
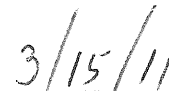


**U.S. PROGRAMS
Criminal Justice Fund
Summary of Recommended Grants
March 2011**

Program Area/Organization

Organization	Grant Code	Recommended	Term	2011	2012
Reducing Mass Incarceration					
Justice Policy Institute	T1: 24015	300,000	2 years	300,000	
Judge David L. Bazelon Center for Mental Health Law	T1: 24015	375,000	18 months	375,000	
Grassroots Leadership	T1: 24015	300,000	2 years	300,000	
Eliminating Harsh Punishment					
Community Legal Services	T1: 24016	300,000	2 years	300,000	
The Fortune Society ¹	T1: 24016 T1: 21031	250,000 50,000	2 years	250,000 50,000	
Temple University	T1: 24016	150,000	2 years	150,000	
Southern Center for Human Rights	T1: 24016 T1: 24017	600,000 180,000	2 years	600,000 180,000	
Witness to Innocence	T1: 24016	50,000	1 year	50,000	
Pennsylvania Capital Representation Project (Defender Association of Philadelphia is fiscal sponsor)	T1: 24016	200,000	2 years	200,000	
Atlantic Center for Capital Representation (Texas Defender Service is fiscal sponsor)	T1: 24016	200,000	2 years	200,000	
Families and Friends of Louisiana's Incarcerated Children ²	T1: 24016 T1: 21098	100,000 100,000	2 years	100,000 100,000	
Juvenile Justice Project of Louisiana	T1: 24016	380,000	2 years	380,000	
Securing an Equitable System of Justice and Eliminating Racial Disparities					
Research Foundation of the City University of New York	T1: 24017	82,000	1 year	82,000	
Southern Public Defender Training Center	T1: 24017	79,500	1 year	79,500	
The Defender Association ³	T1: 24017 T1: 21031	150,000 50,000	2 years 2 years	150,000 50,000	
Total Recommended:		\$ 3,896,500		\$ 3,896,500	\$ -
GRANTMAKING TOTAL THIS DOCKET:		\$ 3,896,500			


Approval Signature


Date

¹ This grant of \$300,000 to The Fortune Society is co-funded by the Criminal Justice Fund T1:24016 (\$250,000), and the Campaign for a New Drug Policy T1: 21031 (\$50,000).

² This grant of \$200,000 to Families and Friends of Louisiana's Incarcerated Children is co-funded by the Criminal Justice Fund T1:24016 (\$100,000), and the Campaign For Black Male Achievement T1: 21098 (\$100,000).

³ This grant of \$200,000 to The Defender Association is co-funded by the Criminal Justice Fund T1: 24017 (\$150,000) and the Campaign for a New Drug Policy T1: 21031 (\$50,000)

Criminal Justice Fund

Memo

To: Aryeh Neier
From: Ann Beeson, Leonard Noisette, and Criminal Justice Fund Staff
Date: 14 March 2011
Re: Criminal Justice Fund Docket I Grant Recommendations

The Criminal Justice Fund recommends 15 grants totaling \$3,896,500 for U.S. Programs' Docket I, scheduled for March 14, 2011. These grants, which include 14 renewals, represent continued support for work across our three core goals of Reducing Mass Incarceration, Eliminating Harsh Punishment, and Eliminating Racial Disparities and Securing a Fair System of Justice.

Three of these grants, to **Justice Policy Institute**, the **Bazelon Center for Mental Health Law**, and **Grassroots Leadership**, support a range of activities that would advance our goal of reducing mass incarceration. Three grants support efforts to eliminate barriers to reentry and promote opportunities for people with prior criminal justice involvement: support for the **Fortune Society** and **Community Legal Services** would advance their efforts to remove barriers to employment for formerly incarcerated individuals; the Fortune grant as well as a recommended grant to the **Inside-Out Prison Exchange program** at Temple University promote access to higher education opportunities for prisoners and those struggling to overcome the stigma of criminal convictions.

Four proposed grants would advance our goal of abolishing the death penalty: **Atlantic Center for Capital Representation**, **Pennsylvania Capital Representation Project (PCRP)** and **Southern Center for Human Rights** support direct services to individuals facing the death penalty, addressing a critical unmet need in the south and important mid-Atlantic states. The proposed grant to **Witness to Innocence (WTI)** is to enhance public education and communications strategies to broaden the base of support for abolition. Two grants, to **Juvenile Justice Project of Louisiana** and **Families and Friends of Louisiana's Incarcerated Children**, would confront the harsh punishment of children, by challenging excessive school discipline practices, inappropriate detention of youth, and extreme sentencing of children prosecuted as adults.

In support of our goal to eliminate racial disparities and secure an equitable system of justice, we propose three grants, one to **John Jay College of Criminal Justice**, to support the development of a research agenda related to policing practices, a second to **Southern Public Defender Training Center** to support the training of public defenders working in the historically underserved region of the South, and a third to the **Defender Association's Racial Disparities Project** to address racial disparities by reforming local policing practices in the state of Washington.

These grants also reflect CJF's continued support of a range of strategies to promote reform. The Justice Policy Institute and John Jay College grants support our commitment to idea generation and research to inform proposed policy changes. Bazelon Center, Community Legal Services, Southern Center for Human Rights, and Juvenile Justice Project of Louisiana all include strategic litigation as a tool for reform. Atlantic Center for Capital Representation, Pennsylvania Capital Representation Project (PCRP) and Southern Center for Human Rights all provide significant direct services for individuals whose legal

needs would otherwise be left unmet, while also serving as models for service provision. Fortune Society and the Inside-Out Prison Exchange program are examples of our support for work that uses direct services and the lessons learned from those services to inform advocacy for policy change. Finally, while most of our grantees include communications activities as part of their efforts, the Justice Policy Institute and Witness to Innocence engage in strategic communications as their primary work, both directly and in partnership with others in the field.

Reducing Mass Incarceration

Justice Policy Institute (JPI), \$300,000 general support renewal, over two years. Justice Policy Institute is a leading research and policy development organization that works nationally for fair and effective juvenile and criminal justice policies and practices. JPI engages in strategic research and aggressive public education and media campaigns on a wide variety of juvenile and criminal justice issues and provides technical assistance to grassroots organizations and government agencies to advance juvenile and criminal justice policies that improve public safety while reducing the reliance on incarceration and harsh punishment.

Judge David L. Bazelon Center for Mental Health Law (Bazelon Center), \$375,000 project grant renewal over 18 months to continue impact litigation, policy advocacy, technical assistance, and public education to decriminalize people with mental disabilities by addressing fundamental issues preventing access to mental health services and supports and redirecting misspent public investments in incarceration and punishment toward effective mental health treatment and stable supportive housing that reduce the reliance on incarceration and promote successful reentry.

Grassroots Leadership (GL), \$300,000 general support renewal over two years. Grassroots Leadership is a multi-racial team of organizers who support community, labor, faith, and campus organizations working across the South to abolish prison privatization and end associated abuses of justice and the public trust. Grassroots Leadership supports and directs campaigns that use a combination of field and organization capacity building assistance, grassroots organizing, direct action mobilizing, public education, media advocacy, and policy reform advocacy to challenge for-profit private prisons and immigrant family detention centers, to stop prison expansion, and to end the 287(g) program, which allows local law enforcement agencies to contract with Immigration and Customs Enforcement (ICE) to act as ICE agents.

Eliminating Harsh Punishment

1. Eliminating Barriers to and Supporting Opportunities for Successful Reentry

Community Legal Services (CLS), \$300,000 project grant renewal over two years to expand economic opportunities for people with criminal records. Renewed funding would enable CLS to continue directing a national impact litigation strategy to remove unreasonable employment barriers faced by people with criminal records, conduct advocacy efforts with enforcement agencies, raise public consciousness about the unlawful practices that deny people with criminal records access to employment, and continue to develop and support a learning community of national advocates.

The Fortune Society (Fortune), \$300,000 project grant renewal over two years (co-funded by the Campaign for a New Drug Policy), to support the David Rothenberg Center for Public Policy's public education, policy analysis and development, and advocacy to expand education and employment opportunities for, and the civic participation of people with criminal records, and to support the effective implementation of Rockefeller Drug Law Reforms in New York State.

Temple University (Inside-Out Prison Exchange program—Inside-Out), \$150,000 tie-off project grant over two years support the Inside-Out Prison Exchange project in expanding and replicating nationally a model strategy for increasing access to education for people in prison. Tie-off project funding would enable Inside-Out to build the capacity of its national headquarters and regional hubs over the next two years to develop and implement a development plan to strengthen its networks and programming through diverse funding and sustainable growth.

2. Campaign to Abolish the Death Penalty by 2025

Southern Center for Human Rights (SCHR) - \$780,000 general support renewal over two years to advance the Center's ongoing zealous advocacy for reforming the criminal justice system in Georgia and provide the highest quality legal representation. Given the organization's track record leading independent capital defense representation, SCHR's attorneys represent capital defendants at trials, on appeal and in post-conviction proceedings, and serve as critical resources to the private criminal defense bar and state capital defenders, consulting regularly on death penalty cases.

Witness to Innocence (WTI) - \$50,000 general support renewal over one year to support WTI's efforts to elevate the voices of exonerated death row survivors and support death penalty reform and abolition efforts. WTI is the only organization in the U.S. composed of and led by ex-death row prisoners. Its mission is to empower exonerated men and women through organizing and training to change public opinion through educational outreach.

Pennsylvania Capital Representation Project (PCRP) - \$200,000 project support renewal over two years to further PCRP's core mission of representing condemned prisoners in state court litigation. The PCRP provides representation in state post-conviction proceedings by litigating claims of actual innocence, prosecutorial misconduct, racial bias, defense counsel ineffectiveness, mental retardation, and other mental infirmities.

Atlantic Center for Capital Representation - \$200,000 project support renewal over two years to advance the development of a new defender organization to reduce the use of the death penalty in Pennsylvania and Delaware and make the repeal of the death penalty more likely in these states. The project's main activities include intensive consultation with trial level capital defense teams, statewide trainings targeted to the needs of cases of Pennsylvania and Delaware practitioners, strategic communications to galvanize public opinion around issues that have traction in the region, and advocacy for policy reform that results in fewer death sentences.

3. Dismantling the School to Prison Pipeline

Families and Friends of Louisiana's Incarcerated Children (FFLIC), \$200,000 general support renewal over two years (co-funded with the Campaign of Black Male Achievement). FFLIC is a statewide organization that advocates for Louisiana's youth, especially those involved in, or targeted by, the juvenile justice system. FFLIC engages in education, community building, and leadership development for parents of incarcerated youth and other caring adults. Renewed funding will support current campaigns to promote educational equity and curtailing the school-to-prison pipeline in the Recovery School District in New Orleans Parish, and to ensure the proper implementation of the Juvenile Justice Reform Act.

4. Eliminating the Harsh Treatment of Children

Juvenile Justice Project of Louisiana (JJPL) - \$300,000 general support renewal over two years and \$80,000 project support over one year. This grant would support JJPL's efforts to continue advocacy for implementation of juvenile justice system reforms, reduction of the use of detention of juveniles, and improvement of security practices in the New Orleans public school system. Project support will enable JJPL to provide direct representation over the next year to more than 60 individuals who are eligible for relief under *Graham v. Florida*, the 2010 Supreme Court ruling that declared life without parole sentences for juveniles in non-homicide cases to be unconstitutional, and to enhance the public education campaign designed to sustain the recent jail downsizing victory.

Eliminating Racial Disparities and Securing an Equitable System of Justice

1. Police Accountability

Research Foundation of the City University of New York (on behalf of John Jay College of Criminal Justice), \$82,000 project grant for one year to plan and conduct a comparative roundtable in the summer of 2011 to bring together academic experts, senior law enforcement practitioners, and civil society representatives from the U.K. and U.S. to assess the current state of academic knowledge around police-initiated stop powers and practices and to assess challenges faced by civil society.

2. Improving Public Defense Systems

Southern Public Defender Training Center (SPDTC), \$79,500 project support renewal over one year to fund the Southern Public Defender Training Center, which, in partnership with public defender offices across the region, provides training to entry level and inexperienced public defenders in order to build a community of zealous, committed public defenders and raise the standards of representation for indigent defendants in the Southeastern United States.

3. Challenging Racial Disparities in the Justice System

Racial Disparity Project (RDP) of The Defender Association in Seattle, Washington (co-funded by the Campaign for a New Drug Policy), \$200,000 project grant renewal over two years to support its advocacy to end racial inequality in the criminal justice system. This grant would support current activities by challenging extrajudicial banishment of individuals—predominantly people of color— by law enforcement from public spaces and is spearheading the LEAD pre-booking diversion model to prevent individuals from entering the criminal justice system for drug possession or low-level drug dealing, an innovative model for local reform.

Grant ID: #20031704

Name of Organization: Justice Policy Institute

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

Name of Fiscal Sponsor: Not Applicable

Purpose of Grant: To provide general support

Grant Description: To provide \$300,000 general support renewal over two years to the Justice Policy Institute, a leading research and policy development organization that works nationally for fair and effective juvenile and criminal justice policies and practices. JPI engages in strategic research and aggressive public education and media campaigns on a wide variety of juvenile and criminal justice issues and provides technical assistance to grassroots organizations and government agencies to advance juvenile and criminal justice policies that improve public safety while reducing the reliance on incarceration and harsh punishment. JPI also provides communications campaign support by developing effective messaging strategies that integrate data and real stories that advance the narratives of the people most impacted by juvenile and criminal justice policy in a way that appeals to audiences across the political spectrum. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the excessive and destructive economic and social costs of incarceration and challenging harsh and unjust sentencing practices and its interest in eliminating harsh punishment by ending the treatment of children as adults in prosecution and sentencing.

Previous OSF Support: \$2,576,087
(\$10,000 Criminal Justice Fund-2010; \$100,000 OSI-Baltimore-2010; \$340,000 Criminal Justice Fund and Seize the Day Fund-2009; \$50,000 OSI-Baltimore-2009; \$125,000 Criminal Justice Fund-2008; \$175,000 U.S. Justice Fund-2008; \$100,000 OSI-Baltimore-2007; \$125,000 U.S. Justice Fund-2006; \$100,000 OSI-Baltimore-2006; \$200,000 U.S. Justice Fund-2005; \$100,000 OSI-Baltimore-2005; \$100,000 OSI-Baltimore-2004; \$181,000 Criminal Justice Initiative-2003; \$75,000 OSI-Baltimore-2002; \$262,500 Criminal Justice Initiative-2001; \$44,500 OSI-Baltimore-2000; \$290,000 Center on Crime, Communities & Culture-2000; \$38,000 OSI-Baltimore-1999; \$15,087 The Lindesmith Center-1998; \$30,000 OSI-Baltimore-1998; \$75,000 Center on Crime, Communities & Culture-1997; \$40,000 Center on Crime, Communities & Culture-1996)

Organization Budget: \$1,311,331

Project Budget: Not Applicable

Sources of Support: \$200,000 The John D. and Catherine T. MacArthur Foundation; \$150,000 Public Welfare Foundation; \$75,000 Annie E. Casey Foundation; \$52,500 Individual Contributions; \$30,500 Earned Income; \$30,000 Fund for Nonviolence

Amount Requested: \$300,000

Contingency Grant?: No

Amount Recommended: \$300,000 (Criminal Justice Fund, T1: 24015)

Term: 2 years (July 1, 2011-June 30, 2013)

Matching Requirements: None

Description of Organization:

With OSF seed funding, The Justice Policy Institute (JPI) was established in 1997 as the policy development and public education arm of the San Francisco-based Center on Juvenile and Criminal Justice (CJCJ), which, at the time, developed and operated model programs to divert young people and adults from California's juvenile and criminal justice systems. In 2002, JPI spun off from CJCJ to become an independent, stand-alone research and public policy development and advocacy organization. Based in Washington, D.C., JPI is now a leading research and policy organization working nationally for fair and effective juvenile and criminal justice policies and practices. It provides strategic research, groundbreaking publications, aggressive public education and media campaigns, policy advocacy, and technical assistance to grassroots organizations and government agencies to advance public policies that improve public safety while reducing the reliance on incarceration and harsh punishment.

In 2009, OSF awarded JPI general support from the Criminal Justice Fund and project funding from the Seize the Day Fund to develop a policy report on incarceration rates and social structures in the US and other Western democracies and to support a network of criminal justice reform advocates in Maryland.

JPI's focus over the next two years will be to continue:

Providing strategic research. JPI provides strategic research to advocates, policymakers, practitioners, and the media on a wide range of issues to enhance the public debate about criminal and juvenile justice systems reform and to support systems change. Its research expertise includes analyzing national and state data trends, synthesizing academic research, and creating original, cutting-edge policy reports. JPI conducts primary source analysis of federal and state data to examine and illuminate juvenile and criminal justice system developments and trends. It synthesizes existing published and unpublished research by the nation's leading academics and thinkers and repackages it into formats that are more accessible to the public, policymakers, and the media. JPI also generates original research, often in collaboration with policy analysts and academics, and conducts in-depth, primary research to produce policy reports of national significance that are accessible and easy to read, often explaining and synthesizing difficult concepts into an easily digestible formats.

Conducting public education and providing communications support to advocates. JPI directs national public education campaigns; provides rapid response communications; develops effective messaging strategies for national, state, and local audiences; and provides communications campaign assistance to support local, grassroots organizations. JPI directs national public education campaigns to support advocacy on a variety of juvenile and criminal justice issues and in a way that draws connections across issues and networks and helps build relationships between organizations with common goals. Its rapid media response capitalizes on emerging opportunities and challenges through op-eds, articles, press releases, and other communications vehicles. JPI also provides communications campaign and technical assistance on state and federal policy issues to national, state, and local advocates by developing effective

messaging strategies that integrate data and real stories that advance the narratives of the people most impacted by juvenile and criminal justice policy.

Providing technical assistance to support policy reform. JPI provides research and planning assistance to advocates, grassroots organizations, foundations (including the MacArthur Foundation and the Annie E. Casey Foundation), and policymakers to support local juvenile and criminal justice reform efforts. It provides research and analysis assistance to state agencies working to safely decrease the number of people in prison and/or to reducing racial disparities across juvenile and criminal justice systems. JPI also helps to build the research capacity of local advocates and grassroots organizations to support their public education and advocacy efforts.

Description of the Project for Which Funding Is Sought:

The Justice Policy Institute requests general support.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the excessive and destructive economic and social costs of incarceration and challenging harsh and unjust sentencing practices and its interest in eliminating harsh punishment by ending the treatment of children as adults in prosecution and sentencing.

With the U.S. economy experiencing a slow recovery and federal and state governments grappling with large budget deficits, awareness is growing among the public and policymakers from across the political spectrum that high levels of incarceration and harsh punishment policies, including excessive and zero-tolerance influenced prison, probation, and parole sentences, are in need of bold rethinking. As a result, many of the juvenile and criminal justice reform policies we have supported for many years are now beginning to gain some traction. As a D.C.-based national research and policy development organization with a unique ability to work effectively with diverse stakeholders, including grassroots organizations, grassroots policy advocates, government officials and agencies, and academically-inclined researchers, the Justice Policy Institute plays an important role in shaping the policy discussion and defining a national agenda for reform.

JPI has earned a strong reputation among advocates, practitioners, policymakers, and journalists for its expertise and credible and often ground-breaking research, which is frequently cited by policymakers and used by advocates to support reform efforts. It has research expertise in number of areas, including analysis of national and state data trends; synthesizing academic research; and skillful analysis of data from the nation's leading criminal and justice research repositories (e.g., the FBI's Uniform Crime Reports, Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention), and bringing that data to life in issue-framing documents. JPI serves as a key resource for national and regional media, as well as a daily contact for interviews, data analysis, story ideas, op-eds and letters-to-editors, and its credibility and expertise has generated nationwide attention in America's leading print and electronic media, including *The New York Times*, *The Washington Post*, the *Los Angeles Times*, *Huffington Post*, and *The Wall Street Journal*.

JPI is often the first to identify emerging and sometimes difficult juvenile and criminal justice issues and then provide rapid, quality research and communications tools to describe the issue and make recommendations to inform the policy discussion. In recent years, JPI has helped address ungrounded fears of rising crime by contextualizing gang-related crime in the face of the media hype; reported on the negative impact on young people of the *Adam Walsh Act*; and played an important role in public education about the high costs of prison and effective strategies states can employ to quickly and safely

release people from prison to help alleviate straining budgets. In 2010, JPI produced analysis that showed the ways in which federal Byrne grant funding was likely to increase incarceration rates and state spending and evaluated the Obama Administration's Department of Justice budget for 2010 and 2011, issuing its analysis within a week to policymakers, advocates, and the general public.

In addition to its ongoing, strong collaborative relationships with other advocates in the field including OSF grantees the Sentencing Project, Families Against Mandatory Minimums, the Drug Policy Alliance, the Campaign for Youth Justice, and the Vera Institute of Justice, JPI successfully collaborated with a number of groups on a series of different projects in 2010. JPI worked closely with OSI-Baltimore and the Greater Baltimore Grassroots Criminal Justice Network to plan strategies, exchange ideas, identify policy goals that can be reached as a collaborative, and to release two reports about the Baltimore Detention Center, which resulted in the postponement of construction of a new jail for women. JPI also worked closely with the Office of Hawaiian Affairs, the University of Hawaii at Manoa, and Georgetown University to research and write a report showing how the criminal justice system affects Native Hawaiians in Hawaii. Its work with the Alabama Department of Corrections, the Board of Pardons and Paroles, and the Alabama Office of the Courts to reduce the number of women in Alabama's prisons has resulted in the release of 47 women from prison, a 45 percent increase in parole hearings, and permanent changes to policies and procedures that will ensure that fewer people are being unnecessarily held in Alabama's prisons. JPI also continues to support the communications efforts of the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative and coordinates the state-level communications efforts of the John D. and Catherine T. MacArthur Foundation's Models for Change sites and contributes to its national-level communications efforts.

For these reasons, the Criminal Justice Fund recommends renewed general support to the Justice Policy Institute in the amount of \$300,000 over two years. Because it is our interest to commit multi-year general support funding to the organization, in accordance with our available 2011 grantmaking budget, a contingency grant is not appropriate. As a result, if approved, we will accrue this two-year grant fully to our 2011 grantmaking budget.

Grant ID: #20031470

Legal Name of Organization: Judge David L. Bazelon Center for Mental Health Law

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

Name of Fiscal Sponsor: Not Applicable

Purpose of Grant: To continue impact litigation, policy advocacy, technical assistance, and public education to redirect misspent public investments in incarceration toward effective mental health treatment and stable supportive housing alternatives that reduce the number of people in prison and promote successful reentry

Grant Description: To provide \$375,000 project grant renewal over eighteen months to continue impact litigation, policy advocacy, technical assistance, and public education to redirect misspent public investments in incarceration toward effective mental health treatment and stable supportive housing alternatives that reduce the number of people in prison and promote successful reentry. Renewed funding would allow Bazelon Center to continue: 1) litigation and court ruling implementation oversight to replace unwarranted and abusive institutional confinement with community-based services and supportive housing; 2) working with federal agencies to expand their participation in protecting the rights of people with mental illness in the criminal justice system; 3) providing technical assistance to local jurisdictions to improve performance of community mental health programs in reducing crises leading to the criminal justice involvement of people with mental illness; and 4) public education about the rights of and the need for decriminalizing people with mental disabilities. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration, fostering cross-sector and multi-agency government collaboration and accountability, and decriminalizing vulnerable populations, particularly people with mental disabilities.

Previous OSF Support: \$2,916,714
(\$150,000 Transparency and Integrity Fund-2009; \$300,000 Criminal Justice Fund-2009; \$450,000 U.S. Justice Fund-2008; \$100,000 U.S. Justice Fund-2007; \$200,000 Constitutional Democracy Initiatives-2007; \$25,000 U.S. Justice Fund-2006; \$303,000 U.S. Justice Fund-2005; \$360,000 U.S. Justice Fund-2004; \$65,000 Criminal Justice Initiative-2003; \$9,000 Criminal Justice Initiative-2002; \$250,000 Criminal Justice Initiative-2001; \$233,866 Project on Death in America-2001; \$80,000 Center on Crime, Communities & Culture-2000; \$81,576 Project on Death in America-2000; \$239,272 Project on Death in America-1998; \$70,000 Center on Crime, Communities & Culture-1997)

Organization Budget: \$3,479,940

Project Budget: \$1,884,031

Sources of Support: \$280,000 Investment earnings; \$260,000 MacArthur Foundation; \$150,000 Van Ameringen; \$130,000 Melville Foundation; \$102,000 Staunton Farms Foundation; \$69,000 NASHMPD; \$60,000 Morton & Jane Balustein Foundation; \$30,000 Magna Systems; \$17,500 Harvard Fellowship

Amount Requested: \$375,000

Contingency Grant?: No

Amount Recommended: \$375,000 (Criminal Justice Fund, T1: 24015)

Term: 18 months (July 1, 2011-December 31, 2012)

Matching Requirements: None

Description of Organization:

Based in Washington, D.C., the Judge David L. Bazelon Center for Mental Health Law (Bazelon) is a nonprofit legal advocacy organization with over 30 years of experience advocating nationally for the mentally ill and disabled through litigation and work on federal policy initiatives. Bazelon was founded in 1972 (as the Mental Health Law Project) to translate landmark judicial findings into system reform. Since its founding, the organization's litigation, policy advocacy, and public education has contributed to a changed landscape in legal protections, including the establishment of legal precedents to outlaw institutional abuse and the securing of protections against arbitrary confinement for the mentally ill. For selected lawsuits, Bazelon attorneys provide technical support and act as co-counsel with private lawyers, legal services programs, ACLU chapters, and state-based protection and advocacy systems. Bazelon is active in national policy coalitions that work on behalf of children and adults with mental disabilities, and has become an acknowledged leader in the disability community in applying protections for people with disabilities to criminal justice settings.

Bazelon has been an OSF grantee since 1997. OSF awarded Bazelon funding in 2008 to continue impact litigation, policy advocacy, and public education to end the criminalization of people with mental disabilities, and in 2009 to convene and provide technical assistance to local community mental health programs in establishing local pilots that create replicable models for reducing crises leading to criminal justice involvement of people with serious mental illness.

Description of the Project for Which Funding Is Sought:

The Judge David L. Bazelon Center for Mental Health Law requests renewal project funding to continue impact litigation, policy advocacy, technical assistance, and public education to decriminalize people with mental disabilities by addressing fundamental issues preventing access to mental health services and supports and redirecting misspent public investments in incarceration and punishment toward effective mental health treatment and stable supportive housing that reduce the reliance on incarceration and promote successful reentry. Specifically, OSF funding will enable Bazelon to continue:

Litigation and oversight of court ruling implementation. To replace unwarranted and abusive institutional confinement with community-based services and supportive housing, Bazelon will continue directing and supporting litigation that would establish that the Americans with Disabilities Act (ADA) prevents incarcerating people when they would have been placed in or released to a community setting but for their mental illness. It will continue to respond to anticipated appeals and litigation that challenge prior rulings that affirm the rights of people with serious mental illness, by organizing legal arguments and amicus briefs in

support of community integration. Bazelon will also continue working with local partners to monitor the development of supportive housing at levels consistent with applicable court rulings and settlements.

Working with federal agencies. Bazelon will continue to work with leadership in federal agencies such as the U.S. Department of Justice (DOJ), the Centers for Medicare and Medicaid Services (CMS), Housing and Urban Development (HUD), and the Substance Abuse and Mental Health Services Administration (SAMHSA), to improve outcomes for people with serious mental illnesses who become involved, or are at risk of involvement with the criminal justice system. It will continue to educate agencies on the consequences of cuts and/or changes in federal programs, including healthcare reform, which reduce opportunities for successful reentry and create conditions that elevate the risk of arrest and incarceration for people with serious mental illness. Bazelon will also continue to analyze and comment on proposed changes in regulations as they are issued for public review, and publicly issue findings and recommendations.

Implementation of the Performance Improvement Project (PIP). Bazelon will continue to provide technical assistance to key stakeholders in five cities—Pittsburg, PA; Detroit, MI; Austin, TX; White Plains, NY; and Portland, OR—implementing replicable demonstration projects that apply performance-improvement techniques that empower community mental health programs to reduce crises leading to the criminal justice involvement of people with serious mental illness. It will provide ongoing support to local steering committees on developing local performance improvement techniques and consultation around data collection and evaluation. Bazelon will also work with pilot sites to measure program outcomes, use the data to develop recommended changes in local policies and practices, and provide technical support to sites to educate local stakeholders about the social and economic benefits of early mental health system interventions for reducing criminal justice involvement, including developing an advocacy plan targeting key audiences, such as local business owners, policymakers, and the media.

Public education. Bazelon will continue educating the public, policymakers, and the media about the rights of and need for decriminalizing people with mental disabilities by publishing issue papers and reports explaining key legal and policy issues in everyday terms and highlighting issues related to mental health law in the media.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund’s interest in reducing mass incarceration by exposing the social and economic costs of incarceration, fostering cross-sector and multi-agency government collaboration and accountability, and decriminalizing vulnerable populations, particularly people with mental disabilities.

Although mental illness affects a significant percentage of Americans, mental health systems have failed to deliver even the most basic of supports. As a result, many Americans with mental illnesses—particularly poor people and people of color—spill over into other public systems, including criminal justice. There is broad acceptance within criminal justice circles that people with serious mental illnesses who are neglected by mental health systems and who live on the margins of society are at enormous risk of repeated arrest and incarceration. Indeed, research shows that our nation’s jails and prisons house large numbers and percentages of people suffering from mental illness.

Grounded in its understanding that strong litigation (or even the threat of litigation) can often lead to settlements mandating policy and practice reform, Bazelon uses its litigation work to better understand how systems actually operate and to inform its policy advocacy agenda. Bazelon has concluded that the climate for litigating the application of the Americans with Disabilities Act (ADA) in criminal justice settings is such that the potential for “big wins” through sweeping class-action lawsuits is tenuous. In

mental health reform efforts, courts have resisted using the ADA for systemic change; they have been even more hesitant to do so in the context of criminal justice. Furthermore, to seek broad system reform on behalf of incarcerated individuals with mental illnesses risks the creation of bad laws in an area that does not yet have clear legal precedents. Often, the prudent course is to seek incremental reforms through settlement agreements. For these reasons, Bazeon has pursued objectives that are tailored to build both good outcomes and a body of knowledge about effective advocacy strategies.

Last spring, in *DAI v. Paterson*, a federal court ordered New York to develop scattered-site supportive housing as more integrated alternatives for individuals relegated to large scale adult homes. With Bazon's encouragement, the court's ruling led the Department of Justice to file its support on appeal with the aim of ensuring that the decision and its implementation become a model for similar cases nationwide. Although New York State has appealed the District Court's ruling in *DAI*, and a decision on appeal is uncertain, the lawsuit and its ruling has spurred other supportive housing reform efforts throughout the country. The New York ruling has also caught and held the attention of the U.S. DOJ, which is now pursuing investigations of forensic mental health services in other states. Bazon is helping U.S. DOJ to move from a starting position that focuses on examining whether institutions are adequate (i.e., "is this a good institution?") to one that questions the very premise that assumes the institutionalization of people with mental health needs.

With past OSF funding, Bazon has established itself as a national leader in efforts to decriminalize people with mental disabilities through its strategic litigation, policy analysis and advocacy on the state and federal level, research, technical assistance, and public education efforts. Bazon's expertise around and understanding of the Americans with Disabilities Act (ADA), deep knowledge of mental health and criminal justice systems, and the credibility it has earned from its legal assistance to local advocates, lawyers, and social service providers has helped it forge broad coalitions of interest-groups, including government agencies; business and civil rights organizations; disability-rights groups; and legal, social service, and health advocates. This grant would continue OSF's longstanding investment in Bazon's effort to ensure states' compliance with the Supreme Court's 1999 *Olmstead v. L.C.* decision, stipulating that under the Americans with Disability Act (ADA), people with mental or physical disabilities be entitled to receive community-based services rather than institutional placements.

With OSF funding in recent years, Bazon has translated what it has learned from its litigation and policy advocacy at the national level to its work with the five, local Performance Improvement Project demonstration sites. The project has now been operational for 18 months, with sites spending the initial six to eight months creating the necessary (and often previously nonexistent) coalition of stakeholders, surveying existing data and barriers to data access, identifying target subpopulations or geographic areas, and surveying the local political and fiscal landscapes. Although the sites vary in terms of how far along they are, all sites have very active support and participation by local police, who are an important source of on-the-ground data, local mental health system practitioners, and other local stakeholders, such as business leaders and community groups.

We agree with Bazon's assessment that, to reduce and prevent the unnecessary criminal justice involvement of people with mental illness, mental health systems must revise their reactive approach to psychiatric emergencies and regard them as problems resulting largely from mental health service delivery rather than the immutable manifestations of serious mental illnesses of people with unaddressed health needs. Bazon's local pilot projects are important for empowering community mental health programs to improve their own services and to advocate with other public systems on behalf of their clients, and have the potential to demonstrate a replicable model for other cities across the country.

Finally, given its leadership and unique perspective on issues at the nexus of mental disabilities and criminal justice, credibility among federal and state and local government officials across the country, and

because we do not plan on making significant new investments in this area in the next eighteen months, we very much see the Bazelon Center as the Criminal Justice Fund's flagship grantee in this field of work.

For these reasons, the Criminal Justice Fund recommends project funding of \$375,000 over eighteen months to the Judge David L. Bazelon Center for Mental Health Law. Because it is our interest to commit eighteen months of project support funding to the organization, in accordance with our available 2011 grantmaking budget, a contingency grant is not appropriate. As a result, if approved, we will accrue this eighteen month grant fully to our 2011 grantmaking budget.

Grant ID: #20031458

Legal Name of Organization: Grassroots Leadership, Inc.

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

Name of Fiscal Sponsor: Not Applicable

Purpose of Grant: To provide general support

Grant Description: To provide \$300,000 general support renewal over two years. Grassroots Leadership is a multi-racial team of organizers who support community, labor, faith, and campus organizations working across the South to abolish prison privatization and end associated abuses of justice and the public trust. Through its offices and corresponding chapters in Charlotte, North Carolina; Montezuma, New Mexico; Denver, Colorado; and Austin, Texas, Grassroots Leadership supports and directs campaigns that use a combination of field and organization capacity building assistance, grassroots organizing, direct action mobilizing, public education, media advocacy, and policy reform advocacy to challenge for-profit private prisons and immigrant family detention centers, to stop prison expansion, and to end the 287(g) program, which allows local law enforcement agencies to contract with Immigration and Customs Enforcement (ICE) to act as ICE agents. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by attacking the excessive and economically destructive costs of incarceration and its goal of eliminating harsh punishment by reforming policies that criminalize immigrants.

Previous OSF Support: \$1,765,000
(\$150,000 Criminal Justice Fund-2010; \$75,000 Criminal Justice Fund-2009; \$120,000 U.S. Justice Fund-2008; \$260,000 U.S. Justice Fund-2007; \$280,000 U.S. Justice Fund-2005; \$130,000 U.S. Justice Fund-2004; \$25,000 Criminal Justice Initiative-2003; \$150,000 Criminal Justice Initiative-2003; \$150,000 Criminal Justice Initiative-2002; \$150,000 Criminal Justice Initiative-2001; \$275,000 Center on Crime, Communities & Culture-2000)

Organization Budget: \$673,580

Major Sources of Support: \$122,000 Andrus Family Fund; \$75,000 Z. Smith Reynolds Foundation; \$42,000 Fund for Nonviolence; \$35,000 The Needmor Fund; \$30,000 The Unitarian Universalist Veatch Program at Shelter Rock; \$25,000 Ms. Foundation for Women; \$20,000 The Rose and Sherle Wagner Foundation; \$15,000 Oak Foundation; \$15,000 Texas Bar Foundation; \$12,500 Unitarian Universalist Association of Congregations Justice Fund; \$7,500 American Association of University Women Fund; \$3,500 Sparkplug Foundation

Amount Requested: \$300,000

Contingency Grant?: No

Amount Recommended: \$300,000 (Criminal Justice Fund, T1: 24015)

Term: 2 years (May 1, 2011-April 30, 2013)

Matching Requirements: None

Description of Organization:

Grassroots Leadership is a southern-based national organization founded in 1980 by Si Kahn—a folksinger/song writer and activist with deep roots in the civil-rights movement, including work with the Student Non-Violent Coordinating Committee in the 1960s and subsequent labor organizing—as a multi-racial, state and regional community organizing effort to create infrastructure for a progressive movement in the South. Since its founding, Grassroots Leadership has designed organizing campaigns around issues that advance its mission to defend democracy, enhance the public good, and stop the erosion of the public sphere.

In 1999, Grassroots Leadership entered the criminal justice reform field when it directed the focus of its organizing efforts to abolish all for-profit, private prisons, jails, and detention centers. That year, it formed and began directing the Public Safety and Justice Campaign (PSJC), a national campaign that brought together a strong coalition of labor, criminal justice reform, religious, community, student, advocacy, and research organizations to stop for-profit private prisons and jails. PSJC earned its most notable campaign victory in 2001 through *Not with Our Money!*, a joint Grassroots Leadership and Prison Moratorium Project campaign led by Soros Justice Fellow Kevin Pranis that mobilized students on 60 university campuses to demand that the catering company, Sodexo Alliance, divest its 10 percent stake in Corrections Corporation of America (CCA). This successful organizing attracted high profile, international media coverage and galvanized the field of activists working to oppose prison privatization. In 2008, because of the issue's deep interconnectedness to prison privatization, Grassroots Leadership began to address immigrant detention when it launched a campaign to abolish immigrant family detention.

Today, through its headquarters in Charlotte, North Carolina and field offices in Montezuma, New Mexico Austin, Texas, and Colorado, Grassroots Leadership directs four initiatives that use a combination of field and organization capacity building assistance, grassroots organizing, direct action mobilizing, public education, media advocacy, and policy reform advocacy, to abolish for-profit private prisons and immigrant detention.

Immigrant Justice. GL's Austin, Texas office works closely with Texans United for Families, Detention Watch Network, Austin Immigrant Rights Coalition, University of Texas School of Social Work, and others to oppose immigrant detention. Senior Organizer, Bob Libal maintains *Operation Streamline Watch*, a blog that serves as a clearinghouse for information on Operation Streamline and related border-enforcement policies that criminalize immigrants. Grassroots Leadership's New Mexico Project addresses the high costs of privatization and over-incarceration in the state by continuing to build connections among criminal justice and immigrant rights groups. Through its partnership with United World College, GL annually provides community organizing training to high school students, taking them to the border to learn about immigration issues.

Keeping Faith. In 2005, Grassroots Leadership launched *Keeping Faith: A Religious Response to the Prison Crisis*, which works with people of faith and faith organizations at the state, local, national, and international level to call for an end to all incarceration for profit. *Keeping the Faith* works to develop an

expanded role for the faith community nationally and internationally around prison and criminal justice issues so that passionate, faith-based voices are heard loudly and clearly in opposition to the injustice present in our current systems.

Houston Reconciliation Project. Launched in August 2009, the project creates and facilitates the necessary spaces and tools that help new immigrants, African-Americans, and Latino communities work together to challenge prison privatization and other criminal justice and immigration policies and practices that directly affect, and often divide, their communities.

Women's Campaign. With the assistance of interns, volunteers, researchers, and collaborative organizations, the Women's Campaign gathers information about women incarcerated in for-profit prisons, jails, and detention centers. The project has started a pilot visitation program for trained volunteers to visit women detained at the Hutto facility in Taylor, Texas. The Campaign will collect information from facility personnel, court, public records, and the women who are incarcerated or who have been released. Through documenting and publicizing the stories and hardships that women endured, the Campaign will educate the public and policymakers about the perils of for-profit facilities.

Grassroots Leadership has been an OSF grantee since 2000. In 2010, OSF awarded Grassroots Leadership general support funding in the amount of \$150,000 over one year.

Description of Project for Which Funding is Sought:

Grassroots Leadership requests renewed general support.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by attacking the excessive and economically destructive costs of incarceration and its goal of eliminating harsh punishment by reforming policies that criminalize immigrants. The grant would also advance the Equality and Opportunity Fund's goal of advancing immigrant rights and the Transparency and Integrity Fund's goal of holding government and private actors accountable to transparency of government functions.

Increasing privatization of government functions damages transparency and accountability by restricting the ability to hold accountable those responsible for mismanagement, fraud, and abuse. While private prisons remain a relatively small share of the "prison market," there has been a surge in private prison construction and people in private prisons now account for 9 percent of the total U.S. prison population, up from 6 percent in 2000. There is strong agreement among criminal justice reform advocates and policy analysts that the for-profit private prison industry is a major force contributing to prison expansion in the U.S. and internationally. Industry representatives lobby lawmakers for policies that expand the use of incarceration and contribute heavily to elected officials who support "tough on crime" (and now "tough on immigrants") policies. Incarcerated people and their advocates have enough difficulty demanding accountability when prisons are government-operated but the challenges are exacerbated when prisons and detention facilities are in private corporate hands.

Grassroots Leadership's strong work to abolish the practice has made the organization a flagship grantee in opposing prison privatization in the United States. Grassroots Leadership has earned an impressive list of victories through strategic and effective public education, grassroots organizing, and coalition building. In April 2007, due in large part to Grassroots Leadership's organizing, voters in Pike County, Mississippi, voted against construction of a CCA private prison in their county—the first time in Mississippi's history that a public referendum defeated a proposed private prison. In 2008, an aggressive campaign Grassroots

Leadership launched and directed in Mecklenburg County (Charlotte), North Carolina, blocked construction of a proposed 1,500-bed for-profit private immigrant detention center. When the U.S. Immigration and Customs Enforcement (ICE) attempted to build a detention center in adjacent Gaston County, Grassroots Leadership's coalition stopped that effort as well. Grassroots Leadership's organizing in Texas contributed to the August 7, 2009, Department of Homeland Security announcement that it was withdrawing all families from the country's first "immigrant family detention center" in Taylor, Texas—the for-profit private T. Don Hutto Family Center, operated by Corrections Corporation of America—and that ICE was withdrawing its RFPs for the three new immigrant family detention centers it had planned to construct. Most recently, Grassroots Leadership's communications consultant pitched and provided much of the background data for an NPR story broadcasted in October 2010, which exposed the private prison industry's efforts to draft and pass Arizona Senate Bill 1070.

We believe it is important that OSF continue to support Grassroots Leadership's efforts to challenge privatization of prisons and detention facilities during this period of weak economic recovery. While crime levels continue to drop or remain at relatively low levels and public and private prisons face empty beds, states are beginning to contemplate and implement decarceration strategies to alleviate budget shortfalls. If advocates can effectively capitalize on them, current economic and fiscal conditions could prove an important lever for successfully challenging the construction of new public and private prisons and, possibly, closing some existing ones. However, as we have seen in the past, the same economic and fiscal challenges states face can be effectively used by private prison corporations to successfully press lawmakers for privatizing public prisons and other correctional services and programs on the argument that the private sector can run them more efficiently. OSF funding will enable Grassroots leadership to continue to challenge these claims and steer the debate in the direction of decreasing the number of unnecessary public and private prison beds to address state budget shortfalls.

In addition to its programmatic efforts, Grassroots Leadership continues to work on organizational development. On February 1, 2010, Donna Red Wing assumed the Executive Director position and founding executive director Si Kahn retired three months later. The organization experienced a budget reduction during the leadership transition and Ms. Red Wing has worked hard over the last year to secure pledges from the organization's individual donor base and establish relationships with local foundation partners. Grassroots Leadership is also working on board development. The organization is recruiting new Board members and engaging current Board members to provide fundraising assistance. OSF general support funding would provide flexibility to the organization and enable it to continue Board development as well as to build donor and funder relationships.

For these reasons, the Criminal Justice Fund recommends renewed general support to Grassroots Leadership in the amount of \$300,000 over two years. Because it is our interest to commit multi-year general support funding to the organization, in accordance with our available 2011 grantmaking budget, a contingency grant is not appropriate. As a result, if approved, we will accrue this two-year grant fully to our 2011 grantmaking budget.

Grant ID: #20031471

Legal Name of Organization: Community Legal Services

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

Name of Fiscal Sponsor: Not Applicable

Purpose of Grant: To expand economic opportunities for people with criminal records by continuing to support and direct national impact litigation challenging unreasonable employment barriers and by developing and supporting a national network of litigators, advocates, and grassroots organizers

Grant Description: To provide \$300,000 project grant renewal over two years to expand economic opportunities for people with criminal records by continuing to support and direct national impact litigation challenging unreasonable employment barriers and by developing and supporting a national network of litigators, advocates, and grassroots organizers. Renewed funding would enable CLS to continue directing a national impact litigation strategy, developed in partnership with leading national advocates and litigators, to remove unreasonable employment barriers faced by people with criminal records and to create legal precedents around and raise public consciousness about the unlawful practices that deny people with criminal records access to employment. Funding would also enable CLS to continue to develop and support a learning community of national advocates, and conduct advocacy efforts with enforcement agencies. This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by eliminating unreasonable barriers to successful reentry and increasing access to living wage employment and career opportunities for people with criminal records.

Previous OSF Support: \$905,490
(\$300,000 U.S. Justice Fund-2008; \$55,490 U.S. Justice Fund-2005; \$250,000 U.S. Justice Fund-2003; \$200,000 U.S. Justice Fund-2002; \$100,000 U.S. Justice Fund-2001)

Organization Budget: \$10,926,496

Project Budget: \$691,984

Sources of Support: \$220,700 Pro Bono in-kind contributions; \$148,750 Public Welfare Foundation; \$22,534 Community Legal Services General Operating Funds

Amount Requested: \$300,000

Contingency Grant?: No

Amount Recommended: \$300,000 (Criminal Justice Fund, T1: 24016)

Term: 2 years

Matching Requirements: None

Description of Organization:

The Philadelphia Bar Association created Community Legal Services, Inc. (CLS) in 1966 to provide quality legal assistance to low-income people and to conduct community education about legal issues. In 1995, CLS became the only legal service provider in Pennsylvania to refuse federal funding to avoid unacceptable restrictions on its ability to serve the poor. While located in and serving the city of Philadelphia, CLS has had national impact through its class action litigation, public education, and policy advocacy to affect change on a number of issues. Through its work, CLS has developed particular expertise on employment, public benefits, child welfare, and public housing issues. The scale and scope of its representation activities has routinely put CLS at the forefront of emerging legal issues. CLS also promotes policy recommendations to the public and policymakers through nationally recognized research, policy briefs, and reports.

CLS has been an OSF grantee since 2001. With OSF funding in 2008, CLS led national impact litigation effort to remove unreasonable employment barriers faced by people with criminal records and to create legal precedents around and raise public consciousness about unreasonable employment barriers for people with criminal records.

Description of the Project for Which Funding Is Sought:

Community Legal Services requests renewal project funding over two years to expand economic opportunities for people with criminal records by continuing to support and direct national impact litigation challenging unreasonable employment barriers and by developing and supporting a national network of litigators, advocates, and grassroots organizers. Specifically, OSF funding will enable CLS to:

Lead litigation efforts. To create legal precedents for removing and to raise public consciousness about unreasonable barriers to employment faced by people with criminal records, CLS will continue to direct Title VII and Fair Credit Reporting Act (FCRA) litigation on employment issues related to criminal records in Pennsylvania, and nationally. Through its Title VII litigation efforts, CLS is working to establish the racial impact and end the use of unfair and arbitrarily implemented employer background check policies and practices. In its FCRA litigation, CLS is working to establish precedents to force companies that provide background check services to employers to guarantee that their reports are accurate and up-to-date.

Support National Learning Community of Local Advocates. To provide leadership and backup support for legal advocates around the country who are working on these issues, CLS will consult with lawyers who are preparing litigation challenging employers and background screeners, provide sample documents and suggest co-counsel and sources of plaintiffs. Through webinars and convenings, CLS will support state and local advocates in their work to remove employment barriers for people with criminal records, including further enabling state and local partners to litigate Title VII and FCRA cases.

Advocate Enforcement Agencies. CLS will continue advocacy with the federal Equal Employment Opportunity Commission (EEOC) and Federal Trade Commission (FTC) to improve their enforcement of Title VII and FCRA as applied to people with criminal records. In spring 2011, EEOC is expected to release new enforcement guidance about criminal records. CLS will direct state and local advocates in a public education campaign supporting EEOC's new guidance, including generating press coverage about the legal limitations on employer discretion to reject job applicants based on their criminal records.

Rationale for Recommendation:

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

Over the past decade, people with criminal records have faced increasing barriers to employment as government regulations prevent employment of people with criminal records and criminal background checks have become easily available. Following September 11th, federal and state governments passed numerous laws prohibiting the employment of people with criminal records in programs that receive government funding, and in a growing list of professions. Additionally, although background checks often return incorrect criminal records, employers are routinely using erroneous reports to turn away job applicants and even to fire current employees. Often, these restrictions are unjustifiably over-broad, bearing no possible relationship to the harm that they are supposed to eliminate.

Because of its broad experience and skill at working with a wide range of partners, CLS has become a trusted national leader in the field, creating strategies for coordinating expertise and resources for effective litigation and policy reform advocacy. Before OSF funded CLS to plan and lead a national impact litigation effort to remove unreasonable employment barriers for people with criminal records, Title VII and Fair Credit Reporting Act (FCRA) litigation was almost non-existent among advocates for people with criminal records, due to the complexity of legal theories and lack of model litigation documents and experts. However, in the last five years, with OSF support, CLS has brought together legal services providers, defender associations, other public interest law firms, academics, unions, and policy advocacy organizations from around the country to develop legal and other strategies to address them. CLS developed litigation expertise and generated litigation documents for lawyers across the U.S. to consult, enabling private practice and public interest lawyers to file national class litigation under Title VII and FCRA claims.

Most recently, CLS is part of the litigation team that brought two national class actions for violations of FCRA against HireRight, a major commercial vendor of background checks which dominates the trucking industry, challenging duplicative reporting of the same offense and reporting expunged records that had been removed from the public databases.¹ The lawsuits are pending court approval for settlement, which will provide monetary relief to thousands of people across the country, produce changes in HireRight's practices, and serve as a deterrent to other background check companies to maintain faulty practices. Also, in April 2010, CLS and other advocates filed a national Title VII class action in New York City against the Secretary of the Department of Commerce based on the criminal background screening of applicants for Census jobs.² Although the litigation is still pending in early stages, it has already generated media attention around the country on the intersection of racial disparities in the criminal justice system and employment practice.

Similarly, the relationships that CLS has cultivated with federal agencies like the EEOC and FTC is encouraging. Working with OSF grantee the National Employment Law Project (NELP), CLS seized the opportunity of the change in EEOC leadership to brief the new chair, Jacqueline Berrien, who was appointed by President Obama last spring. Ms. Berrien has indicated her strong concern about criminal records issues since her prior employment with the NAACP Legal Defense Fund and has signaled that such issues will be high on her priorities for the agency. Likewise, CLS and NELP's collaboration to educate the FTC on criminal records issues has the potential to influence the practices of the background screening industry.

¹ *Smith v. HireRight Solutions, Inc.*, No. 09-cv-6007; *Henderson v. HireRight Solutions, Inc.*, No. 10-cv-459

² *Johnson v. Locke*, No. 10 Civ 3105

We are encouraged by the deep working partnership that has developed between CLS and NELP and other OSF grantees also working to remove unreasonable barriers to employment for people with criminal records. The coalition of lawyers and grassroots advocates CLS has helped to create is precisely the kind of grassroots/grassroots collaborative effort we encourage. We are optimistic that such partnerships will not only enhance the efforts of partner organizations, but will also generate long-term cooperation and coordination among the groups and individuals working on barriers to employment nationally.

For these reasons, we recommend continued project funding for Community Legal Services in the amount of \$300,000 over two years. Because it is our interest to commit multi-year project support funding to the organization, in accordance with our available 2011 grantmaking budget, a contingency grant is not appropriate. As a result, if approved, we will accrue this two-year grant fully to our 2011 grantmaking budget.

Grant ID: #20031472

Legal Name of Organization: The Fortune Society

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

Name of Fiscal Sponsor: Not Applicable

Purpose of Grant: To support the David Rothenberg Center for Public Policy’s public education, policy analysis and development, and advocacy to expand education and employment opportunities for and the civic participation of people with criminal records and to support the effective implementation of Rockefeller Drug Law Reforms in New York State

Grant Description: To provide \$300,000 project grant renewal over two years to support the David Rothenberg Center for Public Policy’s public education, policy analysis and development, and advocacy to expand education and employment opportunities for and the civic participation of people with criminal records and to support the effective implementation of Rockefeller Drug Law Reforms in New York State. Renewed funding would enable the Rothenberg Center to challenge unreasonable barriers to education and employment faced by people with criminal records; reduce the financial burdens of people leaving prison by ensuring effective implementation changes in child support enforcement policy; expand voting rights to people after prison, including those on Parole or Post Release Supervision; and inform the implementation of Rockefeller Drug Law Reform by promoting a more robust role for Alternatives To Incarceration (ATI) programs throughout the state, rather than Drug Courts. This grant would advance the Criminal Justice Fund’s interest in eliminating harsh punishment by challenging unreasonable barriers to successful reentry, increasing access to education and living wage employment and career opportunities for people with criminal records and promoting civic and political re-enfranchisement and economic inclusion. This grant would also advance the Criminal Justice Fund's and the Campaign for a New Drug Policy’s shared interest in reducing mass incarceration by fostering new approaches to drug policy and ensuring effective implementation of Rockefeller Drug Law Reform in New York.

Previous OSF Support: \$380,000
(\$280,000 Criminal Justice Fund-2009; \$25,000 Center on Crime, Communities & Culture-1997; \$25,000 Center on Crime, Communities & Culture-1996)

Organization Budget: \$17,986,100

Project Budget: \$1,423,322

Sources of Support: \$410,000 Public Welfare Foundation; \$320,000 Oak Foundation; \$229,572 Fortune Society (In-Kind); \$50,000 David Rockefeller Fund; \$50,000 Left Tilt Foundation; \$55,000 Riverstyx Foundation; \$40,000 Sociological Initiatives Foundation

Amount Requested: \$300,000

Contingency Grant?: No

Amount Recommended: \$300,000
(\$250,000 Criminal Justice Fund, T1: 24016)
(\$50,000 Campaign for a New Drug Policy, T1: 21031)

Term: 2 years (May 1, 2011-April 30, 2013)

Matching Requirements: None

Description of Organization:

In 1967, David Rothman, a theatrical press agent for Broadway and Off-Broadway productions, founded The Fortune Society (Fortune) after his production of *Fortune and Men's Eyes*, a play about life in a boy's reformatory, generated demand for a forum to give formerly incarcerated people a voice and support to rebuild their lives. Ever since, Fortune has been an important reentry service provider in New York City. Its leadership (and that of Fortune's Executive Director, Joanne Page) in advocating for the rights and fair treatment of people with criminal records and for just penal policies was solidified after Rothenberg and two of its formerly incarcerated leaders, Kenny Jackson and Mel Rivers, were invited by the prisoners to become observers during the Attica Rebellion. Today, Fortune's mission is to strengthen the fabric of communities by supporting successful reentry from prison and promoting alternatives to incarceration. Fortune's extensive array of direct services informs its policy reform work, which includes public education and advocacy to rectify unjust and counterproductive criminal justice policies. To strengthen its policy work, Fortune recently launched the David Rothenberg Center for Public Policy (Rothenberg Center).

OSF first awarded funding to the Fortune Society in 1996 to support the organization's efforts to provide individualized education in Math, English, English as a Second Language (ESL), and computer skills to formerly incarcerated people. In 2009, OSF awarded funding to Fortune to support the public education, policy analysis and development, and advocacy work of its newly created David Rothenberg Center for Public Policy.

Description of the Project for Which Funding Is Sought:

The Fortune Society requests renewal project funding over two years to support the David Rothenberg Center for Public Policy's public education, policy analysis and development, and advocacy to expand education and employment opportunities for and the civic participation of people with criminal records and to support the effective implementation of Rockefeller Drug Law Reforms in New York State. Specifically, OSF funding will enable the Center to:

Challenge unreasonable employment and financial barriers. To increase work opportunities for people with criminal justice histories and remove unreasonable barriers to employment, the Rothenberg Center will work to encourage state agencies to increase enforcement of laws that forbid discrimination against jobseekers with criminal records and laws that require employers to conduct individualized assessments of jobseekers with criminal records. The Center will also educate the public and policymakers about the importance of federal and state grants for students who want to engage in higher education in and after prison, and the role that academic institutions can play in increasing access to education for incarcerated people. The Center will also educate Family Court Magistrates and staff at child support collection

agencies about the financial impact on families and children of counterproductive policies that require non-custodial incarcerated parents to pay for child support arrears that continue to accrue during incarceration when the person is not earning an income, in most cases resulting in insurmountable levels of personal debt.

Expand voting rights. To increase civic engagement among New Yorkers with criminal records and expand the voting franchise in New York State, the Rothenberg Center will advocate for an Executive Order, to return voting rights to people on parole supervision and to conduct public education and advocacy for a more permanent shift in state policy to allow anyone who is not serving time in prison for a felony conviction to register and vote.

Increase incarceration alternatives. To support the successful implementation of Rockefeller Drug Law reforms, the Rothenberg Center will engage stakeholders, including the Office of Court Administration, judges, prosecutors, defenders, and others, to encourage increased diversion of eligible defendants into alternatives to incarceration (ATI) programs, including those the Fortune Society operates. To undercut the argument that the state cannot afford to expand ATI programs, the Center will launch a public education and media campaign to highlight the additional cost-savings that the state can gain from minimizing prosecutors' role in diversion, expanding the definition of drug addiction, and increasing judicial discretion.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by challenging unreasonable barriers to successful reentry, increasing access to education and living wage employment and career opportunities for people with criminal records and promoting civic and political re-enfranchisement and economic inclusion. This grant would also advance the Criminal Justice Fund's and the Campaign for a New Drug Policy's shared interest in reducing mass incarceration by fostering new approaches to drug policy and ensuring effective implementation of Rockefeller Drug Law Reform in New York.

Although the change in New York State's drug laws has led to a measurable increase in the number of people diverted away from incarceration and into drug and alcohol treatment, the Fortune Society and other advocates have serious concerns about the large number of people that drug courts assess and process. The drug court system is overly influenced by prosecutors and leaves limited room for traditional community based ATI programs to play a role. Drug courts often mandate inappropriate levels of care, resulting in many defendants going into long-term inpatient treatment instead of short-term community-based out-patient settings, or defendants "failing" inappropriate court-mandated requirements and experiencing enhanced punishment by the system. For example, drug courts can require economically taxing requirements that are unduly demanding for low-income defendants to meet. In other instances, courts reject people who need treatment because ineffective cookie-cutter evaluation tools deem certain addictions as not severe enough to warrant diversion, and people go to prison and jail. Despite current system shortcomings for effective drug law reform implementation, the new governor's commitment to downsizing New York prisons makes now an opportune time for amplifying advocacy efforts for reform in New York.

In addition to inadequate treatment alternatives to incarceration, unreasonable barriers to employment and to exercising voting rights further exclude people with criminal records from full participation in social, economic, and civic life. Criminal background checks are often inaccurate or include arrests not leading to convictions, and some employers inappropriately use them to justify turning away job applicants or to fire existing employees with a criminal record that has no bearing on the employee's ability to safely and effectively perform job duties. The barring of people with criminal records from voting remains an

insidious threat to maintaining a robust democracy in an open society. Felony disenfranchisement laws and policies marginalize and disempower not only individuals but also entire communities—mostly poor, black, and brown—that are disproportionately targeted for arrest, prosecution, and prison.

As a policy center embedded in a large direct service organization, the David Rothenberg Center for Public Policy is uniquely positioned and particularly effective to engage in policy advocacy. As a venerable direct service provider, The Fortune Society has both contractual and strong working relationships with public agencies and policymakers. The organization is able to leverage its direct services relationships to gain access to discuss policy reform. Additionally, serving thousands of people with criminal records each year through a range of reentry services and alternatives to incarceration, Fortune maintains a natural and closely connected base of constituents. And, with staff at every level of the organization who are formerly incarcerated, Fortune exercises a credible voice and distinctive understanding when identifying barriers to reentry and crafting policy recommendations for systemic reform.

Fortune's service provision relationship with and advocacy to the New York State Division of Criminal Justice Services (DCJS), has helped move New York State to commit more than \$40 million over two years to help ensure the success of the recently enacted drug law reforms. Its relationships with the NYS Department of Correctional Services, the NYC Department of Correction, and the NYS Division of Parole has helped encourage these agencies to notify people of their voting rights when they become eligible and provide them with an application for voter registration and written information from the Board of Elections on the importance of voting. Although these changes in policy do not expand the franchise, they will increase the number of eligible voters with felony convictions who are knowledgeable about and participate in the election process.

Because of its sophisticated inside/outside education and advocacy strategy, Fortune's David Rothenberg Center for Public Policy is becoming an important partner in efforts to address criminal justice issues in New York City, New York State, and nationally. Through contacts, connections, and previously developed relationships, the Rothenberg Center regularly works on the "inside" with the Governor, members of the legislature, and their respective staffs, to educate them on important criminal justice policy issues in New York State. Fortune has also demonstrated its ability to work in a non-partisan manner to achieve success with its work on the Employer Education Act, a change in policy that was sponsored by a Republican Senator with a reputation for being conservative. Similarly, we believe the Center's "outside" strategy of educating and mobilizing faith-based and other community leaders and opinion leaders, is smart and will create a good environment and momentum for reform.

We are especially pleased and encouraged by the strong leadership of Glenn Martin, who directs the Rothenberg Center. Glenn earned his B.A. while incarcerated in upstate New York prisons, an experience which adds an important dimension to the Center's work. We first met Glenn when he was the Co-Director for the Legal Action Center's National H.I.R.E. Network, which produced (with OSF funding) "Roadblocks to Reentry," the seminal work on barriers, and were impressed with his advocacy, policy analysis, and communication skills. Glenn has become an important and respected player in justice policy circles in New York City, New York State and nationally, often invited to speak at public events and interviewed in the media.

For these reasons, we recommend renewal project funding for The Fortune Society in the amount of \$300,000 over two years. Because it is our interest to commit multi-year project support funding to the organization, in accordance with our available 2011 grantmaking budget, a contingency grant is not appropriate. As a result, if approved, we will accrue this two-year grant fully to our 2011 grantmaking budget.

Grant ID: #20031473

Legal Name of Organization: Temple University

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

Name of Fiscal Sponsor: Not Applicable

Purpose of Grant: To support the Inside-Out Prison Exchange project in expanding and replicating nationally a model strategy for increasing access to education for people in prison

Grant Description: To provide a \$150,000 tie-off project grant over two years support the Inside-Out Prison Exchange project in expanding and replicating nationally a model strategy for increasing access to education for people in prison. Tie-off project funding would enable Inside-Out to build the capacity of its national headquarters and regional hubs over the next two years to develop and implement a development plan to strengthen its networks and programming through diverse funding and sustainable growth. This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by increasing access to education for people with criminal records and promoting civic and political re-enfranchisement and inclusion.

Previous OSF Support: \$200,000 (U.S. Justice Fund-2008)

Organization Budget: \$1,073,697,000

Project Budget: \$1,323,190

Sources of Support: \$175,000 Inside-Out training fees; \$118,000 Temple University (In-Kind); \$50,000 Donations; \$45,000 Income-Generating Projects; \$20,000 Anonymous Foundation

Amount Requested: \$150,000

Contingency Grant?: No

Amount Recommended: \$150,000 (Criminal Justice Fund, T1: 24016)

Term: 2 years (April 1, 2011-March 31, 2013)

Matching Requirements: None

Description of Organization:

Located in Philadelphia, Pennsylvania, Temple University was founded in 1884 by Dr. Russell Conwell as an informal adult-education outgrowth of his Baptist Temple ministry. The College was incorporated as Temple University in 1907 and in 1965 became a member of the Commonwealth System of Higher Education. Through its challenging academic programming, high caliber faculty, and an engaged student

body, Temple University has a strong tradition of innovation and high quality education in liberal arts and the sciences.

Founded in 1997 by Temple University professor Lori Pompa, the Inside-Out Prison Exchange (Inside-Out) is a model program of college classes and community exchanges, designed to deepen conversations about and transform our approaches to crime, justice, freedom, inequality, and other issues of social concern; encourage commitment by incarcerated and traditional students to lifetime careers of civic engagement; and expand higher education opportunities to people in prison by encouraging colleges and universities to broaden their campuses to include prisons. Temple University's Inside-Out program is unique in that it provides educational opportunities for traditional (on-campus) students to study alongside incarcerated students inside prison classrooms. To date, Inside-Out has held 18 national trainings, involving 248 instructors from more than 125 colleges and universities in 37 states and abroad. Inside-Out instructors have offered more than 275 courses in 25 states, in many different disciplines and diverse correctional settings.

OSF has been supporting Inside-Out Prison Exchange since 2003, when it awarded a Soros Justice Fellowship to Lori Pompa to develop, publish, and disseminate Inside-Out's curriculum and to begin replicating the program she established in Pennsylvania prisons as a national model. In 2008, OSF awarded Temple University project funding to expand and nationally replicate the Inside-Out Prison Exchange project by conducting National Instructor Training Institutes for, and providing technical assistance to, college and university educators across the United States interested in setting-up and Inside-Out program in their state.

Description of the Project for Which Funding Is Sought:

Temple University's Inside-Out Prison Exchange requests tie-off project funding to support its continued efforts to expand and institutionalize its program nationally. Specifically, OSF funding would enable Inside-Out to:

Increase Access to College Degrees. Over the next two years, Inside-Out will plan, pilot, and evaluate *Degrees of Freedom*, a new initiative designed to allow incarcerated and recently-released students to use Inside-Out as a pathway to a college degree. *Degrees of Freedom* will begin as a pilot project in Oregon and Pennsylvania, where Inside-Out will engage two- and four-year colleges to accept transfer credits from Inside-out programs and enroll released students as full- or part-time students. The project will also work with participating correctional facilities to consider students' coursework when making transfers and work schedules. *Inside Out* will recruit, train, and support new instructors, develop reentry support for students through collaboration with release-transition agencies, and design and implement project evaluation.

Build Network of Alumni. In response to the desire of Inside-Out alumni—including instructors traditional, incarcerated, and formerly incarcerated students—for continued involvement with the program, Inside-Out launched an Alumni Association to provide ongoing meaningful opportunities for alumni engagement and to develop a new cadre of leaders to work on social and criminal justice reform. In addition to support like mentoring and professional development, the Alumni Association will leverage the interests of its alumni to plan and implement national and regional Inside-Out initiatives.

Build the Capacity of Its National Headquarters. Inside-Out has operated with a very modest annual budget and a small but dedicated staff of consultants and students, along with a director who performs numerous internal and external functions. Over the next two years, Inside-Out will strengthen its infrastructure and staff capacity for fundraising and providing technical assistance for the growing numbers of Inside-Out programs. These changes will enable the director to expand her public role by

visiting remote programs, leading regional trainings, presenting at a wide array of gatherings and conferences, meeting with officials and policy makers, and relationship building with funders to diversify funding and building long-term sustainability. Enhanced capacity will also enable Inside-Out to expand its model by developing a train-the-trainers curriculum, developing training resources for organizations offering more traditional higher education in prison programming, extending the Inside-Out model to non-penal setting (e.g. homeless shelters and refugee centers), and promoting and integrating voices of formerly incarcerated people in its staff and programming.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by increasing access to education for people with criminal records and promoting civic and political re-enfranchisement and inclusion.

During an era when the fiscal crisis led to the decrease of programs in prison, when only 5 percent of people incarcerated in the U.S. have access to higher education, and when the job market makes post-secondary achievements more vital for employment, Inside-Out brings high-quality college coursework into prisons and jails at no or nominal cost to corrections administrations or incarcerated individuals. Inside-Out has been advocating for college classes in county, federal, and state institutions across the country, and has succeeded in garnering state-wide Department of Correction approval in Pennsylvania, Michigan, Massachusetts, Oregon, and Ohio. West Virginia and Delaware are close to the same status. Increasingly, incarcerated participants are receiving transferable college credit for their coursework.

Equally vital to Inside-Out's mission and success of expanding access to accredited higher education in prison is the transformative results of the Inside-Out classrooms. Inside-Out classes offer a replicable program that simultaneously provides higher education to people in prison and engages traditional ("outside") college students to critically examine how "crime" is conceived and how "justice" is enacted in the United States. Former "outside" students have described Inside-Out as a life-changing experience that alter their perspectives on how they view the criminal justice system and the people affected by criminal justice policies. Such testimonies illustrate that Inside-Out is producing first-hand visceral experiences that are profoundly influencing public opinion and engaging people to take action in a way that conventional advocacy campaigns can struggle to achieve. Creating a new and increasing cadre of advocates for smarter criminal justice policies by involving professors and college students is more important than ever as states grapple with the failure of mass incarceration and policymakers look to constituents for support of alternatives to current practices.

Similarly, Inside-Out's strategy of creating interest and demand by colleges and universities is a sound one. Its strategies stress partnerships with continuing education programs at colleges and universities; cross-listing courses with local community colleges; securing outside funding for credit; reducing tuition rates for incarcerated ("inside") students; and granting credit upon release from prison and matriculation at the college or university. For example, the Honors College at the University of Oregon is actively advocating for a university-wide extension of the Inside-Out program. At Amherst College, where Inside-Out professors have forged a partnership with Hampshire County Corrections, Inside-Out became one of the Center for Community Engagement's premier offerings upon its receipt of a \$13 million grant from the Argosy Foundation. At dozens of other colleges and universities, Inside-Out serves as a flagship community-based learning program. By creating interest and demand among colleges and universities for prison-based higher education, Inside-Out is mobilizing an important constituency. Tie-off OSF funding would help sustain and grow the kind of broad-based commitment to and advocacy for change which Inside-Out's classroom experience is producing, while the project develops a sustainability plan for its programming.

Inside-Out complements other OSF investments directed toward promoting a return of higher education opportunities in prison. Inside-Out's national trainings are not only about how to create and conduct Inside-Out courses of study, but also how to effectively advocate for the return of higher education programs in prison. Inside-Out sees a critical mass of interested instructors emerging at several schools around the country, as many of Inside-Out's trainees are referrals from colleagues who have completed the program.

For these reasons and given our confidence that its success will help inform and bolster wider advocacy efforts around making higher education opportunities more available to people in prison, we recommend tie-off project funding of \$150,000 over two years to Temple University's Inside-Out Prison Exchange. Because it is our interest to commit multi-year project support funding to the organization as a tie-off grant, in accordance with our available 2011 grantmaking budget, a contingency grant is not appropriate. As a result, if approved, we will accrue this two-year grant fully to our 2011 grantmaking budget.

Grant ID: #20031627

Legal Name of Organization: Southern Center for Human Rights

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

Name of Fiscal Sponsor: None.

Purpose of Grant: To provide general support

Grant Description: \$780,000 in renewed general support funding, over two years, will advance the ongoing advocacy of the Southern Center for Human Rights to reform the criminal justice system in Georgia and the Deep South and to provide the highest quality legal representation. SCHR is dedicated to providing legal representation to people facing the death penalty, challenging human rights violations in prisons and jails, seeking through litigation and advocacy to improve legal representation for poor people accused of crimes, and advocating for criminal justice reform on behalf of those affected by the system in the Southern United States. This grant advances the Criminal Justice Fund's priority areas of abolishing the death penalty, improving indigent defense, promoting the fair administration of justice, and reducing racial disparities in sentencing.

Previous OSF Support: 1999 – 2007: \$2,703,500

Organization Budget: \$2,014,034

Project Budget: N/A

Sources of Support: \$370,000 Earned Income; \$294,034 Individual & Firm Giving; \$250,000 Atlantic Philanthropies-Proteus; \$110,000 Misc. Foundation Grants; \$100,000 Public Welfare Foundation; \$65,000 Interest/Dividend Income; \$50,000 Tides Foundation/Sheila's Fund; \$50,000 Vital Projects Fund; \$50,000 Board Contributions; \$50,000 Wallace Global Fund; \$50,000 1848 Foundation; \$40,000 NACDL Capital Resource Grant; \$40,000 Individual Contributions (designated for Stephen Bright Fellowship); \$25,000 Herb Block Foundation; \$25,000 The Sapelo Foundation; \$25,000 The Taconic Foundation; \$25,000 Reed Foundation.

Amount Requested: \$780,000

Is this a Contingent Grant?: No

Amount Recommended: \$600,000 (Criminal Justice Fund, T1: 24016)
\$180,000 (Criminal Justice Fund, T1: 24107)

Term: Two years (January 1, 2011 – December 31, 2012)

Matching Requirements: None

Description of Organization:

The Southern Center for Human Rights (SCHR) is dedicated to providing legal representation to people facing the death penalty, challenging human rights violations in prisons and jails, seeking through litigation and advocacy to improve legal representation for poor people accused of crimes, and advocating for criminal justice reform on behalf of those affected by the system in the Southern United States. Based in Atlanta, Georgia, the organization was formed in 1976 to mount a coordinated response to the Supreme Court's decision that year to reinstate the death penalty, and to bring class action litigation seeking an end to the horrific conditions in prisons and jails throughout the South. SCHR has a long history of zealous legal representation and far-reaching impact in its death penalty work. In January 2010, Sara Totonchi became the newest executive director of the Center after Kung Li transitioned out of that position after a highly successful tenure of seven years to become an Open Society Fellow. Prior to becoming executive director, Ms. Totonchi was the organization's Public Policy Director for nine years. Ms. Totonchi has been recognized as one of Georgia's "To 40 Best and Brightest Under 40" by Georgia Trend Magazine and as a Woman of Achievement by the Georgia Commission on Women.

SCHR's programmatic work is structured into three specialized units: Capital Litigation, Impact Litigation and Public Policy. These units are described in more detail below. OSF has funded the Center since 1999.

Capital Litigation

The Capital Litigation Unit has a reputation for the highest quality legal work. The unit seeks to reduce the number of new and existing death sentences and executions and strengthen the quality of defense representation in Georgia and Alabama. SCHR is involved in a substantial number of Alabama death penalty cases because Alabama is the only death-penalty state in the nation that does not provide representation to indigent people with death sentences in state post-conviction proceedings. In addition to providing representation to persons facing the death penalty who are in desperate need of assistance, SCHR also seeks to address issues of systemic unfairness in the administration of capital punishment in the deep South: the failure of the State to provide adequate funding for indigent defense representation, incompetent defense representation, prosecutorial misconduct, and racial discrimination in jury selection practices.

Impact Litigation

The Impact Litigation Unit files civil actions to secure the constitutional rights of people in the criminal justice system, including for people who are facing capital charges and who do not have the resources to hire counsel. Class action litigation brought by the Center has proven effective for improving prison and jail conditions, creating sound indigent defense systems, and addressing other systemic problems that require expansive changes.

Unfortunately, constraints placed on the federal courts by the Prison Litigation Reform Act, and an increasingly conservative federal bench, have limited the ability of class action litigation to force broad, systemic changes. SCHR has adapted to the new landscape, and now combines litigation with media advocacy and other strategies described below to win its cases and campaigns. At the same time, the Center's leadership recognizes that litigation—particularly federal class action litigation—remains a powerful tool for change. Over the next two years, SCHR will continue to refine its use of class action litigation and high impact individual cases to force systemic reforms in criminal justice practices. In particular, the Center will use litigation—alongside organizing—to expose and put a stop to government abuses around the use of debtors' prisons, sex offender registries, policing, indigent defense and detention.

Public Policy

The Center's Public Policy Unit is taking leadership in coalition building, engaging in policy research and education, and organizing the communities most negatively impacted by criminal justice practices. The Center also continues to enhance its media advocacy to reshape public opinion. These tactics have proven to be most effective when used in combination with vigorous, high-quality litigation.

To carry out its objectives, the Center coordinates its work closely with three key partner organizations including the Equal Justice Initiative of Alabama, Georgians for Alternatives to the Death Penalty, and the Southern Public Defender Training Center, now entering its fourth year. SCHR also mobilizes the most impacted by the criminal justice system to demand change. Through one-on-one interviews, group discussions and written correspondence, the Center engages its clients in its work, including the formerly incarcerated and families of people in prison. The Center also builds relationships with and mobilizes attorneys to advance its objectives. For example, SCHR recruits talented law students; maintains a partnership with the Southern Public Defender Training Center; organizes five national capital defense conferences per year; and engages groups such as the Georgia Association of Criminal Defense Lawyers and the Georgia State Bar Indigent Defense Committee.

Description of the Project for Which Funding Is Sought:

The Southern Center for Human Rights seeks general support.

Rationale for Recommendation:

This grant advances a number of goals of the Criminal Justice Fund including eliminating harsh punishment by abolishing the death penalty, improving indigent defense systems, and ending the over reliance on incarceration. Moreover, SCHR's work fully supports the goals of the Campaign to End the Death Penalty by 2025, a collaborative initiated with OSF funding. The Center's focus on the states of Alabama and Georgia is an important resource in the Campaign's efforts to reduce capital sentencing in Southern states.

SCHR has determined that the organization's best contribution to fight against the death penalty at this time will be increasing pressure at the direct appeal stage of litigation, immediately following a death sentence. Funding from the Criminal Justice Fund will provide SCHR with the support it needs to roll back efforts to use capital punishment in selected Southern states and to sustain efforts to reform indigent defense systems. Despite progress in other states that are pushing efforts to reform state death penalty systems, many Southern states have increased their use of the death penalty.³ While there were only two executions in Georgia in 2010 and three in 2009, Alabama has had a surge in executions with six men executed in 2009 and five in 2010. Moreover, the majority of SCHR's capital cases are from Alabama, which does not have an appellate defender program and where there are no state-funded attorneys for poor people on death row during direct appeal. Although a capital defender office was established in Georgia by the Indigent Defense Act of 2003, Republican lawmakers are working to dismantle this new defender office.

By representing individuals on death row in Georgia and Alabama, SCHR has established numerous precedents in its death penalty cases which have an impact beyond those it represents. Two SCHR cases, *Amadeo v. Zant* and *Ford v. Georgia*, resulted in unanimous decisions by the United States Supreme Court setting aside Georgia death sentences due to racial discrimination at capital trials. In 2009, the Supreme Court in *Snyder v. Louisiana* threw out the death sentence and conviction, citing racial prejudice

³ The number of executions nationally reduced from 52 in 2009 to 46 in 2010, while the number of new inmates under a death sentence increased slightly from 112 in 2009 to 114 in 2010, according to the Death Penalty Information Center. The South continues to have the highest percentage of executions (76 % or 35 in 2010).

by a prosecutor who kept Blacks off the jury in order to ask an all-white jury to avenge the O.J. Simpson verdict.

SCHR is one of the few criminal justice reform organizations in the South that has the expertise and capacity to zealously mobilize attorneys, advocates and those impacted by the criminal justice system to support wholesale reform. The legacies of slavery, an overreliance on incarceration and the failure to adequately address systemic racial discrimination continue to create a permanent underclass with criminal records in the Deep South. Underserved, and predominately minority, neighborhoods are saturated with police, probation, and parole resulting in communities that struggle to escape from the devastating impact of incarceration. The increase in funding for prison and police over the past three decades has come at the expense of funding for mental health services, drug treatment, domestic violence shelters, and other services that provide real solutions to crime. This grant will support SCHR as it continues to take on an important leadership role in criminal justice reform in the South. The Center will not only represent capital defendants and support indigent defense reform, it will mobilize its constituency to advocate for community-based drug treatment and mental health care; promote evidence-based measures that reduce crime; and stop the expansion of for-profit criminal justice practices.

For the above mentioned reasons, the Criminal Justice Fund recommends a two-year general grant to SCHR in the amount of \$780,000. We do not recommend a contingent grant, as fully accruing this grant comports with our planned long-term support for the organization and is consistent with our two-year budget planning.

Grant ID: #20031644

Legal Name of Organization: Witness to Innocence

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

Name of Fiscal Sponsor: None

Purpose of Grant: to provide general support

Grant Description: \$50,000 general support renewal grant over one year to advance efforts to amplify the powerful voice of innocence—largely cited as the most salient and compelling reason for the shift in public opinion against the death penalty—by extending the unparalleled influence of exonerated ex-death row prisoners. WTI’s mission is to empower exonerated men and women through organizing and training to change public opinion through educational outreach. The grant advances the Criminal Justice Fund’s goals to abolish the use of capital punishment in the U.S. and to promote civic and political participation among communities most impacted by the criminal justice system.

Previous OSF Support: \$50,000 Criminal Justice Fund 2009; \$70,000 Criminal Justice Fund 2008; \$50,000 Gideon 2006

Organization Budget: \$632,490

Project Budget: n/a

Sources of Support: \$270,000 European Commission⁴; \$150,000 Atlantic Philanthropies; \$20,000 Fund for Nonviolence; \$20,000 Catholic Campaign for Human Development; \$17,500 SC Ministry Foundation; \$9,600 Bread & Roses Community Fund; \$5,000 Willistown Friends Meeting.

Amount Requested: \$50,000

Amount Recommended: \$50,000 (Criminal Justice Fund, T1:24016)

Term: 1 year (January 1, 2011 – December 31, 2011)

Matching Requirements: None

Description of Organization:

Formed in September 2005, Witness to Innocence (WTI) is the only national organization to consciously promote the innocence issue through mobilization of exonerated death row prisoners and their family members. Based in Philadelphia, the organization was incorporated as a non-profit organization in September 2009. Its ten-member Board of Directors is composed of death row exonerees, family members of death row exonerees and anti-death penalty activists. WTI’s mission is to organize, educate, and empower death row

⁴ WTI will receive a €98,857 grant from the European Commission in May 2011. Based on an exchange of €1.35810 euro to \$1.00 U.S. dollar (as of 2-5-11), WTI would receive \$270,067.69.

exonerees and their family members to become leaders and spokespersons for the anti-death penalty movement.

The long-term goals of WTI include the following: 1) abolish the death penalty in the United States; and 2) win fair financial compensation and social services for every exonerated death row survivor in America.

The short-term objectives of Witness to Innocence are to:

- Empower exonerated death row survivors to become skilled spokespersons, organizers, and leaders in communities across the United States;
- Influence the opinions of citizens and the positions of public-policy makers toward favoring the abolition of the death penalty;
- Generate local, state, and national media coverage that exposes the flaws in the death penalty process;
- Assist state anti-penalty organizations to win public-policy victories that reform, restrict, or repeal the death penalty;
- Raise the issue of wrongful convictions in capital cases to priority status in Texas, the state where the greatest number of executions are carried out; and
- Facilitate peer support among exonerated death row survivors in their journey of recovery from the trauma on death row to a renewed life in the community.

In order to meet its long-term and short-term goals, WTI will implement five core programs:

1. National Speakers Bureau - WTI will continue to promote and schedule exonerated death row survivors to speak at venues across the U.S. in 2011.
2. Campaign to Assist State Organizations – WTI will collaborate closely with anti-death penalty organizations across the nation in 2011. The states targeted for intensive assistance in 2011 are Colorado, Connecticut, Illinois, Kansas, Maryland, Montana, New Hampshire, and Virginia.
3. Texas Organizing Campaign – In October 2010, WTI hired a staff person to fill the new position of Texas Field Organizer. In 2011, WTI will organize and mobilize exonerated death row survivors and family members from and/or living in Texas to conduct public speaking events at academic, community, and faith-based venues throughout the state.
4. Nationwide Media Campaign – WTI will contract with a media consultant to develop and help implement a strategic media plan to support the organization's national media presence.
5. Empowerment of the Exonerated Community – WTI will continue to sponsor its Training, Outreach, Organizing, Leadership, and Speaking) (TOOLS) gathering in 2011 to bring together exonerated death row survivors and their family members for educational and skills development workshops.

Description of the Project for Which Funding Is Sought:

Witness to Innocence requests general support.

Rationale for Recommendation:

This grant advances the CJF's priority area of eliminating harsh punishment and supports the goals of the Campaign to End the Death Penalty by 2025, a national movement developed with OSF leadership and support. Moreover, the grant supports CJF's goal of empowering communities impacted by the criminal justice system in reform.

This grant would allow WTI to increase awareness about the broken death penalty system, organize impacted communities, and galvanize support for death penalty reform from unusual allies. Research has shown that the potential for innocent people to be executed is the single most powerful force eroding public support for the death penalty in the United States. Dr. Frank R. Baumgartner of Pennsylvania State University coded more than 3,000 newspaper stories published in *The New York Times* since 1960 and determined that, since 1996, the "innocence frame" has received unprecedented levels of coverage while public opinion has shifted against the death penalty. Most recently, a national poll of 1,500 registered voters released by Lake Research Partners on November 16, 2010 revealed that the risk of executing an innocent person was the most convincing argument for abolishing the death penalty in the United States.⁵ Over the past decade, concern about the integrity of the criminal justice system has helped to create an unprecedented opportunity for reforming, restricting, and repealing the death penalty.⁶ The catalyst for this seismic shift in public opinion and political dynamics has been the exoneration and release of 138 innocent people from America's death rows since 1973.

While the revelations about wrongful capital convictions have created a measurable impact on reversing support for the death penalty in the U.S., it would be a mistake for the anti-death penalty movement to assume that widespread public knowledge about wrongful capital convictions has achieved the depth required to make an *emotional* connection with the American people. There remains a gap between general *public knowledge* about wrongful convictions and *passionate public commitment* to preventing the execution of the innocent. All political messages require inspirational messengers to move an issue from the realm of lifeless statistics and facts and into the hearts and minds of the body politic. The faces, words, and emotionally gut-wrenching stories of the exonerated can close the critical gap between intellectual awareness of the innocence issue and deep-rooted caring and commitment among the American people and their elected leaders. Exonerated death row survivors are the most effective messengers to convince Americans that the death-penalty system is broken beyond repair.

Exonerees and their family members continue to raise public awareness about innocence, which has driven every successful abolition effort to date, from the moratorium instituted in Illinois in 2000 to the repeal of the death penalty in New Jersey (2007) and New Mexico (2009) to the recent passage of an abolition bill by the Illinois House and Senate in 2011. In fact, New Mexico's Governor Richardson, a longtime proponent of the death penalty, spoke at length about wrongful convictions and the possibility of executing an innocent person as the primary reasons for his approval of the state legislature's decision to repeal the death penalty. WTI has succeeded in bringing the voices of some of the most compelling victims of capital punishment to bear on the death penalty debate and served as an invaluable resource to state and national advocates across the country. For the aforementioned reasons, the Criminal Justice Fund recommends a one-year general support grant in the amount of \$50,000 to Witness to Innocence.

⁵ "Poll Shows Growing Support for Alternatives to the Death Penalty," Death Penalty Information Center, November 16, 2010.

⁶ "Californians' support for death penalty waning," by Carol J. Williams, Los Angeles Times, September 2, 2009.

Grant ID: #20031609

Legal Name of Organization: Pennsylvania Capital Representation Project

Tax Status: Other

Name of Fiscal Sponsor: Defender Association of Philadelphia

Purpose of Grant: to further the PCRCP's core mission of representing indigent capital defendants in state post-conviction proceedings.

Grant Description: This grant will provide \$200,000 in renewed project support for the Pennsylvania Capital Representation Project (PCRCP), which will provide critical state post-conviction litigation representation for indigent prisoners convicted and sentenced to death primarily in Pennsylvania and Delaware. The PCRCP provides representation in state post-conviction proceedings by litigating claims of actual innocence, prosecutorial misconduct, racial bias, defense counsel ineffectiveness, mental retardation, and other mental infirmities. This grant would advance the Criminal Justice Fund's goals of eliminating harsh punishment by abolishing the death penalty; reforming indigent defense systems; and eliminating race and class disparities in sentencing and incarceration.

Previous OSF Support: \$100,000 Criminal Justice Fund 2010; \$100,000 Criminal Justice Fund 2009

Organization Budget: \$12,000,000 (does not apply to this project)

Project Budget: \$338,000

Sources of Support: \$25,000 Atlantic Philanthropies; \$20,000 Staff Contributions; \$10,000 Independence Foundation; \$10,000 Misc Individual Donors; \$4,000 The Philadelphia Foundation

Amount Requested: \$200,000

Is this a Contingent Grant?: No

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

Term: 2 years (June 1, 2011–May 31, 2013)

Matching Requirements: None

Description of Organization:

In 1998, the Defender Association of Philadelphia, Capital Habeas Unit (CHU) created the Pennsylvania Capital Representation Project (PCRCP) in response to the complete absence of state funding for capital prisoners to litigate their cases in Pennsylvania state post-conviction proceedings, which is an essential component of any successful challenge to a death sentence. Since the CHU's inception (1995) and PCRCP's founding (1998), the projects have achieved unparalleled success in obtaining actual relief—new trials or new penalty hearings—for dozens of condemned men and women in Pennsylvania. Because of

their success, they have been asked to assume representation outside of Pennsylvania. PCRCP currently has cases in Arkansas, Texas, Missouri, Oklahoma, Virginia, Maryland, and Indiana. The Project's achievements were recently recognized when the CHU received the *2009 Outstanding Legal Services Award* given by CJF grantee the National Coalition to Abolish the Death Penalty. Currently, the CHU staff consists of 36 attorneys, 13 investigators and 13 paralegals who take on both state post-conviction and federal habeas work.

In 2006 the CHU's funder (the Administrative Office of the United States Courts) asked the CHU to assist with Federal habeas corpus cases in the neighboring state of Delaware.⁷ As in Pennsylvania, Delaware's state post-conviction process is deeply flawed. There is inadequate funding for state post-conviction proceedings and the local defense bar is not adequately trained to handle these highly specialized proceedings.

Description of the Project for Which Funding Is Sought:

Pennsylvania Capital Representation Project (PCRCP) will represent indigent capital prisoners in Pennsylvania and Delaware in state post-conviction proceedings. Successful post-conviction proceedings are the lynchpin of successful capital defense. Federal habeas corpus cases are governed by complex, demanding and unforgiving procedural rules. Failure to abide by these rules can result in forfeiture of a prisoner's right to have his claims of constitutional error reviewed by the federal courts, with fatal consequences. One of these core rules requires that all constitutional claims that are to be presented to the federal courts must first be presented to the state courts. In capital cases, this should take place in state post-conviction proceedings, which occur after a prisoner's direct appeal is decided but before federal habeas proceedings are commenced. Capital defendants have no federal constitutional right to counsel in state post-conviction proceedings and accordingly this part of the process is notoriously under-funded by the states. Pennsylvania and Delaware both inadequately fund this stage of a capital case and each of their systems for state post-conviction review is flawed.

Pennsylvania provides no state funds for counsel, experts or investigations, and leaves this critical piece to each county to fund. Pennsylvania's capital post-conviction system and the entire capital defense system have come under intense criticism in a report authored by the American Bar Association: *Evaluating Fairness and Accuracy in Death Penalty Systems: The Pennsylvania Death Penalty Assessment Report* (October, 2007). This report found a number of areas in which Pennsylvania's death penalty system "faltered" and for which "reforms" were suggested, including: 1) failure to protect against inadequate legal assistance; 2) no state funding of capital indigent defense services; 3) inadequate access to experts and investigators; and 4) significant limitations on post-conviction relief.

Similar defects are present in the Delaware post-conviction system. The statewide public defender's office has not been involved in post-conviction proceedings in Delaware. Almost all of these cases have been managed by conflict attorneys who are appointed by counties and paid by the state, most of whom are not properly trained or qualified to represent capital petitioners. As a result of this system, the bulk of Delaware's post-conviction petitioners have foregone substantive claims for relief with dire results.

The PCRCP will address these critical gaps in the representation by monitoring capital cases coming out of the Pennsylvania Supreme Court on direct appeal and offering its services in sentences resulting in death. PCRCP attorneys will work with investigators, paralegals and expert witnesses to challenge the majority of

⁷ In the fall of 2009, the Federal Public Defender of Delaware started a CHU that will ultimately be responsible for federal habeas representation of those capital prisoners convicted and sentenced to death in Delaware. The Delaware CHU is up and running however it still does not have a full staff. Until the Delaware CHU can assume full responsibility for the capital post-conviction case load in Delaware, the PCRCP will be responsible for the state court representation of many Delaware capital prisoners and therefore still requires funding for this purpose.

these cases through claims of ineffective assistance of counsel. Ineffective assistance claims typically include the failure of counsel to properly investigate mitigating evidence, including the existence of mental retardation, and other mental infirmities. Other challenges by PCRCP attorneys might include prosecutorial misconduct, such as the withholding of substantial exculpatory evidence, racial bias and claims of actual innocence.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goals of eliminating harsh punishment by abolishing the death penalty; reforming indigent defense systems; and eliminating race and class disparities in sentencing and incarceration. The grant also supports the goals of the Campaign to End the Death Penalty by 2025, a national initiative developed with OSI leadership. In 2010, the Steering Committee for the 2025 Campaign designated Pennsylvania along with Texas, Alabama, and Georgia as priority states for litigation to reduce death sentences and executions.

Although the newly created Atlantic Center for Capital Representation provides intensive case consulting to capital defense teams at the trial level in Pennsylvania and Delaware, there is no other organization with PCRCP's expertise working in these states at the post-conviction level. PCRCP staff is widely recognized as being among the most skilled capital post-conviction litigators in the country and is regularly involved in national training and court committees on the death penalty. The only alternative to PCRCP's state post-conviction representation are the under-funded and unqualified counsel appointed by county courts.

Pennsylvania has a large death row of 217 inmates and it is riddled with the same striking examples of disproportionate punishment that are seen in the South. Delaware has 18 men on death row and the racial statistics tell the same story of discrimination. Delaware's combined African-American and Latino population is approximately 20 percent, while the state's death row is comprised of 50 percent African Americans and 17 percent Latinos, 67 percent of total population. Both Delaware and Pennsylvania's death row are populated by poor people. Major mental illness is common, if not predominate among PCRCP's clients. State post-conviction proceedings are an essential—yet under-funded—component of any successful challenge to a capital conviction and sentence.

Since the inception of PCRCP in 1995, there have been no non-volunteer executions in Pennsylvania (three so-called "volunteers" have been executed—two in 1995 and one in 1999). Additionally, since the PCRCP became involved in Delaware in May 2006, it has forestalled executions based on its lethal injection litigation, undertaken in partnership with CJP grantee UC Berkeley Death Penalty Clinic.

PCRCP's litigation efforts have strengthened arguments by advocates that Pennsylvania's death penalty system is broken beyond repair. (See e.g. *The Philadelphia Inquirer*, Editorial: *Death Penalty, The State Must End it Now*, March 26, 2009). These efforts have led Pennsylvanians for Alternatives to the Death Penalty (PADP), a member of the Campaign to End the Death Penalty by 2025, to renew a push for abolition. Additionally, before leaving office in January 2011, Gov. Rendell, noting that 386 death warrants had been issued since reinstatement and only three volunteer executions had been carried out, called for review of Pennsylvania's system of capital punishment, including the alternative of life without the possibility of parole. Although PCRCP's work in Delaware led to a *de facto* moratorium for over three years as the Project challenged death sentences in individual cases based on lethal injection litigation,⁸ there are now a number of men in Delaware who are in danger of execution in the near future. However, PCRCP is perfectly positioned to help obtain relief for these individuals.

⁸ The official stay was lifted by a Third Circuit decision in 2009 and in October 2010 the Supreme Court of the United States refused to grant cert. in the case on appeal.

Some of the recent success by PCRCP could not have happened without funding support from the Criminal Justice Fund. For example, in April, 2010, after an evidentiary hearing, a Pittsburgh, Pennsylvania Court of Common Pleas granted *Atkins* relief and imposed a sentence of life after finding that Connie Williams was a person with mental retardation. In May 2010, after an evidentiary hearing with extensive expert testimony, George Banks, a severely mentally ill man, was found to be incompetent and thus cannot be executed. In November 2010, PCRCP attorneys were able to demonstrate massive prosecutorial misconduct in a case in Allentown, Pennsylvania. As a result of this showing, the local district attorney agreed to a stipulated disposition of the case leading to PCRCP's client, Ramon Sanchez, to be released from death row to general population where he will be eligible for parole in about 10 years. In the James Lambert case, the United States Court of Appeals for the Third Circuit granted penalty phase relief while retaining the case to consider whether Mr. Lambert is entitled to a new trial. The United States District Court for the Eastern District of Pennsylvania granted penalty phase relief to Saharris Rollins based on his counsel's ineffectiveness. The achievements in both the Lambert and Rollins cases were only possible because of PCRCP's state court litigation of the issues. In May 2010, PCRCP achieved successes in state trial courts for Joseph Elliot (new trial) and Wayne Smith (new penalty hearing) because of counsel ineffectiveness. Overall, the PCRCP has been able to work on more than 60 state post-conviction cases with support from the CJF since June 2009.

For the above mentioned reasons, the Criminal Justice Fund recommends a project support grant of \$200,000 to the Pennsylvania Capital Representation Project over two years. We do not recommend a contingent grant, as fully accruing this grant comports with our planned long-term support for the organization and is consistent with our two-year budget planning.

Grant ID: #20031596

Legal Name of Organization: Families and Friends of Louisiana’s Incarcerated Children

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

Name of Fiscal Sponsor: None.

Purpose of Grant: To provide general support

Grant Description: A general support renewal grant will support the public education, community building, and leadership development efforts of FFLIC, a state-wide, membership-based organization that advocates for sound policies to benefit all of Louisiana’s youth, especially those involved or at risk of becoming involved, in the justice system. Through chapters in the Parishes of New Orleans, Lake Charles, Lafayette, and Shreveport, FFLIC works collaboratively to build projects and campaigns that keep parents at the center of the educational and justice reform movements. Its overarching goals are to (1) curtail the school-to-prison pipeline, and (2) reform Louisiana’s juvenile correctional system by moving it towards a rehabilitative and therapeutic model, and promoting greater use of alternatives to incarceration. This grant advances the goals of the Criminal Justice Fund to challenge the harsh treatment and punishment of children and end punitive school disciplinary practices.

Previous OSF Support: \$125,000 Criminal Justice Fund & Campaign for Black Male Achievement 2010; \$20,000 Sentencing & Incarceration Alternatives 2007.

Organization Budget: \$572,790

Project Budget: N/A

Sources of Support: Baptist Community Ministries, \$225,000; Marguerite Casey Foundation, \$255,000; Just and Fair Schools Fund, \$135,000; Ford Foundation, \$90,000; Catholic Campaign for Human Development, \$75,000.

Amount Requested: \$200,000

Is this a Contingent Grant?: No

Amount Recommended: \$200,000
(\$100,000 Criminal Justice Fund, T1: 24016)
(\$100,000 Campaign for Black Male Achievement, T1: 21120)

Term: 2 years (May 1, 2011 – April 30, 2013)

Matching Requirement: None.

Description of Organization

Families and Friends of Louisiana's Incarcerated Children (FFLIC) is a state-wide, membership-based organization that fights for a better life for all of Louisiana's youth, especially those involved or at risk of becoming involved, in the justice system. Through chapters in the Parishes of New Orleans, Lake Charles, Lafayette, and Shreveport, FFLIC works collaboratively to build projects and campaigns that keep parents at the center of the educational and justice reform movements designed to transform oppressive systems and institutions into ones that truly uphold equity and justice for all of Louisiana's children and families.

The majority of FFLIC's members are parents of children who have been disregarded in the education and justice systems. FFLIC began as an informal parent group supporting the efforts of the Juvenile Justice Project of Louisiana (JJPL), a current OSF grantee, in its efforts to close down the notorious Tallulah Correctional Center for Youth in Louisiana. During the *Close Tallulah Now Campaign*, parents of incarcerated youth shared with lawmakers horrific stories of physical and mental abuse, and the rape of their children who were incarcerated at Tallulah. The Tallulah Correctional Center for Youth was eventually closed in 2001. However, parents who had been galvanized by the campaign realized that they needed to continue to raise their voices in protest and advocate for a fairer and more human justice system. In 2001 Families and Friends of Louisiana's Incarcerated Children was formed.

Gina Womack, co-founder and Executive Director, leads the organization. She is a New Orleans native with deep roots in the community. Ms. Womack is a board member of the Louisiana Public Defender Board, the Petra Foundation, the Metairie Park Country Day School, the Juvenile Justice Institute Advisory Board, and on the executive committee of the Justice for Family Alliance. Ms. Womack's outstanding contributions to justice and education reform in Louisiana were formally recognized in 2009 when she received the Juvenile Justice Project of Louisiana's Advocate of the Year Award and the Ms. Foundation's Women of Vision award. Ms. Womack is supported by a seven member staff that includes five Black women, born and raised in Louisiana and a formerly incarcerated father of a 14 year old young Black man, currently on trial for murder. FFLIC's work is also guided by a four member Board of Directors that includes Norris Henderson, founder and Executive Director of Voice Of The Ex-offender (VOTE), and James Bell, Esq., founder and Executive Director of the W. Haywood Burns Institute. FFLIC has been an OSF grantee since 2007.

Description of Project for Which Funding Is Sought

Families and Friends of Louisiana's Incarcerated Children requests general support.

Rationale for Recommendation

This grant would advance the Criminal Justice Fund's goals of eliminating harsh punishment and securing a fairer justice system by combating the criminalization of young people, promoting alternatives to incarceration, and ending punitive school disciplinary practices. It also supports U.S. Programs' ongoing commitment to expand support for social justice in Louisiana. In addition, the grant also advances the Campaign for Black Male Achievement's goal of promoting educational equity and opportunities for African American youth.

Sadly, the educational and juvenile justice systems in Louisiana continue to perpetuate poverty and racism, destroying thousands of children's lives in the process, and barring them from future participation in civic society. Louisiana lags behind the national average in every category of student performance in education. High school graduation rates are among the worst in the nation with Louisiana ranking 46th. According to the Schott Foundation's 2008 report, *Public Education and Black Male Student*, black males had a 38 percent high school graduation rate compared to a 60 percent rate for white males. Alarmingly, Louisiana schools suspend over 86,000 students and expel over 7,000

students annually. Moreover, these punitive practices are used in response to minor instances of disruption and conflict ranging from classroom fights to “willful disobedience” with African American students being twice as likely to be suspended as white students. African American youth are similarly disproportionately represented in the juvenile justice system. For example, in 2010 a total of 1,096 juveniles were arrested and 97.6 percent were black.

FFLIC seeks to reverse these troubling trends through education, advocacy, and parent and community organizing. Its overarching goals are to (1) curtail the school-to-prison pipeline, and (2) reform Louisiana’s juvenile correctional system by moving it towards a rehabilitative and therapeutic model, and promoting greater use of alternatives to incarceration.

FFLIC’s efforts have yielded some remarkable successes. FFLIC, in collaboration with Juvenile Justice Project of Louisiana and others, was instrumental in advocating the public education campaign that led to the closures of the Tallulah Correctional Center for Youth and the downsizing of Jetson Center for Youth, two notoriously brutal juvenile prisons. Significantly, these gains committed the state to reducing its reliance of secure care and make greater use of alternatives to incarceration. In 2010, in partnership with the National Economic and Social Rights Initiative (NESRI), FFLIC produced and released *Pushed Out: Harsh Discipline in Louisiana Schools Denies the Right to Education*, a comprehensive examination of policies and practices that impact school climate, discipline and education outcomes for students. This report became an important advocacy tool used by organizers to campaign for the passage of SB527/Act 136 in 2010 which requires that teachers receive classroom management training that incorporates conflict resolution and Positive Behavior Supports (PBS) methods. FFLIC continues to work with and monitor key school districts and government agencies to ensure the full implementation of these laws and protect the rights and safety of the youth while promoting public safety.

The proposed grant would enable FFLIC to build on these efforts over the next two years.

Derailing the School-to-Prison Pipeline

FFLIC seeks to reduce the number of youth who are “school referred” from the public schools to the juvenile justice system by 35 percent. FFLIC will engage in education campaigns targeting state policymakers and the general public to raise awareness of questionable education policies that are harmful to children. In New Orleans Parish, FFLIC will oversee and manage the *Parent in Leadership Project*, designed to organize parent councils in schools with high expulsion rates. The goal is to have each parent liaison partner with school principals to create opportunities for meaningful parent involvement in successfully implementing PBS principles, thereby decreasing the number of student expulsions and suspensions. Currently piloted in four schools, FFLIC seeks to demonstrate the success of both PBS and Parent Councils, thereby encouraging school systems to replicate this model in every school by the 2012-2013 academic year.

Promoting Juvenile Justice Reform

FFLIC will continue to monitor and hold accountable the Juvenile Justice Implementation Commission (JJIC) for exercising its authority to ensure that the Office of Juvenile Justice fully implements mandated reforms with deliberate speed. For example, the state is mandated to periodically review the placement of children in confinement to ensure that placement is the least restrictive alternative. Such reviews, however, happen sporadically and youths are rarely stepped down from secure confinement to the community. Thus, FFLIC will continue to advocate for the timely review of all placements and adherence to the least restrictive alternative standard. Additionally, it will continue to advocate for the elimination of razor-wire fences, the abolition of juvenile shackling, the closure of the troubled Swanson Correctional Center for Youth, and support regionalization of facilities, similar to the

Missouri System Model (known locally as LaMod), so that parents can participate in their child's treatment and rehabilitation.

FFLIC has also become a leader in national efforts to reform the country's dysfunctional juvenile justice systems. For example, in partnership with the Campaign for Youth Justice (C4YJ), a CJF grantee, FFLIC is engaged in organizing efforts to compel the Office of Juvenile Justice Delinquency and Prevention (OJJDP) to include parent and family engagement in juvenile justice reform at the federal level. Additionally, FFLIC is collaborating with the C4YJ in producing a white paper highlighting a model program that intentionally engages parents and families in the development of family friendly juvenile justice policies. Notably, OJJDP is actively exploring the use of the Youth Study Center, the New Orleans youth detention facility, as a potential pilot site for this model program.

FFLIC plays a vital role in state and national efforts to reform the juvenile justice system by ensuring that parents of incarcerated children have a voice in the debate for reform. For these reasons, the Criminal Justice Fund and the Campaign for Black Male Achievement recommend general support funding to Families and Friends of Louisiana's Incarcerated Children in the amount of \$200,000 over two years. We do not recommend a contingent grant, as fully accruing this grant comports with our planned long-term support for the organization and is consistent with our two-year budget planning.

Grant ID: #20031581

Legal Name of Organization: Juvenile Justice Project of Louisiana

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

Name of Fiscal Sponsor: None.

Purpose of Grant: to provide general support; to provide project support to JJPL to build capacity to represent individuals eligible for relief under the Supreme Court's 2010 decision *Graham v. Florida* and to enhance the public education campaign in support of limiting the size of the new Orleans Parish Prison

Grant Description: A general support renewal grant to JJPL, the leading juvenile justice reform advocacy and policy group seeking statewide reform in Louisiana, will support its efforts to engage in strategic litigation, policy advocacy, and direct representation efforts aimed at transforming the juvenile justice system. JJPL seeks to reduce the number of children in secure care, address unconstitutional conditions of confinement, expand evidence based alternatives to incarceration, and reduce excessive school discipline and harsh punishment of children. Project support will enable JJPL to provide direct representation over the next year to more than 60 individuals who are eligible for relief under *Graham v. Florida*, the 2010 Supreme Court ruling that declared life without parole sentences for juveniles in non-homicide cases to be unconstitutional, and to enhance the public education campaign designed to sustain the recent jail downsizing victory. This grant advances the Criminal Justice Fund's interest in reforming juvenile incarceration policies; combating the harsh treatment of children in prosecution and sentencing; challenging excessively punitive school disciplinary proceedings; and reducing unnecessary arrest and pretrial detention practices.

Previous OSF Support: \$300,000 Criminal Justice and JEHT Emergency Funds 2009; \$25,000 Gideon/Lit/Comm 2007; \$208,000 Gideon 2006; \$200,000 Gideon 2004; \$100,000 Sentencing & Incarceration 2002; \$100,000 Policy and Research 2002; \$100,000 Policy & Research/Juvenile Justice 2003; \$25,000 Litigation Fund 2007; Re-entry \$75,000 2000

Organization Budget: \$924,150

Project Budget: \$80,000

Sources of Support: \$175,000 Vanguard Charitable Trust; \$83,333 Marguerite Casey Foundation; \$53,000 Ford Foundation; \$50,000 Baptist Community Ministries; \$25,000 Tides Foundation; \$25,000 US Human Rights

Amount Requested: \$380,000
\$300,000 General support
\$80,000 Project support

Is this a Contingent Grant?: No

Amount Recommended: \$380,000 (Criminal Justice Fund: T1: 24016)

Term: 2 years (January 1, 2011 – January 31, 2013)

Matching Requirements: None

Description of Organization:

Established in 1997, the Juvenile Justice Project of Louisiana (JJPL) is a non-profit statewide advocacy organization based in New Orleans that seeks to reform Louisiana's broken juvenile justice system. JJPL's mission is to transform the state's system into one that builds on the strengths of young people, families, and communities to ensure that children are provided the greatest opportunities to grow and thrive. Through a combination of strategic litigation, media outreach, policy advocacy, and grassroots organizing, JJPL seeks to reduce the number of children in secure care and abolish unconstitutional conditions of confinement by improving or, when necessary, shutting down institutions that continue to inhumanely treat children; expand evidence based alternatives to incarceration; and build power among those most impacted by the juvenile justice system. OSF has supported JJPL since 2000.

Dana Kaplan is currently the Executive Director of JJPL. Prior to joining the organization, Ms. Kaplan was a Soros Justice Fellow at the Center for Constitutional Rights in New York City, working on detention reform.

Description of the Project for Which Funding Is Sought:

JJPL requests renewal of general support funding in the amount of \$300,000 over two years. JJPL also seeks project support in the amount of \$80,000 over 1 year to support the implementation in Louisiana, of the 2010 Supreme Court decision in *Graham v. Florida* to ban the sentencing of life without parole for juveniles in non-homicide cases, and to enhance the public education campaign designed to sustain the recent Orleans Parish Prison jail downsizing victory. JJPL has identified 66 people who are eligible for relief and, in partnership with the Equal Justice Initiative in Alabama, has developed a legal strategy for pursuing resentencing. To date, JJPL has secured the release of three men – the first in the nation to be released as a result of the *Graham* decision. JJPL seeks to file pleadings for the remaining 63 men by May 17, 2011, one year after the Supreme Court ruling, in order to avoid any possible time bars or procedural defaults. Project support would also help sustain a substantial victory of a coalition of advocates limiting the size of a new jail facility, which through a unanimous City Council vote, reduced the number of jail beds to 1,438, significantly lower than the 7,500 pre-Hurricane Katrina bed capacity and the 5,800 beds proposed by the Orleans Parish Sheriff.

Rationale for Recommendation:

This grant advances several of the goals of the Criminal Justice Fund, including reforming juvenile incarceration policies and practices by encouraging alternatives that emphasize rehabilitation and treatment; combating the harsh treatment of children in prosecution and sentencing; and challenging excessively punitive school disciplinary proceedings. This grant also advances our commitment to enhancing capacity for statewide policy reform efforts in Louisiana.

JJPL has been at the forefront of juvenile justice reform in Louisiana since its inception 13 years ago. It is inarguable that major strides have been made in juvenile justice reform in the state over the past decade. Most recently, in 2008, in partnership with Friends and Families of Louisiana's Children

(FFLIC), a CJF grantee also recommended for funding on this docket, JJPL led a public education and policy reform campaign that strengthened the Juvenile Justice Implementation Commission. They also advocated for revisions to the Louisiana Recover School District-Orleans Parish Discipline Policy to reduce the number of suspendable and expellable offenses, and helped reduce the number of security guards by 50 percent. In 2010, in partnership with the firm Holland & Knight, JJPL brought litigation against the City of New Orleans, on inhumane conditions of confinement in the local youth jail, inappropriately named Youth Study Center (YSC), that ultimately resulted in a settlement to fundamentally improve conditions at YSC, including increasing school-time, access to mental health services and medical staff, and a reduction in the use of force by staff. Also in 2010, in partnership with the Southern Poverty Law Center, JJPL filed a lawsuit on behalf of a six year old child handcuffed and shackled at school that resulted in a settlement agreement to ban the use of fixed restraints in schools and the handcuffing of children less than ten years of age.

However, despite JJPL's successes and the sweeping Juvenile Justice Reform Act of 2003, the state is far from reaching the goals outlined in the broad mandate of the legislation. Close to 50 percent of the children in secure care are there for non-violent offenses. There remain significant reports of harassment and violence by guards. The therapeutic, group-based philosophy outlined by the Missouri Model and translated locally as "LaMod" (Louisiana Model) has only been partially adopted within facilities and has been met with consistent backlash from staff, and there is a severe lack of local services to serve youth throughout the state, leaving judges and DA's with the feeling that there are few viable alternatives for youth beyond secure care. Public defenders continue to be under-resourced, and provide little representation to children post-disposition. Finally, an increasing number of children are being charged as adults, transferred into and/or held in the adult criminal justice system, which has been reported as a response by some DA's to juvenile justice reforms they oppose. Continued vigilance by JJPL and other advocates is necessary to continue pushing forward on reforms.

In addition, the *Graham* decision has created a unique moment of opportunity for JJPL to advance its goal of abolishing life without parole sentences for juveniles. Of the 66 people JJPL has identified as eligible for relief under the decision, many have not seen a lawyer in decades, and with the exception of four, they lack legal representation. JJPL intends to offer direct representation to many of these individuals during the pleading and re-sentencing hearings in order to avoid any possible time bars or procedural defaults. JJPL has secured the freedom of three individuals thus far and seeks to secure the rights of the remaining 63 to pursue similar relief.

JJPL has also played a leadership role in the coalition, which includes CJF grantees the Vera Institute of Justice, VOTE, and Puentes, a TIF grantee, which successfully challenged the Orleans Parish Sheriff's request to the City Council for a new 5,800 bed jail. As a result of a well coordinated, aggressive public education and organizing campaign, the city council unanimously passed an ordinance limiting the jail beds to 1,438. JJPL seeks to ensure the sustainability of this ordinance by increasing public support for a comprehensive reform agenda that promotes the use of pretrial services and changes to arrest policies to reduce the jail population, and thus, the need for additional jail beds.

In a Deep South state such as Louisiana, where racial inequality is particularly brutal and pervasive and political patronage runs deep, the challenge of criminal justice reform remains especially great. JJPL will continue to work with lawmakers, the general public and the media to frame the need for reform and to articulate real solutions to public safety, while simultaneously working with community partners, including families and youth, to ensure that their voices are elevated in the debate and collectively form the critical motor that moves Louisiana towards meaningful reform.

For these reasons, the Criminal Justice Fund recommends a \$300,000 general support grant over two years and an \$80,000 project support grant over one year to the Juvenile Justice Project of Louisiana. We

do not recommend a contingent grant, as fully accruing this grant comports with our planned long-term support for the organization and is consistent with our two-year budget planning.

Grant ID #20031541

Legal Name of Organization: Research Foundation of the City University of New York (on behalf of John Jay College of Criminal Justice)

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

Purpose of Grant: to plan and conduct a comparative roundtable in the summer of 2011 to bring together representatives from the U.K. and U.S. to assess the current state of academic knowledge around police-initiated stop powers and practices and to assess challenges faced by civil society

Grant Description: To provide \$82,000 over one year to plan and conduct a comparative roundtable in the summer of 2011 to bring together academic experts, senior law enforcement practitioners, and civil society representatives from the U.K. and U.S. to assess the current state of academic knowledge around police-initiated stop powers and practices and to assess challenges faced by civil society. John Jay will work with the Open Society Justice Initiative to develop and facilitate a meeting that enables participants to build relationships, share emerging research, best practices and successful campaign strategies to reform ethnic/racial profiling in the U.K. and U.S. This grant advances the Criminal Justice Fund's priorities to eliminate racial disparities and secure a fair and equitable system of justice by reforming police practices.

Previous OSF Support: \$1,189,000
(\$200,000 Criminal Justice Fund- 2010; \$500,000 U.S. Justice Fund-2007; \$200,000 U.S. Justice Fund-2006; \$230,000 U.S. Justice Fund-2003; \$20,000 U.S. Justice Fund- 2002; \$39,000 U.S. Justice Fund-2002)

Organization Budget: \$75,000,000

Project Budget: \$113,050

Sources of Support: \$31,050 John Jay College of Criminal Justice

Amount Requested: \$82,000

Amount Recommended: \$82,000 (Criminal Justice Fund T1: 24017)

Term: 1 year

Matching Requirements: None

Description of Organization:

The Research Foundation (RF) is a not-for-profit educational corporation chartered by the State of New York in 1963. The City University of New York (CUNY) is the nation's largest urban public university, with 23 colleges and professional schools, and more than 100 research centers, institutes, and consortia.

The RF supports CUNY faculty and staff in identifying and obtaining support from government and private sponsors and is responsible for the administration of all such funded programs.

Established in 1964, John Jay College of Criminal Justice of The City University of New York is a liberal arts college dedicated to education, research and service in the fields of criminal justice, fire science, forensic science, law practice, social work, teaching, forensic psychology and corrections. The College offers a curriculum that balances the arts, sciences and humanities with professional studies. Based in Manhattan, the campus is home to over 15,000 students in its undergraduate, masters, and doctoral programs. To facilitate academic research and provide professional development and training, the College has established 16 centers, institutes, and academies, including the Center on Race, Crime and Justice, Criminal Justice Research & Evaluation Center, Community Policing Leadership Institute, and Prisoner Reentry Institute. John Jay College has been an OSI grantee since 2002.

In 2008, the Center on Race, Crime and Justice (CRCJ) co-hosted a full-day Police Accountability Conference focused on Stop, Question and Frisk: Policy, Practice and Research. Conference presenters included police executives from Denver, Buffalo, Hartford, and New York City, academic researchers from across the country, and representatives from various community organizations in around the New York area. Conference presenters and attendees critically examined the then recently released RAND Corporation report on racial disparities in the stop and frisk practices of the New York City Police Department. In 2010, the CRCJ published its 34 page primer on Stop, Question and Frisk Policing Practices in New York City, which was released at a public meeting and presentation at the New York Bar Association on March 9th. The project outlined below will be led by Dr. Delores Jones Brown, Director of the Center on Race, Crime and Justice at John Jay College, in collaboration with Rachel Neild, Senior Advisor, and Dr. Rebekah Delsol, Project Officer, of the Open Society Justice Initiative.

Description of the Project for Which Funding Is Sought:

John Jay College of Criminal Justice will host a roundtable event bringing together academic experts, senior law enforcement practitioners and leading civil society representatives from the U.K. and the U.S. to discuss current research agendas and strategies to address racial disparities in police-initiated stops in both jurisdictions. This event will be organized in partnership with the Ethnic Profiling in the European Union project of the Open Society Justice Initiative and Open Society Youth Initiative. The main goals of the roundtable include the following:

- Assess the current state of academic knowledge around police-initiated stop powers and practices;
- Assess the challenges faced by civil society in promoting fair, effective and accountable use of police-initiated stop powers;
- Identify and suggest solutions to the research gaps and advocacy challenges that are identified;
- Share emerging research, good practices and successful campaign strategies; and
- Build relationships between the individuals working on ethnic/racial profiling in each country.

The roundtable will bring together a group of 80 researchers, advocates, attorneys and law enforcement to take part in a series of focused discussions aimed at promoting rigorous debate about research and strategies to address ethnic/racial profiling in the U.S. and U.K.⁹ A smaller group of panelists will prepare a papers prior to the event and present findings at the roundtable as a launch for discussion. The proposed topics for discussion include:

⁹ The roundtable will take place over a two-day period in New York in August 2011. A third day will be devoted to a youth roundtable on ethnic/racial profiling organized by the Open Society Youth Initiative. The youth roundtable is not funded through this grant.

- Context of police-initiated stops in the U.K. and U.S.
- Drivers of disproportionality in police-initiated stops practices
- Effectiveness of police-initiated stops
- Youth perspectives on police-initiated stops
- Impact of police-initiated stop powers on individuals and communities
- Strategies for change by advocates and strategies for change within police forces/departments and regulatory authorities
- Impact of stop powers on civil liberties/human rights in context of terrorism

John Jay and the Justice Initiative will use the roundtable format, including panel discussions and discussion papers, to produce two publications including a monograph and the possibility of a set of academic papers that would form the basis for a special edition of a journal. The monograph will provide an analysis of the issues discussed at the roundtable including the current state of knowledge around police-initiated stop powers and practices; challenges confronting civil society, researchers and law enforcement; and key findings coming from the roundtable experts. John Jay and the Open Society Justice Initiative will also organize one public event in New York and one in London to present the monograph and roundtable findings.

John Jay will widely disseminate the findings of the roundtable. The College will incorporate the material in the curriculum of the Police Studies Certificate Program for New York City police officers as part of the core content for building their understanding of issues related to serving a multicultural population and enhancing their capability for leadership on issues of diversity. The roundtable findings will also be shared with the researchers and police executives who are members of the Consortium for Police Leadership in Equity (CPL) a research consortium that promotes police transparency and accountability by facilitating innovative research collaborations between law enforcement agencies and social scientists. Additionally, John Jay will share the roundtable findings with partner organizations and stakeholders such as the Police Executive Research Forum (PERF), the Office of Community Oriented Policing Service (COPS), the National Organization of Black Law Enforcement Executives (NOBLE), and both the National Black Police and National Latino Officers' Associations (NABPA and NLOA).

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's priorities to eliminate racial disparities and secure a fair and equitable system of justice by reforming police practices.

The use of aggressive stop and frisk practices by law enforcement in the U.S. and U.K. has eroded public trust and confidence in law enforcement while in many instances violating basic civil rights. Unfortunately, these practices are touted by police agencies as reducing crime, when in fact, no conclusive empirical evidence exists to support such claims. The abusive and rapid increase in the use of stop powers has already been widely covered in the U.S. press, and New York City in particular. The recent law suit by the ACLU of Philadelphia against the Philadelphia police force is one of the latest examples of the erosion of public trust in law enforcement.

In the U.K., matters are no better. There, Black people are stopped at seven times the rate of white people and people of Asian¹⁰ origin are stopped at twice the rate of white people. Since ethnic monitoring data was first published almost twenty years ago, stop and search has been disproportionately targeted at Black and Asian communities. In matters of policing, equality and community relations, stop and search

¹⁰ Britain has large populations of South Asian origin, from Bangladesh, India and Pakistan, encompassed in the term "Asian."

practices remain the crucial litmus test and lies at the core of black British people's experience of being "over-policed" and "under-protected."

In both the U.S. and U.K., relatively low arrest rates suggest that stop and search is not very effective in detecting crime. In the U.K., what research evidence exists shows that the deterrent and preventative value of stop and search is limited. In New York City, police-initiated stops continued to be linked to the sizeable crime decline in New York City over the last fifteen to twenty years, yet very little research has been done to evaluate the claims that such strategies are responsible for the decrease.

The proposed project will allow a robust examination and discussion of the causes and consequences of the racial disparities associated with stop powers and practices in the U.K. and U.S., while allowing researchers to share lessons learned and research methodologies. In the U.S. context, the shared information can help broaden the research focus and methods for the preliminary analysis that has already been funded, in part by the Open Society Foundations, and can serve as a means to disseminate initial findings.¹¹ In the comparative context, the exchange of research findings, practical information and civil rights concerns and strategies that these disparities have generated can be used as a means to raise awareness of the breadth of crime control and civil rights issues associated with such practices, which, if better understood may contribute to policing practices that are both fair and effective and help pave the way to more sophisticated research on the topic.

The degree to which experiences from one country may be replicated in another may be limited by national realities and the specificities of law, practice and communities. However, the U.K. and U.S. share legal traditions, policing values, and an emphasis on civil rights advocacy. The roundtable will provide an opportunity to exchange ideas, identify possibilities for comparative research and invigorate the discussion of racial disparity in law enforcement practices. Exchange among practitioners will spur fresh thinking and encourage greater dialogue and collaboration around good practices between civil society and police practitioners. Overall, John Jay and the Justice Initiative aim to seed the adoption of new research, strategies for change and cooperation among a diverse group of stakeholders. For the reasons mentioned above, the Criminal Justice Fund recommends a grant of \$82,000 over one year to the Research Foundation of the City University of New York (on behalf of John Jay College of Criminal Justice).

¹¹ In 2010, the Criminal Justice Fund awarded John Jay College of Criminal Justice a grant to assess factors contributing to decreasing crime rate in New York City by addressing research design and measurement issues that have contributed to the inconclusiveness of previous research.

Grant ID: #20031568

Name of Organization: Southern Public Defender Training Center

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

Name of Fiscal Sponsor: None

Purpose of Grant: to provide project support for training to, and partner with, public defender offices across the Southern region of the United States

Grant Description: A renewal grant for project support to the Southern Public Defender Training Center builds on the previous SPDTC trainings of entry level and inexperienced public defenders by developing enhanced programs targeting 114 graduates and more experienced lawyers already serving in leadership roles who embrace SPDTC's philosophy of client centered representation. Enhanced programming will include leadership develop, expanded mentoring and train-the-trainer activities. This grant advances the Criminal Justice Fund's interests in improving the provision of public defense services and combating racial disparities in the administration of justice.

Previous OSF Support: None.¹²

Organization Budget: \$819,468

Project Budget: \$199,692

Major Sources of Support: \$50,000 Emil Gumpert Award (pending); \$21,000 Annual Campaign Funds; \$20,000 Corporate Sponsorships; \$33,000 events and individual contributions.

Amount Requested: \$79,500

Amount Recommended: \$79,500 (Criminal Justice Fund, T1:24017)

Term: 1 Year (April 1, 2011 – March 31, 2012)

Matching Requirements: None

Description of Organization:

The Southern Public Defender Training Center (SPDTC), based in Atlanta, GA, was founded in 2007 through a Soros Justice Fellowship to Jonathan Rapping. The center seeks to foster a new generation of public defenders who will drive reform of the nation's dysfunctional indigent defense system. SPDTC's mission is to inspire, mobilize and train legal professionals to provide the highest quality defense representation to people unable to afford an attorney. To fulfill its mission SPDTC operates with three primary goals: (1) to offer a gold standard public defender *skills training* program (2) to build a strong *community* of public defenders comprised of SPDTC students, graduates, faculty, mentors, public

¹² This will be the first OSF grant to SPDTC as a 501(c)(3). Previous support for this organization was through a fiscal sponsor, The Southern Center for Human Rights.

defender offices, and other allies connected by a shared desire to reform the nation's public defense delivery system, and (3) to *educate*, inform and create the next generation of advocates for indigent defense reform at all levels of the indigent defense system. SPDTC's overarching goal is to create a national community of public defenders who share core values of client-centered representation, zealous advocacy, and forms the nucleus of a national effort to reform indigent defense. SPDTC lawyers, alumni, trainers, and partners seek to change the culture of indigent defense in the South, and eventually across the country, and ultimately ensure that every person has access to quality representation and justice.

Jonathan Rapping, founder and Chief Executive Officer, serves as the visionary leader of the organization. He is also a professor of criminal law and procedure at Atlanta's John Marshall Law School. Mr. Rapping previously served as Chief of Training for the Orleans Public Defenders, was the first Training Director for the Georgia Public Defender Standards Council, and was the Training Director for the Public Defender services for the District of Columbia.

Description of the Project for Which Funding Is Sought:

With previous OSF support, SPDTC developed its core three-year training program which is rapidly gaining recognition as the nation's leading public defender training program for new and inexperienced attorneys. The proposed project will build on that success by developing enhanced programs targeting graduates of SPDTC, 114 attorneys thus far, and more experienced lawyers already serving in leadership roles who embrace SPDTC's philosophy of client centered representation. The combination of existing and planned programs, and the expertise of faculty, board, staff and partner organizations will enable SPDTC to significantly contribute to the cultivation of a united voice among highly qualified public defenders focused on strengthening their collective capacity to advance transformative indigent defense reform strategies.

The four key project components are:

Leadership Development "201": This program is offered to graduates of the core training program to provide deeper and on-going growth opportunities after they have gained frontline experience as public defenders. Following the three-year program, graduates often find themselves at a critical juncture of their careers as public defenders when they often make the important choice of re-committing to public defense work. Thus, this program provides the additional support needed to guide the transition from recent law school graduate to the next level of experience. Programming will center on advanced advocacy and leadership skills development as well as identifying opportunities to put these skills into immediate practice. Additionally, the curriculum will introduce participants to systems change analysis and advocacy (e.g. policy and legislative processes, community outreach, and coalition building). Trainings are facilitated by representatives from the American Council of Chief Defenders, the Alliance for Justice, the National Defender Training Project, and other excellent state-wide training programs.

Leadership Summit: This program is offered to experienced attorneys and supervisors who already utilize the training center to deepen their understanding of SPDTC's client centered theory of change, strengthen their organizational management skills, develop *external* leadership abilities (e.g. engaging with policy makers, judges, the public, media, and other entities), and provide opportunities to engage in systemic reform dialogue. The Summit also creates a peer-to-peer support network that can be called upon to address immediate workplace challenges. Additionally, SPDTC seeks to use the Summit experience to build the capacity of experienced attorneys and supervisors to effectively support the growth and leadership development of their junior staff.

Mentoring. Existing mentoring programming will be enhanced and expanded to offer increased support to program participants between training sessions by facilitating greater utilization of peer-to-peer

mentoring, capitalizing on social networking tools, implementing web-based educational sessions, as well as offering a “safe place” for discussing career and workplace issues.

Train the Trainer. Existing trainings will be expanded to increase the pool of SPDTC faculty and enhance the curriculum to offer on-going development opportunities for existing faculty. Additional trainers will help build capacity to exponentially increase the number of public defenders trained at SPDTC and in public defender offices.

Rationale for Recommendation:

This grant advances the Criminal Justice Fund’s interest in securing a fair and equitable system of justice by improving indigent defense services. It also supports CJF’s longstanding commitment to criminal justice reform in the Southern region of the United States by supporting the development of a network of highly trained public defenders working for the poor while improving their leadership capacity to promote systemic reform.

In the 1963 landmark case *Gideon v. Wainwright*, the Supreme Court unanimously concluded that states have a constitutional obligation to provide counsel to indigent defendants. While *all people*, regardless of their economic status, have the right to legal counsel, the promise of equal justice for the poor remains largely unfulfilled. Many public defender systems are chronically underfunded, forcing public defenders to carry crushing caseloads sometimes upwards of 400 cases per attorney. As a result, many lawyers see their primary obligation as helping judges and court administrators to process a high volume of defendants through the court system and view their clients simply as ‘cases’ and not as human beings. This dereliction of duty to client is understandable given that the criminal justice system consistently sends the message to lawyers for the poor that sub-par representation is acceptable.

As the American Bar Association has concluded, the current criminal justice system “lacks fundamental fairness and places poor persons at a constant risk of wrongful convictions.” This phenomenon has devastating, life-altering and sometimes life-threatening consequences to indigent defendants and their families. Nowhere is this dilemma more acute than in the South, where lawyers representing indigent defendants often never see their clients outside of the courtroom, routinely advise clients to enter guilty pleas without any investigation, try cases with little or no preparation, and inadvertently reinforce racial inequality. Moreover, in some of the most egregious cases, accepted neglect is replaced by outward hostility of lawyers towards their poor clients. For example, take the case of a court-appointed lawyer for Curtis Osborne in Spalding County, Georgia. After Mr. Osborne was convicted of murder and sentenced to death, it was revealed that his lawyer had failed to relay a plea to Mr. Osborne that would have spared his life because, in the lawyer’s words, “that little [racial epithet] deserved the death penalty.” SPDTC exists to challenge such a system that denies justice to the poor, perpetuates racism, and makes a mockery of the *Gideon* decision.

SPTDC is driven by a strong sense of urgency to address the enormous issue of lack of adequate counsel in the Southern United States. Its intensive training program is unique in that it combines gold standard legal advocacy training methods with an emphasis on the *values* that are essential to the fair treatment of poor people, such as client centered representation and client loyalty. Additionally, the group training process creates a community of like-minded defenders that provides support and inspiration to young lawyers in their heroic efforts to provide the highest quality of representation in the face of incredible obstacles. This commitment to high quality advocacy, loyalty to clients and not judges, and building a community of reform oriented leaders are essential elements in the preparation of 21st century public defenders that resist the status quo and serve as catalysts for change.

Moreover, legislative or policy changes that improve indigent defense systems are oftentimes simply the first step on the road to realizing *Gideon's* mandate. Sustainable transformative reform requires strong leadership to bring its promise to fruition. SPDTC is developing highly trained, competent, and courageous leaders from the ground up. It is also capitalizing on the leadership of Chief Defenders in the Southern region, and grooming them into leaders in the movement for indigent defense reform in the policy arena. Without the development of this new generation of client-centered, reform-minded public defenders inadequate legal representation will remain the status quo and numerous indigent defendants will continue to suffer life altering consequences.

For the above reasons, the Criminal Justice Fund recommends a one year grant of \$79,500 to the Southern Public Defender Training Center.

Grant ID: #20031852

Legal Name of Organization: The Defender Association

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

Purpose of Grant: to provide project support for the Racial Disparity Project

Grant Description: To provide a renewal project support grant to The Defender Association to support its Racial Disparity Project in Seattle and its work (1) challenging the police practice of banishing individuals from public space through extra-judicial trespass orders in metropolitan Seattle and (2) advancing the Law Enforcement Assisted Diversion (“LEAD”) pre-booking diversion effort to move drug possession and low-level drug dealing cases out of the criminal justice system and into harm reduction oriented case management that directly addresses the underlying causes of drug dependence and subsistence driven participation on the drug economy. This grant would further the Campaign for a New Drug Policy’s (CNDP) goal of establishing alternatives to punitive drug policies that have a foundation of strong political support, meet community public safety and health needs, and provide a model that can be adopted and replicated across the country. Continuing support for the Racial Disparity Project would also further the Criminal Justice Fund’s goals of improving indigent defense services, encouraging incarceration alternatives that emphasize rehabilitation and treatment, and combating racially disparate law enforcement.

Previous OSF Support: \$785,000
(\$300,000 Criminal Justice Fund/JEHT Emergency Fund-2009;
\$108,000 Gideon Project-2006; \$150,000 Gideon Project-2003;
\$152,000 Gideon Project-2001; \$75,000 Gideon Project-2000)

Organization Budget: \$13,178,671

Project Budget: \$409,132

Sources of Support: \$300,000 Ford Foundation (two-years: 2011-2012)

Amount Requested: \$200,000 over 2 years

Contingency Grant? No

Amount Recommended: \$200,000
\$150,000 Criminal justice Fund, T1: 24017;
\$50,000 Campaign for a New Drug Policy, T1: 21031

Term: Two years (March 1, 2011 - February 28, 2013)

Matching Requirements: None

Description of Organization:

The Defender Association in Seattle is a leading and innovative provider of indigent criminal defense based in Seattle, Washington. It is nationally known for its high quality of representation, commitment to systemic reform of the criminal justice system, and its ability to attract and train highly accomplished young attorneys. Organized in specialized units that represent clients in felony, misdemeanor, juvenile, dependency, and civil commitment proceedings, its staff of 80 attorneys handles approximately 11,000 cases per year. Since it was founded in 1969, The Defender Association has launched a number of innovative programs that serve as models for defender agencies around the country. Some of these programs were established in collaboration with other organizations, such as TeamChild, which was created with Evergreen Legal Services and has itself become a nationally recognized program representing young people by integrating representation in the juvenile justice system with civil advocacy. Another model project of The Defender Association is the Death Penalty Assistance Center, which serves as a resource and provides backup assistance to counsel in capital cases throughout Washington State.

Description of the Project for Which Funding Is Sought:

The Defender Association started its Racial Disparity Project in 1998 to address racial inequality identified in the course of its daily indigent defense work. One of the Racial Disparity Project's early successes was rolling back a rapidly spreading wave of state laws and local practices that resulted in poor people losing their vehicles to impoundment for unpaid traffic tickets and other non-safety related offenses. This practice was disproportionately imposed on people of color and poor people, and had an especially devastating effect on their ability to work and support their families. The Racial Disparity Project's anti-impoundment work was directly related to its work to end racial profiling in the form of traffic stops for "driving while Black." Out of this work, the Racial Disparity Project became a key advocate for the creation of Seattle's Office of Professional Accountability, which reviews police misconduct complaints against the Seattle Police Department.

Currently, the Racial Disparity Project's work focuses on (1) challenging the police practice of banishing individuals from public space through extra-judicial trespass orders in metropolitan Seattle and (2) advancing the Law Enforcement Assisted Diversion pre-booking diversion effort to move drug possession and low-level drug dealing cases out of the criminal justice system and into harm reduction oriented case management that directly addresses the underlying causes of drug dependence and subsistence driven participation on the drug economy. The Racial Disparity Project is led by Lisa Daugaard, who also serves as a deputy director of The Defender Association. Ms. Daugaard is an attorney with extensive experience in community-centered lawyering and creative approaches to social reform advocacy. The Racial Disparity Project staff also includes: a staff attorney and Community Liaison, as well as the Law Enforcement Assisted Diversion Project Director and Project Coordinator.

The Racial Disparity Project's advocacy to reform unconstitutional trespass policy began with a Soros Justice Fellowship held by the project's current staff attorney, Anita Khandelwal. Over the course of the fellowship, Ms. Khandelwal and other RPD staff successfully negotiated reforms with a number of city and county agencies. Continued OSF support will allow the Racial Disparity Project to monitor implementation of the changes it has achieved, engage in public education so that affected communities are aware of how the new policy is supposed to work, and possibly bring litigation against a remaining agency that has, so far, refused to voluntarily conform its policies to lawful standards.

The Racial Disparity Project also developed, organized and is the primary advocate for the Law Enforcement Assisted Diversion pre-booking diversion project. Its leadership role and credibility evolved, in part, from years of complicated litigation challenging the extreme racial disparities in Seattle drug

arrests.¹³ The litigation, while highly beneficial to individual defendants, did not resolve the systemic racial disparities in Seattle drug arrests. During the time that the Racial Disparity Project and co-counsel at the national ACLU were engaged in this litigation, Seattle voters enacted I-75, making marijuana the city's lowest law enforcement priority. Passage of I-75 demonstrated a willingness among local voters to consider alternatives to criminal justice approaches to drug possession. The intervening fiscal crisis also gives city and county officials a strong incentive to try less costly alternatives to jailing drug suspects.

These circumstances led the Racial Disparity Project and allies, such as the ACLU of Washington, to concentrate their efforts on eliminating the most extreme harms associated with police contact. In the fall of 2010, a Memorandum of Understanding (MOU) was signed by the Mayor of Seattle, the King County Executive, the Seattle Police Department, the County Sheriff's Office, the ACLU of WA, and The Defender Association that commits the parties to establish a problem solving approach to drug possession and low-level drug dealing, rather than continue efforts to control drugs by means of the criminal justice system.¹⁴ As this model is established and brought to scale, the goal is to make Seattle and King County the first major jurisdictions in the United States to cease processing cases of drug possession and low-level drug sales through its law enforcement and criminal justice system.

The Racial Disparity Project is working with neighborhood leaders and law enforcement agencies in two neighborhoods: the Seattle Police Department in Seattle's Belltown and the King County Sheriff in Skyway.¹⁵ While the Law Enforcement Assisted Diversion coalition had hoped to begin diversions in 2010, the Racial Disparity Project is seeking grants to fully fund the model's social, health and economic services components for the second year of the initial phase. The diversion project is now slated to begin in the summer of 2011. The Racial Disparity Project's goal is to prove the Law Enforcement Assisted Diversion model as a public order and cost cutting alternative to criminalization with a full evaluation of its effectiveness at the end of 2012. It would then work with coalition partners to reallocate local savings to the program and extend the diversion protocol jurisdiction-wide in areas served by the Seattle Police Department and King County Sheriff.

In addition to these larger projects, the Racial Disparity Project will continue to provide ongoing technical assistance to community organizations seeking to advance racial equality in the criminal justice system, working with community partners on emerging issues and targets of opportunity.

Rationale for Recommendation:

This grant would further the Campaign for a New Drug Policy's goal of establishing alternatives to punitive drug policies that have a foundation of strong political support, meet community public safety and health needs, and provide a model that can be adopted and replicated across the country. Continuing support for the Racial Disparity Project would also further the Criminal Justice Fund's goals of improving indigent defense services, encouraging incarceration alternatives that emphasize rehabilitation and treatment, and combating racially disparate law enforcement.

¹³ Drug cases are the largest driver of racial disparity in the Washington prison system, a trend represented across the country. Racial disparities in the enforcement of drug laws are particularly pronounced in Seattle, a city with a population that is 70% white and 8% African-American, but where over 60% of those arrested for drug crimes are African-American.

¹⁴ In 2010, the CNDP and partners at the Ford and RiverStyx Foundations, made major investments in the direct services portion of the Law Enforcement Assisted Diversion project through a grant to its Coordinating Group, with OSF committing \$400,000 over two-years.

¹⁵ The client population in each neighborhood is quite different. In Belltown, a heavily gentrified area of downtown Seattle, the service population is largely homeless and addicted people of color who are engaged in the drug economy to support their own drug use and subsistence. The Skyway neighborhood is a mostly low income, racial minority and immigrant community in unincorporated King County. The service population is likely to be younger, less often drug dependent, selling drugs due to lack of employment opportunities, and more often housed, compared to the Belltown group.

The Racial Disparity Project appears to have achieved what it can through informal advocacy to eliminate extrajudicial restriction of access by certain individuals to public spaces and is preparing to litigate its remaining claims. While local government may ban certain activities in public spaces, this practice of banning specific people appears to be increasingly widespread and another example of the permanent criminalization of certain groups. The Racial Disparity Project staff is particularly good about sharing knowledge that they gain with the broader advocacy community, so we would expect them to disseminate what is valuable from their experience with this work as a model for other jurisdictions.

We also believe that Law Enforcement Assisted Diversion provides an opportunity for a paradigm shift that could end control of drug policy by the criminal justice system. To have that effect, the first experience with this model must be demonstrably successful. Adequate staffing of the Racial Disparity Project is a key to that success. The key characteristic that makes Law Enforcement Assisted Diversion replicable is that it addresses the primary reason for public support of punitive drug laws, which is concerned about the social disorder and potential violence of drug markets and public drug use. Replicating this model will, under any set of conditions, require strong and adaptable leadership in subsequent communities. A model proven to restore order in communities that are (or perceive themselves to be) affected by drugs will likely attract support. We also believe that current circumstances in many communities are favorable to this change in policy.¹⁶ If local communities are able to adopt this model throughout the nation, punitive drug policy could end as it began: in the states.

Given the local importance and potentially national applicability of the Racial Disparity Project's challenge to extra-judicial exclusions from public spaces and the project's central role in implementing and ensuring a thorough evaluation of the Law Enforcement Assisted Diversion model, continued support would advance our goal of reducing levels of incarceration and racial disparities in law enforcement. For these reasons, CJF and CNDP recommend a two-year grant of \$200,000 for The Defender Association's Racial Disparity Project. It is our recommendation to commit this multi-year general support funding to the organization in accordance with our available 2011 grantmaking budget. Therefore, a contingency grant is not appropriate and, if approved, we will accrue this two-year grant fully to our 2011 grantmaking budget.

¹⁶ The relatively progressive atmosphere in Seattle and its neighboring communities, without question, makes the region an attractive early proving ground for the Law Enforcement Assisted Diversion model. But, the favorable conditions for adoption of Law Enforcement Assisted Diversion's basic tenets are present in almost every community in the U.S. These conditions include a basic antagonism between the healthcare and punishment-based approaches to drug policy, a sense that the punishment-based approach has failed to achieve favorable outcomes, and the inability of most jurisdictions to maintain a punitive drug policy without unacceptable cuts in other forms of spending. There clearly remains a segment of society, even in Seattle, that derives some level of satisfaction from the idea of punishing drug users and sellers. But, as the appearance of the conservative Right on Crime coalition suggests, that sentiment is giving way to more immediate and pressing needs.