

MEMORANDUM

TO: Ken Zimmerman, U.S. Programs Staff
FROM: Criminal Justice Fund
DATE: September 10, 2012
RE: Criminal Justice Fund, October 26th, 2012 docket

The Criminal Justice Fund is considering 10 funding requests, totaling up to \$1,470,000 for inclusion on U.S. Programs' Catch Up Docket scheduled for October 26, 2012. These grants advance our goals of reducing mass incarceration, eliminating harsh punishment, eliminating racial disparities and securing an equitable justice system.

Reducing Mass Incarceration

Ella Baker Center for Human Rights (EBC), \$50,000 general support over one year to the Ella Baker Center for Human Rights in California, an Oakland-based public charity whose mission is to promote positive alternatives to violence and incarceration and to strengthen communities most directly affected by mass incarceration and harsh punishment. The organization's projects include: Books Not Bars, which develops alternatives to youth incarceration and promotes closing youth prisons in California; the Green Collar Jobs Campaign, which creates job opportunities for low-income communities and communities of color by launching training programs, aligning green employers, and advocating for public policies that promote clean energy, green business, and green jobs training; Soul of the City, which promotes civic engagement and leadership development as models for ensuring public safety; and Heal the Streets, which combines youth leadership development and cultural engagement with a strong policy agenda to reduce violence. Ella Baker Center also works closely in coalition with the American Civil Liberties Union of Northern California and the Drug Policy Alliance to reduce the number of people incarcerated in California's Prison System. This grant will advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration and by eliminating harsh and unjust sentencing practices.

Eliminating Harsh Punishment

We are considering 5 grants totaling up to \$980,000 that advance our goal of eliminating harsh punishment. One or more grants (yet to be determined) will further our work related to implementing the U.S. Supreme Court's ruling in *Miller v. Alabama* and *Jackson v. Hobbs* that determined the sentencing of juveniles to life without the possibility of parole to be cruel and unusual punishment. Two grants will support the Fund's continued commitment to the national Campaign to End the Death Penalty by 2025, launched with OSF leadership and one grant will support continued research, advocacy and policy reform efforts to end the practice of "prison gerrymandering," the collateral punishment impacting (mostly urban) home communities of people who are incarcerated by counting inmates as permanent residents of their (mostly rural) prison electoral districts rather than their home electoral districts. A final grant will continue the Fund's exploratory work related to restricting the use of another, related extreme form of punishment, solitary confinement.

Ending Juvenile Life Without Parole

National and State-Based Juvenile Life Without Parole (JLWOP) Advocacy, up to \$400,000 in project support to national and state-based organizations to advance advocacy in response to the U.S.

Supreme Court rulings in *Miller v. Alabama* and *Jackson v. Hobbs*. In these consolidated cases, the Court ruled that mandatory JLWOP sentences are cruel and unusual punishment. More than 2,000 individuals are eligible for resentencing in the coming year. National and state-based organizations, including the Equal Justice Initiative of Alabama and the Juvenile Law Center in Pennsylvania, will undertake efforts to support sentencing relief including focused training on mitigation, coordinating litigation strategies and developing new experts to address concerns unique to resentencing juvenile offenders sentenced to die in prison.

Death Penalty Abolition - Campaign to End the Death Penalty by 2025

Maryland Citizens Against State Executions (MD CASE), \$45,000 to support Maryland CASE's efforts to repeal the death penalty in the state. This grant would support MD CASE's efforts to educate and mobilize key groups such as the African-American community. This grant advances CJF's goal of abolishing the use of capital punishment.

Murder Victims' Families for Reconciliation (MVFR), \$135,000 in renewed general support over two years to enhance MVFR's efforts to influence public opinion against the death penalty by working in collaboration with state and national anti-death penalty organizations to incorporate murder victims' family members and their perspectives into campaigns for death penalty reform, moratorium and repeal. The grant will increase MVFR's capacity to strengthen national and state-based infrastructures of murder victims families advocates; support post-abolition states' efforts to defend against reinstatement of the death penalty; and forge partnerships with traditional victims' rights organizations and directly affected community members to advance abolition efforts. This grant advances CJF's goal of abolishing the use of capital punishment and is part of the Campaign to End the Death Penalty in 2025.

Collateral Consequences of Criminal Convictions

Demos: A Network for Ideas and Action (Demos), \$450,000 (\$150,000 from the Transparency Fund and \$300,000 from the Criminal Justice Fund) in renewed project support over one year to support its Public Agency Voter Registration and Ending Prison-Based Gerrymandering projects. Public Agency Voter Registration ensures implementation of Section 7 of the National Voter Registration Act intended to ease the voter registration process for low-income individuals. Ending Prison-Based Gerrymandering seeks to ensure that the redistricting process creates legislative districts that count incarcerated people as residents of their home districts rather than of the districts in which they are incarcerated. This grant advances the Transparency Fund's goal of broadening access to the ballot for underrepresented and marginalized constituencies. It also advances the Criminal Justice Fund's interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions, securing political enfranchisement for people with criminal convictions, and strengthening the political representation of communities most directly impacted by criminal justice policies and practices.

Solitary Confinement

National Religious Campaign Against Torture (NRCAT), \$550,000 (\$450,000 from the National Security and Human Rights Campaign and \$100,000 from the Criminal Justice Fund) in both new and renewed project support over two years to support two distinct projects: one, along with New Evangelical Partnership for the Common Good, that seeks to end torture and anti-Muslim bigotry; and another to educate and mobilize people of faith to challenge the use of long-term solitary confinement in jails and prisons in the United States. OSF funding would enable NRCAT to: 1) educate national faith leaders and organizations and engage them in efforts to inform the national discussion about solitary confinement; 2) educate local faith leaders and communities in thirteen states and engage them on local campaigns to challenge long-term solitary confinement; 3) provide assistance to laypeople and faith leaders on efforts

to challenge solitary confinement in other states; and, with NSHR support, 4) educate and engage faith-based communities in their efforts to permanently end the torture and indefinite detention of terrorist suspects in the U.S., to demand accountability for these practices, and to stand in solidarity with American Muslims. This grant advances the National Security and Human Rights Campaigns of restoring an absolute prohibition against torture; holding government officials and private actors accountable for past abuses and violations of the law and combatting anti-Muslim bigotry. It also advances the Criminal Justice Fund's interest in eliminating harsh punishment by challenging extreme conditions of confinement.

Eliminating Racial Disparities and Securing a Fair and Equitable System of Justice

We are considering 4 grants totaling up to \$440,000 that advance CJF's goal of securing a fair and equitable justice system and eliminating racial disparities. One grant will advance our goal of improving public defense services by providing funding to help sustain public defense reform efforts in New Orleans, Louisiana, a current geographic priority of the Fund. The remaining three grants will support activities related to the work of Communities United for Police Reform and its campaign partners to address excessive, biased-based policing enforcement in New York City. This campaign was seeded and launched with OSF leadership and financial support.

Improving Public Defense Services

Orleans Public Defenders, up to \$125,000 in renewed project support over fifteen months to continue an intensive and comprehensive attorney training program for all OPD lawyers and external conflict panel and to retain the services of a dedicated public relations/community outreach professional. This grant will also support planning efforts to devise a campaign to address the underfunding of indigent defense services in Orleans Parish and throughout Louisiana. These efforts will continue to improve the quality of representation provided to indigent defendants in New Orleans and ensures that OPD maintains its presence in the criminal justice landscape and remains a strong voice in public debates about the future direction of public defense reform in New Orleans and throughout the state. This grant advances CJF's interest in securing a fair and equitable justice system through targeted efforts to improve access to effective counsel.

Ending Discriminatory Policing in New York City

Firelight Media, \$100,000 in project support over 6 months (co-funded with the Campaign for Black Male Achievement, funding amounts TBD) to produce a series of advocacy videos that address the problem of discriminatory policing in New York City. The project will be a collaboration between Firelight Films, a renowned film production company, and Firelight Media, a non-profit media arts organization. To provide a deeper understanding of the human impact, harm and collateral consequences of discriminatory policing practices, Firelight will develop a creative, character-based approach to the video series employing a mix of interviews with key players impacted by policing practices, including young men of color, law enforcement, judges and families of directly-affected community members. The videos will employ graphics, text, archival photos and original footage. The project will be executive produced by Stanley Nelson, the recipient of a 2002 MacArthur Fellowship. Mr. Nelson has garnered multiple industry awards and has had seven films in the Sundance Film Festival including *Freedom Riders*, *Wounded Knee*, *A Place of Our Own*, *Marcus Garvey: Look for Me in the Whirlwind*, and *The Murder of Emmett Till*, among others. This grant advances the Criminal Justice Fund's priorities to eliminate racial disparities and secure a fair and equitable system of justice.

Columbia University, \$15,000 in project support to recode New York City stop-and-frisk data. The current geo-coding of New York City's stop data, as reported by the New York Police Department, is inaccurate. Funding for this project would allow Jeff Fagan, expert witness in *Floyd v. City of New York*, the federal class action lawsuit with a trial date slated for spring 2013, to work with a data specialist to recode the complete set of data. The data is needed to accurately assess where crimes and enforcement have taken place across the five boroughs. The data will be presented in the *Floyd* litigation alleging constitutional violations by the New York Police Department against New York residents. This grant advances the Criminal Justice Fund's priorities to eliminate racial disparities and secure a fair and equitable system of justice.

Research Foundation of City University of New York (on behalf of John Jay College of Criminal Justice), \$200,000 in project support over one year to the Research Foundation of City University of New York to support research by John Jay College of Criminal Justice to evaluate the impact of New York Police Department's stop-and-frisk strategy on crime rates across police precincts and spatial areas from 2006 to 2011. Crime rates have dropped substantially over the past decade in New York City, and this proposed research will provide analyses of the use of stop-and-frisk in relation to crimes committed across police precincts in the city. Preliminary findings suggest that major concentrations of crime occur on a "micro-spatial" level (that is, on street blocks). This research will not only bolster previous studies conducted at the precinct level, it will expand these findings by assessing the effect of stop-and-frisk on crime at the micro-spatial level. This grant advances the Criminal Justice Fund's priorities to eliminate racial disparities and secure a fair and equitable system of justice.