

Criminal Justice Fund

Memo

To: U.S. Programs Staff

From: Leonard Noisette and Criminal Justice Fund Staff

Date: 16 May 2011

Re: Prospective Criminal Justice Fund Docket II Grant Recommendations

The Criminal Justice Fund is considering the following sixteen funding requests for U.S. Programs' Docket II, scheduled for July 11, 2011. These grants would advance our goals of reducing mass incarceration, eliminating harsh punishment, and reducing racial disparities and securing a fair and equitable justice system in the United States. We look forward to discussing with you possible opportunities for collaboration/co-funding.

REDUCING MASS INCARCERATION

We will propose three grants that advance the Criminal Justice Fund's interest in reducing mass incarceration. The grant to **Council of State Governments** will support its work at the state level to help criminal justice administrators and policy makers identify changes in practice that will reduce incarceration and free resources for community reinvestment. Support for the **Vera Institute of Justice** will allow it to work in targeted jurisdictions to support multi-agency government collaboration to reduce unnecessary incarceration by enhancing the fair administration of justice and the cost-effectiveness of local justice systems. The proposed grant to **Ella Baker Center** will allow it to continue to engage local community members in promoting alternatives to incarceration and community safety through its solution based approaches to dealing with community violence and promoting safe and healthy neighborhoods.

Council of State Governments (CSG), TBD \$500,000 project grant renewal over two years to continue coordinating the Justice Reinvestment Initiative, which works to strengthen public safety by reducing spending on corrections and expanding investments in improving conditions in high incarceration neighborhoods for people returning from prison. Renewed OSF 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. (CSG is also under consideration for funding from the U.S. Programs Chairman's Fund to support the planning and hosting in autumn 2011 a national conference on reducing incarceration and promoting public safety and to participate in the planning of subsequent conferences hosted by other OSF grantees.)

Vera Institute of Justice (Vera), \$500,000 project grant renewal to conduct research, demonstration projects, and provide technical assistance to local government and community leaders and to use cost-benefit analysis to improve criminal and juvenile justice policymaking and planning. OSF 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;

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; and its Cost Benefit Analysis Program, which helps policymakers and practitioners identify cost-effective criminal and juvenile justice interventions by providing them information about the costs and benefits of program and policy options.

Ella Baker Center for Human Rights (EBC), \$300,000 general support grant renewal over two years. EBC is an Oakland-based public charity whose mission is to promote a human investment agenda that offers positive alternatives to violence and incarceration and builds “people power” in communities most directly affected by mass incarceration and harsh punishment. The organization’s projects include: *Books Not Bars*, which develops alternatives to youth incarceration and promotes closing youth prisons in California; the *Green Collar Jobs Campaign*, which creates job opportunities for low income communities and communities of color by engaging diverse stakeholders to launch training programs, align green employers, and advocate for public policies that promote clean energy, green business, and green jobs training; *Soul of the City*, which promotes an active solution-based model—by means of civic engagement and leadership development—for ensuring public safety; and *Heal the Streets*, which combines youth leadership development and cultural engagement with a strong policy agenda to reduce violence.

ELIMINATING HARSH PUNISHMENT

Challenging Barriers to and Promoting Opportunities for Reentry

Two grants will advance our removing barriers to and expanding opportunities for the civic participation of people with criminal records, one by strengthening contact and relationships between incarcerated parents and their children, and a second by supporting formerly incarcerated persons in strengthening their capacity to engage in strategic reform efforts.

Osborne Association (Osborne), \$200,000 project support grant renewal over two years to support the *Children of Incarcerated Parents Initiative*, a collaborative system reform and advocacy effort that brings together public and private agencies and individuals concerned about how the arrest and incarceration of parents affect children. OSF funding would enable Osborne to continue examining criminal justice, child welfare, education, and other policies and recommend changes that will improve outcomes for children at each stage of the criminal justice continuum, from parental arrest through incarceration and reentry.

Legal Services for Prisoners with Children (LSPC)(new project), \$50,000 project grant over six months to support a national steering committee of people with criminal records to engage in planning for building a formerly incarcerated and convicted people’s movement. OSF funding will enable LSPC to support the development of a national governance structure, policy agenda, and a strategy for implementing and supporting local organizing, public education, and advocacy.

Death Penalty Abolition

Three grants, described below, advance the goals of the national Campaign to Abolish the Death Penalty by 2025 by supporting strategic litigation aimed at reducing death sentences and executions; helping to improve the infrastructure of state-based organizations targeting death penalty repeal efforts, and by developing a strong national network of advocates working to abolish the death penalty through year-long leadership development and training.

Texas Defender Service (TDS), \$950,000 general support renewal over two years to maintain capacity for key trial and post-conviction litigation activities aimed at reducing the number of death sentences and executions in Texas and thus the nation. The grant will allow TDS to continue the organization's intervention in cases with imminent execution dates and viable legal issues that have not been properly litigated. TDS will also continue to educate and equip lawyers to better handle a variety of legal challenges through case consultations and trainings. In recent years, this type of strategic litigation support has resulted in a dramatic reduction in death sentencing in Texas.

Tides Foundation (Tides) - \$200,000 project support renewal over one year to support its Death Penalty Mobilization State Strategies Fund, which re-grants pooled donor funds to grassroots organizations that are leading state campaigns to abolish the death penalty. Contributing to the Fund allows Open Society Foundations to leverage its resources with those of other donors in supporting emerging state-based organizations that are often overlooked by the national foundation world but are critical to the success of the fight to end capital punishment.

Rockwood Leadership Institute (Rockwood) (new)- \$120,000 project support over one year to provide comprehensive leadership development training opportunities to advocates working to abolish the death penalty in United States. The grant will support a cohort of 20-24 advocates to take part in Rockwood's Leading from the Inside Out Yearlong Fellowship. The grant will help the advocates increase their capacity to lead their organizations and networks effectively while building a stronger death penalty abolition movement. One of the Fellowship goals will be to expand and support a strong network of leaders of color working to abolish the death penalty

Addressing the Harsh Punishment of Children

These grants advance CJF's interest in eliminating the criminalization of children, especially children of color and poor children. One renewed general support grant to the **Juvenile Law Center** advances our goal of supporting statewide reform opportunities through policy advocacy and strategic litigation. First time project support funding to the **Coalition of State Juvenile Justice Advisory Groups/NJJN** advances CJF's interest in strengthening the capacity of advocates to seize opportunities for reform presented by their state's fiscal crisis. Also, first time project support to **Youth United for Change**, in partnership with EOF, supports CJF's goal of dismantling the school-to-prison pipeline by challenging educational policies and practices that decrease educational opportunities for children and increase their involvement in the justice system.

Juvenile Law Center (JLC), \$450,000 renewed general support grant over two years. JLC is a Pennsylvania based public interest law firm and advocacy organization that has had a major impact on policy and practice affecting children in the foster care, juvenile, and criminal justice systems across the country. JLC uses the law to ensure that justice and other public systems provide vulnerable children with the protection and services necessary to help them become healthy and productive adults. Through strategic litigation and public policy advocacy JLC seeks to reduce the number of youth transfer to adult court, reform sentencing policies for youth tried as adults, end the overreliance on incarceration, improve conditions of confinement, promote opportunities for successful reentry, advance civic engagement, and ensure the fair and equitable treatment of children.

National Coalition of State Juvenile Justice Advisory Groups (National Juvenile Justice Network), \$100,000 project support grant over one year to support the development of the Fiscal Policy Center. The Fiscal Policy Center will provide state and national reformers with crucial knowledge and tools around state budgets, and corresponding messaging and communications strategies so they can better understand their state's fiscal architectures, maintain existing reforms, and leverage fiscal constraints into progressive programming. Through general training on state budget structures, in-depth state-specific graphic

communications materials, communications training, and technical assistance, the Network will arm those seeking the improved treatment of youth in conflict with the law with concrete tools for change in an era of fiscal deficits.

Youth United for Change (YUC), \$75,000 project support grant over one year (co-funded with EOF - \$25,000). YUC is made up of youth of color, youth from working class communities, and is openly and visibly welcoming of LGBTQ and undocumented immigrant youth. YUC empowers youth to act on their own behalf to promote educational equity and hold school officials and government accountable to meet their educational needs in the Philadelphia school district. The organization's work is carried out through six youth-led chapters: four are centered in specific Philadelphia high schools and two are cross-community chapters, a Push-out chapter that is organizing out-of-school and alternative school youth and a citywide chapter organizing youth throughout Philadelphia. This grant will support the work of the two cross-community chapters currently challenging the unacceptable levels of school-based arrests, suspensions, expulsions, and numerous policies and practices that 'push out' students and send too many youth into the justice system.

ELIMINATING RACIAL DISPARITIES AND SECURING A FAIR AND EQUITABLE JUSTICE SYSTEM

Indigent Defense Reform

Four general support grants, to **Texas Fair Defense Project**, **New York State Defender Association**, the **Foundation for Criminal Justice/NACDL**, and the **National Juvenile Defender Center** support activities designed to enforce the constitutional right to counsel on a statewide or national level through systemic litigation, policy advocacy, and the training and resourcing of the defender community. One tie-off project grant to **Seattle University/the Defender Initiative** supports activities that promote the implementation of the right to counsel through individual court advocacy and writings designed to raise public awareness of the crisis in indigent defense and the need for greater use of alternatives to incarceration.

Texas Fair Defense Project (TFDP) - \$125,000 general support grant renewal over two years. TFDP is a nonprofit law firm based in Austin, Texas promoting fairness and accuracy of the justice system in the state. Its mission is to defend the rights of indigent criminal defendants through strategic litigation, public education, and advocacy initiatives. TFDP is the only state based organization with experience litigating systemic indigent defense issues in Texas and before the U.S. Supreme court as evidenced by its successful litigation in *Rothgery v. Gillespie County* in which the Court declared that the constitutional right to counsel attaches at a defendant's initial post-arrest appearance before a magistrate. This grant will support TFDP's ongoing efforts to ensure that all poor people charged with criminal offenses have the assistance of competent counsel.

New York State Defender Association (NYSDA) - \$300,000 general support grant renewal over two years. NYSDA is the largest criminal defense bar association in New York. Since 1967 it has been committed to improving the quality and scope of indigent defense services through training and education of attorneys representing the poor, technical assistance to the defender community and its allies, including government entities and policy makers, public policy advocacy, and supporting strategic litigation. In 2010, for example, NYSDA played a critical role in the creation of the NYS Indigent Legal Services Board and the Office of Indigent Legal Services tasked with monitoring, studying, and improving the quality of indigent defense services in New York State. NYSDA also filed an amicus brief in the Court of Appeals concerning the importance of allowing the NYCLU lawsuit challenging deficiencies in New York's public defense system. This grant supports NYSDA's ongoing commitment to improving the delivery of public defense services to all poor people charged with crimes in New York State.

The Foundation for Criminal Justice/National Association of Criminal Defense Lawyers (FCJ/NACDL) - \$425,000 general support grant renewal over two years (\$225,000 CJF, co-funded with NSHR, \$200,000). FCJ and NACDL are the preeminent organizations in the U.S. advancing the mission of the nation's criminal defense bar to ensure justice and due process for persons accused of crimes, to foster the integrity and independence of the criminal defense profession, and to promote the proper and fair administration of justice. Together FCJ and NACDL have developed numerous reform projects designed to improve the criminal justice systems as well as protect fundamental constitutional rights threatened by the government's "war on terrorism." FCJ and NACDL advance its mission through a variety of strategies, including strategic litigation, training and resourcing of the defender community, and initiating key projects designed to improve our systems of justice.

National Juvenile Defender Center (NJDC) - \$600,000 renewed general support grant over two years. NJDC is a core grantee of the Criminal Justice Fund and the linchpin in efforts to develop a viable juvenile indigent defense infrastructure on a national and state level. This grant will allow NJDC to advance an array of practice and policy initiatives designed to reform the juvenile indigent defense systems in the United States. Through capacity building, leadership development, training and technical assistance, policy, communications, and resource development, NJDC will advance its goal of ensuring that all children have access to competent counsel throughout the duration of the juvenile or criminal court process.

Seattle University/The Defender Initiative - \$75,000 tie off, renewal project grant over one year to support the Misdemeanor Right to Counsel Project. This project seeks to persuade individual courts in the states of Washington, Kentucky, and New Hampshire to provide counsel to indigent persons charged with misdemeanor offenses at their arraignment or first appearance hearings. Also, through research and writings, this project seeks to raise public awareness of the benefits of implementing diversion programs and reclassification of low level misdemeanor offenses as strategies for addressing the issue of excessive case loads carried by public defenders that hampers the meaningful application of the right to counsel. While an-important project, we are proposing a tie-off grant because the project has limited capacity to impact reform broadly and is not consistent with our desire to support more robust local efforts to foster systemic reform.