

Criminal Justice Fund

Memo

To: Ann Beeson and U.S. Programs Staff

From: Criminal Justice Fund, Campaign for New Drug Policy

Date: 24 January 2011

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

The Criminal Justice Fund is considering 16 funding requests for U.S. Programs' Docket I, scheduled for March 14, 2011. Four of these grants support a range of activities that would advance our goal of Reducing Mass Incarceration. Ten grants would advance our goal of Eliminating Harsh Punishment practices: three support efforts to eliminate barriers to reentry and promote opportunities for people with prior criminal justice involvement; four would advance our Campaign to Abolish the Death Penalty by 2025; two would confront the harsh punishment of children, by challenging excessive school discipline practices, inappropriate detention of youth, and extreme sentencing; and one grant would support efforts to challenge punitive immigration enforcement policies. In support of our goal to Eliminate Racial Disparities and Secure an Equitable System of Justice, we propose two grants, one which would support our developing police accountability work in New York City, and a second to support the training of public defenders working in the historically underserved region of the South.

Also included here are two grants proposed by the Campaign for a New Drug Policy, to provide continued support to two longstanding, core grantees.

We look forward to your questions and feedback, and to discussing with you possible opportunities for collaboration/co-funding should they arise.

Reducing Mass Incarceration

Vera Institute of Justice (Vera), up to \$600,000 project grant over two years to conduct research, direct demonstration projects, and provide technical assistance to help local government and community leaders to create justice systems that are more just, humane, and effective at safeguarding public safety. Funding would support the efforts of Vera's Center on Sentencing and Corrections, which advances criminal justice policies that promote fairness, protect public safety, and ensure the efficient use of public resources; and its Center for Youth Justice, which reduces bias in juvenile justice systems, expands the use of community-based services, and diverts young people who will be better served by other agencies. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration and fostering cross-sector and multi-agency government collaboration and accountability; in eliminating harsh punishment by challenging the treatment of children as adults in prosecution and sentencing; and in reducing racial disparities and securing a fair and equitable justice system by reforming prosecution practices.

Council of State Governments (CSG), up to \$600,000 project grant renewal over two years (from the Criminal Justice Fund) to continue coordinating the Justice Reinvestment Initiative, which works to strengthen public safety by reducing spending on corrections and expanding investments in improving

conditions of high incarceration neighborhoods. Renewed OSI funding would enable CSG to continue providing non-partisan research, technical assistance, and education to policymakers and advocacy organizations to support the development of strategies, policies, and programs that enable states to reduce prison, parole, and probation populations and reinvest saved corrections resources (human and financial) in constituent communities to support and enhance successful reentry through strengthened community infrastructure and institutions. 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 in eliminating harsh punishment by expanding opportunities to people with criminal records.

Judge David L. Bazelon Center for Mental Health Law (Bazelon Center), up to \$600,000 project grant renewal over two years (from the Criminal Justice Fund) 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 punishment and incarceration toward investments in effective mental health treatment and stable supportive housing that reduce the reliance on incarceration and promote successful reentry. Renewed OSI funding would allow Bazelon Center to continue: 1) 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; 2) expanding federal agencies' participation in protecting the rights of people with mental illnesses in the criminal justice system by working to influence the Department of Justice to adopt favorable interpretations of the ADA, filing amicus briefs in its cases, and filing its own actions under the Civil Rights of Institutionalized Persons Act (CRIPA) complaining of discriminatory practices and seeking to establish a right to release planning, and by working with federal administrative agencies to ensure that regulations implementing ADA Amendments reflect interpretations that are as helpful as possible to people with disabilities; 3) providing technical assistance to local jurisdictions implementing replicable demonstration projects that apply performance-improvement techniques that empower community mental health programs to reduce crises leading to criminal justice involvement of people with serious mental illness; and 4) 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. 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.

Grassroots Leadership, Inc. (GL), \$300,000 general support renewal over two years (from the Criminal Justice Fund). 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 exposing the social and economic costs of incarceration, our interest in eliminating harsh punishment by challenging immigration enforcement policies and practices that criminalize immigrants, as well as our goal of eliminating racial disparities and securing a fair and equitable justice system by reforming the policies and practices of law enforcement agencies. The grant would also advance the Equality and Opportunity

Fund's interest in stemming the erosion of the civil and human rights of immigrants and in linking immigration to broader policy issues, and the Transparency and Integrity Fund's concern with the impact of privatization and its corrosive and undermining effects on the role of government.

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 (from the Criminal Justice Fund) 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 OSI 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. OSI 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.

The Fortune Society (David Rothenberg Center for Public Policy—Rothenberg Center), up to \$350,000 project grant renewal over two years (\$300,000 from the Criminal Justice Fund and \$50,000 from the Campaign for a New Drug Policy) to engage in 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 OSI 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.

Temple University (Inside-Out Prison Exchange program—Inside-Out), \$150,000 tie-off project grant over two years (from the Criminal Justice Fund) to continue national replication of the Inside-Out Prison Exchange program, a model program for increasing access to education for people in prison and for broadening the discussion about the impact of education on successful reentry by strengthening the connections between incarcerated and traditional students. 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.

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 reform of the criminal justice system in Georgia and provide the highest quality legal representation. The grant is part of the Campaign to Abolish the Death Penalty by 2025 ("Campaign") and advances the CJF's goals to abolish the death penalty, improve indigent defense, actively promote the fair administration of justice, and reduce racial disparities in sentencing. Given the organization's track record leading independent capital defense representation in Georgia, the Campaign's Steering Committee members have elevated SCHR as one of a select group of organizations whose capacity should grow in light of the increased activity required by the Campaign's goals to reduce sentencing and executions in the U.S.—a goal achieved largely through a concerted effort in the South. SCHR's attorneys represent capital defendants at trials, on appeal and in post conviction proceedings, and are supported by investigators who have set the standard in fact and mitigation investigation. SCHR's attorneys also serve as critical resources to the private criminal defense bar and state capital defenders, consulting regularly on death penalty cases. When needed, the Center's attorneys become involved in the litigation of these cases including assisting in ongoing trial cases where there is no other option for quality representation.

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. The grant advances the CJF's goals to abolish the use of capital punishment in the U.S. and promote civic and political inclusion and re-enfranchisement in high incarceration communities. The grant also supports the goals of the Campaign to Abolish the Death Penalty by 2025. 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. This grant will 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.

Philadelphia 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. This grant advances the CJF's goal of improving indigent defense systems and abolition of the death penalty and supports the goals of the Campaign to Abolish the Death Penalty by 2025. The Federal Community Defender Office for the Eastern District of Pennsylvania through its Capital Habeas Unit represents the bulk of prisoners sentenced to death in Pennsylvania's courts when their cases are ready for state post-conviction review or federal habeas corpus review. However, there is no governmental funding for representation in SPC even though the rules of federal habeas proceedings dictate that all federal claims must first be presented in state courts. This presentation generally occurs in SPC. The PCRP enables Capital Habeas Unit personnel to litigate state post-conviction proceedings by raising private funds. Since its inception in 1995, the unit has had an unprecedented record of achievement and is among the premier defenders of capital prisoners in the nation. Pennsylvania, which has the nation's fourth largest death row, has not had a non-volunteer execution since the start of PCRP, and it has obtained relief from death sentences for scores of capital prisoners by litigating claims of actual innocence, prosecutorial misconduct, racial bias, defense counsel ineffectiveness, mental retardation, and other mental infirmities. The PCRP has created the space for abolition in Pennsylvania and has recently expanded federal court work to Delaware and by application to state post-conviction representation in Delaware. The grant will capitalize on the momentum building in the mid-Atlantic and Northeast regions toward abolition of the death penalty.

Atlantic Center for Capital Representation (fiscal sponsor Texas Defender Service) - \$200,000 project support renewal over two years to advance the development of a new defender organization whose goal is

to reduce the use of the death penalty in Pennsylvania and Delaware and make the repeal of the death penalty more likely in these states. The project's main activities include intensive consultation with 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. Its activities will complement the post-conviction work of the Philadelphia Capital Representation Project and likewise capitalize on the momentum building in the mid-Atlantic and Northeast regions toward abolition of the death penalty, thereby advancing the CJF's goal of abolishing the death penalty.

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 a better life for all of 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. FFLIC's campaigns are designed to transform individuals, families, and communities into politically powerful forces that can reform oppressive systems and institutions into ones that uphold justice for all families. Current campaigns are focused on promoting educational equity and curtailing the school-to-prison pipeline in the Recovery School District in New Orleans Parish, and continuing efforts to ensure the proper implementation of the juvenile justice reform Act 1225, which mandates that juvenile correctional institutions adhere to youth development principles. This grant supports the shared goal of CJF and CBMA of addressing harsh school disciplinary practices that feed youth of color into the juvenile and criminal justice systems, as well as CJF's goal of addressing the harsh treatment of children in prosecution and sentencing.

4. Eliminating the Harsh Treatment of Children

Juvenile Justice Project of Louisiana (JJPL) - \$300,000 general support renewal over two years, \$75,000 project support over one year. This grant would support JJPL's efforts to transform the state's juvenile justice system into one that builds on the strengths of young people, families, and communities to ensure that children are given the greatest opportunities to grow and thrive. JJPL will continue advocacy for implementation of hard fought for juvenile justice system reforms, continued reduction of the use of detention of juveniles, and addressing excessive security practices in the New Orleans public school system. Project support will allow JJPL to build the capacity 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 in non-homicide cases to be unconstitutional. This grant advances several goals of the Criminal Justice Fund, including reforming juvenile detention practices, encouraging incarceration alternatives that emphasize rehabilitation and treatment; and addressing the harsh treatment of children in prosecution and sentencing. This grant also advances the goals of the State Strategies Initiative by enhancing capacity for statewide policy reform efforts in Louisiana.

5. Challenging Harsh Immigration Enforcement

Immigrant Defense Project (IDP) (*fiscal sponsor* Fund for the City of New York)— up to \$400,000 general support grant renewal over two years (previously co-funded with the Equality and Opportunity Fund), to support its work to advance the legal, constitutional and human rights of immigrants facing criminal or deportation charges. IDP was launched in 1997 in order to respond to the devastating 1996 immigration laws that placed hundreds of thousands of immigrants at risk of mandatory detention and deportation for virtually any interaction with the criminal justice system. The proposed grant will support

efforts to scale back overreaching government interpretations of the current criminal-immigration deportation laws, support efforts to reform the current mandatory deportation system, and build capacity among community organizations and advocates to respond to immigration enforcement. IDP employs a multi-strategy approach that includes impact litigation, policy analysis and administrative advocacy, community education, and strategic communications campaigns. This grant advances Criminal Justice Funds' goal of reducing the negative consequences of harsh immigration enforcement policies including mandatory deportation, and CJF and the Equality and Opportunity Fund's shared goal of supporting immigration reform by challenging excessive and destructive enforcement policy and practice.

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), \$75,000 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. 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.

2. Improving Public Defense Systems

Southern Public Defender Training Center (SPDTC), up to \$150,000 project support renewal over two years 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. This grant advances the Criminal Justice Fund's interest in improving the provision of public defense services and addressing the racial disparities in the administration of justice.

Campaign for a New Drug Policy

Drug Policy Alliance (DPA), \$4,000,000 general support renewal over one year. A longtime grantee, the Drug Policy Alliance plays a leadership role, nationally and through its state-based strategies, in challenging punitive drug policies. In line with the priorities of the Campaign for a New Drug Policy, DPA identifies criminalization of drug use as a barrier to drug policies that advance sound public health policies, respect for civil and human rights, and equal participation in society. This grant advances the CNDP's goals of promoting alternatives to criminalization and fostering dialogue about more effective drug policy.

Harm Reduction Coalition (HRC), \$400,000 general support over one year. Nationally and internationally, HRC promotes the expansion and institutionalization of programs that provide health care and other life-sustaining services to drug users as an alternative to punitive, abstinence-based policies. Through policy analysis, advocacy, public education, and technical assistance to service providers, HRC supports, non-coercive forms of treatment, overdose prevention programs, syringe exchange to prevent transmission of HIV and hepatitis C, and other efforts to reduce the direct and collateral harms of criminalization. This grant advances the CNDP's goal of replacing the criminalization of drug users with

realistic, non-punitive policies that both satisfy the public's concerns about drug use and reduce the suffering caused by both drug use and current drug policies.