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

Program Area/Organization						
Organization	**Grant Code**	**Recommended**	**Term**	**2011**	**2012**	
Reducing Mass Incarceration						
Protex: A Network for Progressive Texas (Texas Criminal Justice Coalition)	**T1: 24015 (2012 budget)**	**600,000**	2 years	300,000	300,000	
Partnership for Safety and Justice	**T1: 24015 (2012 budget)**	**200,000**	2 years	100,000	100,000	
Human Rights Defense Center	**T1: 24015 (2012 budget)**	**200,000**	2 years	100,000	100,000	
Eliminating Harsh Punishment						
University of Texas at Austin	**T1: 24016**	**170,000**	2 years	85,000	85,000	
Innocence Project	**T1: 24016**	**400,000**	2 years	200,000	*200,000*	C
Death Penalty Focus	**T1: 24016**	**175,000**	2 years	87,500	87,500	
Campaign for the Fair Sentencing of Youth (Tides Center is fiscal sponsor)	**T1: 24016**	**260,000**	2 years	130,000	130,000	
Campaign for Youth Justice	**T1: 24016**	**600,000**	2 years	300,000	*300,000*	C
Securing an Equitable System of Justice and Eliminating Racial Disparities						
Northwestern University	**T1: 24017 (2012 budget)**	**280,000**	2 years	140,000	140000	
Immigrant Defense Project[1]	**T1: 24017**	**250,000**	2 years	125,000	125,000	
(Fund for the City of New York is fiscal sponsor)	**T1: 24449**	**150,000**		75,000	75,000	
Trustees of Columbia University in the City of New York	**T1: 24017**	**$125,000**	1 year	125,000		
Total Recommended:		**$ 3,410,000**		**$ 1,767,500**	**$ 1,642,500**	
GRANTMAKING TOTAL THIS DOCKET:		**$ 3,410,000**				

Amal Vera
Approval Signature

9/19/11
Date

[1] This grant of $400,000 to the Immigrant Defense is co-funded by the Criminal Justice Fund, T1: 24017 ($250,000), and the Equality and Opportunity Fund, T1: 24449 ($150,000).

MEMORANDUM

TO: Aryeh Neier
CC: Diana Morris
FROM: Leonard Noisette, for the Criminal Justice Fund
DATE: September 8, 2011
RE: Criminal Justice Fund, September 19, 2011, docket meeting

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The Criminal Justice Fund recommends the following 11 grants, totaling $3,410,000.[1] These grants would advance our core goals of reducing mass incarceration, eliminating harsh punishment, and eliminating racial disparities and securing an equitable system of justice. These grants collectively include the fund's use of a variety of strategies to achieve our goals: support for comprehensive state-based reform efforts; strengthening the capacity of groups working nationally to support state-based campaign activities; direct-service litigation that informs and supports policy reform advocacy; and research to support a developing campaign of which OSF is a leading strategic partner.

REDUCING MASS INCARCERATION

We recommend three grants, totaling $1,000,000, that advance the Criminal Justice Fund's programmatic goal of reducing mass incarceration. Two grants will support the comprehensive reform efforts of **Texas Criminal Justice Coalition** and Oregon-based **Partnership for Safety and Justice**, statewide entities that are providing a national model for how to use coalition work and partnership with a broad range of likely and unlikely allies in a variety of reform campaign efforts. Renewed support to **Human Rights Defense Center** will allow its staff to confront mass incarceration policies by protecting the first amendment rights of prisoners, publishing its monthly newsletter, *Prison Legal News*, and distribute books on the criminal justice system to educate targeted audiences and the public about the failures of mass imprisonment.

Protex A Network for Progressive Texas (dba Texas Criminal Justice Coalition—TCJC), $600,000 general support renewal over two years. Based in Austin, TX, Texas Criminal Justice Coalition engages in policy research and analysis, builds effective statewide coalitions, and conducts public education to promote practices that minimize the entry points into Texas' juvenile and criminal justice systems and lessen the devastating impact the state's policies and practices have on families. Its *Juvenile Justice Initiative* promotes resources for community-based alternatives to incarceration and supports a network of family members of currently and formerly incarcerated young people. Through its *Public Safety Project*, TCJC conducts research and public education that address the best practices in immigration and law enforcement to support the collaboration between communities and law enforcement agencies to implement fair and effective police practices. Its *Fair Defense Project* advocates for an indigent defense system that provides timely and quality representation, and it *Solutions for Sentencing & Incarceration*

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[1] One recommended grant, for $400,000 in project support to the **Immigrant Defense Project**, would be co-funded with the Equality and opportunity Fund (CJF $250,000, EOF $150,000). Another grant recommendation, $100,000 in funding for **A Better Way Foundation** bringing drug policy reform and traditional criminal justice advocates together with a broad coalition of community stakeholders to push for a public health approach to drug policy and criminal justice issues, is recommended in partnership with the Campaign for a New Drug Policy on its separately presented docket.

Project advocates for cost-effective solutions to reducing mass incarceration, including community-based diversions, treatment options for drug and alcohol addiction and mental health needs, and efficient probation and parole strategies. The *Tools for Reentry* project connects formerly incarcerated people with educational, training, housing, and other opportunities. Finally, TCJC oversees the *Harris County Public Defense Reform Project*, which supports public education and grassroots organizing for the successful implementation and operation of a public defender system in Harris County.

Partnership for Safety and Justice, $200,000 general support renewal over two years. Partnership for Safety and Justice operates four programs: the *Safety and Sentencing Program*, which promotes safe and sensible sentencing reform as well as alternatives to incarceration; the *Crime Survivors for Community Safety* program, which has been effective at neutralizing "tough on crime" advocates in Oregon by organizing survivors of crime and violence to promote progressive responses to the needs of survivors and to support criminal justice reform that reduces future violence without increasing prosecution and incarceration; the *Beyond Barriers* program, which focuses on eliminating the civil and social barriers facing people with criminal records; and the *Prison Program*, which advocates for increased access to quality programs within prisons and challenges the implementation of policies that further erode the constitutional or human rights of incarcerated people.

Human Rights Defense Center (HRDC), $200,000 general support renewal over two years. Led and staffed by formerly incarcerated people, Human Rights Defense Center publishes *Prison Legal News* monthly and also publishes and/or distributes books on the criminal justice system. It aims to educate and inform targeted justice reform audiences and the public about the failures of mass imprisonment as social policy and the corrosive effects of racism, classism, and sexism within the criminal justice system. The Center protects the first amendment rights of incarcerated people through legal and administrative challenges to censorship and the withholding of prison documents from investigative journalists by departments of corrections across the U.S.

ELIMINATING HARSH PUNISHMENT

We recommend six grants, totaling $1,885,000, to advance the Criminal Justice Fund's programmatic goal of eliminating harsh punishment.

Campaign to Abolish the Death Penalty by 2025

Three grants, totaling $745,000, advance the goals of the national Campaign to Abolish the Death Penalty by 2025 by supporting programs that have the potential to reduce death sentences in key states through grassroots organizing and developing innovative programs of restorative justice and by advocating for state-based moratoria on the death penalty and advancing policy reforms which reduce the likelihood of wrongful convictions.

University of Texas, Austin, $170,000 project support renewal over two years to continue to support the Defense-Oriented Victim Outreach project at the Institute for Restorative Justice and Restorative Dialogue. The Institute seeks to build a national mindset that embraces restorative

justice, victim healing and community safety through restorative solutions to identify and repair the harm related to the crime and victimization. Specifically, the Defense-Oriented Victim Outreach project will utilize restorative justice principles to lower the use of the death penalty in Texas, meet the needs of victims and survivors, and decrease the excessive adversarial climate in the criminal justice system by facilitating capital defense teams and survivors access to one another during capital trials.

The Innocence Project, $400,000 general support renewal over two years to support the organization's mission to free wrongfully convicted prisoners and to bring substantive reform to the criminal justice system, including: 1) using DNA exonerations to support a moratorium on the death penalty; 2) correcting flaws in eyewitness identification procedures; 3) increasing access to post-conviction DNA testing; and 4) improving evidence preservation practices.

Death Penalty Focus, $175,000 general support renewal over two years to advance its goal of ending the death penalty in California. The organization has several projects, including: mobilization of law enforcement; outreach to clergy; supporting crime victims for alternatives to the death penalty; and strategic anti-death penalty advocacy at the county level. Most recently, Death Penalty Focus has played a key role in determining the feasibility of pursuing a ballot measure in California in November 2012 to replace the death penalty with life without parole and restitution to the victims' families.

Addressing the Harsh Punishment of Children

Three grants, for a total of $1,140,000, advance CJF's interest in eliminating the criminalization of children, especially children of color and poor children. Our renewed grant to the **Campaign for the Fair Sentencing of Youth** advances this interest by supporting advocacy to prevent the sentencing of juveniles to life without parole. A renewed grant to **Campaign for Youth Justice** advances our interest in preventing the harsh punishment of children by supporting state-based campaigns that prevent the sentencing and incarceration of children in the adult criminal justice system. A renewed grant to **Northwestern University's Center on Wrongful Conviction of Youth** advances our goal to create a fair and equitable system of justice by reforming the practices of police and prosecutors to prevent the wrongful conviction of youth.

Campaign for the Fair Sentencing of Youth, $260,000 project support renewal over two years to continue to support the development of state-based campaigns working to end the practice of sentencing youth to life in prison without parole (JLWOP). Campaign for the Fair Sentencing of Youth provides strategic support to emerging state-based efforts to end these practices by: 1) improving and facilitating communication and collaboration among national and state advocates; 2) providing technical assistance and training to advocates; 3) coordinating reform efforts with litigators; 4) expanding the national campaign by engaging new allies; and 4) coordinating with advocates and litigators to respond to the Supreme Court's decision in *Graham v. Florida*, which prohibited the sentencing of juveniles to life without parole for non-homicide offenses.

Campaign for Youth Justice, $600,000 general support renewal over two years to support a national campaign to end the practice of trying, sentencing and incarcerating children in the adult criminal justice system and to improve conditions of the juvenile justice system. To achieve its

goals, the Campaign for Youth Justice will continue to replicate a campaign approach in states across the country. It has played a catalyzing role at the state level by: 1) developing leadership and forging relationships with state-based advocates; 2) providing strategic support and technical assistance to state-based campaigns; 3) supporting and developing evidence-based research about youth who are tried in the adult system; and 4) engaging youth, parents, and families in the development and implementation of state campaigns.

Northwestern University Center on Wrongful Convictions of Youth, $280,000 project grant renewal over two years to continue to support its reform effort aimed at increasing the reliability of juvenile convictions and preventing the wrongful convictions of youth. Through research, organizing, training, litigation, and public education, the Center seeks to change the procedures and practices of police and prosecutors who interact with youth, particularly during investigations and interrogations. It identifies, investigates, and litigates credible innocence claims of wrongfully convicted young people, provides resources and support for actors in the juvenile and criminal justice systems, and advocates for policy reforms that will decrease the likelihood that any youth will be wrongfully convicted.

ELIMINATING RACIAL DISPARITIES AND SECURING AN EQUITABLE SYSTEM OF JUSTICE

We recommend two grants, totaling $525,000, to advance our goal of challenging racial disparities and securing an equitable system of justice. One grant, for $400,000 to the **Immigrant Defense Project**, promotes reform of our nation's indigent defense systems and the fair treatment of immigrants by seeking to protect their rights when charged with criminal offense and to address harsh immigration enforcement practices. A second grant advances the Fund's interest in eliminating race-based policing practices. A $125,000 grant to **Trustees of Columbia University in the City of New York** will support survey research by its of New York City residents to understand their experience and analysis of the NYPD's stop, question, and frisk practices.

Improving Indigent Defense Systems

Immigrant Defense Project (**Fund for the City of New York** as fiscal sponsor), $400,000 renewed project grant, co-funded with the Equality and Opportunity Fund, to support IDP's work to protect the legal, constitutional, and human rights of immigrants facing detention and deportation as a result of interactions with the criminal justice system. Project funding will support efforts to counter overreaching government interpretations of current criminal and immigration laws through impact litigation, improving criminal defense representation for immigrants, supporting advocacy efforts to reform of the current mandatory deportation system, and building capacity among community groups to respond to immigration enforcement through a public education campaign.

Police Accountability and Transparency

Trustees of Columbia University in the City of New York, $125,000 project support over one year to allow the Center on Crime, Community and Law at Columbia Law School to conduct quantitative and qualitative survey research of 1,000 New York City residents, ages 25 to 65, to

understand their experience and perspectives of stop, question, and frisk. Surveys for adults will address if the adult population supports the practice, how the practice affects their families, how the practice affects their view of the legitimacy of the police, and whether residents are willing to sacrifice their rights for the promised security of stop and frisk policing. The project will develop a set of targeted dissemination strategies to inform the public debate on stop and frisk policy and practices in New York City. This grant will support the OSF-led Campaign for Fair and Just Policing in New York City.

Criminal Justice Fund Grant Recommendations
Table of Contents
Docket III September 19, 2011

Reduce Mass Incarceration
Texas Criminal Justice Coalition…….....7
Partnership for Safety and Justice…….....11
Human Rights Defense Center…….....15

Eliminate Harsh Punishment
University of Texas, Austin…….....19
The Innocence Project…….....22
Death Penalty Focus…….....26
Campaign for the Fair Sentencing of Youth……..30
Campaign for Youth Justice…….....33
Northwestern University, Center on Wrongful Convictions of Youth……..37

Secure Fair and Equitable Justice System and Eliminate Racial Disparities
Immigrant Defense Project…….....41
Trustees of Columbia University in the City of New York ……..45

Grant ID: #20033243

Legal Name of Organization: Protex A Network for Progressive Texas
(dba Texas Criminal Justice Coalition)

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

Name of Fiscal Sponsor: Not Applicable

Purpose of Grant: To provide general support

Grant Description: To provide $600,000 over two years for renewed general support to Protex A Network for Progressive Texas (dba Texas Criminal Justice Coalition—TCJC), which aims to minimize the entry points into Texas' juvenile and criminal justice systems and lessen the devastating impact of the state's juvenile and criminal justice policies and practices on families. The organization engages in policy research and analysis, builds effective statewide coalitions, and conducts public education to promote effective management, accountability, and best practices. TCJC advocates for resources for community-based alternatives to incarceration and supports a network of family members of currently and formerly incarcerated young people; conducts research and public education that address the best practices in immigration and law enforcement; and advocates for an indigent defense system that provides timely and high quality representation This grant would advance the Criminal Justice Fund's goal of reducing mass incarceration by exposing the social and economic costs of incarceration, challenging harsh and unjust sentencing practices, reforming parole and probation policies and practices and challenging the privatization of prisons. The grant would also advance the Fund's goals of eliminating harsh punishment by challenging the collateral consequences of criminal convictions and of eliminating racial disparities and securing a fair and equitable system of justice by reforming police practices and improving indigent defense services and systems.

Previous OSF Support: $1,965,517

- $50,000 from U.S. Programs Place-Based Initiatives, 2011
- $507,500 from Criminal Justice Fund, 2010
- $1,098,017 from U.S. Justice Fund, 2004-2008
- $240,000 from Criminal Justice Initiative, 2001-2002
- $20,000 from Southern Initiative Program, 2001
- $50,000 from The Gideon Project, 2000

Organization Budget: $628,470

Project Budget: Not Applicable

Major Sources of Support:

Ford Foundation	$200,000
Public Welfare Foundation	$200,000
Texans Care for Children	$110,000
Nonprofit Finance Fund	$25,000
Campaign for Youth Justice	$7,000

Amount Requested: $600,000

Is this a contingent grant?: No

Amount Recommended: $600,000 (Criminal Justice Fund, T1: 24015, from 2012 budget)

Term: 2 years, beginning January 1, 2012

Matching Requirements: n/a

Description of Organization:

The Texas Criminal Justice Coalition (TCJC) is an Austin-based organization that was founded in 1999 as a project of ProTex: Network for a Progressive Texas—an umbrella organization formed to coordinate the efforts of advocacy organizations seeking systemic change to Texas' criminal justice, health care, and taxation systems. In 2004, when ProTex's leadership decided to close the umbrella organization, staff and coalition partners of TCJC—the organization's strongest project at the time—agreed on the need to sustain their coordinated efforts. Today, TCJC is an independent organization that engages in public education, policy research and analysis, advocacy, and coalition building to promote practical solutions to issues affecting Texas' juvenile and criminal justice systems and to increase public safety while preserving civil rights.

TCJC operates six projects aimed at minimizing the entry points into the juvenile and criminal justice systems to reduce both Texas' reliance on incarceration and the negative impact the state's juvenile and criminal justice policies and practices have on individuals and families.

The *Juvenile Justice Initiative* challenges juvenile justice system policies and practices that increase the number of young people waived into the adult system. The project promotes resources for community-based alternatives to incarceration, treatment for substance use and mental health issues, restorative justice practices, and strategies for supporting successful reentry. Through the Juvenile Justice Initiative, TCJC created the Texas Families of Incarcerated Youth, a network comprised of family members of young people who are or were incarcerated in the Texas Youth Commission. This network provides support and information to other families with incarcerated children, and it advocates as a unified voice for systemic change to improve Texas's juvenile justice practices.

TCJC's *Public Safety Project* engages in research and provides public education materials that address best practices in law enforcement. The project seeks to equip community members and law enforcement agencies with the tools to work together to implement effective, public-safety focused, and value-driven police services. It also engages in public education and advocacy efforts to challenge police policy and practices that criminalize immigrants.

The *Fair Defense Project* supports the efforts of the Texas Taskforce on Indigent Defense and promotes systemic change to ensure that people are informed of their right to request and to receive timely appointment of counsel. TCJC encourages counties to implement indigent defense systems that ensure an efficient and effective appointment process and provide people access to quality representation. It also supports efforts by Texas counties to reduce costly jail overcrowding and collateral hardship to people awaiting trial and their families by expanding pre-trial release for people designated as low-risk.

Solutions for Sentencing & Incarceration advocates for criminal justice policy solutions that decrease costly jail and prison overcrowding, strengthen communities, increase public safety, and save taxpayer

money. It supports alternatives to incarceration and other practices that strengthen accountability and efficiency within the criminal justice system. Through educational outreach at the county and state levels, TCJC promotes productive probation and parole strategies, increased resources for community-based diversion programs, treatment options for people with drug and alcohol addiction and those with mental health needs, and policies that address poor conditions of confinement.

Tools for Reentry identifies and works to reduce barriers to reentry for formerly incarcerated individuals. Its goal is to connect people who have been incarcerated with available education and job training opportunities, employment, housing, voting information, and other information necessary to successfully transition home from jail and prison. TCJC also works to increase support and resources for employers, landlords, and service providers taking part in localized reentry initiatives throughout Texas and monitors the implementation of policies that address community issues.

The *Harris County Public Defense Reform Project* spearheads a grassroots coalition and advocacy effort to ensure the successful implementation and operation of Harris County's first public defender office, opened in February 2011 in the largest county in Texas. TCJC organizes local stakeholders, advocacy groups, and community leaders to guarantee that pressure for an effective and sustainable public defender system does not dissipate. Through public education, coalition building, research, and technical assistance, TCJC promotes evidence based practices that reduce the number of people who enter local jails and state prisons.

TCJC has been an OSF grantee since 2000.

Description of the Project for Which Funding Is Sought:

The Texas Criminal Justice Coalition requests general support.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goal of reducing mass incarceration by exposing the social and economic costs of incarceration, challenging harsh and unjust sentencing practices, reforming parole and probation policies and practices, challenging the privatization of prisons and other criminal justice services, and fostering new approaches to drug policy. The grant would also advance the Fund's goals of eliminating harsh punishment by challenging the collateral consequences of criminal convictions and of eliminating racial disparities and securing a fair and equitable system of justice by reforming police practices and improving indigent defense services and systems.

In 2010, one in 22 Texans were under some form of supervision in the state's criminal justice system, with approximately 155,000 people incarcerated in Texas Department of Criminal Justice (TDCJ) facilities, 420,000 on probation, and another 81,000 on parole. In 2009, Texas policymakers supported various policies that continued and strengthened previous reforms by calling for an increase in millions of dollars in funding for drug treatment programs, a move estimated to save the state millions of dollars in prison construction and maintenance. Texas has already seen the results of diversion investments. Between 2006 and 2009, the state re-routed more than 14,000 people from prison into probation, large urban probation departments decreased revocation rates, and parole revocation rates dropped significantly. However, Texas is projecting an estimated $27 billion budget shortfall for 2012-2013, and cuts to the TDCJ could potentially eliminate probation, parole, and treatment diversion programs. Texas Criminal Justice Coalition's policy research, coalition building, and public education are much needed as Texas grapples with the immediate financial deficit and the need to preserve public safety in Texas.

With strong organizational leadership, a relatively small but dedicated staff, diverse coalition partners, and by skillfully managing the dual strategies of "inside" collaboration and "outside" advocacy, TCJC has established itself as one of the foremost criminal justice advocacy groups in Texas and in the country. TCJC's dissemination of accurate, non-partisan research, timely recommendations and public safety messages has helped to secure support from a range of likely and unlikely partners. Similarly, its Executive Director Ana Yanez-Correa's strong communication skills, organizing experience, and close community ties has enabled the organization to successfully foster relationships among diverse stakeholders and leverage resources to promote policies that serve a broad constituencies.[2] TCJC has a support base of over 8,000 active members, including juvenile and adult probation directors and parole heads, treatment/service providers, correctional staff, judges and attorneys, religious and other advocacy group members, formerly incarcerated people, family members of currently and formerly incarcerated people, policymakers and their staff members, researchers and policy analysts, and members of the media. From this base, TCJC has raised public awareness of the unnecessarily high cost of incarceration, the gross over-representation of African-Americans and Latinos in Texas' state prison system, the lack of quality indigent defense, and the dire need for sound reentry policies to support the approximately 70,000 individuals returning to Texas communities each year.

Working inside the system, TCJC uses research and data-driven policy recommendations to engage government stakeholders and conservative policy leaders to discuss smart criminal justice policies and relevant budget issues. For example, during 2011 state legislative hearings on projected agency budget cuts, TCJC co-hosted a briefing with the Texas Public Policy Foundation, one of the state's most conservative policy organizations, to offer information on past legislative advancements, opportunities for cuts, and the long-term social cost of short-sighted cuts. Nearly 70 people attended the briefing, including agency personnel, policymakers, legislative staffers, judges, and other advocates. In 2011, the state legislature retained a great deal of diversion funding and, for the first time in Texas history, called for the closure of an adult prison.

TCJC's research, coalition building, public education, and administrative advocacy efforts were also instrumental in establishing a public defender office in Harris County (Houston). The largest county in Texas and the largest court system in the nation, Harris County did not have a public defender system until August 2010. In November 2010, Alexander Bunin, former Federal Public Defender for the Northern District of New York, was named the Chief Public Defender in Harris County. By February 2011, the office began representing indigent defendants. TCJC continues to work with the coalition in its effort to sustain this huge victory and ensure an effective public defender office.

Given the importance of these significant advances to Texas and as examples for other states, the Criminal Justice Fund recommends renewed general support for the Texas Criminal Justice Coalition in the amount of $600,000 over two years.

[2] In addition to her leadership in Texas, Ms. Yanez-Correa has been an important resource to funders and advocates in California who invited her to participate in a series of strategy discussions over the past year as they worked together to develop an infrastructure to support efforts over the long term to reduce mass incarceration in that state.

Grant ID: 20033476

Legal Name of Organization: Partnership for Safety and Justice

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide general support

Grant Description: To provide $200,000 over two years of renewed general support to the Partnership for Safety and Justice. The Partnership promotes sentencing reform and alternatives to incarceration; organizes survivors of crime and violence to promote policies and practices that address their needs and advance criminal justice reforms that reduce future violence without increasing prosecution and incarceration; focuses on eliminating the civil and social barriers facing people with criminal records; and advocates for increased access to high quality in-prison programming and challenges policies that erode the constitutional or human rights of incarcerated people. This grant would advance the Criminal Justice Fund's goal of reducing mass incarceration by exposing the social and economic costs of incarceration and challenging harsh and unjust sentencing practices. The grant would also advance the Fund's goal of eliminating harsh punishment by challenging the collateral consequences of criminal convictions and by ending the treatment of children as adults in prosecution and sentencing.

Previous OSF Support: $757,715

- $200,000 from Criminal Justice Fund, 2009
- $56,000 from U.S. Justice Fund, 2008
- $200,000 from U.S. Justice Fund, 2007
- $6,715 from Strategic Opportunities Fund, 2006
- $75,000 from U.S. Justice Fund, 2006
- $120,000 from U.S. Justice Fund, 2004
- $100,000 from Criminal Justice Initiative, 2002

Organization Budget: $676,697

Project Budget: Not Applicable

Major Sources of Support:

Public Welfare Foundation	$83,333
Ford Foundation	$72,917
Northwest Health Foundation	$48,672
Fund for Nonviolence	$33,334
Western State Center	$27,000
Drug Policy Alliance	$11,250

Amount Requested: $200,000

Is this a contingent grant?: No

Amount Recommended: $200,000 (Criminal Justice Fund, T1: 24015, from 2012 budget)

Term: 2 years, beginning January 1, 2012

Matching Requirements: n/a

Description of Organization:

In 1999, a group of crime survivors and parents of incarcerated young people established the Partnership for Safety and Justice (PSJ)—then called the Western Prison Project—to build a progressive, multi-racial, grassroots movement to reduce the reliance on incarceration in the Northwest. Today, PSJ is a multi-issue, statewide organization based in Portland, Oregon, that combines grassroots organizing with public education and advocacy to promote a fair justice system that supports safe and healthy neighborhoods. PSJ builds the capacity and skills of crime survivors, people with criminal records, and their family members and engages them in efforts aimed at redirecting resources from the criminal justice system to community-based solutions that reduce personal violence and increase public safety. It builds coalitions with local and national organizations; engages with policymakers through direct advocacy and grassroots campaigns; provides technical assistance to local organizations to increase their effectiveness; and produces fact sheets and reports to educate the public, the press, policymakers, and its membership and to mobilize broad public support for reform. PSJ also supports criminal justice policy reform efforts and movement building beyond Oregon by serving as an information resource and by providing technical and campaign assistance to grassroots activists and organizations working throughout the region.

Partnership for Safety and Justice organizes its work around four programs:

The *Safety and Sentencing Program* promotes approaches to public safety that foster safe communities, are fiscally responsible, and reduce Oregon's over-reliance on prisons. This program promotes safe and sensible sentencing reform (with a special focus on young people) as well as proven and effective alternatives to incarceration.

The *Crime Survivors Program* promotes policies and practices that address the needs of crime survivors and advances restorative justice principles and practices that ensure safety, accountability, healing, and justice, but do not increase prosecution or incarceration. Through this program, PSJ explicitly works to build a base of crime survivors who advocate for a system focused on prevention, not punishment, throughout Oregon.

The *Prison Program* challenges policies and practices that violate the constitutional and human rights of incarcerated people, advocates for increased access to quality, in-prison programming that fosters successful reentry, and helps incarcerated people and their families gain access to information about issues that affect them.

Building on its past efforts to challenge the disenfranchisement of people with previous felony convictions (the VOICE project), PSJ's *Beyond Barriers* program works to eliminate the economic, social, and civic barriers faced by people with criminal records. Through this program, PSJ advocates for community investments that support the successful reentry of people returning to the community from prison and jail, challenges education and employment barriers that people with criminal records face, and promotes on-demand treatment opportunities for people with chemical dependence and/or mental health issues.

PSJ has been an OSF grantee since 2002.

Description of the Project for Which Funding Is Sought:

Partnership for Safety and Justice requests renewed general support.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goal of reducing mass incarceration by exposing the social and economic costs of incarceration and challenging harsh and unjust sentencing practices. The grant would also advance the Fund's goal of eliminating harsh punishment by challenging the collateral consequences of criminal convictions and by ending the treatment of children as adults in prosecution and sentencing.

In 1999, when a group of crime survivors and parents of incarcerated children joined to form the Partnership for Safety and Justice, it was one of the only community-based criminal justice reform organizations in the Pacific Northwest. Today, PSJ remains the only statewide grassroots organization in Oregon combining public education, grassroots organizing, coalition building, and policy advocacy to address a wide array of criminal justice reform issues. Its problem-solving approach and sophisticated coalition-building strategy, which deliberately engages likely and unlikely grassroots and grasstops supporters, have helped create an important reform infrastructure in the state. In 2010, PSJ transitioned a strategic alliance built in 2008 and 2009 into a longer-lasting coalition called the Oregon Coalition for Safety and Savings. Under PSJ's direction, this coalition brings together a diverse array of groups such as the Oregon Business Association, SEIU, the Human Services Coalition of Oregon, Stand for Children, and the Oregon Coalition Against Domestic and Sexual Violence, among others, for progressive criminal justice reform.

PSJ's efforts have helped to bring about important policy reforms over the past several years. In 2009, public education, grassroots mobilizing, and advocacy by PSJ and the Oregon Coalition member organizations helped shift the policy discussion and created the space for passage of an omnibus Justice Reinvestment bill, *The Safety and Savings Act*. This bill included a range of sentencing reforms that saved the state an estimated $50 million by reducing the need for prison beds and reinvested $10 million of the savings into smarter, community based investments to strengthen public safety.

A PSJ-led grassroots campaign helped convince Eugene, Oregon, in November 2009, to remove the question about conviction history from the initial job applications for municipal employment and to conduct an assessment to determine the jobs that would require such information be considered. In July 2010, the city began implementing the new hiring practice as a pilot project and developed procedures to evaluate the change. Although still a pilot project, the evaluation process could help inform similar efforts in other municipalities around the country. PSJ has transitioned the successful grassroots campaign that led to these reforms to Portland and Salem, two major Oregon metropolitan areas. It has also connected its local campaign work to state-level advocacy that more broadly challenges the employment barriers faced by people with criminal records, exemplifying that local organizing can generate momentum for state-wide policy change.

Also, in May 2011, PSJ's public education about the harm to young people and public safety caused by charging young people as adults began to bear fruit when Oregon passed the *Safe Kids, Safe Communities Act*, changing the default pre-trial detention placement of young people charged as adults from adult jails to juvenile facilities.

In addition to its role in supporting reform in Oregon, PSJ has established itself as not only an important criminal justice information hub and campaign strategy resource for the Pacific Northwest but also an

integral part of the national criminal justice reform field. Few state-based organizations take on the range of issues that PSJ works on or use the combination of strategies that PSJ engages. As a whole, the criminal justice reform field has not effectively engaged with groups that advocate on behalf of crime survivors, a constituency that in many policy reform debates could prove advantageous. PSJ's Crime Survivors Program is a provocative model for promoting community safety in a way that simultaneously advocates for support services for crime survivors and engages victim advocates in supporting reforms that decrease the reliance on prison and harsh punishments. It also remains an important resource to OSF grantees and the wider reform field for information and strategies for successfully engaging crime survivors in public education and reform campaigns.

CJF staff is encouraged that, after our introduction, PSJ has been working closely and sharing strategies and lessons learned with the Washington-based Riverstyx Foundation, which is interested in developing a statewide organization, modeled to some extent after PSJ. PSJ also remains a close ally and strategic partner on a range of criminal justice reform issues to OSF grantees such as the Sentencing Project, Justice Strategies, the Justice Policy Institute, and Drug Policy Alliance, all of which identify PSJ as an organization capable of advancing sophisticated advocacy campaigns that inform the field and national reform efforts.

For these reasons, the Criminal Justice Fund recommends renewed general support for the Partnership for Safety and Justice in the amount of $200,000 over two years.

Grant ID: 20033478

Legal Name of Organization: Human Rights Defense Center

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide general support

Grant Description: To provide $200,000 over two years for renewed general support. Led and staffed by formerly incarcerated people, Human Rights Defense Center (HRDC) publishes *Prison Legal News* monthly and also publishes and/or distributes books on the criminal justice system to educate and inform targeted justice reform audiences and the public about the failures of mass imprisonment as social policy and the corrosive effects of racism, classism, and sexism within the criminal justice system. HRDC protects the first amendment rights of incarcerated people through legal and administrative challenges to censorship and the withholding of prison documents from investigative journalists by departments of corrections across the U.S. This grant would advance the Criminal Justice Fund's interests in reducing mass incarceration by exposing the social and economic costs of incarceration and in eliminating harsh punishment by challenging the collateral consequences of criminal convictions.

Previous OSF Support: $593,300

- $300,000 from Criminal Justice Fund, 2008
- $83,300 from U.S. Justice Fund, 2007
- $200,000 from U.S. Justice Fund, 2005
- $10,000 from Center Crime, Communities & Culture, 1997

Organization Budget: $505,500

Project Budget: Not Applicable

Major Sources of Support:

Advertising	$100,000
Book Sales	$90,000
Magazine Subscription	$90,000
Litigation	$75,000
Contributions	$40,000

Amount Requested: $200,000

Is this a contingent grant?: No

Amount Recommended: $200,000 (Criminal Justice Fund, T1: 24015, from 2012 budget)

Term: 2 years, beginning January 1, 2012

Matching Requirements: n/a

Description of Organization:

Human Rights Defense Center (HRDC), formerly Prisoners Legal News, is a Vermont-based nonprofit whose mission is to educate the public about the failures of mass incarceration and the corrosive effects of racism, classism, and sexism within the criminal justice system. In 1990, while incarcerated and on a budget of $50 dollars, Paul Wright and veteran prison activist Ed Mead founded *Prison Legal News*, an independent, monthly magazine written and edited almost solely by currently and formerly incarcerated people as a hand-typed, ten page photocopied newsletter with an initial mailing to 75 potential subscribers in Washington State. HRDC has developed into a criminal justice reform advocacy organization that advocates and litigates for criminal justice reform and the rights of incarcerated people across the country. Notable advocacy efforts include challenging prison privatization and opposing felony disenfranchisement, and litigation against censorship in prison and denials of public records requests.

HRDC publishes and disseminates information to support legal and civil rights within the legal system and advocates for systemic change in current criminal justice policies and human rights of all detainees. Its magazine, *Prison Legal News*, covers all aspects of criminal justice in the U.S., including policing, racial profiling, indigent defense, detention facilities, civil rights litigation, the death penalty, prison privatization, habeas corpus, probation, parole, rehabilitation, recidivism, reentry, prison and jail conditions and, more recently, human rights abuses committed within U.S. detention facilities worldwide. *Prison Legal News* has approximately 7,000 subscribers, 70 percent of whom are incarcerated. HRDC also distributes a number of reputable self-help, legal, reference, history and social science books to educate incarcerated people, justice professionals, and the public about criminal justice and other social policy issues, including *Prisoners' Self-Help Litigation Manual*, a guide for incarcerated people and their advocates who seek to understand the rights of incarcerated people. HRDC published its second book in 2010, *The Habeas Citebook: Ineffective Assistance of Counsel*, a user-friendly guide designed to help *pro se* litigants identify and raise viable claims for potential habeas corpus relief. Its first book, *Prisoners' Guerrilla Handbook to Correspondence Programs in the United States and Canada*, is in high demand and remains the only book that offers incarcerated people with information on available correspondence courses.

HRDC's website is a reliable source of information for litigators, activists, journalists, academic, and others. Its searchable and indexed online database allows subscribers to access current and all back issues of its magazine, 25,000 news articles, a brief bank of almost 5,700 assorted legal pleadings, 11,000 court rulings, and other resources useful to lawyers litigating censorship and public records request cases. PLN continues to improve and develop the content and functionality of its website, including developing multimedia capability and producing and disseminating content across diverse platforms.

HRDC has been an OSF grantee since 2005.

Description of the Project for Which Funding Is Sought:

Human Rights Defense Center requests general support.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interests in reducing mass incarceration by exposing the social and economic costs of incarceration and in eliminating harsh punishment by challenging the collateral consequences of criminal convictions. The grant would also advance the Fund's interest in promoting civic participation and developing new leaders in historically

underrepresented communities by supporting the engagement of people with criminal records in public discourse about the policies and practices that affect their lives.

HRDC injects important open society and criminal justice issues into the public consciousness as it garners media attention through its publications, advocacy campaigns, and litigation. Under the leadership of founder and Editor Paul Wright and Associate Editor Alex Friedmann, *Prison Legal News*, HRDC's monthly magazine written and edited by currently and formerly incarcerated people, continues to provide high quality investigative journalism on, and in-depth coverage of complex justice-related issues that cut across CJF priorities. HRDC has generated broad media coverage in daily newspapers, magazines, and radio shows, ranging from reports about its litigation, profiles of its contributors and journalism, to articles quoting its staff.

HRDC's advocacy against prison privatization has earned favorable local and national media coverage. Particularly significant is HRDC's 2008 efforts in leading the public education campaign about the Bush Administration's nomination of Gustavus A. Puryear IV—general counsel for the Tennessee-based Corrections Corporation of America, the nation's largest private prison corporation—for federal judge of the Middle District of Tennessee. Associate Editor Alex Friedmann, who was previously incarcerated in a CCA prison, played an important role bringing into the campaign criminal justice advocates and union locals who oppose private prisons and educating the public about Puryear's qualifications and possible conflict of interest. The campaign concluded in early 2009 with Puryear's nomination dying in the Senate Judiciary Committee. Most recently, HRDC staff Wright and Friedman provided information related to prison privatization for Michael Moore's recent film, *Capitalism: A Love Story*. Wright also appeared on Anderson Cooper's show, "AC360" on CNN, to discuss problems with private prisons.

HRDC has also successfully litigated against censorship in prison and to challenge denials of public records requests in a number of jurisdictions. In May 2008, HRDC sued Corrections Corporation of America (CCA) under Tennessee's public records law, seeking disclosure of certain records related to its operation of prisons and jails in Tennessee. The trial court issued a landmark ruling, holding for the first time that a private prison company was subject to Tennessee's public records statute. In 2009, the Court of Appeals found that CCA was the functional equivalent of a state agency and thus subject to the public records law. Tennessee's Supreme Court denied review in March 2010 and the case remains pending on remand. In December 2007, HRDC filed a public records lawsuit against the California Department of Corrections and Rehabilitation, seeking disclosure of records related to litigation payouts by the state's adult and juvenile prison systems. In 2009, the court ordered the department to produce all responsive records and, in 2010, the California Department of Corrections and Rehabilitation agreed to settle the case by producing all of the records and paying attorney fees and costs.

OSF's previous general support funding enabled HRDC to engage in strategic planning and establish key organizational goals to ensure its long-term sustainability. As a result, HRDC has significantly expanded its Board of Directors to include individuals with backgrounds in journalism, technology, law, and education. Prior to the board development, HRDC staff represented 40 percent of the 7-member board. HRDC's new 10-member board includes: Sheila Rule, a former reporter and editor at the *New York Times* and founder and president of Resilience Multimedia, a publishing company; Bill Trine, founder and former president of Trial Lawyers for Public Justice; Ellen Spertus, a computer programmer who is an Internet Information Retrieval Specialist at Google; Soros Justice Fellow Judy Greene; Rick Best, a formerly incarcerated ACLU attorney; and Soros Justice Fellow Bell Chevigny, a professor emeritus at Purchase College, SUNY, and editor of *Doing Time*, an anthology of writings from the PEN Prison Writing Program.

In addition to growing and strengthening its board of directors, HDRC restructured its executive team, transitioning from a structure involving Co-Directors to a structure with one Executive Director. This

change helped the organization to streamline its operations by closing its second office in Washington State and moving all of its operations to its Vermont office. HRDC has also strengthened its programming by bringing on a designated staff attorney to manage its litigation, which the strategic planning process targeted for further development.

Despite its programmatic and organizational successes, however, HRDC has struggled to develop broader funding from individual donors and foundations. The organization has devised several strategies for increasing its revenue—including increasing its print subscription rate to comparable market rates and increasing advertising, book sales, and magazine subscriptions—that have begun to bear fruit. While this organizational restructuring and revenue strategies have moved the organization in the right direction, HRDC admits that it must expand its base of funders to ensure sustainability long-term. Over the next two years, staff will re-evaluate OSF's investment in HRDC in light of CJF's new strategic plan. Continued OSF support for this important formerly incarcerated person-led organization over this period would provide space for HRDC's leadership to continue the organization's programming while strengthening its fundraising capacity in preparation for the likelihood that OSF's will reduce future investments and shift them toward targeted project support.

For these reasons, the Criminal Justice Fund recommends renewed general support to the Human Rights Defense Center grant in the amount of $200,000 over two years.

Grant ID: 20033576

Legal Name of Organization: The University of Texas at Austin

Tax Status: 501(c)3 public charity

Name of Fiscal Sponsor: n/a

Purpose of Grant: to enable the Institute for Restorative Justice and Restorative Dialogue to engage the victims of capital-eligible cases in Texas in a restorative justice process, with the goal of reducing death sentences.

Grant Description: $170,000 project grant renewal over two years to continue to support the Defense-Oriented Victim Outreach project at the Institute for Restorative Justice and Restorative Dialogue. The institute seeks to build a national mindset that embraces restorative justice solutions to identify and repair the harm related to the crime and victimization. Specifically, the Defense-Oriented Victim Outreach project will utilize restorative justice principles to lower the use of the death penalty in Texas, meet the needs of victim survivors, and decrease the excessive adversarial climate in the criminal justice system by giving capital defense teams and survivors access to one another during capital trials. This grant supports the Criminal Justice Fund's goal of eliminating harsh punishment and furthers the goals of the Campaign to End the Death Penalty by 2025, an initiative developed with OSF support.

Previous OSI Support: $170,000 from Criminal Justice Fund, 2009

Organization Budget: $336,342 (Institute for Restorative Justice and Restorative Dialogue)

Project Budget: $336,342

Major Sources of Support:

Atlantic Philanthropies	$78,000 (requested)
Funders for Alternatives to the Death Penalty	$88, 342 (requested)

Amount Requested: $170,000

Is this a contingent grant? No

Amount Recommended: $170,000 (T1: 24016)

Term: 2 years, beginning January 1, 2012

Matching Requirements: n/a

Description of Organization:

The Institute for Restorative Justice and Restorative Dialogue ("IRJRD" or "Institute"), founded in May 2008, is housed in the Center for Social Work Research at the School of Social Work at The University of Texas at Austin. The Institute's mission is to advance meaningful accountability, victim healing and community safety

through the use of restorative solutions. Recently, it has focused on the implementation of Defense-Initiated Victim Outreach (DIVO) in capital cases, an effort to facilitate access between victim-survivors and capital defense teams. DIVO was established in 2009 with United States Department of Justice, Bureau of Justice Assistance grants, one of which was awarded to Georgia State University to bring DIVO to Texas through a subcontract with the School of Social Work.

IRJRD's Defense-Initiated Victim Outreach (DIVO) program is staffed by Director Dr. Marilyn Armour, an Associate Professor at The University of Texas at Austin, recognized for her scholarship on homicide survivors and author of numerous publications and comparative penal sanction studies. Dr. Armour works closely with the law school's Capital Punishment Center, the Victim Services Unit in the Texas Department of Criminal Justice, and victim advocates in the Office of the Attorney General. Project Coordinator Stephanie Frogge is a professional crime victim services consultant with degrees in criminal justice and divinity and over 25 years of experience in the area of trauma response and victim services administration. DIVO also partners with: Richard Burr, one of the foremost federal capital defense attorneys in the nation and the originator of DIVO; Pamela Leonard, Executive Director of DIVO in Georgia; John Niland, Capital Trial Project Director of the Texas Defender Service, a CJF grantee; and Murder Victim's Families for Reconciliation, another CJF grantee.

Description of the Project for Which Funding Is Sought:

DIVO has the overall mission of lowering the use of the death penalty in Texas. It accomplishes this goal by: 1) assisting the defense in meeting the needs of victim survivors; and 2) decreasing the excessively adversarial climate in the criminal justice system. DIVO aims to shift the balance of power in capital eligible cases by requiring the defense to consider the needs of victim survivors alongside representation of the defendant, thereby challenging the prosecution to consider the full breadth of the victim-survivor's needs, beyond punishment and retribution, alongside their capital strategy. To accomplish its mission, the Institute provides capital defense attorneys with Victim Outreach Specialists who serve as a conduit for victims' interests and concerns. By using Victim Outreach Specialists as the bridge to respond compassionately to the needs of victim survivors, the defense increases the likelihood that victim survivors will be more open to considering less punitive options for the defendant. By implementing these strategies, the program aims to make contact with victim survivors in at least 20 percent of capital-eligible cases and obtain a non-death penalty disposition in 50 percent of capital-eligible cases that use a Victim Outreach Specialist.

The DIVO program carries out several activities to fulfill its mission including: 1) recruiting and training Victim Outreach Specialists to facilitate contact with defense teams and meet the needs of victim survivors; 2) providing strategic advice to support outreach to victims; 3) educating criminal justice stakeholders such as attorneys, judges and victim-survivors about the benefit of the involvement of Victim Outreach Specialists in capital eligible trials; and 4) collaborating with prosecution-based victim advocates to understand the victim survivors' needs.

DIVO will continue to assign new Victim Outreach Specialists to capital cases and monitor their progress and carry out extensive education to criminal justice stakeholders, including judges, prosecution and capital defense teams. In particular, DIVO will carry out intensive two-day trainings aimed at defense team mitigation specialists and prosecution-based victim assistance coordinators. Mitigation specialists are trusted by their defense teams and can facilitate a receptive climate for considering DIVO. Educating prosecution-based victim assistance coordinators in capital cases is particularly important since they usually control access to victim survivors. This group can also help foster better collaboration and successful victim outreach. The Institute's staff will also expand the reach of DIVO in key states targeted for reduction of new capital cases, including Arizona, Pennsylvania, and Alabama by implementing a five-day Victim Outreach Specialists training using the Texas model.

Rationale for Recommendation:

This grant supports the Criminal Justice Fund's goal of eliminating harsh punishment and furthers the goals of the Campaign to End the Death Penalty by 2025. The Institute for Restorative Justice and Restorative Dialogue's Defense-Initiated Victim Outreach (DIVO) program serves as a model for death penalty reform while having great potential to reduce the number of death sentences imposed in Texas.

Although Texas bears the distinction of having carried out the greatest number of executions and the third greatest number of those awaiting execution, DIVO's successful establishment is an important addition to recent developments in Texas that are collectively reducing the use of the death penalty. Some of these developments include existence of life without parole as a sentencing option, the growing concern about the cost of the death penalty during a lengthy economic recession, fewer death penalty convictions, the mounting number of DNA exonerations, and successful mitigation efforts. Indeed, in 2010, Texas reduced the number of death penalty convictions to eight, the lowest since 1974.

The need for Defense-Initiated Victim Outreach is underscored by the American Bar Association's 2003 Guidelines for the *Appointment and Performance of Defense Counsel in Death Penalty Cases* and the *Standards and Guidelines for Texas Capital Counsel*, adopted in 2006 by the Texas State Bar, which emphasize that defense outreach to survivors is necessary to the effective representation of a capital client. The goals of the DIVO program also affirm the successful strategy endorsed by the Campaign to End the Death Penalty by 2025 and many of the state-based death penalty reform campaigns that advocate for incorporating the voices of victim survivors in efforts for death penalty reform, moratoria and abolition. DIVO has been solidly endorsed by prominent voices in the criminal justice sector in Texas, including the Texas Defender Service, one of the Criminal Justice Fund's most trusted and well-respected grantees.

The use of a Victim Outreach Specialist to bridge the historic gap between survivors and the defense allows survivors to consider the full effects of capital proceedings and punishment upon themselves and upon the accused as well as alternatives that more directly address their needs and concerns. Survivors who have had contact with the defense learn that defendants are often willing to agree to terms of a plea agreement that meet a number of the survivors' interests that could not otherwise be met. In addition, defense attorneys who learn more about survivors' experiences, interests, and concerns are better prepared to negotiate pleas or, when there is no plea, respond more sensitively to victim impact testimony at trial.

DIVO has made significant steps as a newly initiated project. Over the long-term, DIVO's success will be measured, in part, by the number of referrals, contact made with victim survivors, requests made by victim survivors of defense teams and capital-eligible cases that settle with a plea or result in a life without parole verdict. The Institute will also evaluate DIVO's progress in educational outreach to key stakeholders. During the most recent grant period, DIVO assigned Victim Outreach Specialists in 15 new cases, educated over 1,300 defense attorneys to use DIVO in their capital cases, and educated seven judges about DIVO to advance approval of funding motions. The Institute also produced and is distributing a DVD about DIVO to all death-penalty certified attorneys in Texas. Staff also made over 300 contacts with capital litigants, prosecution-based victim assistance coordinators and other stakeholders to educate them about DIVO. To date, approximately 40 percent of cases where a Victim Outreach Specialist has been assigned has resulted in a plea or less than death verdict. This success rate will increase as the program increases outreach to stakeholders. For the above reasons, Criminal Justice Fund staff recommends a project support grant of $170,000 over two years to support the Institute for Restorative Justice and Restorative Dialogue's Defense-Initiated Victim Outreach program.

Grant ID: 20033575

Legal Name of Organization: The Innocence Project, Inc

Tax Status: 501(c)3 public charity

Name of Fiscal Sponsor: n/a

Purpose of Grant: to provide general support

Grant Description: $400,000 general support renewal over two years to support the organization's mission to free wrongfully convicted prisoners and to bring substantive reform to the criminal justice system, including: 1) using DNA exonerations to support a moratorium on the death penalty; 2) correcting flaws in eyewitness identification procedures; 3) increasing access to post-conviction DNA testing; and 4) improving evidence preservation practices. This grant would advance key priorities of the Criminal Justice Fund, including eliminating harsh punishment by advocating reform of capital punishment and eliminating racial disparities and securing the fair administration of justice by improving identification procedures, forensic science practices and the provision of public defense services. The Innocence Project's mission also supports the goals of the national Campaign to End the Death Penalty by 2025, which was initiated with OSF support.

Previous OSI Support: $1,490,000

- $ 15,000 from Criminal Justice Fund, 2010
- $350,000 from Criminal Justice Fund, 2010
- $375,000 from Criminal Justice Fund, 2009
- $450,000 from Gideon Project, 2007
- $300,000 from Gideon Project, 2005

Organization Budget: $6,500,000

Project Budget: n/a

Major Sources of Support:

Grousbeck Family Foundation	$300,000
United States Department of Justice	$200,000
Ford Foundation	$125,000
Starr Foundation	$100,000
The Roddick Foundation	$75,000

Amount Requested: $400,000

Is this a contingent grant? Yes

Amount Recommended: $400,000 (T1: 24016)
($200,000 from 2011 budget, $200,000 from 2012 budget)

Term: 2 years, beginning January 1, 2012

Matching Requirements: n/a

Description of Organization:

The Innocence Project ("IP" or "Project"), an independent nonprofit organization affiliated with the Benjamin N. Cardozo School of Law at Yeshiva University in New York City, provides pro bono post-conviction legal assistance to people whose claims of innocence might be proven by DNA testing. The Project was founded in 1992 by Barry C. Scheck and Peter J. Neufeld. From 1992 through 2003, the Innocence Project operated as a small legal clinic housed at Cardozo Law School and staffed primarily by students and volunteer lawyers. The IP's mission is to free wrongfully convicted prisoners and to bring substantive reform to the criminal justice system to prevent future injustice.

The IP has grown from a staff of eight in 2004, when it was launched as an independent effort into a national organization, to a staff of 51. IP's pioneering use of DNA technology to exonerate innocent people has provided irrefutable proof that wrongful convictions are not isolated or rare events but are, instead, the result of systemic defects. In jurisdictions nationwide, IP has played a significant role in bringing about reforms that protect innocence people from wrongful arrest, conviction, and imprisonment.

The Innocence Project's long-term goals are to free the large number of innocent people in prison through the use of DNA testing and to reform the United States criminal justice system to be more fair and just. To reach these goals, IP focuses on producing specific reforms on the national, state, and local levels. The organization's priority areas are listed below.

Litigation. IP receives a monthly average of more than 270 requests for assistance to challenge cases of wrongful conviction. To review these requests, IP's intake team identifies DNA-related cases most suitable for representation by its staff attorneys, while referring appropriate non-DNA cases to its partners. To maintain a balance between speed and quality, IP employs a team method comprising attorneys, paralegals, case coordinators, and case assistants. Background work for each case not only requires expert legal analysis but often reinvestigation of the case, forensic re-analysis and expert testimony. IP's legal department includes a managing attorney and six full-time attorneys who handle a caseload of over 280. IP currently represents clients in 33 states, with the largest caseloads in Texas, New York, Pennsylvania, and Louisiana.

Enacting death penalty moratoria. DNA testing and wrongful convictions have changed the landscape of capital punishment in the United States. DNA evidence has exonerated 17 death row inmates in the United States since 1989, and a total of 139 people have been found innocent and released from death row since 1973. The facts strongly indicate that the risks of executing an innocent person are high. To prevent such a miscarriage of justice, IP strongly supports a moratorium on the death penalty and works to draw national attention to the issue. Most recently, IP has used the Texas case of Cameron Todd Willingham as an opportunity to call for a moratorium. In 2004, Willingham was executed for allegedly setting a fire in his home that killed his children. In 2007, IP submitted proof of forensic error to the Texas Forensic Science Commission and launched a national campaign drawing attention to the flawed evidence used to convict Willingham. In 2011, after years of intense work by IP, the Texas Forensic Science Commission ruled that the arson evidence used to convict Willingham was not reliable. IP's work generated national awareness of the flawed system to convict Willingham while supporting a call for a moratorium of the death penalty.

Correcting flaws in eyewitness identification procedures. The most common cause of wrongful convictions nationwide is eyewitness misidentification, which plays a role in more than 75 percent of convictions overturned through DNA testing. To advance reform in this area, IP supports judicial and

state-level policy reform and advocates for new protocols for police training. Several jurisdictions where IP provided technical assistance either adopted IP's recommendations or have taken steps toward implementing new eyewitness identification procedures.

Establishing standards in forensic science. In more than half of DNA exonerations, unvalidated or improper forensic science contributed to the wrongful conviction. To address this issue, IP launched its Forensic Science Campaign with the goal of implementing recommendations from the 2009 National Academy of Science report, which called for broad reforms to current practices. A major focal point of the campaign is to establish a federal Office of Forensic Science Improvement and Support. In addition, IP is currently working with its state partners to implement a comprehensive state-level plan for forensic science reform.

Increasing access to post-conviction DNA testing. Although 48 states now have post-conviction DNA-testing access statutes, many of these laws are limited in scope. IP is working with its state partners to establish the right to post-conviction DNA testing in the two remaining states without such provisions.

Improving evidence preservation practices. Unfortunately, many of IP's cases have to be closed because biological evidence was either lost or destroyed and DNA testing could not be performed. To address this issue, IP is working with the National Institute of Justice to develop national standards for the preservation of evidence. As a result of this partnership, the National Institute of Justice arranged for the National Institute of Standards and Technology to convene the Technical Working Group on Biological Evidence Preservation. The working group, which includes IP as a member, will produce a compendium of best practices by June 2012. The results will provide constructive guidance and policy advice to states and localities.

Description of the Project for Which Funding Is Sought:

The Innocence Project seeks general support funding.

Rationale for Recommendation:

This grant to the Innocence Project would advance key priorities of the Criminal Justice Fund, including 1) eliminating harsh punishment by advocating reform of capital punishment and 2) eliminating racial disparities and securing the fair administration of justice by improving identification procedures, forensic science practices and the provision of public defense services. IP's mission also supports the goals of the national Campaign to End the Death Penalty by 2025, which was initiated with OSF support.

The Innocence Project has changed the face of criminal justice in this country. It pioneered the post-conviction DNA litigation model that has been used to exonerate 271 persons. IP was either the attorney of-record or a consultant in over half of those cases. The Project's staff members are regularly consulted by attorneys, courts and other agencies around the nation for their expertise in DNA technology and evidence preservation.

Unfortunately, the large number of DNA-related exonerations has demonstrated to the public, policymakers, and law enforcement that our criminal justice system fails far more frequently than it should. The mere fact that exonerations occur creates doubt about whether the system is trustworthy. Significantly, 70 percent of those exonerated by DNA testing have been people of color, another indication that, when the criminal justice system fails, it disproportionately impacts the poor and traditionally marginalized communities. However, the large number of DNA exonerations has also provided a crucial opening to push for necessary reforms. For example, in 2010 alone, the states of Connecticut, Florida, New York, Oregon, Pennsylvania, Texas, and Virginia have taken steps to update

procedures for eyewitness identification. During the same period, Georgia, Indiana, Louisiana, Oregon and Texas have enacted measures to improve requirements to preserve biological evidence.

IP's impact on the movement to end capital punishment has been significant. DNA exonerations have reframed the terms of the national debate about the death penalty, causing even staunch supporters to re-examine their position. The public's increased awareness of the justice system's flaws has contributed to waning support for capital punishment. In particular, growing public awareness of exonerations has increased understanding of the need for a well-balanced adversarial system with effective, competent representation. IP's ongoing communications efforts regarding the Texas Forensic Science Commission and its investigation of the Cameron Todd Willingham case helped to keep public attention focused on the need for forensic oversight while highlighting the risk of executing an innocent person. Moreover, exonerations, and flaws with the system of capital punishment, have played a major role in the reasons for the states of Illinois, New Jersey, and New York to abolish the death penalty.

IP has successfully built a movement for criminal justice reform. It co-founded the Innocence Network, a group of non-profit organizations, educational institutions, and public defender offices that assist inmates trying to prove their innocence. Since 2000, the Innocence Network has grown to include 63 member organizations, thus strengthening the impact of IP's reform efforts nationwide. Each organization is either an established not-for-profit or an independent entity affiliated with a law or journalism school. Member agencies provide pro bono counsel to people in prison who have claims of innocence. Unlike the Innocence Project, many of these agencies provide counsel in cases where DNA testing does not play a role. IP has also leveraged the collective power of these organizations by developing the Innocence Policy Network, which supports reform efforts at the state level.

The Innocence Project has prevented hundreds of innocent people in this country from being wrongfully imprisoned, spurred an innocence movement, altered public and policymaker opinion, and opened the door to broader criminal justice reforms. The CJF staff, therefore, recommends a general support grant in the amount of $400,000 over two years to the Innocence Project to continue its important work.

Grant ID: 20033577

Legal Name of Organization: Death Penalty Focus

Tax Status: 501(c)3 public charity

Name of Fiscal Sponsor: n/a

Purpose of Grant: to provide general support

Grant Description: $175,000 general support renewal over two years to advance its goal of ending the death penalty in California. The organization has several projects which advance this goal, including: mobilization of law enforcement; outreach to clergy; engagement of crime victims in supporting alternatives to the death penalty; and strategic anti-death penalty advocacy at the county level. Most recently, the organization has played a key role in determining the feasibility of pursuing a ballot measure in California in November 2012 to replace the death penalty with life without parole and restitution to the victims' families. This grant supports the Criminal Justice Fund's goal of eliminating harsh punishment, and furthers the goals of the Campaign to End the Death Penalty by 2025, a nationally coordinated effort spearheaded by OSF's leadership.

Previous OSI Support: $175,000 Criminal Justice Fund, 2009

Organization Budget: $586,000

Project Budget: n/a

Major Sources of Support:

Tides Death Penalty Mobilization Fund	$70,000
Charlotte & Arthur Zitrin Foundation	$60,000
Nick McKeown	$25,000
Fund for Nonviolence	$22,000
M.D. Miller	$18,000

Amount Requested: $175,000

Is this a contingent grant? No

Amount Recommended: $175,000 (T1: 24016)

Term: 2 years, beginning January 1, 2012

Matching Requirements: n/a

Description of Organization:

Founded in 1988, and located in California, Death Penalty Focus (DPF) is one of the largest anti-death penalty advocacy organizations in the nation. The organization is dedicated to the abolition of capital punishment through public education, grassroots and political organizing, original research, media

outreach, local and statewide coalition building, and the education and mobilization of religious, legislative, civic, and other opinion leaders. DPF has more than 45,000 members and supporters, the majority of whom are from California. The organization has four full-time management staff, four part-time program staff, one full-time administrative staff and a 32-member board of directors. In 2011, DPF's long-time executive director Lance Lindsey retired. Jeanne Woodford, a nationally renowned spokesperson on criminal justice reform and a former prison warden, became the new executive director.

Over its 23 year history, DPF has grown significantly, expanding its membership base and advocacy work. DPF has also developed and continues to maintain 10 local chapters throughout the state, involving hundreds of volunteers who conduct various public education and community organizing activities year round within their communities. These include the areas of Sacramento, San Diego, San Francisco, Fresno, San Luis Obispo, Santa Barbara, Marin, Inland Valley, North Orange County, and Los Angeles.

DPF's mission is to replace the death penalty with life without parole in California, thus legally ending the death penalty in the state. To achieve this mission, DPF has three goals: 1) reduce the number of death penalty cases charged and brought to trial; 2) shift public opinion by 10-15 percent, moving California voters toward supporting an alternative to the death penalty by organizing the family and friends of murder victims who are opposed to the death penalty, law enforcement officials and other public safety leaders, and the religious community; and 3) organize and grow a base of activists who can effectively mobilize in support of an initiative.

To advance these goals, DPF initiates and manages a variety of advocacy and public education projects, including: Law Enforcement Outreach Project, Clergy and Faith Community Mobilization Project, California Crime Victims for Alternatives to the Death Penalty, County and Statewide Coalition Project, and International Outreach and Communications Project. DPF works in close partnership with the American Civil Liberties Union of Northern California, Murder Victims' Families for Reconciliation, and other state and national criminal justice reform advocacy organizations.

By focusing its advocacy efforts on key geographic regions in the state, DPF works to: 1) counter some of the challenges posed by the size and diversity of the state by concentrating its staff and resources in areas targeted for maximum impact; 2) reduce support for the death penalty in the counties that may prove critical to winning a referendum; and 3) reduce use of the death penalty in the five counties responsible for the majority of the state's death sentences.

In 2012 and beyond, the development and expansion of DPF's five county coalitions in Alameda, Santa Clara, San Diego, Los Angeles and Contra Costa Counties will be critical to advancing the goal of reducing death sentencing patterns. The five coalitions bring together a broad spectrum of community leaders and organizations to advocate for an end to death sentencing and to promote the redirection of resources to more effective public safety measures such as violence prevention and re-entry programs. The coalitions' advocacy strategies, including direct engagement with district attorneys, have been impactful. The initiation of new death sentences has dropped significantly in Alameda and San Diego counties. In the first half of 2011, Riverside and Orange counties sentenced no one to death and Los Angeles County only added one person to death row. This is a dramatic reversal given sentencing trends in Los Angeles, which has sent 219 people to death row.

Description of the Project for Which Funding Is Sought:

Death Penalty Focus seeks general support funding.

Rationale for Recommendation:

This grant supports the Criminal Justice Fund's goal of eliminating harsh punishment. It also furthers the goals of the Campaign to End the Death Penalty by 2025, a nationally coordinated effort spearheaded by OSF's leadership.

California represents a critical battleground in the national effort to end the death penalty. It is one of the largest state in the country and a state with significant influence on national trends. California has the largest death row of any state by far, with 714 people currently awaiting execution. More than 20 percent of the people on death row in the United States are in California prisons.

In June 2008, the bi-partisan California Commission on the Fair Administration of Justice (CCFAJ) published its comprehensive analysis of the state's death penalty system. The CCFAJ determined that it takes an average of 25 years for death penalty cases to move through the mandatory court review process. The primary cause of these delays is the lack of attorneys willing to take capital cases and the dearth of court staff to review them. The poor quality of representation in death penalty cases presents another problem. The federal district courts in California and the 9th Circuit currently reverse two out of three death penalty cases because of the poor performance of the attorneys. Even death penalty supporters recognize that the California system is, in the words of California Chief Justice Ronald M. George, "dysfunctional."

The CCFAJ also noted the excessive cost of death sentencing. It currently costs $137 million annually to administer the death penalty in California above and beyond the cost of permanent imprisonment. If everyone on death row were sentenced to permanent imprisonment, the net savings would be at least $125 million every year. Factoring in the cost of constructing a new death row, California is on track to spend $1 billion on the death penalty in the next five years.

DPF is perfectly positioned to capitalize on the momentum created by the CCFAJ's report to bring greater public attention to the flaws in California's death penalty and to press for reforms. The state's unprecedented fiscal crisis makes this opportunity even more compelling. In light of the deep cuts to public services, it is more and more difficult to ignore the financial burden of death sentencing. This is especially true on the local level, where policy makers are faced with the possibility of laying off prosecutors and police.[3]

Given the current environment, California remains ripe for significant change with regard to the death penalty. The state has executed only 13 people since the death penalty was reinstated in 1977. Between January and June of 2011 only three new death sentences were handed down. This is the lowest number of new death sentences in a six-month period since capital punishment was reinstated. During the same period last year, there were 13 new death sentences. The decline indicates that prosecutors and jurors are rejecting the death penalty. Moreover, challenges to the lethal injection process have put executions on hold.

For all of these reasons, it is more critical than ever to mobilize the victims' family member community, law enforcement and public safety officials, and religious leaders to speak out and educate potential jurors and the public at large about the extreme flaws and failures in California's death penalty system. Victims' family members and law enforcement officials especially can explain first-hand how the current system consistently fails victims as well as the larger community.

[3] This focus on the exorbitant cost of capital punishment and its negative impact on other government services is complementary to but not part our newly-launched Campaign to Reduce Mass Incarceration in California.

Given DPF's strong organizational partnerships, established core programs, dedicated membership base, and solid strategic goals to end the death penalty in California, the Criminal Justice Fund recommends a general support grant in the amount of $175,000 over two years.

Grant ID: 20033574

Legal Name of Organization: Campaign for the Fair Sentencing of Youth

Tax Status: other

Name of Fiscal Sponsor: Tides Center

Purpose of Grant: to coordinate, develop, and support state-based efforts to implement just alternatives to extreme sentencing by abolishing life without parole sentences for youth

Grant Description: $260,000 project support renewal over two years to continue to support the development of state-based campaigns working to end the practice of sentencing youth to life in prison without parole. The Campaign for Fair Sentencing of Youth provides strategic support to emerging state-based efforts to end this practice by: 1) improving and facilitating communication and collaboration among national and state advocates; 2) providing technical assistance and training to advocates; 3) coordinating reform efforts with litigators; 4) expanding the national campaign by engaging new allies; and 5) coordinating with advocates and litigators to respond to the Supreme Court's decision in *Graham v. Florida*, which prohibited the sentencing of juveniles to life without parole for non-homicide offenses. This grant would advance the Criminal Justice Fund's goals of eliminating harsh punishment and racial disparities in sentencing practices.

Previous OSI Support: $170,000 from Criminal Justice Fund, 2010

Organization Budget: $81,901,725 (Tides Center)

Project Budget: $534,371

Major Sources of Support:

USHRF	$ 86,000
Individual Contributions	$ 40,000
Ford Foundation	$165,000 (will request)
New Foundations	$ 90,000 (will request)
Butler Family Fund	$ 15,000 (will request)

Amount Requested: $260,000

Is this a contingent grant? No

Amount Recommended: $260,000 (T1: 24016)

Term: 2 years, beginning January 1, 2012

Matching Requirements: n/a

Description of Organization:

Launched in February 2009, the Washington, DC-based Campaign for the Fair Sentencing of Youth ("CFSY" or "Campaign") uses a multi-pronged strategy, including coalition building, public education, strategic advocacy, and collaboration with impact litigators, to end the sentencing of youth to life in prison without the possibility of parole. This comprehensive approach was developed after several national meetings supported by the Open Society Foundations and the JEHT Foundation beginning in 2005. The Campaign is modeled after the strategy utilized to eliminate the use of the death penalty for children. The Tides Center serves as the fiscal sponsor for the Campaign.

CFSY is the only national coordinating body that supports advocates around the country working to end sentencing of juveniles to life without parole and other extreme sentencing for youth. Rather than having disparate local campaigns, the CFSY brings several state-based groups together in one organized and strategic movement. The Campaign currently supports state reform at various stages of development in Alabama, California, Florida, Illinois, Iowa, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, Pennsylvania, and the state of Washington.

Description of the Project for Which Funding Is Sought:

CFSY seeks project support to end the sentencing of juveniles to life without the possibility of parole (JLWOP). To achieve this goal, the CFSY works to implement the objectives listed below.

Enhance state-based strategies to reform or end the practice of sentencing juveniles to life without parole
The Campaign provides the following resources and technical assistance to state-based advocates:

- Criteria for model sentencing policies, advocacy strategies, expert witnesses, public statements, letters of support, and other resources;
- Regular communication and with campaign advocates about policy-reform efforts;
- Effective documentation methods, including interviewing, corresponding with, and collecting data about juveniles serving JLWOP; and
- Research and best practices about advocacy strategies that incorporate the participation and perspectives of juveniles serving JLWOP, their family members, and victims' family members.

Promote strategic communications to raise awareness about juvenile life without parole sentences
CFSY works with litigators, communications experts, and advocacy organizations to develop effective communications strategies to support the reform and abolition of JLWOP sentences. Specifically, CFSY coordinates a state-focused JLWOP communications strategy in more than a dozen states. This strategic support includes the development of consistent media messages across the country; working with state-based campaigns to help tell a more complete story about who is affected by JLWOP; pitching stories about JLWOP reform efforts to journalists and media outlets; and assisting state campaigns with their communication plans.

Develop and expand the coalition of partners working to end JLWOP at the state and federal levels
The effort to end JLWOP requires active recruitment and coordination of national partners and unlikely allies—e.g., victims' groups—to support policy reform. CFSY has gained the official support of over 80 organizations and continues to recruit new allies. Some of these national partners include the National PTA, National Juvenile Justice Network, Youth Law Center, Campaign for Youth Justice, Equal Justice Initiative, Human Rights Watch, ACLU, the American Bar Association, and NAACP. The Campaign is now intensively coordinating with the National Family Network, a newly formed network of family members of individuals involved with the criminal justice system. This new relationship enhances CFSY's working relationship with directly impacted communities, thereby strengthening the overall movement for JLWOP reform.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goals of eliminating harsh punishment and racial disparities in sentencing practices by supporting a national infrastructure working to end the practice of sentencing youth to prison without the possibility of parole.

The United States is the only country in the world that continues to sentence juveniles to life without parole. Currently, there are over 2,500 such sentences being served. States with the largest number of JLWOP sentences include Pennsylvania (444), Michigan (346), Louisiana (335), Florida (266), California (250), and Missouri (116). Detailed research about the people serving JLWOP around the country shows systemic racial disparities, gross failures in legal representation, and many examples of youth being sentenced more harshly than adults convicted of the same crimes. African American youth constitute 60 percent of the youth serving life without parole nationwide and whites constitute 29 percent. On average across the country, African-American youth are serving life without parole at a per capita rate that is 10 times that of white youth. Many states have racial disparities that are far greater. Among the 26 states with five or more youth offenders serving life without parole, the highest African-American to white ratios are in Connecticut, Pennsylvania, and California, where African-American youth are between 18 and 48 times more likely to be serving a sentence of life without parole than white youth. In California alone, 75 percent of all JLWOP cases are African-American (at a rate 18.3 times higher than whites) or Latino (at a rate five time higher than whites).

CFSY is uniquely positioned as the only national group dedicated to coordinating JLWOP reform. In this role, CFSY works diligently to include a diverse group of advocates. including family members of people serving sentences, faith leaders, attorneys, national and grassroots organizations, and human rights organizations. CFSY has already increased state-based capacity to take on JLWOP reform and will continue to do so by: 1) developing more coordinated strategies among state campaigns; 2) advancing state-specific goals to end JLWOP through the use of strategic communications; 3) expanding coalitions to include a broader base of support in states with active campaigns; 4) growing positive media coverage of JLWOP reform efforts; 5) enhancing public awareness of the consequences of JLWOP; and 6) raising awareness of key decision-makers about JLWOP in the federal system.

In May 2010, the Supreme Court ruled in *Graham v. Florida* that sentencing a child to life in prison without the possibility of parole for a non-homicide offense constitutes cruel and unusual punishment under the Eighth Amendment.[4] The ruling has impacted more than 200 cases that involve non-homicide offenses. Before and after the decision, CFSY coordinated extensively with national partners and other CJF grantees such as the Equal Justice Initiative, Juvenile Law Center, and the Capital Litigation Communications Project to support the dissemination of media messaging. CFSY also provided limited litigation support to attorneys working with individuals eligible for resentencing after the *Graham* ruling. Moreover, the Court's landmark ruling in *Graham* has made other JLWOP reforms ever more possible. To advance reform efforts further, CFSY will continue to coordinate with its partners to build a national movement.

For the above mentioned reasons, the Criminal Justice Fund recommends a project support grant of $260,000 over two years to the Campaign for the Fair Sentencing of Youth.

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[4] USP Board Member Bryan Stevenson, executive director of Equal Justice Initiative of Alabama, a CJF grantee, was lead counsel in the companion case *Sullivan v. Florida*. The Court ruled in *Sullivan* that cert had been improvidently granted. Despite this outcome, Mr. Stevenson's oral argument was highly influential in the Court's ruling in *Graham v. Sullivan*.

Grant ID: 20033571

Legal Name of Organization: Campaign for Youth Justice

Tax Status: 501(c)3 public charity

Name of Fiscal Sponsor: n/a

Purpose of Grant: to provide general support

Grant Description: $600,000 general support renewal over two years to support a national campaign to end the practice of trying, sentencing, and incarcerating children in the adult criminal justice system and to improve conditions of the juvenile justice system. To achieve its goals, the Campaign for Youth Justice will continue to replicate a campaign approach in states across the country. It has played a catalyzing role at the state level by: 1) developing leadership and forging relationships with state-based advocates; 2) providing strategic support and technical assistance to state-based campaigns; 3) supporting and developing evidence-based research about youth who are tried in the adult system; and 4) engaging youth, parents, and families in the development and implementation of state campaigns. This grant would advance the Criminal Justice Fund's interests in eliminating harsh punishment by ending the treatment of children as adults in prosecution and sentencing and in expanding the civic engagement, advocacy, and leadership of people directly impacted by criminal justice policy.

Previous OSI Support: $1,470,000

- $335,000 from Criminal Justice Fund, 2010
- $135,000, from JEHT Emergency Fund, 2009
- $1,000,000 from Gideon Project and Strategic Opportunities Fund, 2007

Organization Budget: $1,295,000

Project Budget: n/a

Major Sources of Support:

Public Welfare Foundation	$250,000
Atlantic Philanthropies	$230,000
California Endowment	$130,000
Ford Foundation	$100,000
Annie E. Casey Foundation	$80,000

Amount Requested: $600,000

Is this a contingent grant? Yes

Amount Recommended: $600,000 (T1: 24016)
($200,000 from 2011 budget, $200,000 from 2012 budget)

Term: 2 years, beginning January 1, 2012

Matching Requirements: n/a

Description of Organization:

The Campaign for Youth Justice (CFYJ), based in Washington, D.C., was launched in 2005 to end the practice of trying, sentencing, and incarcerating youth under the age of 18 in the adult criminal justice system. CFYJ also seeks to promote research-based, developmentally-appropriate rehabilitative programs and services for youth as an alternative to the adult criminal justice system. The strategic goals of CFYJ are: 1) to reduce the number of youth prosecuted as adults; and 2) to decrease the harmful impact of prosecuting youth as adults with a focus on reducing their detention and incarceration in adult jails and prisons.

CFYJ accomplishes its goals through the following strategies:

State-Based Campaigns and Technical Assistance. CFYJ is working to change policies in a targeted number of states to decrease the prosecution of youth in adult criminal court and halt the placement of youth in adult jails and prisons. CFYJ provides technical assistance to state-based campaigns, including capacity building, organizing training, media assistance, research and policy support, and advocacy support. In addition, the Campaign provides intensive technical assistance in more than a dozen current state-based campaigns, including Connecticut, Maryland, North Carolina, Virginia, and Wisconsin.

Youth, Parent & Family Engagement. To promote and represent parent and family voices in policy reform efforts, CFYJ provides support, advocacy training, organizing tools, and educational materials to families. One example of such efforts is the CFYJ-initiated "National Parents Caucus," a clearinghouse of information and a support network that encourages parent and family leaders to become engaged in state policy reform to end the prosecution of youth in adult criminal court and the placement of youth in adult jails and prisons. CFYJ also provides training to a core group of parents and their families who are interested in leading advocacy efforts in their states.

National Outreach and Coalition Building. CFJY's national outreach program focuses on creating awareness and political will among key decision-makers. To garner support for policy reforms, CFYJ documents the position statements of national juvenile and criminal justice system stakeholder organizations and professional associations on the prosecution of youth in adult criminal court, including the placement of youth in adult jails and prisons. To engage broad constituencies throughout the country, CFYJ works with leading organizations in the juvenile justice field and national civil rights organizations, and reaches out to juvenile and adult court judges, juvenile and adult detention and correctional administrators, probation and parole departments, youth-serving agencies, legal organizations, and state and local advocacy groups.

Media and Communications. To elevate the issue of prosecuting, sentencing, and incarcerating youth as adults, CFYJ works with editorial boards to develop and publish editorials, opinion pieces, and letters to the editors in targeted markets that complement state and federal campaigns. CFYJ also provides communications assistance to state-based campaigns to increase their capacity to promote the issue in the media and garner the attention of policymakers. As a result of its efforts, CFYJ obtained media coverage of the issue of prosecuting youth as adults in major media outlets, including The Associated Press, Time.com, *The Washington Post*, *The Baltimore Sun*, National Public Radio, *The New York Times*, *The Washington Post*, and *The Pittsburgh Gazette*.

Federal Campaigns. CFYJ supports federal policies that advance state efforts to substantially reduce the prosecution of youth in adult criminal court and remove children from adult jails and prisons.

Opportunities to advance this agenda include the Prison Rape Elimination Act regulations, the Juvenile Justice & Delinquency Prevention Act regulations, and the Juvenile Justice & Delinquency Prevention Act reauthorization. CFYJ also educates the public and policy makers on the role of the federal government in improving juvenile justice systems by hosting conference calls with national organizations and state and local allies, developing and disseminating nonpartisan policy analysis and media outreach.

Research & Policy Analysis. CFYJ promotes national research on the prosecution of youth as adults and advises federal agencies, universities, and researchers who study the number of youth prosecuted as adults and how they are treated by the justice system. CFYJ has issued several influential policy briefs, including a series to document the inequities and consequences of racism for vulnerable children in the criminal justice system.

Description of the Project for Which Funding Is Sought:

The Campaign for Youth Justice requests general support funding.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's interests in eliminating harsh punishment by ending the treatment of children as adults in prosecution and sentencing and in expanding the civic engagement, advocacy, and leadership of people directly impacted by criminal justice policy.

Youth who are prosecuted, sentenced, or incarcerated in adult jails and prisons are a population that falls through the cracks and have limited advocacy on its behalf. While many state and national organizations condemn the practice of prosecuting young people as adults, juvenile justice advocates do not always have the capacity to include this population in their calls for transforming the justice system in their states. Additionally, because youth who are transferred to the adult system are not considered part of the juvenile justice system, they are often invisible.

Every year, an estimated 200,000 youth are prosecuted in the adult criminal justice system, and over 10,000 youth are charged or sentenced as adults and languish in adult facilities where they are among the most vulnerable populations at risk for assault, abuse, and suicide. According to the Bureau of Justice Statistics, in 2005 and 2006, 21 percent and 13 percent of all substantiated victims of inmate-on-inmate sexual violence in jails respectively were youth under the age of 18, although only 1 percent of jail inmates are juveniles. In June 2009, the National Prison Rape Elimination Commission (NPREC) issued its final report to Congress and the Obama Administration highlighting the fact that youth under 18 are at the greatest risk of sexual assault in adult jails and prisons. NPREC cited strong concerns that even potential remedies to protect youth, such as placement in isolation or in solitary confinement, could be detrimental to youth's mental health. Additionally, youth are also 36 times more likely to commit suicide in an adult jail than in a juvenile detention facility and 20 times more likely to commit suicide in an adult jail than youth in the general population.

Despite the stark statistics, CFYJ has worked with advocates at the state level to advance meaningful reform. Between 2005 and 2010, four states (Colorado, Maine, Virginia, and Pennsylvania) have enacted policy reforms restricting the housing of youth in adult jails and prisons; three states (Connecticut, Illinois, and Mississippi) have expanded their juvenile court jurisdiction so that older youth who previously would be automatically tried as adults are not prosecuted in adult criminal court; ten states (Arizona, Colorado, Connecticut, Delaware, Illinois, Indiana, Nevada, Utah, Virginia, and Washington) have enacted reforms making it more likely that youth will stay in the juvenile system; and four states (Colorado, Georgia, Texas, and Washington) have enacted reforms which take into account the developmental differences between youth and adults.

CFYJ has also worked to advance change at the federal level. In December 2009, the U.S. Senate Judiciary Committee introduced and approved with bipartisan support legislation to reauthorize the Juvenile Justice & Delinquency Prevention Act (JJDPA). To support reauthorization of JJDPA, CFYJ has helped develop reauthorization workshops for key national decision-making groups and identified and assisted with outreach to key decision-makers. While the JJDPA has not yet been reauthorized, CFYJ has laid the groundwork for reauthorization that will include key policy reforms.

Since CFYJ opened its doors, the organization has become an authoritative and respected national leader, leveraging and changing public opinion on transfer issues and reform. CFYJ is the "go to" organization that engages and consults regularly with state-based advocates and impacted communities and family members. It has been highly successful at mobilizing people directly impacted by harsh prosecution and sentencing practices and elevating their voices in media outreach and reform efforts. For these reasons, CJF recommends a general support grant to Campaign for Youth Justice in the amount of $600,000 over two years.

Grant ID 20033511

Name of Organization: Northwestern University

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: to support the Center on Wrongful Convictions of Youth at the Bluhm Legal Clinic to conduct public education, training and litigation efforts aimed at increasing the reliability of evidence used against youth and preventing the wrongful convictions of youth

Grant description: $280,000 project support renewal over two years to continue to support the Center on Wrongful Convictions of Youth's reform effort aimed at increasing the reliability of juvenile convictions and preventing the wrongful convictions of youth. Through research, organizing, training, litigation, and public education, the Center seeks to change the procedures and practices of police and prosecutors who interact with youth, particularly during investigations and interrogations. The center identifies, investigates, and litigates credible innocence claims of wrongfully convicted young people, provides resources and support for actors in the juvenile and criminal justice systems, and advocates for policy reforms that will decrease the likelihood that any youth will be wrongfully convicted. This grant advances the Criminal Justice Fund's priorities to eliminate harsh punishment by addressing the punishment of children and to create a fair and equitable system of justice by reforming the practices of police and prosecutors to prevent the wrongful conviction of youth.

Previous OSI Support: $280,000 from the Criminal Justice Fund, 2010

Organization Budget: $7,935,093 (Northwestern Law School Bluhm Legal Clinic)

Project Budget: $602,005

Major Sources of Support:

Individual Contributions	$124,305
Dr. Scholl's Foundation	$100,000
Public Welfare Foundation	$ 37,500
Arkansas Take Action	$ 20,000
Polk Bros Foundation	$ 20,000
Kirkland & Ellis	$ 20,000

Amount Requested: $280,000

Contingency Grant?: No

Amount Recommended: $280,000 (Criminal Justice Fund, TI: 24017, from 2012 budget)

Term: 2 years, beginning January 12, 2012

Matching Requirements: n/a

Description of Organization

The Center on Wrongful Convictions of Youth (CWCY) was launched at the Bluhm Legal Clinic at Northwestern University School of Law in 2009. Through outreach, advocacy, education, and litigation, CWCY seeks to implement policies and practices that will ensure that the evidence used against youth is reliable. CWCY's particular focus is on reducing the prevalence of false and involuntary confessions from youth by reforming interrogation practices. It is the only organization in the country exclusively dedicated to such a mission.

Description of the Project for Which Funding Is Sought

The Center on Wrongful Convictions of Youth at Northwestern University seeks project funding over two years to conduct public education, training, grassroots coalition and campaign building, and strategic litigation to implement policies and practices that ensure the reliability of evidence against youth. To date, DNA evidence has exonerated 261 individuals of crimes that they did not commit. Many of those innocent men and women served decades in prison before they were vindicated. Many more like them await exoneration. Those ever-multiplying instances of wrongful conviction have drawn much attention from the public and the national media. Before 2008, no attention had focused on those who may be most likely to be wrongfully convicted: children and adolescents. CWCY was created to fill that gap.

CWCY's advocacy model is premised on the belief that awareness of the problem of juvenile false confessions—both among key stakeholders and among members of the general public—is a necessary catalyst for change in police and prosecutorial practices. To develop awareness, the CWCY litigates a small number of strategically selected cases nationwide to demonstrate that overaggressive and improper police interrogation tactics induced children to falsely confess to a crime that they did not commit. CWCY uses the stories of those innocent children to educate both the public about the problem of youthful false confessions through media-based outreach and stakeholders such as defense attorneys, police, and prosecutors about the same problem through trainings and seminars. Specifically, CJF funding will allow CWCY to carry out the strategies listed below.

1. Engage in strategic litigation to challenge the wrongful conviction of juveniles. CWCY will continue to litigate cases in jurisdictions that are ripe for policy-level reform and file amicus briefs in cases that raise youth interrogation issues. Examples of successes include the Arkansas case of twelve-year-old Thomas Cogdell who falsely confessed during a psychologically brutal interrogation to the murder of his sister. CWCY's litigation efforts helped to secure release of Cogdell in November 2010. Currently, CWCY is working in tandem with the Innocence Project and the University of Chicago on two similar sets of cases in Illinois known as the Dixmoor Five and Englewood Five. In each case, five African-American teenage boys in Chicago confessed during police interrogation to a gang rape and murder; nine of the ten were sentenced to decades-long prison sentences and six remain incarcerated today. CWCY and its partners won court-ordered DNA testing in both cases that proves the innocence of all ten and identifies the real perpetrators to a scientific certainty. Although the State of Illinois is still fighting to keep the litigants imprisoned, CWCY and its partners believe they will be able to secure release and exoneration.

***2. Support state-based reform efforts to reduce the wrongful conviction of youth*.** CWCY's main policy objectives include: 1) requiring police departments to electronically record all interactions between police and youthful witness or suspects; 2) reforming police interrogation tactics when the person being questioned is a child, such as preventing the use of leading questions, lying about evidence or implying that a confession will result in leniency; and 3) preventing the use of children's uncounseled statements to

expose them to adult consequences. The Center leads and takes part in broad public outreach efforts to achieve these policy reforms. For instance, its litigation victories in Arkansas have enabled it to lead a diverse coalition of law enforcement officials, journalists, attorneys, teachers, juvenile and family advocates, exonerees, and others in support of statewide reform that will reduce the risk of future wrongful conviction. As a result, Arkansas's state judiciary Committee on Criminal Practice has formally recommended that the Arkansas Supreme Court adopt an evidentiary rule urging that every custodial interrogation be electronically recorded from start to finish. CWCY expects a favorable decision from the Court within the coming months. The Center is also leading a grassroots campaign in Illinois demanding changes in interrogation practices with youth, including the electronic recording of all interrogations and preventing coercive interrogation tactics. During the next two years, the Center will also work with advocacy partners to reform juvenile interrogation practices in other targeted jurisdictions.

3. Increase public awareness of the problem and causes of wrongful convictions of youth through public education and training. CWCY conducts public education by crafting media strategies that frame each exoneration as a need for policy reform of juvenile interrogation tactics. To implement these tactics, the Center publicizes its cases through traditional media, including newspapers and television, in addition to web-based outlets. To highlight the need for policy reform, CWCY also builds relationships with stakeholders across the country - including defense attorneys, family advocacy groups, judges and law enforcement officials—and conducts training to educate these stakeholders about juvenile interrogation tactics. To advance its public education and outreach, CWCY will continue to develop and update its website and a practitioner's toolkit, with sample briefs, motions, filings, and news articles relating to issues relevant to the wrongful convictions of youth. It will also continue to analyze recent court decisions, legislation, social science research, and clinical psychology studies from across the country that advance the rationale for treating youth who are being interrogated and prosecuted with more caution.

Rationale for Recommendation

This grant advances the Criminal Justice Fund's goals to eliminate harsh punishment by addressing the criminalization of children and to create a fair and equitable system of justice by reforming the practices of police and prosecutors to prevent the wrongful conviction of youth.

Post-conviction DNA testing and the innocence movement have brought much needed attention to the problem of wrongful convictions generally. However, often overlooked is the fact that that 20 percent of post-conviction DNA exonerations since the first in 1989 involves individuals who were accused as teenagers or children. As stated in *Roper v. Simmons*, adolescents, compared to adults, are categorically less mature, less able to weigh risks and view long-term consequences, more vulnerable to peer pressure, and more compliant with authority figures. Youthful differences make young people disadvantaged defendants—they are often unable to appreciate the gravity of their circumstances, exercise their rights as an accused, or adequately assist counsel in preparing a defense.

Most starkly, juveniles are much more susceptible to making unreliable police-induced statements, including false confessions to their own guilt and/or false accusations against peers. The younger the defendant, the greater likelihood there is of a false confession. The United States Supreme Court has acknowledged the reality of police-induced false confessions, citing CWYC's work as proof that the pressures associated with custodial interrogation "can induce a frighteningly high percentage of people to confess to crimes they never committed."[5] This statement is unquestionably true for adults; but its truth is amplified a hundredfold when the police interrogate compliant, frightened children. Indeed, the Supreme Court recently relied on an *amicus curiae* brief filed by the CWCY in *J.D.B. v. North Carolina* to

[5] *Corley v. U.S.*, 129 S. Ct. 1558 (2009).

conclude that the risk of false confession "is all the more troubling—and…all the more acute—when the subject of custodial interrogation is a juvenile.[6]

Anecdotal evidence also casts light on this problem. In Michigan, new evidence discovered that Davontae Sanford confessed to police and pled guilty at the age of 14 to a quadruple murder that he did not commit. Under the threat of an adult prosecution, a teenager in Virginia pled guilty to raping another teen, although both the victim and her mother now admit that the sex was consensual. Post-conviction DNA testing also recently excluded Anthony Caravella as the rapist in a Broward County, Florida case. Caravella was 15 at the time of his arrest.

Although there are a growing number of innocence projects around the country and numerous coalitions working on juvenile justice issues, CWCY is the only organization that is seeking juvenile-specific reforms through an innocence or reliability framework. Focusing on innocence and reliability is a strategic foundation around which to build a consensus as no one believes that an innocent person should be incarcerated. Similarly, focusing on youth strategically capitalizes on public support for rehabilitation, second chances, and the fair treatment of juveniles.

Support of CWCY is consistent with the Criminal Justice Fund's broader priority of investing in the reform of "front end" police and prosecution practices. The wrongful convictions of youth begin with the way police and prosecutors investigate and charge suspected young offenders. Yet police departments have refused to alter their traditional investigation and interrogation techniques of younger suspects, notwithstanding undisputed scientific evidence that they are developmentally different than adults. For example, the Reid Technique—the most popular model used by police in interrogating suspects—does not recommend taking any special precautions when interrogating a minor. Pursuing reforms in the way police and prosecutors treat juvenile suspects may also lead to reforms in the way police and prosecutors treat all suspects.

OSF funding will allow the Center to strengthen its efforts to advance juvenile justice reform and alter police and prosecution practices that lead to the wrongful convictions of youth. For the above mentioned reasons, the Criminal Justice Fund recommends a grant of $280,000 over two years to the Center on the Wrongful Convictions of Youth at Northwestern University.

[6] *J.D.B. v. North Carolina*, June 16, 2011, slip op. at 6 (citing Brief for Center on Wrongful Convictions of Youth et. al. as Amici Curiae).

Grant ID: 20033600

Legal Name of Organization: Immigrant Defense Project

Tax Status: Other

Name of Fiscal Sponsor: Fund for the City of New York

Purpose of Grant: to protect and promote the legal, constitutional, and human rights of immigrants with criminal arrests and convictions through impact litigation, criminal defender training, policy advocacy, and community education.

Grant Description: Renewed project grant, co-funded with the Equality and Opportunity Fund, to support the Immigrant Defense Project's work to protect the legal, constitutional, and human rights of immigrants facing detention and deportation as a result of interactions with the criminal justice system. Project funding will support efforts to counter overreaching government interpretations of current criminal and immigration laws through impact litigation, criminal defender training, policy advocacy, and community education. This grant advances the Criminal Justice Fund's goals of securing a fair and equitable system of justice through improving the ability of our nation's indigent defense systems to protect the rights of immigrants charged with criminal offenses and of eliminating harsh punishment by challenging excessive immigration enforcement practices. The grant also advances the Equality and Opportunity Fund's priority of promoting fair immigration enforcement, detention and deportation policies.

Previous OSI Support: $510,000

- $400,000 from Criminal Justice Fund and Equality and Opportunity Fund, 2009
- $35,000 from Strategic Opportunities Fund, 2005
- $75,000 from U.S. Programs General Grants, 2002

Organizational Budget: $40,756,000

Project Budget: $2,096,417

Major Sources of Support:

Ford Foundation	$300,000 (requested)
Ford Foundation (DIP)	$223,400
New York Foundation (Rikers Project)	$132,500
Equal Justice Works Fellowship	$ 78,000
New York Community Trust	$ 20,000

Amount Requested: $400,000

Is this a contingent grant? No

Amount Recommended: $400,000

$250,000 CJF (T1: 24017)
$150,000 EOF (T1: 24449)

Term: Two years, beginning June 1, 2011

Matching Requirements: n/a

Description of Organization:

The Immigrant Defense Project (IDP) was launched at the New York State Defenders Association (NYSDA) in 1997 in response to the draconian 1996 immigration laws, which placed hundreds of thousands of immigrants at risk of mandatory detention and deportation for virtually any interaction with the criminal justice system. Based in New York, but working nationally, IDP's mission is to promote fundamental fairness for immigrants accused or convicted of crimes. In January 2009, IDP transitioned from a project of NYSDA to its current status as an independent organization fiscally sponsored by the Fund for the City of New York, which was established by the Ford Foundation in 1968 with the mandate to improve the quality of life for all New Yorkers. In partnership with government agencies, nonprofit institutions and foundations, the Fund has developed and helped to implement innovations in policy, programs, and practices that advance the functioning of government and nonprofit organizations in New York and nationally.

IDP is led by Manuel Vargas, Senior Counsel, a national expert on the immigration consequences of criminal convictions and author of several legal resource materials for advocacy on behalf of immigrants accused of crimes, including *Representing Immigrant Defendants in New York.* Vargas' advocacy on behalf of immigrants has been recognized by the American Immigration Lawyers Association (2007 Jack Wasserman Award for Excellence in Litigation in the Field of Immigration Law), the New York State Bar Association (2002 Award for Outstanding Contribution to the Delivery of Defense Services), the New York State Attorney General's Office (2002 Award for Distinguished Public Service in the Legal Profession), and the Public Interest Law Foundation at the New York University School of Law (2000 Award for Outstanding Contributions in Public Interest Law).

Description of the Project for Which Funding Is Sought:

Over the next two years, IDP will continue efforts to protect and promote the legal, constitutional, and human rights of immigrants with criminal arrests and convictions by supporting efforts to: (1) scale back overreaching government interpretations of current deportation and criminal laws through impact litigation; (2) improve criminal defense representation of immigrants through regional and national defender training programs; (3) support reform of the current mandatory deportation system through policy analysis focused on the criminal-immigration intersection; and, (4) build capacity among community groups and organizers to respond to aggressive immigration enforcement practices through the expansion of its public education programs. OSF funding will support the following project activities:

Litigation: (1) In partnership with the Stanford Immigrant Rights Clinic, the National Association of Criminal Defense Lawyers (NADCL), and the California Attorneys for Criminal Justice IDP will support litigation in the 9th Circuit and identify other opportunities in the lower courts to advance the *Carachuri* ruling; (2) in partnership with the Immigrant Justice Clinic of Cardozo Law School, IDP will support litigation challenging the practice of requiring immigrants to re-litigate their criminal cases in immigration removal proceedings; (3) in partnership with NACDL and NYSDA, IDP will support litigation challenging the deportation of immigrants on the basis of a conviction subject to direct appeal and intervene as *amicus* in two cases pending in New York's highest court that will determine whether criminal courts may automatically dismiss appeals of defendants who have been deported, and; (4) in partnership with the New York Civil Liberties Union, IDP will identify clients with potential claims

against Immigration Customs and Enforcement, Department of Corrections, and/or municipalities across NYS for unconstitutional practices related to immigration enforcement programs.

Training: In collaboration with national immigrant rights and criminal defense organizations, IDP will continue to educate line and chief defenders about their responsibilities under *Padilla v. Kentucky* and develop strategies to better protect the rights of their immigrant clients.

Policy: IDP will partner with national organizations working on immigration enforcement, detention, and deportation issues to develop coordinated national strategies that challenge collaborations between ICE and local law enforcement. It will develop targeted messaging that fosters a paradigm shift in the national immigration reform discourse that does not further marginalize immigrants with criminal records.

Public Education: IDP will train community groups and leaders using its *Deportation 101* curriculum, an innovative training tool that builds the capacity of immigrant and criminal justice service providers, community organizers and leaders to respond to their members' interactions with the criminal justice system; conduct Know-Your-Rights presentations and workshops about the current deportation system and Immigration and Customs Enforcement programs so that immigrant communities are better informed on ways to navigate the criminal justice and deportation systems; and expand the Rikers Island workshops into a national model for community education and organizing efforts. These biweekly and bilingual workshops will be provided to immigrant detainees at Rikers Island, the world's largest local jail complex, with the opportunity to shape the trajectory of their pending criminal and immigration cases.

Rationale for Recommendation:

This grant advances the Criminal Justice Fund's goals of securing a fair and equitable system of justice through improving the ability of our nation's indigent defense systems to protect the rights of immigrants charged with criminal offenses and of eliminating harsh punishment by challenging excessive immigration enforcement practices. The recommended grant also advances EOF's overarching goal of supporting efforts to ensure justice and equality, prohibit arbitrary and discriminatory government action, and to lift barriers that prevent people from participating fully in economic, social, and political life. Further, it advances the specific immigrant rights grantmaking priority of promoting fair immigration enforcement, detention and deportation policies.

According to the U.S. Census Bureau, approximately 12 percent of the United States population is foreign-born. In areas of high immigrant population, such as California, Texas, and New York, 60 percent or more of public defender caseloads concern noncitizens. Noncitizens convicted of crimes are subject to a devastating second punishment in the form of deportation or exclusion, a punishment that in many cases is grossly disproportionate to the crimes charged and strikingly disparate from the consequences for citizens convicted of similar offenses. Even a single conviction for a minor offense, such as simple marijuana possession, could result in mandatory and extended immigration detention, mandatory deportation, permanent separation from family and community and, in some cases, persecution or even death upon return to the country of origin.

Additionally, the increasingly harsh interpretations of immigration laws and zealous enforcement practices by the Department of Homeland Security, coupled with no right to assigned counsel in deportation cases, have dramatically increased the number of persons detained and deported for criminal offenses. Immigration enforcement has become increasingly enmeshed with the criminal justice system, resulting in new or expanded Immigration and Customs Enforcement (ICE) programs, such as Secure Communities, Criminal Alien Program, and 287(g), to identify, detain and deport noncitizens accused of crimes in record numbers. By 2013, ICE expects to enroll every U.S. jail in a network that allows the

agency to deport immigrants that have been arrested. Sadly, in 2010 the Obama administration deported a record number of 392,000 immigrants.

IDP is among a handful of nonprofit legal organizations across the country that has specialized expertise in the intersection of criminal and immigration law and the only legal organization that focuses exclusively on criminal-immigration issues. In 2010, IDP played a pivotal role in two major Supreme Court victories for immigrants accused or convicted of crimes. In *Padilla v. Kentucky,* the Court held that the Sixth Amendment's guarantee of effective assistance of counsel requires criminal defense attorneys to advise noncitizen clients of the immigration consequences they face as a result of conviction. In *Carachuri-Rosendo v. Holder,* the Court unanimously rejected the government's position that multiple low-level, simple possession offenses could be lumped together to constitute a "drug trafficking" aggravated felony for purposes of deportation. These landmark decisions were the capstone on IDP's multi-year efforts to educate the courts, the legal community, and the public about the severely disproportionate immigration penalties the government attaches to even minor criminal offenses.

On the policy front, IDP achieved a remarkable victory this summer in its efforts to end the Secure Communities program in New York State. In partnership with the Northern Manhattan Coalition for Immigrant Rights, it organized and led the campaign that culminated in Governor Cuomo's decision to indefinitely suspended New York's participation in this controversial federal deportation program, which is operated by local law enforcement. New York is now one of three states that have opted-out of this program. IDP intends to capitalize on this victory by supporting advocates engaged in similar efforts in other states and, thereby, pressure the federal government into terminating the Secure Communities program.

The laws governing immigration consequences of criminal convictions are hyper-technical, jurisdiction-specific, and fast-changing. Without resources targeted specifically for use by criminal defenders or an expert immigration attorney willing to consult on each case, indigent defense counsel simply cannot effectively represent their noncitizen clients on these issues. IDP was the first organization in the country to create resources and training programs tailored to criminal defense attorneys who represent immigrants and has increased its efforts in light of the *Padilla* decision. IDP's expertise in this emerging and complex area of the law, the consistently outstanding quality of its trainings and resource materials, technical assistance and legal analysis, and its ability to organize broad coalitions have made IDP a regional and national leader in advancing the legal rights of immigrants targeted by aggressive immigration enforcement policies and practices.

The Immigrant Defense Project is a key ally in CJF and EOF's efforts to end the criminalization of immigrants. For the above mentioned reasons, the Criminal Justice Fund and the Equality and Opportunity Fund recommend renewed project support grant to the Immigrant Defense Project in the amount of $400,000 over two years.

Grant ID 20033258

Legal Name of Organization: Trustees of Columbia University in the City of New York

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: to support the Center on Crime, Community and Law at Columbia Law School to conduct quantitative and qualitative survey research of New York City residents to understand their experience and capture their analysis of stop, question, and frisk

Grant description: $125,000 project support over one year to allow the Center on Crime, Community and Law at Columbia Law School to conduct quantitative and qualitative survey research of New York City residents to understand their experience and capture their analysis of stop, question, and frisk. Surveys for adults will address if the adult population supports the practice, how the practice affects their families, how the practice affects their view of the legitimacy of the police, and whether residents are willing to sacrifice their rights for the promised security of stop and frisk policing. 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 OSI Support: n/a (for this project)

Organization Budget: $100,805,858 (Columbia Law School)

Project Budget: $225,000

Major Sources of Support: Atlantic Philanthropies $100,000

Amount Requested: $125,000

Is this a contingency grant?: No

Amount Recommended: $125,000 (Criminal Justice Fund, TI: 24017)

Term: 1 year, beginning October 1, 2011

Matching Requirements: n/a

Description of Organization

Columbia University was founded in 1754 as King's College by royal charter of King George II of England. It is the oldest institution of higher learning in New York and the fifth oldest in the United States. The project will be managed and led by principle investigators at the Center on Crime, Community and Law at Columbia Law School. Founded in 1858, Columbia Law School is one of the first law schools established in the United States. Today, Columbia Law School enrolls approximately 1,200 Juris Doctor students and approximately 210 graduate students. Founded in 2002, the Center on Crime,

Community, and Law at Columbia Law School draws on law and social science to analyze problems in criminal law and criminal justice, including drug policy, juvenile justice, and terrorism. The Center's research programs examine the interaction of individuals and communities with law and legal institutions and demonstrate the impacts of criminal justice policy on communities and individuals.

Description of the Project for Which Funding Is Sought

Columbia University seeks funding over one year to support research that will provide new and systematic evidence on how New York City residents experience and evaluate stop, question and frisk (SQF) tactics. The project will survey 1,000 adult residents in a random sample of New York City neighborhoods to evaluate whether SQF practices have public support or whether they breed cynicism that leads to alienation from the law. The project will also gauge what citizens want from the police and how they want their neighborhoods to be patrolled. The results of the study will complement the researchers' ongoing study of the experience and views of young persons, who comprise about half of SQF encounters in NYC. That study seeks to assess the impacts of specific encounters with the police on the perceptions of legitimacy among young people and also gauge the impact of stops on their emotional well-being and their willingness to cooperate with the police. The currently proposed adult survey will address the following questions:

- How common are SQF tactic in their neighborhoods and how do citizens view them?
- How do the police conduct stops? Do they treat citizens with courtesy and respect?
- How common are searches?
- Do citizens approve of these stops and searches? What alternatives would NYC residents prefer for how police patrol their neighborhoods?
- How do SQF tactics affect their views of the legitimacy of the police and the laws that they enforce? Do their experiences influence their willingness to cooperate with the police?
- Are citizens willing to sacrifice their constitutional rights for the promised security of SQF policing?
- How do SQF tactics affect families and their sense of well-being?
- To what extent do these views and experiences vary by neighborhood? Does more exposure to SQF tactics affect views of the police?

The project team will use neighborhoods as the primary sampling units for the study since they are representative of the overall patterns of police stops and arrests. Within each of 25 representative neighborhoods of the City (about 10 percent of the City's neighborhoods), the research team will interview 40 residents ages 25-65. Residents in the adult age group selected are more likely to be the parents, relatives or neighbors of the young males who are the primary targets of police stops. These neighborhood residents may also be involved in local civic associations (e.g. community boards, church groups, political groups, tenant associations) that shape local opinion.

To analyze the data, the project team will first summarize the citizens' interactions with the police by estimating the rates of their contacts with police and the nature of those contacts. The team will also summarize the basic views and attitudes of the residents interviewed by age, gender and race/ethnicity. Next, the project team will summarize these measures by characteristics of each neighborhood, including their overall wealth or poverty, crime rates, racial composition, and other indicia of economic and social well-being.

The researchers will also examine the overall levels of policing in the neighborhoods, including SQF counts and arrests, and assess how neighborhood characteristics moderate the impacts of policing. This level of analysis will allow the research team to explicitly test how the characteristics of a neighborhood

influence the responses and perceptions of the individuals who live there. Finally, the researchers will determine whether and how policing itself affects residents' perceptions of the legitimacy of law enforcement and their cooperation and compliance with the law.

To maximize coordination, the project team will select respondents in the same neighborhoods as their youth study. Additionally, the survey will complement research currently planned by the Vera Institute to interview small groups of youths and their families in neighborhoods to gather qualitative data.

Rationale for Recommendation

This grant advances the Criminal Justice Fund's priorities of eliminating racial disparities and ensuring a fair and equitable system of justice by providing a better understanding of policing, public safety and New York City residents' relationship with law enforcement.

Proactive policing—including aggressive police stops and frisks of citizens—has been the central feature of policing in New York City since 1994. These tactics have exploded into the public consciousness periodically, heightening public concerns about the racial concentration of police stops and the harsh treatment of citizens in police encounters. But each time, the City's political leaders, and indeed many community stakeholders, dismiss these incidents as rare events whose costs are outweighed by the greater benefits of order and safety. Proponents of these tactics offer narratives to further counter public unrest by claiming that the policing regime is meeting the demands for security of citizens of all races.

The assertions of public safety benefits and broad popular approval for proactive policing have become a justifying ideology for the current policing regime of mass stops and frisks that touches the lives of about one in five adult New Yorkers. However, the claims of widespread benefits and strong popular support have not been substantiated. The need to inject objective and systematic evidence into this political context has taken on new urgency with the release of the 2011 data on stops and frisks by the NYPD: over 183,000 stops were made by NYPD officers from January 1 – March 31, 2011. If this pace continues through the end of the year, the annualized rate of more than 720,000 stops per year will be an increase of 24 percent over the record number set in 2010.

The early 2011 pace of street stops also continues the steady climb in reported stops that began in 2007, and shows the deep institutionalization of stop and frisk into the culture and norms of the NYPD. With the exception of a small decline in 2007, stops have been steadily rising since 2004. The percentage of stops of African Americans and other persons of African descent, including black Hispanics, has risen slowly from about 50 percent in 2004 to 54 percent in 2010. In the first quarter of 2011, the percentage of stops of African Americans and others of African descent has risen to over 58 percent. Stops of Latinos have increased slightly over the same period, and stops of Caucasians have dropped at a slow rate since 2007. In 2006 alone, the police made four stops of African-American males ages 16-18 for every five such residents of the City; the comparable rate for Latinos was 0.38, and 0.1 for Caucasians.

The proposed project fills a gap in existing research and understanding about how New Yorkers experience policing practices. Researchers, law enforcement, and other community stakeholders know little about how citizens experience and evaluate the police in the neighborhoods that bear the brunt of NYPD's order-maintenance policing practices. Moreover, there has been little opportunity to evaluate New York City residents' preferences for policing tactics and styles. The project's findings will help a variety of stakeholders determine whether the widespread use of police street stops is a sustainable approach to policing and crime control. The research will also help social scientists and community stakeholders determine if stop, question, and frisk tactics weaken perceptions of the legitimacy of law enforcement. The principle investigators will make their findings available to advocacy organizations working to address NYPD's zero-tolerance policing practices. The project's findings will play an

important role in the communications strategy used by advocacy groups to educate New Yorkers about NYPD's policing practices.

The project is led by distinguished researchers Jeffery Fagan, Professor of Law and Public Health at Columbia University, Tom Tyler, Professor of Psychology at New York University, and supported by Amanda Geller, Associate Research Scientist at the Columbia University Schools of Social Work and Law. The principal investigators will work with Global Strategies Group to conduct the survey interviews. Global Strategies recently worked with CJF grantee Spitfire Strategies to conduct focus groups of New York residents from neighborhoods most impacted by SQF practices.

The project will give voice to local residents in the most intensively policed areas of the City and provide information necessary for advocacy related to crime, security and civil rights. The project not only addresses the sustainability of contemporary police strategy and tactics in New York City but also in cities across the country—and even abroad. Finally, the project supports the goals of the newly initiated Campaign for Fair and Effective Policing in New York City, an advocacy campaign developed with the support of the OSF and the Human Rights and Reconciliation Programme at Atlantic Philanthropies. For the above mentioned reasons, the Criminal Justice Fund recommends a project support grant in the amount of $125,000 over one year to Columbia University.