

MEMORANDUM

TO: Diana Morris, U.S. Programs Staff
FROM: Criminal Justice Fund
DATE: February 21, 2012
RE: Criminal Justice Fund, April 6, 2012, docket

The Criminal Justice Fund is considering 18 funding requests, totaling up to \$5,235,000, for inclusion on U.S. Programs' Docket I, scheduled for April 6, 2012. These grants would advance our goals of reducing mass incarceration, eliminating harsh punishment and eliminating racial disparities and securing an equitable justice system.

Reducing Mass Incarceration

We are considering recommending four grants, totaling up to \$1,350,000, that advance the Criminal Justice Fund's programmatic goal of reducing mass incarceration. They include:

Corporation for Supportive Housing (CSH), up to \$400,000 in renewed project support over two years to continue promoting public reinvestments and systems integration across criminal justice, human service, and housing sectors to create and sustain Reentry Supportive Housing. OSF funding will enable CSH to continue facilitating collaboration across criminal justice, human services, and housing sectors to develop flexible, integrated, and sustainable funding streams for the creation and operation of affordable supportive housing for people returning from jail or prison. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration and challenging the criminalization of vulnerable populations such as people experiencing chronic homelessness. The grant would also advance our interest in fostering successful reentry.

Correctional Association of New York (CA), up to \$500,000 general support renewal over two years. Correctional Association's mission is to end the use of incarceration as a response to the social and economic issues facing communities and to make the justice system more transparent and hold government and prison officials accountable. CA engages in policy analysis, public education, coalition-building, to save public resources and protect public safety and reorient the juvenile and criminal justice systems away from a punitive approach and toward community-based prevention and alternatives to jail and prison. Among CA's current projects are efforts to: improve conditions in New York State correctional facilities to ensure basic human rights standards and to better prepare people for successful reentry; address the effects of the New York's criminal justice policies on women; downsize New York's prison system; and end the prosecution of children under 18 as adults. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the excessive and economically destructive costs of incarceration, challenging harsh and unjust sentencing practices, and fostering reform efforts affecting women, children, and families. The grant would also advance our interest in eliminating harsh punishment by challenging unreasonable barriers to reentry and by ending the treatment of children as adults in prosecution and sentencing.

Ohio Justice & Policy Center (OJPC), up to \$150,000 general support renewal over two years. OJPC is a Cincinnati-based, nonpartisan, nonprofit law office that promotes a fair and equitable justice system that ensures public safety and the successful community reentry of people after prison. Through direct client services, impact litigation, public education, policy research and advocacy, and leadership development programs, OJPC works to identify and reduce racial disparities throughout Ohio's criminal justice system; promote evidence-based alternatives to incarceration; remedy unconstitutional and dangerous conditions of confinement; challenge unreasonable barriers to successful reentry; and improve access to effective

defense services for low-income people. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the excessive and economically destructive costs of incarceration and challenging harsh and unjust sentencing practices. The grant would also advance our interests in eliminating harsh punishment by challenging the collateral consequences of criminal convictions and our goal of securing a fair and equitable system of justice by improving indigent defense systems and advocating for the elimination of racial disparities in the criminal justice system.

Partnership for Working Families (In the Public Interest project—ITPI), this is a proposed new grant for \$300,000 project support over two years to develop, provide campaign assistance to, and expand a diverse national coalition focused on challenging the privatization of prisons and immigrant detention centers in the United States. OSF funding will enable ITPI to: 1) continue to convene and support the national coalition to strengthen communication and knowledge sharing among members, develop and improve campaign strategy and tools, and ensure consistent messaging and amplify its voice; 2) provide focused research, communications, and strategy assistance for local, on-the-ground campaigns in priority target states (currently Arizona, Florida, Texas, Michigan, and Ohio); 3) expand the national coalition by identifying and engaging immigration, faith, labor, and civil rights organizations working on prison privatization but not currently connected to the coalition and by educating and connecting organizations in its broader privatization network. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration and challenging the inappropriate intrusion of market forces into public policy. The grant would also advance our interest in eliminating harsh punishment by challenging policies and practices that criminalize immigrants.

Eliminating Harsh Punishment

We are considering eight grants, totaling up to \$2,500,000, that advance our goal of eliminating harsh punishment. One grant would address the collateral consequences of criminal convictions, six would support our ongoing participation in efforts to abolish the death penalty, and one would support both our death penalty abolition efforts and end the sentencing of juveniles to life without the possibility of parole.

Challenging Collateral Consequences of Criminal Convictions

Voice Of The Ex-offender (Innocence Project of New Orleans as fiscal sponsor—VOTE), up to \$200,000 project support renewal over two years to expand employment opportunities for people with criminal records. OSF funding would enable VOTE to educate local employers in New Orleans, Louisiana and the wider public and to organize and mobilize people with criminal records to remove unreasonable barriers to employment and increase entrepreneurship and job opportunities for people with criminal records. This grant would advance the Criminal Justice Fund's interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions. The grant would also advance our interest in increasing coordinated efforts to foster broad criminal justice reform in New Orleans, and our 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.

Campaign to Abolish the Death Penalty by 2025

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

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

Death Penalty Information Center (DPIC), \$200,000 general support renewal grant over two years to assist DPIC's efforts to provide information and analysis on the use of capital punishment in the United States. DPIC is one of the most widely cited sources of information on the death penalty in the media. Since its inception, DPIC has produced and broadly disseminated 20 major reports on the death penalty and 17 annual reports. All of these reports have been widely covered in the media. DPIC also operates a state-of-the-art website.

Equal Justice USA (EJUSA), \$400,000 general support renewal over two years to provide core support to one of two leading national advocacy organizations providing critical strategic support to state-based campaigns aimed at abolishing the death penalty. EJUSA is a national grassroots organization whose ability to bridge the gap between state and national organizations by promoting close partnership and collaboration makes it a leader in the death penalty abolition movement. EJUSA has played an instrumental role in achieving many of the abolition movement's most important recent wins. This grant will allow EJUSA to continue to partner with state-based abolitionists to provide technical assistance, capacity building, training and organizing support, a necessary growth of resources as more and more states begin to engage in public education campaigns about the arbitrary and ineffectual nature of the death penalty.

National Coalition to Abolish the Death Penalty (NCADP), \$350,000 general support renewal over two years to advance NCADP's mission to abolish the death penalty. As the nation's only membership-based, national advocacy organization dedicated solely to abolishing the death penalty, NCADP provides critical technical support in the areas of grassroots organizing, membership base building, fundraising, and communications to its network of over 100 state-based affiliates, individual members, and scores of activists. The organization's annual national conference also provides much needed leadership development and movement-building opportunities through workshops, networking, and strategy sessions for advocates, attorneys, murder victim, and death row family members.

The Constitution Project, \$150,000 renewed project support over two years to advance The Constitution Project's state-based advocacy work intended to organize unlikely allies in support of death penalty reform and abolition. The grant will enable The Constitution Project to recruit nontraditional allies for death penalty reform including law enforcement officials, judges, and prosecutors. The project coordinator will continue to develop *The Clearinghouse for New Voices on the Death Penalty*, a national network of influential and unlikely spokespersons to which allies can turn for critical assistance with specific campaigns and litigation support. Support from allies may include testimony before state and local policymaking bodies, participation in press conferences, support of amicus briefs and clemency efforts, and communications efforts such as public speaking and producing opinion pieces.

Death Penalty Abolition/Ending the Sentencing of Juveniles to Life Without Parole

Equal Justice Initiative (EJI), \$950,000 general support renewal over two years to provide continued support for EJI's full range of activities challenging the inappropriate use of the death penalty, juvenile life without parole, inadequate legal counsel and racial bias in the criminal justice system in the south. EJI's executive director will present two cases to the Supreme Court in March 2012 challenging the prosecution of

two youths convicted of homicide at 14 years old. If successful, these cases would extend the Court's ruling in *Graham v. Florida*, which declared that life without parole sentences for youth who committed non-homicide offenses is unconstitutional.

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

We are considering five grant recommendations totaling up to \$1,185,000 that would advance CJF's goal of securing a fair and equitable system of justice and eliminating racial disparities through reform of our nation's indigent defense systems and one grant of \$200,000 that would support the recently launched campaign the reform police practices in New York City.

Improving Public Defense Services

Southern Public Defender Training Center, \$200,000 project grant renewal over two years to fund the Center, which, in partnership with public defender offices across the region, provides training to entry level and inexperienced public defenders in order to build a community of zealous, committed public defenders that will raise the standards of representation for indigent defendants and will become leaders in the criminal justice policy arena in the Southeastern United States.

National Legal Aid & Defender Association (NLADA), \$600,000 project grant renewal over two years to support three projects designed to build the capacity among indigent defense leaders to utilize evidence-based and research-based approaches to advocating for increased government resources and promoting sound criminal justice and indigent defense policies. In partnership with North Carolina's Office of Indigent Defense Services, NLADA will expand the capacity of the defender community to use data, research, and assessment tools to advance indigent defense reform in two jurisdictions; in partnership with the Pretrial Justice Institute, NLADA will develop training tools that will increase the capacity of local defenders to participate in their jurisdiction's development of pretrial risk instruments designed to guide pre-trial custody decisions; and NLADA will continue to engage and support the American Council of Chief Defenders (ACCD) to be strong advocates for fair and equitable indigent defense systems and policies.

Spitfire Strategies, up to \$200,000 project grant renewal over two years to support Spitfire's efforts to prepare the indigent defense field and its allies to best leverage communications opportunities connected to the 50th anniversary in 2013 of the U.S. Supreme Court decision *Gideon vs. Wainwright*, which established the right to counsel. Spitfire will provide a broadly accessible and applicable template for campaign-style communications that can be implemented by defenders and advocates around the country to further their specific objectives for policy change. Spitfire plans to both strengthen efforts to increase federal support for indigent defense systems and to help state-level advocates press for reforms unique to their jurisdictions, particularly in key states where reform efforts are gaining headway such as Pennsylvania, Maryland, Louisiana, New Mexico, and Michigan.

Defender Association of Philadelphia/Pennsylvania Indigent Defense Representation Project, \$100,000 project grant renewal over one year to provide public education and training, policy advocacy and coalition building in support of reforming Pennsylvania's failed county based, funded, and politically dominated system of criminal and juvenile indigent representation. Pennsylvania is the only state in the nation that does not appropriate any general funds to support either trial, appellate, or capital indigent defense representation services. The Defender Association of Philadelphia and the Juvenile Defenders Association of Pennsylvania are collaborating to carry out this project.

Juvenile Regional Services (JRS) \$85,000 project grant renewal over one year to support the Client Services and Investigative Units that are central to the development of JRS' holistic model of representation that is consistent with the Ten Core Principles for providing quality representation developed by the National Juvenile Defender Center. OSF support will also enable JRS to engage in a strategic planning process which will strengthen the organization as it seeks to export its model of representation, training, and policy advocacy across Louisiana.

Combating Discriminatory and Excessive Policing Practices

John Jay College of Criminal Justice, \$200,000 project support over one year to support research analyzing the impact of the New York Police Department's (NYPD's) stop-question-and-frisk (SQF) practices across police precincts and in discreet micro areas ("microspatial areas"), such as street blocks, within precincts. The limited prior research has reached different conclusions regarding the impact of SQF on crime reduction at the precinct level and no studies have examined patterns of SQF and crime at locations such as street blocks. The research literature on place-based policing and preliminary analyses conducted for the proposed study indicate that crime is highly concentrated in small geographic spaces. The proposed project will improve on existing studies of SQF and crime reduction or control at the precinct level and extend that research by assessing the effect of SQF on crime at the microspatial level.