higher education opportunities to people in and after prison.

Staff is impressed by CCF’s strong partnership on this project with OSF grantee The Fortune Society’s David Rothenberg Center for Public Policy. We will continue to work closely with CCF to ensure that its efforts leverage our investment in the Bard Prison Initiative and our partnership with the Bill & Melinda Gates Foundation to demonstrate the effectiveness of prison-based postsecondary education programming.

For these reasons, the Criminal Justice Fund recommends renewed project support for The College and Community Fellowship in the amount of \$200,000 over two years.

Grant ID: 20033939

Legal Name of Organization: The Regents of the University of California

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: to allow the Lethal Injection Project to continue providing vital resource assistance to litigators and abolitionist organizations fighting lethal injection procedures in several states

Grant Description: \$120,000 renewal grant over one year to allow the Lethal Injection Project at U.C. Berkeley School of Law to continue providing vital assistance to death-sentenced individuals, litigators, and abolitionist organizations fighting lethal injection procedures nationwide. 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. This grant will advance the Criminal Justice Fund's priorities of eliminating harsh punishment by abolishing the death penalty and eliminating race and class disparities in sentencing. The Lethal Injection Project's work advances the goals of the Campaign to Abolish the Death Penalty by 2025, a national campaign developed with OSF support.

Previous OSF Support: \$265,000

- \$50,000 U.S. Justice Fund Communications Fund, 2008
- \$50,000 Gideon Project, 2008
- \$50,000 Criminal Justice Fund, 2009
- \$65,000 Criminal Justice Fund, 2010
- \$50,000, Criminal Justice Fund, 2011

Organization Budget: \$3.3 billion

Project Budget: \$269,895

Major Sources of Support: Funders for Alternatives to the Death Penalty (requested) \$149,895

Amount Requested: \$120,000

Is this a contingent Grant? No

Amount Recommended: \$120,000 (Criminal Justice Fund, T1: 24016, from 2012 budget)

Term: 1 year, beginning January 1, 2012

Matching Requirements: None

Description of Organization:

The University of California (U.C.) was chartered in 1868 and its flagship was established at Berkeley. U.C. Berkeley is one of the world's premier public universities. The academic community makes key contributions to the economic and social well-being of the Bay Area, California, and the nation. As of the Fall of 2010, there were 35,838 students including 25,540 undergraduates and 10,298 pursuing graduate degrees. Established in 2001, the Death Penalty Clinic 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 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 Lethal Injection Project (“Project”) of the U.C. Berkeley School of 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; 2) educate the public about the realities of lethal injection; and 3) 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 Litigation Assistance

Project attorneys provide direct assistance to litigators in more than 20 jurisdictions who are challenging lethal injection procedures in federal and state courts, as well as administration challenges. Recently, the Project has been working closely with a handful of new states on lethal injection issues, including Colorado, Oregon, and South Dakota. Project attorneys regularly review and draft pleadings, conduct research, review discovery documents, and participate in case strategy sessions. They also assist attorneys in preparation for oral arguments, hearings, and other court proceedings. Project attorneys also lecture about lethal injection challenges at several state-based and national training conferences. These presentations allow them to provide assistance to large groups of litigators at one time.

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: 1) assists counsel litigate APA challenges; and 2) continue to participate in ongoing administrative proceedings, including drafting public comments and assisting activists and litigators to coordinate responses to the regulatory process. The Lethal Injection Project has provided extensive assistance to litigators and abolitionists in five states where lethal injection procedures were subject to administrative proceedings, including California, Maryland, Nebraska, Oregon, and Kentucky.

3. Assist with Expert Witness Development

Project attorneys work closely with a variety of leading medical experts who can either speak on the record to the media about lethal injection issues or testify and consult in ongoing challenges. The recruitment and development of these experts is a time-consuming and ongoing endeavor. In the past year, Project attorneys have developed prominent medical experts who have testified about the change in drugs used to anesthetize prisoners in the three-drug formula.

4. Continue Development of Web-Based Clearinghouse

The Project's website, lethalinjection.org, has provided hundreds of 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. The ability to post material related to litigation and developing issues allows the Project to reach a much broader group than direct consultation alone. The clearinghouse provides attorneys with pleadings, witness declarations, transcripts and scientific information necessary to their litigation. The *New York Times* editorial board has called it an excellent example of how the Internet has changed the previously obscure nature of major Supreme Court cases and complicated legal issues.

5. Coordinate Communications Efforts with Anti-Death Penalty Activists and Litigators

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: 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.

7. Public Education and Scholarly Work

Project attorneys and clinic faculty regularly speak with the media about lethal injection developments and coordinate messaging with other litigators and advocacy groups. Clinic faculty have also contributed to the academic debate about lethal injection and its role in Eighth Amendment jurisprudence. These scholarly activities seek to impact the way courts, journalists, and the public view the validity of the execution protocol used by virtually all death penalty states.

Rationale for Recommendation:

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

Lethal injection litigation has halted executions in at least nine states and the federal government⁸ and has simultaneously lifted the shroud of secrecy that surrounds lethal injection practices, revealing that states

⁸ Jurisdictions with *de facto* moratoria due to lethal injection litigation include: Arkansas, California, Delaware, North Carolina, Kentucky (conducted execution of volunteer but other executions on hold), Louisiana (conducted

routinely carry out executions in a manner that is disorganized, unprofessional and dangerous. These facts have exposed another powerful reason for the public to question the wisdom of capital punishment.

Recent developments have provided another opening to further challenge the use of lethal injection. In January 2011, Hospira, the sole domestic manufacturer of sodium thiopental, the first of three drugs used in lethal injections, announced it would cease production of the drug. This move has forced many states to conduct time-consuming administrative and legislative processes to change drugs used in their execution protocols. For example, several states amended their protocols to require the use of pentobarbital instead of thiopental. Project attorneys researched state law in every death penalty jurisdiction to identify the legislative and administrative requirements each state must meet to amend their execution protocols. Project attorneys are collaborating with litigators and organizers in several states to develop litigation and advocacy strategies to challenge states' noncompliance with these legal requirements. The Project is also consulting with Reprieve in the U.K. as it negotiates with the manufacturer of pentobarbital to restrict access to the drug to legitimate, on-label uses. Project attorneys will continue to work with litigators across the country, providing them with information about the steps each state must take to address the thiopental shortage.

Project attorneys also worked with the private bar to file the first major lawsuit in federal court against the Federal Drug Administration to prevent states from importing unregulated and foreign sources of thiopental and to urge the Drug Enforcement Administration (DEA) to seize imported thiopental from the departments of corrections that obtained it. Over the course of several weeks in the spring of 2011, DEA took possession of execution drugs in six of the ten states that participated in illegal importation. Project attorneys will continue to file open records requests to expose how states acquire the drugs they use to execute prisoners.

The Project serves as a powerful reminder that challenging and exposing lethal injection procedures, coupled with strategic litigation, can further the goal of abolition. New Jersey abolished the death penalty following successful lethal injection litigation. In Maryland, executions have been on hold for more than six years as a result of challenges to lethal injection procedures. 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. 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 several years as a result of lethal injection challenges pending in state and federal courts. Against this backdrop, the Project is currently providing consultation (through direct support as well as through the lethlainjection.org website) for ongoing and/or planned litigation in as many as 19 jurisdictions.⁹

Lethal injection litigation requires a detailed understanding of complicated medical issues and a connection to relevant experts. While many lawyers do not have the experience to litigate complex lethal injections cases successfully, the Project continues to provide invaluable expertise to attorneys and advocates across the country. For the reasons stated here, the Criminal Justice Fund recommends a project support grant of \$120,000 over one year to the Regents of the University of California to support the Lethal Injection Project at the U.C. Berkeley School of Law Death Penalty Clinic.

execution of volunteer but other executions on hold), Maryland, Nebraska, Oklahoma (as of Aug. 2010), Pennsylvania, Washington, and the U.S. Government.

⁹ Arizona, Arkansas, California, Delaware, Florida, Idaho, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, North Carolina, Ohio, Pennsylvania, Tennessee, Washington, and the Federal jurisdiction.

Grant ID: 20033866

Legal Name of Organization: Campaign for Fair and Just Policing

Tax Status: other

Name of Fiscal Agent: North Star Fund

Purpose of Grant: to establish the infrastructure of the Campaign for Fair and Just Policing to reduce New York City’s reliance on “broken windows,” zero tolerance, and bias-based policing practices

Grant Description: \$173,000 project support over seven months to launch the newly initiated Campaign for Fair and Just Policing in New York City. Bridge grant funding will enable the Campaign to hire staff, begin to implement the Campaign governance and structure, and coordinate Campaign activities. Upon the completion of this grant, the Tides Foundation, with partial support from OSF, will continue the activities of the Campaign. This grant would advance the Criminal Justice Fund’s goal of eliminating racial disparities and securing a fair and equitable justice system by reforming bias-based policing practices.

Previous OSF Support: n/a

Organization Budget: \$5,190,080 (North Star Fund)

Project Budget: \$173,000

Major Sources of Support: n/a

Amount Requested: \$173,000

Is this a contingent grant? No

Amount Recommended: \$173,000 (Criminal Justice Fund, T1: 24017)

Term: 7 months, beginning December 1, 2011

Matching Requirements: n/a

Description of Organization:

North Star Fund will serve as the fiscal agent for this grant. Founded in 1979, North Star Fund is a community foundation in New York City that supports grassroots groups leading the movement for equality, economic justice, and peace. North Star Fund also organizes donors, raises money for grants, and provides technical assistance to grantees. Since its founding, North Star Fund has distributed \$35 million dollars to more than 1,700 groups working to create a more equitable and democratic New York City.

The Campaign for Fair and Just Policing in New York City is a newly initiated citywide, multi-organizational campaign that will challenge New York City Police Department's (NYPD) stop, question and frisk practices and zero tolerance policing. This campaign was developed with the support of Open Society Foundations and Atlantic Philanthropies.

Description of Program for Which Funding Is Sought:

This grant recommendation is intended to serve as a “bridge grant” to fund the first seven months of the Campaign for Fair and Just Policing in New York City and to launch the Campaign's core work. The grant will allow the Campaign's steering committee and fiscal agent to hire staff and develop the campaign infrastructure to launch the Campaign in January 2012.¹⁰ Specifically, the grant will enable the Campaign to: 1) conduct public education and engagement on the problem of biased-based policing; 2) refine its existing policy reform agenda; 3) conduct grassroots training; and 4) develop a communications and messaging strategy, including the launch of a Campaign website.

With the support of OSF and Atlantic Philanthropies, approximately 50 advocacy organizations in New York City came together through a series of four convenings to develop a strategy to address the New York Police Department's zero-tolerance and biased based policing practices. Through these meetings, representatives of participating organizations articulated a shared vision and theory of change, defined priority goals and developed a structure to coordinate a city-wide advocacy campaign. Overall, campaign partners share a vision of advocating for policing practices and policies that promote community safety in a dignified, fair, and effective manner that upholds the constitutional rights all New York residents. Campaign partners developed an initial campaign framework, including specific goals and objectives to be implemented over a multi-year process. The primary Campaign goals are to:

- Substantially decrease bias-based encounters with the police;
- Increase the ability of impacted communities to hold the police accountable and prevent ongoing police abuses by building support for alternative policing models; and
- Build political will in New York City among the public and decision-makers to bring about the shifts in public policy that promote fair and effective policing.

Some of the specific objectives identified by the Campaign to date include:

- Ensure that stop, question and frisk (SQF) practices and just, fair, and accountable policing are central issues in the 2013 NYC mayoral race and debates;
- Support policy reform mandating regular public reporting from NYPD and District Attorney's offices related to SQF and other key accountability issues;
- Decrease the number of SQF encounters citywide and the number of summonses and arrests resulting from police patrols (“vertical patrols”) of New York City Housing Authority buildings;
- Continue support for current litigation strategies and develop other litigation opportunities; and
- Ensure that there is a high level of coordination among all sectors involved in the Campaign.

To advance these goals, the Campaign will be organized by: 1) a Steering Committee that will develop and oversee the Campaign's strategic direction; 2) four main Working Groups and one affinity group (on

¹⁰ Current steering committee members include the Center for Constitutional Rights, New York Civil Liberties Union, Make the Road New York, Malcolm X Grassroots Movement, the Justice Committee, and The Center Race, Crime and Justice at John Jay College. In October 2011, the Bronx Defenders, Picture the Homeless and Streetwise and Safe will join the Steering Committee.

litigation strategies) designed to involve a diverse group of advocacy partners citywide; and 3) campaign staff to coordinate and manage the core functions of the campaign.¹¹

This grant will enable the Campaign to achieve the following outcomes over a seven-month period:

- Hire permanent campaign staff (Campaign Manager and Campaign Organizer)
- Convene monthly working group meetings of advocates working citywide
- Complete the 2012 Campaign workplan
- Convene all engaged organizations at a one-day meeting to ensure alignment around the 2012 workplan
- Develop and launch a communications strategy
- Develop a website that provides resources for media, policymakers, and the advocacy community
- Develop public education material
- Continue to refine the policy reform agenda
- Develop a community education and engagement plan using CopWatch and Know Your Rights programming
- Develop a white paper outlining the Campaign's vision of policing in New York City, and
- Identify gaps in research addressing policing practices in New York City and develop plans to remedy those gaps.

The newly hired Campaign staff will play a critical role in planning, convening, and documenting all aspects of the Campaign and ensuring that participating organizations remain well-informed and highly engaged in campaign activities. The staff will ensure that the key Campaign structures such as the Steering Committee and Working Groups have the support they need to function well and implement a 12-month work plan for 2012. Campaign staff will also be responsible for ensuring that important foundational elements of the campaign, such as the communications strategy, public education, and outreach plan, are developed and launched.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goal of eliminating racial disparities and securing a fair and equitable justice system by supporting the launch of a citywide advocacy campaign designed to promote fair and effective policing in New York.

Over recent decades, the New York City Police Department (NYPD) has employed an order maintenance policing regime characterized by a huge increase in the use of *Terry* stops, often accompanied by frisks, and an increase in arrests for misdemeanors, marijuana possession, trespass, and the issuance of non-criminal violations. This change in policing practices, first initiated in the mid-1990s, coupled with a changing political environment after the 9/11 attacks, has given the Department almost unfettered discretion to fight crime at the expense of accountability. Police Chief Raymond Kelly has repeatedly responded to critics by arguing that the Department's aggressive policing tactics have led to the historic crime decline in New York City.

¹¹ The four Working Groups include: 1) legislative and policy; 2) 2013 elections; 3) community outreach and engagement including Know Your Rights and Cop Watch; and 4) research. At present, the Campaign has a litigation affinity group. Affinity groups help to advance the objectives of the various working groups but may not meet as regularly as working groups. Legislative and electoral work will be supported by the 501(c)4 Advocacy Fund for Fair and Effective Policing funded by The Atlantic Philanthropies.

Despite Commissioner Kelly's claims, dissecting and analyzing New York City's crime decline is complex given the numerous factors to consider. With funding support from the Criminal Justice Fund, more than 20 policing experts recently gathered at John Jay College of Criminal Justice to address the crime decline in New York City. Professor Franklin Zimring of the University of California, Berkeley and Professor Alfred Blumstein of Carnegie Mellon University confirmed that isolating one policing practice to attribute to the decline would not be easy. Further, experts noted that the New York City crime decline is becoming less exceptional as other cities, such as Los Angeles, also are achieving significant and sustained declines in crime.

NYPD's unprecedented campaign of police activity in specific neighborhoods has resulted in a disproportionate surveillance of communities of color. The consequences of this heightened police activity include greater entanglement of communities of color in the criminal justice system, poor community-police relations and a lack of police legitimacy. According to many experts, the lack of police legitimacy leads many citizens to distrust the police and become less willing to support crime fighting efforts.

The recent announcement by Commissioner Kelly that New York City police officers should not arrest individuals found with small amounts of marijuana unless in public view demonstrates that advocacy—conducted, in part, by OSF grantees—has had an impact on NYPD policing practices. Despite this victory, the situation has to be monitored closely to ensure compliance. Moreover, this policy change is not likely to affect practices under which hundreds of thousands of innocent New Yorkers will continue to be stopped and unreasonably frisked.

The development of a coordinated, citywide police accountability campaign in New York City will have an even greater impact in pressuring city leaders and the NYPD to adopt policing practices that are fair and effective while promoting public safety. Over the years, the lack of coordination among those working for policing reforms has resulted in the absence of a cohesive strategy, developed with the input of a diverse coalition of groups. For example, there is currently no coordinated communications strategy designed to challenge NYPD's policing practices. Nor is there a citywide public education or mobilization effort designed to engage the diverse components of the interested public—from large advocacy and policy organizations to smaller community-based groups, as well as important constituencies like the faith community. Moreover, some of the organizations that have been the most involved in addressing police accountability issues in New York City have not always worked well together given turf battles.

To address these issues, the Campaign's governance and working group structure is designed to bring a variety of organizations together to develop consensus, work closely to develop the Campaign strategy and implement its goals and objectives. Having Campaign staff will help ensure the Campaign is well planned, coordinated and resourced to achieve its goals. Although the Criminal Justice Fund and the Human Rights and Reconciliation Programme at Atlantic Philanthropies are working closely together to recommend funding to support the Campaign over the long-term, these funds would not be available until spring 2012.¹² Given the momentum of the campaign and the immediate need to continue its development so it can launch fully in early 2012, this grant would support the first seven months of the Campaign, beginning in late 2011. The Criminal Justice Fund has confidence in the Campaign's leadership and the fiscal agent—North Star Fund—to lead this critical phase of the effort.

For the reasons mentioned above, the Criminal Justice Fund recommends a project support grant to North Star Fund in the amount of \$173,000 over seven months.

¹² See companion CJF docket write-up recommending grant support to the Tides Foundation for the donor advised Fund for Fair and Just Policing.

Grant ID: 20033868

Legal Name of Organization: Tides Foundation

Tax Status: 501c(3) public charity

Name of Fiscal Sponsor: n/a

Purpose of Grant: to support the Campaign for Fair and Just Policing in New York City

Grant Description: Project support over one year to support the Campaign for Fair and Just Policing in New York City (the “Campaign”). In the fall of 2010 and the summer of 2011, the Criminal Justice Fund, in collaboration with The Atlantic Philanthropies, convened an array of organizations engaged in promoting fair and just policing in New York City. The series of meetings generated a campaign plan with three goals: 1) substantially decrease bias-based encounters with police; 2) increase the ability of the most affected communities to hold the police accountable and prevent abusive policing; and 3) build the political will in New York City among the public and policymakers to advance a more just and humane policing paradigm in New York City. Through the Fund for Fair and Just Policing in New York City, the Tides Foundation will re-grant to organizations that advance the goals and objectives of the Campaign. This grant would advance the Criminal Justice Fund’s goal of eliminating racial disparities and securing a fair and equitable justice system by reforming bias-based policing practices.

Previous OSF Support: n/a (for this project)

Organization Budget: \$6,122,875

Project Budget: \$1,700,000

Major Sources of Support: Atlantic Philanthropies \$500,000¹³

Amount Requested: \$1,200,000

Is this a contingent grant? No

Amount Recommended: \$1,200,000 (Criminal Justice Fund T1: 24017)
\$200,000 (from 2011 budget)
\$1,000,000 (from 2012 budget)

Term: 1 year, beginning December 1, 2011

Matching Requirements: n/a

¹³ At their December 8, 2011 board meeting, our funding partners at The Atlantic Philanthropies will recommend \$500,000 in support for the period of this grant and \$1,000,000 in additional support for 2013.

Description of Organization:

The Tides Foundation (“Tides”), a San Francisco-based public charity founded in 1976, partners donors who are interested in charitable giving with organizations that are working for progressive social change. Tides actively promotes change towards a healthy society, one which is founded on the principles of social justice, broadly shared economic opportunity, a robust democratic process, and sustainable environmental practices. Tides initiatives focus on economic and racial justice, Native American rights, environmental justice, youth programs, violence prevention, and civic participation.

Description of Program for Which Funding Is Sought:

This grant will provide project support to the donor advised Fund for Fair and Just Policing at the Tides Foundation.¹⁴ This fund will re-grant to organizations taking part in the Campaign for Fair and Just Policing in New York City (“Campaign”). The Campaign is a newly initiated citywide, multi-organizational effort that will challenge the New York Police Department’s (NYPD) stop, question and frisk practices and zero tolerance policing. The Campaign was developed with the support of Open Society Foundations, Atlantic Philanthropies and a planning committee.¹⁵ About 50 grassroots, legal, policy and research organizations took part in the planning phase of the Campaign. During the first year of the grant, we expect a substantial number of these organizations to continue to work collaboratively to implement the Campaign’s goals and objectives, outlined below.

The Campaign partners share a vision of ending bias-based policing in New York City and instituting policing policies and practices that promote community safety in a dignified, fair and effective manner that respect and uphold the constitutional rights of all New York City residents. The Campaign partners have identified the following guiding principles: 1) include the voices, insight and collective power of directly impacted communities; 2) effectively integrate and coordinate policy, litigation, grassroots organizing and research efforts in the Campaign rather than see them as stand-alone strategies; 3) implement a well-organized communications strategy; and 4) increase the number of individuals, organizations and decision-makers who understand the problem and are willing to take action to advocate for alternatives.

The Campaign will be coordinated by a campaign manager and organizer (see accompanying docket write-up for North Star Fund), a Steering Committee and Working and Affinity Groups. The Steering Committee is the governance body of the Campaign and is responsible for ensuring that the objectives are accomplished. The Steering Committee is composed of nine organizations—five are based in directly impacted communities, three are policy or legal organizations and one is a research organization.¹⁶ The Steering Committee will have a three to four member executive committee, which will oversee the performance of the Campaign staff. The Campaign’s Working Groups will provide an opportunity for the core work of the Campaign to be developed by focusing on a particular set of Campaign objectives. Working Group members will help to draft annual plans, provide feedback to the Steering Committee and other Working Groups, and participate in annual Campaign-wide planning and evaluation. The current

¹⁴ The Campaign for Fair and Just Policing in New York City will be a coordinated grantmaking program of two funds housed separately at Tides Foundation, a 501(c)(3) organization, and The Advocacy Fund (TAF), a separate 501(c)(4) organization. A grant from Atlantic Philanthropies is designated for the Action Fund for Fair and Just Policing in New York City at The Advocacy Fund, 501(c)(4).

¹⁵ Planning committee members included: New York Civil Liberties Union, Center for Constitutional Rights, Malcolm X Grassroots Movement, the Justice Committee, Make the Road New York, Spitfire Strategies, and the Center for Race, Crime and Justice at John Jay College of Criminal Justice.

¹⁶ At this time, the Steering Committee members include the former planning committee members with the exception of Spitfire Strategies, and, beginning October 2011, will additionally include Bronx Defenders, Picture the Homeless, and Streetwise and Safe.

Working Groups include: 1) policy and legislative; 2) 2013 elections; 3) community engagement; and, 4) research. Affinity Groups are committees of the Campaign that may not meet regularly as Working Groups and are focused on a particular sector. At present, the Campaign has a litigation affinity group.

Goals and Objectives

The specific goals and objectives of the Campaign were developed through a stakeholder convening process and are to be implemented beginning in 2012. All 501(c)4 activities will be supported by the 501(c)4 Advocacy Fund for Fair and Just Policing supported by Atlantic Philanthropies. The Campaign's goals, and some of the strategies to achieve them, are listed below.

Goal One: Substantially decrease bias-based encounters with the police

- Pass New York State legislation that would increase transparency and accountability over the NYPD and reform NYPD.
- Pass a city level racial profiling bill that would strengthen the city's racial profiling definition and prohibit NYPD practices that have a disparate impact on certain populations¹⁷ (Title VI fix).
- Develop and implement a citywide system to deter, monitor and document police abuse in the most affected neighborhoods and communities, through Cop Watch and other activities.
- Build resistance to the consequences of order maintenance policing among *pro se* defendants, members of the public and private defense bar, prosecutors, and criminal court judges.

Goal Two: Increase the ability of impacted communities to hold the police accountable and prevent ongoing police abuses by building support for alternative policing models

- Strengthen the infrastructure of grassroots organizations to ensure that affected neighborhoods and communities have systems in place to prevent, monitor, document and respond to abusive policing.
- Through research, develop an understanding of how "broken windows" and zero-tolerance policing practices impact individuals, families and communities—and how the practice impacts individual views of legitimacy of the police.

Goal Three: Build political will in New York City among the public and decision-makers to bring about the shifts in public policy that promote fair and effective policing

- Publicize the ineffectiveness and unfairness¹⁸ of current order maintenance policing practices and effective alternatives to current NYPD practices to build the political will necessary to change current policies and practices.
- Insert NYPD reform platform into 2013 city elections.

¹⁷ "Certain populations" in this case refers to race and other protected categories.

¹⁸ Unfairness will be demonstrated through publicizing the pattern, volume and disparate impact of abusive practices.

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 supporting a campaign to advance fair and just policing in New York City.

Beginning in 1994, under Mayor Rudolph Giuliani and former Police Commissioner Bill Bratton, the New York Police Department began enforcing an order maintenance policing strategy that focused on responding aggressively, through arrests and summonses, to the appearance of public disorder under the belief that such actions would prevent serious crimes from taking place. Under Mayor Michael Bloomberg, the NYPD has expanded dramatically these practices by selectively targeting certain neighborhoods and communities for heavy-handed policing, including special operations programs that flood neighborhoods with police officers that engage in aggressive enforcement tactics.

As a result of NYPD's order maintenance policing practices, hundreds of thousands of New Yorkers have been stopped, searched, summonsed, arrested, harassed or even physically assaulted by NYPD officers. Black, Latino, low income, immigrant, LGBTQ, homeless, and young New Yorkers have faced the brunt of these practices, which frequently violate fundamental rights and freedoms. From 2002 to 2009, stops by NYPD increased from 97,837 to 576,394. In 2010, the NYPD made 601,055 stops, more than any other 12-month period. Eight-seven percent of stops in 2010 impacted black and Latino residents. In the first quarter of 2011, New York police made 183,326 stops, the highest number recorded for any quarter since 2002. Nearly 85 percent of these stops were of black or Latino residents.

The use of stop, question and frisk and other aggressive policing practices, including a dramatic increase in the issuance of summonses, could not have been implemented without former Police Commissioner Bratton's introduction of Compstat in 1994, a data-driven management system based upon: timely and accurate information; rapid deployment; effective tactics; and follow-up and assessment. Since the year Compstat was introduced in NYC, there has been a 500 percent increase in the number of summonses issued. Recent charges by former and current New York City police officers allege that their superiors at the precinct level force them to meet quotas to make arrests and summons.¹⁹

Despite the racial disparities and lack of compliance with constitutional standards for a large percent of NYPD's stops, current Police Chief Raymond Kelly has faced little opposition to his deployment of aggressive policing in minority communities. Even a decade after the terrorist attacks of 9/11, the public is willing to grant a great deal of authority to law enforcement and compromise certain civil liberties for the promise of safety and security. Additionally, Kelly has justified his policies by concluding that NYPD's aggressive tactics are responsible for New York's crime decline. A group of more than 20 scholars that recently met at an OSF-funded conference at John Jay College of Criminal Justice concluded that the crime decline issue is more complex than Kelly suggests. Their research indicates that Kelly's claims are misleading and inaccurate. Although University of California Professor Frank Zimring suggests that policing in New York City may have impacted changes in crime levels, he has not attributed these changes directly to the aggressive use of stops and frisks.

¹⁹ See Rocco Parascandola, "Ex-Bronx Cop Vanessa Hicks Suing City, Says Quotas Let to Axing," *NY Daily News*, May 22, 2011; Graham Rayman, "The NYPD Tapes: Inside Bed-Stuy's 81st Precinct," *Village Voice*, May 04, 2010; Graham Rayman, "The NYPD Tapes, Part 2 – Bed-Stuy Street Cops Ordered: Turn This Place Into a Ghost Town," *Village Voice*, May 11, 2010; Graham Rayman, "NYPD Tapes 4: The WhistleBlower, Adrian Schoolcraft," *Village Voice*, June 15, 2010.

Despite the challenge of changing NYPD policies, there are openings for change. The 2013 mayoral elections provide an opportunity for advocates to bring NYPD's racially disparate policing tactics into a public forum. The recent and, unfortunate arrests, of two of the City's black political figures, New York City Councilman Jumaane Williams and Kirsten John Foy, director of public affairs for Public Advocate Bill de Blasio, have catapulted the issue of unjustified stops into the public consciousness. Williams and Foy are now working directly with Campaign Steering Committee members to demand greater transparency and accountability from NYPD. Most recently, the New York Civil Liberties Union co-convened a strategy session with Williams and Foy as well as Al Sharpton, the state Black, Puerto Rican, Hispanic and Legislative Caucus and the City Council's Black, Latino and Asian Caucus to discuss NYPD reform proposals, including the need to share more crime data. Some of the City's political elite and potential mayoral candidates are now more vocal than ever before in their opposition to NYPD's widespread use of stop, question and frisk.

Moreover, the recent passage of legislation at the state level requiring the purging of names acquired by the NYPD through stop, question and frisk practices and Commissioner Kelly's recent announcement that NYPD should stop arresting citizens for possession of marijuana if it was never in public view indicate that NYPD is not invulnerable to political pressure or the work of advocates. Additionally, in September 2011, Judge Shira Scheindlin of the Federal District Court in New York refused to issue a summary judgment order in the lawsuit against the NYPD challenging its use of stop, question and frisk. Campaign Steering Committee member, the Center for Constitutional Rights will now proceed to file class certification in the lawsuit by November 7.

These incremental victories must be bolstered by a strategic and focused response. To date, there has been no coordinated, citywide effort by advocates to challenge NYPD's aggressive policing practices, including the use of stop, question and frisk. The Campaign for Fair and Just Policing provides such a vehicle for change. The process leading to the development of the Campaign has included the participation of nearly 50 organizations. Yet, the Campaign will require significant resources to operationalize its goals and objectives, including significant public engagement and mobilization of key partners. In addition to having staff to coordinate key functions, the Campaign's partner organizations will require additional resources to bolster existing functions and implement new strategies to support the Campaign's goals.

Support to the Campaign Fair and Just Policing at the Tides Foundation will enable Tides to re-grant funds to community-based, policy and legal organizations involved in the Campaign's implementation, including support for the campaign infrastructure. The Criminal Justice Fund will work with Tides to implement a request for proposal process in early 2012 so Campaign partners will be eligible to receive funding next spring.²⁰ CJF is partnering with the Human Rights and Reconciliation Programme at The Atlantic Philanthropies to support the Campaign's goals. Our funding partners at Atlantic will recommend a grant of \$1,500,000 at their December 8th board meeting to support the Campaign in 2012-2013. We have been reassured by our funding partners that their grant recommendation continues to be supported at high levels in the foundation, despite the recent leadership transition. CJF plans to invest resources to support the Campaign over a multi-year process.

The Criminal Justice Fund has confidence in the Campaign's governance body and the processes it has put in place to launch a successful campaign. The Steering Committee members are experienced

²⁰ See CJF's companion docket write-up recommending grant support to North Star Fund to support the initial start-up of the Campaign including the hiring of campaign staff. The grant to North Star Fund will enable the Campaign's governance body to begin recruiting staff at the end of 2011. That grant will allow staff to quickly begin coordinating important aspects of the Campaign and prevent a delay that would otherwise be required by waiting for the Tides re-granting process.

advocates dedicated to ensuring that NYPD institutes policies that promote public safety in a fair, dignified and effective manner. For the above mentioned reasons, CJF recommends a grant to the Tides Foundation in amount of \$1,200,000 over one year.