

**U.S. PROGRAMS  
Criminal Justice Fund  
Summary of Recommended Grants  
April 2012**

**Program Area/Organization**

Organization	Grant Code	Recommended	Term	2012	2013
<b>Reducing Mass Incarceration</b>					
Corporation for Supportive Housing	T1: 24015	400,000	2 years	200,000	200,000
Ohio Justice and Policy Center	T1: 24015	100,000	2 years	50,000	50,000
Correctional Association of New York	T1: 24015	300,000	2 years	150,000	150,000
Partnership for Working Families	T1: 24015	300,000	2 years	150,000	150,000
<b>Eliminating Harsh Punishment</b>					
Voice of the Ex-Offender	T1: 24016	100,000	2 years	50,000	50,000
Death Penalty Information Center	T1: 24016	200,000	2 years	100,000	100,000
Equal Justice USA	T1: 24016	400,000	2 years	200,000	200,000
National Coalition to Abolish the Death Penalty	T1: 24016	350,000	2 years	175,000	175,000
Tides Foundation	T1: 24016	200,000	1 year	200,000	
The Constitution Project	T1: 24016	150,000	2 years	75,000	75,000
Witness to Innocence	T1: 24016	50,000	1 year	50,000	
Equal Justice Initiative of Alabama	T1: 24016	950,000	2 years	475,000	475,000
<b>Securing an Equitable System of Justice and Eliminating Racial Disparities</b>					
National Legal Aid and Defender Association	T1: 24017	725,000	2 years	362,500	362,500 C
Southern Public Defender Training Center	T1: 24017	200,000	2 years	100,000	100,000 C
Defender Association of Philadelphia	T1: 24017	100,000	1 year	100,000	
Juvenile Regional Services	T1: 24017	85,000	1 year	85,000	
<b>Total Recommended:</b>		<b>\$ 4,610,000</b>		<b>\$ 2,522,500</b>	<b>\$ 2,087,500</b>
<b>GRANTMAKING TOTAL THIS DOCKET:</b>		<b>\$ 4,610,000</b>			

Approval Signature

*Angel News*

Date

*4/12/12*

## MEMORANDUM

**TO:** Aryeh Neier  
**CC:** Diana Morris  
**FROM:** Leonard Noisette, for the Criminal Justice Fund  
**DATE:** March 30, 2012  
**RE:** Criminal Justice Fund, April 6, 2012, docket meeting

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The Criminal Justice Fund recommends sixteen grants for U.S. Programs' Docket II, scheduled for April 6, 2012, totaling \$4,610,000. These grants, which include fifteen renewals, represent support for work across our three core goals of Reducing Mass Incarceration, Eliminating Harsh Punishment, and Eliminating Racial Disparities and Securing a Fair System of Justice.

### Reducing Mass Incarceration

We recommend four grants, totaling \$1,100,000, which will support a range of activities to advance the Fund's programmatic goal of reducing mass incarceration. The grant to **Corporation for Supportive Housing** will support strategic work across government systems to address the unnecessary and frequent jailing of individuals by better addressing mental health and lack of housing issues that lead to their repeated justice system involvement. Support to **Ohio Justice and Policy Center** and **Correctional Association of New York** will challenge unnecessary and excessive imprisonment and promote successful reentry through a variety of policy reform efforts. In addition to these three grant renewals, we also recommend a first time grant to **Partnership for Working Families** to support its *In the Public Interest* project, which is developing and providing campaign assistance to a diverse national coalition to focus renewed energy to challenge growing efforts to privatize prisons and immigrant detention centers.

### Eliminating Harsh Punishment

We recommend eight grants, totaling up to \$2,400,000, that advance our goal of eliminating harsh punishment. One grant, to **Voice Of The Ex-offender**, would address the collateral consequences of criminal convictions by supporting efforts to expand employment opportunities for people with criminal records in New Orleans, Louisiana, part of our broader reform efforts in that region.

Six grant renewals would support our ongoing participation in efforts to abolish the death penalty, through the coordinated national Campaign to End the Death Penalty by 2025. **Death Penalty Information Center** provides information and analysis on the use of capital punishment in the United States and is one of the most widely cited sources of information on the death penalty in the media. **Equal Justice USA** and **National Coalition to Abolish the Death Penalty** are the two leading national advocacy organizations that provide critical strategic support, technical assistance and training to state-based campaigns aimed at abolishing the death penalty. The *Death Penalty Mobilization State Strategies Fund*, housed at the **Tides Foundation**, re-grants pooled donor funds to state-based grassroots organizations that are often overlooked by national foundations but are critical to the success of the fight to end capital punishment. **The Constitution Project's** *The Clearinghouse for New Voices on the Death*

*Penalty* is a national network of influential and unlikely spokespersons to which allies can turn for critical assistance with specific campaigns and litigation support. **Witness to Innocence** supports national reform efforts by elevating the voices of exonerated death row survivors through organizing and training to change public opinion through educational outreach about wrongful convictions.

A final grant, to **Equal Justice Initiative (EJI)**, would provide continued support for EJI's full range of activities challenging the inappropriate use of the death penalty and juvenile life without parole, as well as inadequate legal counsel and racial bias in the criminal justice system in the South that contribute to these harsh punishment practices.

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

We recommend four grants totaling \$1,110,000 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. Two grants would support national efforts. Funding to the **National Legal Aid & Defender Association** supports three projects designed to build the capacity among indigent defense leaders to utilize evidence- and research-based approaches to advocating for increased government resources and promoting sound criminal justice and indigent defense policies. **Southern Public Defender Training Center** provides training to new and inexperienced public defenders, and leadership training for defender managers, in order to build a community of zealous, committed defenders that will raise the standards of representation and become leaders in the criminal justice policy arena in the southeastern United States, and ultimately, across the nation.

Two remaining grant renewals support targeted state-based efforts. Continued funding to the **Defender Association of Philadelphia** for its *Indigent Defense Representation Project* would sustain efforts to reform Pennsylvania's underfunded and politically dominated system of criminal and juvenile indigent representation. A renewal grant to **Juvenile Regional Services** will support a strategic planning process which will strengthen the organization as it seeks to export its model of juvenile representation, training, and policy advocacy across Louisiana, part of our larger effort to reform criminal justice practices in New Orleans and statewide.

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**Grant ID:** 20035496

**Legal Name of Organization:** Corporation for Supportive Housing

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to continue promoting public reinvestments and systems integration across criminal justice, human service, and housing sectors to create and sustain Reentry Supportive Housing

**Grant Description:** To provide \$400,000 project support renewal over two years to the Corporation for Supportive Housing (CSH) 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 institutionalize policy and programmatic successes in pilot sites in New York, Connecticut, Rhode Island, and Washington, DC; expand Reentry Supportive Housing to additional sites; and improve housing and benefit access for people at high risk of cycling in and out of homelessness and jail. 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 the Fund's interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions.

**Previous OSF Support:** \$1,735,000

- \$660,000 from Criminal Justice Fund, Neighborhood Stabilization Initiative and JEHT Emergency Fund 2010
- \$400,000 from JEHT Emergency Fund, 2009
- \$300,000 from U.S. Justice Fund, 2007
- \$200,000 from U.S. Justice Fund, 2005
- \$100,000 from Criminal Justice Initiative, 2003
- \$25,000 from Criminal Justice Initiative, 2001
- \$50,000 from Center on Crime, Communities & Culture, 1997

**Organization Budget:** \$23,104,046

**Project Budget:** \$1,525,000

**Major Sources of Support:**

Robert Wood Johnson Foundation	\$1,000,000
JPMorgan Chase & Co.	\$125,000

**Amount Requested:** \$400,000

**Is this a contingent grant?:** No

**Amount Recommended:** \$400,000 (Criminal Justice Fund, T1: 24015)

**Term:** 2 years, beginning July 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

The Corporation for Supportive Housing (CSH) was established in 1991 with funding from the Pew Charitable Trusts, the Robert Wood Johnson Foundation, and the Ford Foundation to help local nonprofits develop service-supported housing for people coping with homelessness, extreme poverty, and chronic health conditions such as mental illness, addiction, and HIV/AIDS. Today, CSH promotes coordinated systems and funding streams to foster the development and operation of supportive housing; provides financial and technical assistance to local partners to expand the supply, availability, and variety of supportive housing; enhances the supportive housing sector's skills and knowledge to ensure high-quality housing and services over the long term; and documents and publicizes supportive housing's efficient use of public resources and positive impacts on tenants, communities, and neighborhoods. Through offices in 14 states<sup>1</sup> and the District of Columbia, targeted initiatives in 24 states, and assistance to other communities, CSH has committed over \$300 million in loans and grants and leveraged over a billion dollars to support the creation of more than 50,000 units of operational supportive housing. In addition, through its federal, state, and local policy reform efforts, CSH has helped secure funding to support the creation of 110,000 additional supportive housing units.

Since 2004, with OSF funding, CSH has worked to expand the availability of Reentry Supportive Housing, designed to address the specific needs of people released from prisons and jails, by replicating across the country its *New York City Frequent Users of Jail and Shelter Initiative (FUSE)*. A strategy aimed at reducing the reliance on incarceration by spurring and coordinating public investments in supportive housing for people after jail and prison, FUSE is now operating in cities in New York, Connecticut, Rhode Island, Minnesota, Illinois, and in the District of Columbia. In 2010, OSF awarded CSH funding to continue promoting public investment and systems integration to create and sustain Reentry Supportive Housing and to promote the reuse of foreclosed properties as supportive housing for populations that face severe barriers to housing and economic stability.

CSH has been an OSI grantee since 1997.

**Description of the Project for Which Funding Is Sought:**

The Corporation for Supportive Housing requests renewed project funding to continue its efforts to create and sustain Reentry Supportive Housing. Specifically, OSF funding will enable CSH to:

*Institutionalize policy and programmatic successes in FUSE pilot sites.* To scale-up and position Reentry Supportive Housing as a key component of corrections reform in FUSE pilot site jurisdictions in New York, Connecticut, Rhode Island, and the District of Columbia, CSH will continue efforts to institutionalize pilot protocols and best practices into local policy and funding programs. It will continue to convene and provide technical assistance to local agencies and service providers to identify sustainable public funding streams, increase the number of service providers qualified to provide Reentry Supportive Housing and services, and deepen public agency capacity to monitor and evaluate the pilots and expansion efforts. It will also work with local policymakers and service providers in each pilot site

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<sup>1</sup> CSH has offices in Arizona, California, Connecticut, Illinois, Indiana, Michigan, Minnesota, New Jersey, New York, Ohio, Oregon, Rhode Island, Texas, and Washington.

jurisdiction to track criminal justice and other system cost reductions and health, housing, employment, and earnings outcomes; prepare cost/benefit analyses; and leverage evaluation findings to provide justification for sustaining the programming and to inform policy and practice more broadly.

*Expand Reentry Supportive Housing to additional sites.* CSH will collaborate with the National Association of Counties (NACo) to educate a large number of counties from across the country about Reentry Supportive Housing. It will identify, engage, and provide technical assistance to a cohort of eight to ten counties with sufficient government agency interest and service provider capacity to plan and implement local initiatives. In each county, CSH will assist government agencies to identify populations incarcerated inappropriately due to a lack of housing or other support services and that represent high costs or “management challenges” for the corrections system or government as a whole. It will work with the partner agencies to identify community-based non-profits with the capacity to implement Reentry Supportive Housing models and to design and develop programming that, with existing government and non-profit resources, reduces the reliance on jail and prison, improves access to health and mental health care, and increases housing and employment stability for people with criminal records. CSH will also assist criminal justice and other agencies with the development and implementation of reinvestment mechanisms that channel cost-savings realized from system usage reductions into ongoing integrated funding streams to sustain reentry supportive housing.

*Improve housing and benefits access.* CSH will continue efforts to affect policy and practice at the federal and local levels to support the successful reentry of people at high risk of cycling in and out of homelessness and jail by removing barriers to housing and health access. In partnership with NACo, CSH will educate public agencies at the county-level about the importance of increasing access to and continuity of healthcare for criminal justice involved people with disabling conditions and will develop viable strategies for offering continued health benefits and services linked to affordable housing. CSH will also educate and advise federal and state agencies about the importance of housing access for people after jail or prison.

### **Rationale for Recommendation:**

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 eliminating harsh punishment by challenging the collateral consequences of criminal convictions.

The research shows, and criminal justice reformers and practitioners agree, that stable housing is fundamental not only to successfully transitioning people back into the community after jail or prison but also to prevent jail admissions due to homelessness in the first instance. Yet, access to affordable and publicly subsidized housing—whether permanent, transitional, or assisted—is scarce for formerly incarcerated people, a reality that is particularly daunting for those with chronic health, mental health, or other special needs. Federal Housing and Urban Development guidelines continue to allow local jurisdictions to ban people with felony convictions from returning to subsidized public housing. Faced with competing demands for housing from those who have not had contact with the criminal justice system, local housing officials and the public have been resistant to accommodate the housing needs of formerly incarcerated people, especially without financial incentives to do so.

Even at the height of the reentry movement, most state and local reentry and diversion efforts have failed to involve the types of collaboration among housing, criminal justice, and behavioral health agencies that could better leverage and utilize resources and coordinate programming. Put simply, in many jurisdictions, each system or agency operates in its silo, attempting to meet discrete needs that are

intrinsic to its mandate but failing to offer a comprehensive solution that might offer a path out of incarceration, homelessness, and other forms of institutionalization. Thus, criminal justice and housing experts note that the criminal justice system has become an extremely expensive and ineffective temporary housing “solution” for many people who need mental health and other kinds of assistance.

CSH has long recognized the lack of systems integration and the need to get health and human services, housing and urban development, and criminal justice agencies working together to address the unmet health and mental health needs, chronic homelessness, and other related conditions that often lead to criminal justice system involvement. It has been effective at facilitating partnerships and agreements among government agencies and service providers that enable communities to systematically identify the highest-need, highest-cost users of crisis systems (e.g., shelters, jails, and hospital emergency rooms) and to increase inter-agency cooperation in the development and implementation of sound policies and practices that address the underlying issues affecting these populations. Finally, CSH has a strong history and reputation as a successful developer of low-income housing and is a pioneer in developing, sustaining, and then bringing to scale supportive housing for people returning from jail or prison and those who represent a high risk for criminal justice involvement. Since 2008, CSH has spurred the creation of over 1,230 new Reentry Supportive Housing units nationally.

Criminal Justice Fund staff agree with CSH’s analysis that the current financial crisis presents an opportunity to target and engage counties because of their motivation to reduce inappropriate and wasteful incarceration and associated costs. Many state and local governments have imposed severe cuts to social services, and analysts expect significant, additional cuts in these and other jurisdictions. At the same time, the growth of spending on corrections continues to drive escalating costs. With 8 million people cycling in and out of jail every year, counties, in particular, face an immense financial burden as they typically operate the jails that house these frequent users.

We are also encouraged by CSH’s strategy to expand access to housing and health benefits by partnering with other national organizations. With OSF funding in 2011, CSH executed a Memorandum of Understanding with the National Association of Counties (NACo) that lays out shared goals for ending the costly cycle of homelessness and incarceration and details an ambitious workplan to educate NACo’s membership about Reentry Supportive Housing models and to jointly support local implementation of these models in new jurisdictions. In partnership with the Council of Large Public Housing Authorities, CSH has begun to urge Public Housing Authorities nationally to amend their eligibility criteria to allow formerly incarcerated people to live in public housing and to educate federal agencies to provide greater guidance and incentives to Public Housing Authorities to make these changes. Finally, CSH has built close partnerships with other OSF grantees, such as the Council of State Governments, the Legal Action Center, and the Judge David L. Bazelon Center for Mental Health Law, that have helped insure its justice reinvestment model—which assists state and local agencies in co-investing and blending existing resources to create a flexible, integrated funding stream for reentry supportive housing—remains a viable alternative to approaches that only shift corrections dollars to other parts of the criminal justice system.

For these reasons, the Criminal Justice Fund recommends renewed project funding in the amount of \$400,000 over two years to the Corporation for Supportive Housing.



**Grant ID:** 20035500

**Legal Name of Organization:** Ohio Justice and Policy 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 \$100,000 general support renewal over two years to the Ohio Justice and Policy Center (OJPC), a nonpartisan, nonprofit law office which engages in direct client services, impact litigation, public education, policy research and advocacy, and leadership development programs to reduce racial disparities in and divert people with non-violent offenses from the criminal justice system; challenge the unreasonable barriers to employment faced by people with criminal records; and remedy unconstitutional and dangerous conditions of confinement in Ohio prisons. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration. It would also advance the Fund's interest in eliminating harsh punishment by abolishing the death penalty, by challenging the collateral consequences of criminal convictions, and by reforming policies that criminalize immigrants. The grant would also advance our interest in securing a fair and equitable system of justice by challenging racial disparities.

**Previous OSF Support:** \$125,000

- \$100,000 from Criminal Justice Fund, 2010
- \$25,000 from Criminal Justice Fund, 2009

**Organization Budget:** \$917,742

**Project Budget:** n/a

**Major Sources of Support:**

Health Foundation of Greater Cincinnati	\$90,000
Gund Foundation	\$75,000
SC Ministry Foundation	\$37,500
City of Cincinnati	\$30,600
United Way of Greater Cincinnati	\$30,000
Ohio State Bar Foundation	\$28,800
University of Cincinnati	\$20,000
Greater Cincinnati Foundation	\$20,000
Cincinnati Bar Foundation	\$10,000
Fifth Third Foundation	\$10,000
Skyler Foundation	\$10,000
Urban League of Greater Cincinnati	\$3,000

**Amount Requested:** \$100,000

<b><u>Is this a contingent grant?:</u></b>	No
<b><u>Amount Recommended:</u></b>	\$100,000 (Criminal Justice Fund, T1: 24015)
<b><u>Term:</u></b>	2 years, beginning April 1, 2012
<b><u>Matching Requirements:</u></b>	n/a

**Description of Organization:**

Founded in 1997, the Ohio Justice & Policy Center (OJPC) is a nonpartisan, nonprofit law office that promotes evidence-based, cost-effective policies that strengthen public safety and foster the successful reentry of people to their communities after prison. Based in Cincinnati, OJPC works to: challenge the unreasonable barriers to employment faced by people with criminal records; reduce racial disparities throughout the criminal justice system; remedy unconstitutional and dangerous conditions of confinement in Ohio prisons; and prevent people with non-violent, low-level offenses from becoming swept up in the criminal justice and immigration systems. OJPC pursues these goals through direct client services, impact litigation, public education, policy research and advocacy, and leadership development programs. Its four primary projects are the Second Chance Project, the Human Rights in Prison Project, the Race and Justice Project, and Student Practice Clinics.

*Race and Justice Project.* OJPC works to eliminate racial disparities in the criminal justice system by advancing reform in four areas, including: the “school-to-prison pipeline,” prosecutorial misconduct, policing practices, and capital punishment. It engages in public education and advocacy to establish the link between the failed urban education and criminal justice systems. It examines charging practices in Ohio counties to determine if inappropriate considerations of race or ethnicity exist, advocates changes to discriminatory policies and practices, and litigates issues related to racial profiling and excessive force throughout Ohio. Through litigation, public education and advocacy, it challenges aggressive and discriminatory policing practices that disproportionately criminalize people of color, particularly young people. OJPC also provides direct representation to clients in capital cases and engages in public education and advocacy to abolish the death penalty.

*Second Chance Project.* OJPC provides free legal services to young people and adults with criminal convictions to help them navigate the numerous statutory barriers to education, employment, and financial security. It provides representation in a number of areas, including school enrollment, child support issues, criminal record expungement, employment discrimination, and probation and parole matters. It partners with workforce development providers, local employers, and social service agencies to expand employment opportunities to people with prior criminal justice involvement and engages in public education, policy advocacy, and litigation to challenge unreasonable employment barriers.

*Indigent Defense Clinic.* OJPC operates the Indigent Defense Clinic, which trains third-year University of Cincinnati College of Law students to provide indigent defense representation and litigate civil rights cases in federal and state court.

*The Human Rights in Prison Project.* OJPC engages in public education, policy advocacy, and impact litigation to ensure humane conditions of confinement in Ohio’s adult prisons and juvenile detention facilities.

### **Description of the Project for Which Funding Is Sought:**

The Ohio Justice and Policy Center requests renewed general support.

### **Rationale for Recommendation:**

This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration. It would also advance the Fund's interest in eliminating harsh punishment by abolishing the death penalty, by challenging the collateral consequences of criminal convictions, and by reforming policies that criminalize immigrants. The grant would also advance our interest in securing a fair and equitable system of justice by challenging racial disparities.

Advancing systematic, statewide criminal justice reform in the State of Ohio is challenging but important. The state is large, economically and geographically diverse, and it is geographically and politically distant from cutting-edge reform movements on either coast. Parts of the state are marked by a parochial culture that is resistant to the more mainstream "smart on crime" reforms that have begun to gain traction in other states. Although Ohio had been at the heart of prison expansion in the United States, there are signs the state is now moving in the right direction toward reducing its prison population. The state experienced dramatic growth in its state prison population of over 292 percent between 1978 and 2008, when the population hit its peak at 51,273 people. In June 2011, while presiding over a state prison system approximately 31 percent over its design capacity, Governor John Kasich signed sentencing reform measures that estimates suggest could save the state between \$46.3 million and \$78 million over the next three years, while reducing the prison population by about 7.5 percent. The measures—including diverting people convicted of nonviolent offenses to community programs, expanding good time credits and allowing early release, equalizing penalties for crack and powder cocaine possession, and raising the threshold for a felony theft charges—have been credited with reducing the prison population to around 49,709 people on any given day. Although CJF is not currently heavily invested in Ohio, OSF funding would enable OJPC to continue its efforts to support the implementation of these measures and to protect and promote them over the next two years while CJF determines its geographic priorities.

In pursuing a range of goals consistent with CJF priorities, OJPC has attempted to overcome the political challenges by working collaboratively with and drawing upon the resources of other organizations looking to bring about productive justice reform. Its stable of collaborators include: incarcerated and formerly incarcerated people and their families; state and local bar associations; the criminal defense bar; the state Judicial Conference; the state Association of County Boards of Commissioners; faith communities; and several national organizations. OJPC works closely with the ACLU of Ohio to bring individual suits addressing prison abuse, and it has also sought to reduce prison overcrowding through advocating sentencing reform and opposing prison privatization. It works closely with the Ohio Public Defender on sentencing reform issues, in particular to challenge heavily punitive laws aimed at people charged with sex offenses. OJPC has also partnered with OSF grantee the National Employment Law Project in its efforts to remove unreasonable barriers to employment for people with criminal records. And, the American Bar Association has looked to OJPC for guidance in developing a national database of collateral sanctions emanating from criminal convictions.

OJPC is also one of only a handful of criminal justice reform agencies whose advocacy model combines direct representation, impact litigation, public education, policy research and advocacy, leadership development, and strategic partnerships, an approach that has been effective at achieving important incremental criminal justice reforms in the state. In 2011, it finalized a comprehensive settlement of a 1983 action against three officers of the Ohio State Highway Patrol. As part of the settlement, the Patrol must retain an independent consultant to review its policies and data collection related to traffic stops, consent searches, and vehicle sniffs. Its public education and policy advocacy has helped shift the policy

conversation in the state, helping to pave the way for sweeping sentencing reforms in 2011 that have begun to downsize Ohio's prison populations, save taxpayer dollars, and open the policy discussion for lifting select barriers to employment faced by people returning home from prison. It has also been in ongoing discussions with the Hamilton County Prosecutor, Cincinnati's Assistant City Solicitor and other government officials to develop practical strategies for addressing the misuse of prosecutorial discretion, following its representation of Kelley Williams-Bolar, an African-American single mother who was convicted of felonies for enrolling her two daughters in a suburban school district in which they did not reside full-time. OJPC successfully sought executive clemency for Williams, reducing the felonies to misdemeanor convictions. Moreover, OJPC's media outreach helped the case receive national media attention, which has opened numerous opportunities to educate Ohioans, and the nation, about the abuse of prosecutorial discretion and the social and economic costs associated with operating an overreaching criminal justice system.

For these reasons, the Criminal Justice Fund recommends renewed general support in the amount of \$100,000 over two years to the Ohio Justice and Policy Center.

**Grant ID:** 20035056

**Legal Name of Organization:** Correctional Association of New York

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to provide general support

**Grant Description:** To provide \$300,000 general support renewal over two years to the Correctional Association of New York (CA), which engages in policy analysis, public education, coalition-building, and advocacy to: downsize New York State’s prison system to save public resources and protect public safety; reorient the juvenile and criminal justice systems away from a punitive approach and toward community-based prevention and alternatives to jail and prison; improve conditions in New York State correctional facilities to ensure basic human rights standards and to better prepare people for successful reentry; and address the effects of the New York’s criminal justice policies on women and families. 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.

**Previous OSF Support:** \$785,000

- \$200,000 from Criminal Justice Fund, 2010
- \$300,000 from U.S. Justice Fund, 2007
- \$100,000 from U.S. Justice Fund, 2006
- \$80,000 from U.S. Justice Fund, 2004
- \$5,000 from Strategic Opportunities Fund, 2004
- \$50,000 from Criminal Justice Initiative, 2003
- \$25,000 from Criminal Justice Initiative, 2002
- \$25,000 from U.S. Programs, 2000

**Organization Budget:** \$2,488,362

**Project Budget:** n/a

**Major Sources of Support:**

Anonymous Donors	\$700,000
The Jacob and Valeria Langeloth Foundation	\$450,000
The Solomon R. Guggenheim Foundation	\$400,000
NoVo Foundation	\$200,000
The Tow Foundation	\$150,000
The van Ameringen Foundation	\$150,000

<b><u>Amount Requested:</u></b>	\$300,000
<b><u>Is this a contingent grant?:</u></b>	No
<b><u>Amount Recommended:</u></b>	\$300,000 (Criminal Justice Fund, T1: 24015)
<b><u>Term:</u></b>	2 years, beginning July 1, 2012
<b><u>Matching Requirements:</u></b>	n/a

**Description of Organization:**

Founded in 1844, The Correctional Association of New York (CA) seeks to create a more just and humane criminal justice system and develop and promote workable alternatives to current criminal justice policies in New York. In 1846, CA became the only independent organization in New York—and one of only two in the United States—with legislative authority to monitor prisons and report its findings and recommendations to policy makers and the public. Throughout its history, CA has concentrated public attention on important criminal justice issues and has made substantial progress in improving conditions of confinement and in transforming the public debate on prison issues and sentencing policies in New York. CA addresses these issues through four main projects:

*Prison Visiting Project* conducts eight to ten regular monitoring visits each year to New York State correctional facilities for men, researches and investigates prison policies and practices, and produces public reports that provide assessments and recommendations on issues, such as: mental health services, prison healthcare, and educational and vocational services; reentry programming; substance use treatment; correctional officer misconduct; prison staff concerns; disciplinary confinement; and visitation programs. Using findings from its monitoring work and original research, project staff educates the public through media outreach and advocates for reform by working with the executive staff at individual prisons and by urging the New York State Department of Correctional Services (DOCS) to adopt sound policies, replicate model programs, and institutionalize best practices. The project also engages the Office of Mental Health and other state agencies and entities, such as the Office of Alcohol and Substance Abuse Services and the Commission on Quality of Care, to advocate for, guide implementation of, and evaluate prison policies and programs.

*Women in Prison Project* works to ensure that prison conditions for women are humane and just, and it advocates for policies, practices, and programming that address women’s specific needs. In addition to prison monitoring, the project performs research and policy analysis, produces policy papers and reports, manages a leadership training program for formerly incarcerated women, and undertakes public education and policy advocacy. Project staff coordinates the Coalition for Women Prisoners, a statewide alliance dedicated to addressing the impact of the criminal justice system on women and families, with a membership of more than 1,400 people from over 100 organizations.

*Juvenile Justice Project.* Through coalition-building, leadership development, research, and public advocacy, the project works to: decrease the number of youth entering jails and prisons; reduce racial disparity and LGBT discrimination in the juvenile justice system; ensure the legal rights of court-involved youth; improve conditions and expand programming in juvenile institutions; promote community based alternative to incarceration programs; and involve young people in advocacy and decision-making about juvenile justice policy. The project coordinates and staffs the Juvenile Justice Coalition, an alliance of nearly 400 advocates, attorneys, service providers, family members, and youth working to reform the juvenile justice system. Its leadership training program *Safe Passages* encourages young people affected

by incarceration to become advocates and leaders in transforming the juvenile justice system in New York and affirmatively recruits LGBT youth and solicits activism in the gay community to confront homophobia in the criminal justice system. The project works with the Office of Children and Family Services and Commissioner Gladys Carrion to downsize its juvenile prison capacity, monitor juvenile prisons, and conduct public education, press outreach, and advocacy in support of facility closure plans.

Correctional Association has been an OSF grantee since 2000.

**Description of Program for Which Funding Is Sought:**

The Correctional Association of New York requests renewed general support.

**Rationale for Recommendation:**

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.

The financially irresponsible and morally dubious ways in which our society uses prisons to address issues closely linked to socio-economic conditions such as poverty, homelessness, and unemployment and the corrosive racial and gender biases reflected in our criminal justice policies and practices have created a crisis that requires genuine independent oversight of America's prisons and jails and demands for broader reforms. As one of only two private organizations in the country with a legislative mandate to inspect and report on prison conditions, the Correctional Association plays a vital role in New York State in documenting and demanding improvements to the administration of jails and prisons. CA historically and currently plays an important role in shaping public debate in New York State and nationally on sentencing policy, the war on drugs, prison conditions, the impact of harsh punishment and incarceration policies on incarcerated women and families, and the inappropriate criminalization and confinement of young people. Its activities, which combine prison monitoring, research, public education, advocacy, coalition building, and leadership training, are well-positioned to affect far-reaching reforms that protect and support incarcerated people and their communities while helping to curtail the misguided use of prison to address the social and economic factors at the root of much involvement with the criminal justice system.

Over the past two years, the Correctional Association has registered several important successes, accomplishments that are the more impressive as the organization underwent a leadership change during that period. CA provided active support that helped secure a 2011 state budget agreement that, for the first time in state history, incentivizes the use of alternative to detention programs for young people by providing higher reimbursement rates to counties for implementing and utilizing alternative to detention programs for youth than for incarcerating them. Its public education and advocacy in support of Governor Cuomo's proposal to significantly downsize the state's juvenile prison system helped bring about the 2011 agreement reached by legislature and the executive office to shut down more than 30% of juvenile prisons operated by the Office and Children and Family Services. Finally, Soffiyah Elijah, CA's new executive director, has also brought important assets that have already increased the organization's ability to reach and engage a broader base of support. Since her appointment in February 2011, Elijah's intensive outreach efforts to community leaders and organizational allies—unprecedented in recent CA history—has succeeded in elevating the organization's prominence as not just a prison reform organization, but as one working fundamentally within the context of the broader struggle against inequity and injustice.

In the next two years, CA will be working to enhance its communications capacity and to broaden its reach and impact by playing a larger role informing and advocating for criminal justice reform nationally. As CA carries out its established advocacy strategies in core program areas, it plans also to expand and modernize its communications and public education capacity. Recognizing the increasing need to engage multiple constituencies with varying levels of fluency in criminal justice policy, CA is revamping its policy materials and the ways it promote its messages, with a greater emphasis on online strategies. This transition will begin in spring 2012 with the launch of a new website that will serve as an interactive hub for its issues of focus and provide the platform for providing more intuitive navigation for the public, researchers, government officials, and advocates. The website will integrate e-advocacy tools, such as petitions, polls, and email campaigns, to grow and better utilize its base of support and engage a broader constituency in criminal justice advocacy.

In addition, CA will increasingly produce and disseminate more accessible documents and multimedia (such as video, audio, and infographics) alongside the detailed research and commentary for which it is already known. This expanded communications strategy will facilitate and coincide with increased outreach to new and more diverse media outlets on local issues, and it will support CA's plans for playing a larger role in speaking out on national criminal justice issues. Continued OSF general support funding will provide CA flexibility as it ramps up its efforts to play a broader role to inform local and national criminal justice policy and practice.

For these reasons, the Criminal Justice Fund recommends renewed general support in the amount of \$300,000 over two years to the Correctional Association of New York.



**Grant ID:** 20035499

**Legal Name of Organization:** Partnership for Working Families

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to develop, provide campaign assistance to, and expand a national coalition focused on challenging the privatization of prisons and immigrant detention centers in the United States

**Grant Description:** To provide \$300,000 project support over two years to support the efforts of the Partnership for Working Families' In the Public Interest (ITPI) to develop, provide campaign assistance to, and expand a 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 its diverse members; 2) 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 3) provide focused research, communications, and strategy assistance for local, on-the-ground campaigns in priority target states (currently Arizona, Florida, Texas, Michigan, and Ohio). 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.

**Previous OSF Support:** \$1,375,000

- \$400,000 from Democracy & Power Fund, 2011
- \$50,000 from Equality & Opportunity Fund, 2011
- \$300,000 from Democracy & Power Fund, 2010
- \$100,000 from Seize the Day Fund, 2009
- \$350,000 from Democracy & Power Fund, 2008
- \$175,000 from Progressive Infrastructure Fund, 2007

**Organization Budget:** \$2,020,625

**Project Budget:** \$400,950

**Major Sources of Support:**

Public Welfare Foundation	\$70,000
In-Kind Contributions	\$30,950

**Amount Requested:** \$300,000

**Is this a contingent grant?:** No

**Amount Recommended:** \$300,000 (Criminal Justice Fund, T1: 24015)

**Term:** 2 years, beginning January 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

In 2006, to connect affiliates that had formed across the country, four grassroots organizations from Los Angeles, San Jose, San Diego, and Oakland that had been working together since the 1990s created the Partnership for Working Families (PWF) as a national federation of organizations dedicated to rebuilding democracy, the American middle class, and civil society through organizing for economic and social justice at the regional level. Today, PWF is a DC-based national organization that provides policy, communications, research, organizing, and legal resources to a national network of affiliates working to advance economic and social justice in their regions. PWF leverages local and national resources to support local campaigns to create equitable, livable urban economies by facilitating peer networking, developing strong regional partners, and providing technical assistance, policy development, and legal support to organizations in the network. PWF connects campaigns across regions by facilitating common research, organizing, and communications strategies, and maintains a federal policy program that educates policymakers about successful local and regional initiatives. Its programs and activities include a Community Benefits Law Center that promotes best practices around community benefits campaigns and negotiations and that fosters and supports municipal policies that benefit low- and moderate-income families.

In 2011, PWF incorporated as a project the previously freestanding organization In the Public Interest (ITPI) to address the growing threat to public control and democratic accountability of public assets and services caused by state and local budget crises and calls for shrinking government and privatizing services as a solution. As the leading national resource center on privatization and responsible contracting, ITPI supports national, state, and local organizations by providing them with the research and strategies they need to successfully challenge privatization schemes and to promote responsible contracting policies. With a small seed grant from the Public Welfare Foundation in 2011, ITPI began convening and providing limited technical assistance to a group of organizations working across the country to challenge the reemerging trend toward privatization of prison and immigrant detention centers.

The Partnership for Working Families has been an OSF grantee since 2007. In 2011, The Democracy Fund and the Equality and Opportunity Fund awarded the Partnership for Working Families general support.

**Description of the Project for Which Funding Is Sought:**

The Partnership for Working Families requests project funding to continue the efforts of its In the Public Interest project to develop, provide campaign assistance to, and expand a broad-based national coalition focused on challenging the privatization of prisons and immigrant detention centers in the United States. Specifically, OSF funding will enable In the Public Interest to:

*Maintain and support a functioning coalition.*<sup>2</sup> ITPI will convene and keep together leaders and activists

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<sup>2</sup> Current coalition members represent an impressive mix of groups and constituencies: multi-issue national and regional organizations that work on privatization such as Grassroots Leadership, Policy Matters Ohio, Good Jobs First, Public Campaigns, the Progressive States Network, and the National Institute on Money in State Politics;

from different constituencies and with different agendas who are aligned on the issue of privatization. It will support the coalition's strategy development by creating and convening quarterly a national steering committee and conducting regular coalition conference calls for peer learning and for sharing information and strategies from state and local campaign work. It will strengthen the knowledge and communication among coalition members by maintaining a listserv to facilitate communication and a campaign website to provide a central repository of research, government reports, media articles, contracts, case studies, and other useful materials. ITPI will produce a *Private Prison Contracting Guide and Checklist*, which will provide guidance to advocates and policymakers seeking to ensure that contracts with private companies to operate prisons contain strategic performance and accountability measures, and it will update "State Statutes and Regulations Governing Private Prisons," originally published by AFSCME in 2000, which compiles and organizes statutes and regulations from numerous states related to private prisons along with explanatory notes. To amplify the coalition's voice and ensure consistent messaging, ITPI will translate findings from public opinion research it commissioned in 2011 into effective messaging about the risks of privatizing prisons, immigrant detention centers, and other criminal justice systems and services, and will work with coalition members to incorporate this messaging into their campaigns and materials.

*Expand the coalition.* ITPI will work to grow the number and the diversity of organizations connected to the coalition that can engage nationally and/or support local campaigns by identifying and engaging leaders in the faith community, criminal justice reform and civil rights fields, and law enforcement and correctional officers unions. It will identify, develop working relationships with, and invite to the coalition those organizations working to challenge the privatization of immigration detention campaigns but which have yet to connect. ITPI will also work to educate and connect to the work of the prison privatization coalition, and vice versa, organizations from its broader privatization network to create and continually strengthen a long-term movement to support public institutions.

*Provide focused support for important local and state campaigns.* ITPI will engage and coordinate national coalition members in support of on the ground campaigns in target states (Arizona, Florida, Texas, Michigan, and Ohio) and identify other necessary supports. It will track local and state prison privatization and detention center initiatives; keep national organizations and the larger coalition informed about local campaigns and their needs; and mobilize national, state, and regional action in concert with local campaigns. ITPI will work with local organizers to build education and advocacy toolkits specific to their needs; provide campaign assistance and tactical support by identifying goals, objectives, and strategies, creating communications and media tools, and developing funding strategies; and design post-campaign strategies so that local organizers are left with both the results of the campaign as well as the tools they need to move forward. ITPI will also support local campaign efforts to engage local and state faith leaders and communities and will create an up-to-date and comprehensive database of faith-based and other state and local organizations.

### **Rationale for Recommendation:**

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.

The multitude of issues and problems brought about by the privatization of prisons and detention centers

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national and state prison rights and criminal justice reform organizations such as the ACLU National Prison project, Texas Criminal Justice Coalition, Justice Policy Institute, American Friends Service Committee, Human Rights Defense Council, Justice Strategies, The Sentencing Project, and Human Rights First; Unions including SEIU, AFSCME, AFL-CIO, and the Teamsters; and immigrant rights organizations, including Detention Watch Network.

has been well documented. The economic motive that drives private prisons to cut costs in every area of operations results in poorly paid and trained staff, higher employee turnover, and dismal prison conditions that directly contribute to decreased security and a higher incidence of violence in private facilities than in public institutions. In the political arena, the industry's fundamental need to obtain and maintain private prison contracts incentivizes for-profit private prison corporations to aggressively lobby for harsher policies. Such "tough on crime" and "tough on immigration" laws help ensure a steady flow of people into the prison and immigrant detention systems, driving the demand for bed space necessary for keeping private prisons operating at maximum profitmaking capacity. In 2011, state legislatures and/or key executive branch officials in Arizona, Florida, Louisiana, Maine, Michigan, Ohio, and Texas introduced and promoted major new prison privatization initiatives. In addition to prison and criminal justice issues, the Corrections Corporation of America (CCA) and the conservative think tank, the American Legislative Exchange (ALEC), continue to lobby states to adopt Arizona's restrictive immigration laws to create demand for more detention facilities that CCA would hope to build and operate.

From 1999-2001, OSF funded a broad coalition of organizations challenging prison privatization nationally. Having experienced measurable success at undermining the industry in policy circles and in defeating privatization efforts at the state and local levels, the coalition disbanded and members returned their focus to their core issues, leaving no formal mechanism for future collaboration. In the past few years, however, criminal justice and immigration detention reform groups, unions, faith-based organizations, and others around the country have reengaged or have begun anew to address prison privatization as the issue has heated up. While many have done good work, their efforts have largely been taking place in isolation or without coordination or common strategies. With the increase in prison privatization initiatives in recent years, advocates in states require greater assistance and resources to assist them in their on-the-ground efforts. This project will help address this state of affairs by connecting issues and institutions and maintaining a coalition structure and opportunities for greater coordination of knowledge, communications, and public education and advocacy strategies and efforts.

CJF staff believes that the Partnership for Working Families' In The Public Interest project is well positioned to lead this effort. Its experience and expertise on privatization issues affecting other sectors, such as national defense, health and human services, education, and water, have enabled it to quickly get up to speed on the core issues and concerns related to privatization in criminal justice and immigration enforcement settings. As the national resource center specializing on privatization and responsible contracting, ITPI is the perfect organization to play the role of a central clearinghouse for information on prison privatization and immigrant detention issues. It is a respected technical assistance provider with experience supporting national, regional, state, and local anti-privatization campaigns and is well equipped to play this role for advocacy organizations in their campaigns against prison privatization, initiatives to enact responsible contracting measures, and/or efforts to inject public interest protections into new privatization contracts.

We are encouraged by the progress ITPI has made and the insights it has brought to the field in the past year with limited resources. In October 2011, to get a "lay of the land" of past and current campaign strategies from across the country and to determine the need and potential for future collaborative work, ITPI convened about 30 organizations working on prison privatization, criminal justice and immigrant detention issues. This meeting resulted in unanimous agreement that a coalition anchored in a strong national organization was needed as a central vehicle to: provide a structure in which regional, state and local groups could participate; educate and recruit other organizations and constituencies; and create and manage a listserv to help manage communications and coordination.

In January 2012, ITPI convened a second meeting of the core national groups that confirmed the desire to form the coalition, explored ways the coalition could support local campaigns across the country, developed ideas for future outreach, identified priority target states, and set concrete next steps. Almost

immediately, the meetings, the listserv, and follow-up conference calls created new working relationships and momentum, which enabled groups to work together effectively to defeat a proposal to privatize at least 27 state prisons in Florida. The success of that effort galvanized coalition members and demonstrated the coalition's potential if it is able to develop longer timelines, structured work plans, and regular coordination. OSF funding at this critical time will enable ITPI and its partners to continue strengthening the coalition and build on its initial successes.

For these reasons, the Criminal Justice Fund recommends project funding in the amount of \$300,000 over two years to the Partnership for Working Families.

**Grant ID:** 20033644

**Legal Name of Organization:** Voice Of The Ex-offender

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to expand employment opportunities in New Orleans, Louisiana, for people with criminal records

**Grant Description:** To provide \$100,000 project support renewal over two years to Voice of the Ex-offender (VOTE) to expand employment opportunities in New Orleans, Louisiana, for people with criminal records. OSF funding would enable VOTE to counsel people with criminal records about employment opportunities, educate employers about the value of hiring people with criminal records, and connect people with criminal records to employment opportunities. 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 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.

**Previous OSF Support:** \$100,000

- \$100,000 from Criminal Justice Fund and the Democracy and Power Fund, 2010

**Organization Budget:** \$455,709

**Project Budget:** \$352,088

**Major Sources of Support:**

Baptist Community Ministries	\$103,000
Youth Justice Funding Collaborative	\$60,000
Individual Donations/Grassroots Fundraising	\$52,000
Gulf Coast Rock Fund	\$30,000
Civic Engagement Funding	\$30,000

**Amount Requested:** \$100,000

**Is this a contingent grant?:** No

**Amount Recommended:** \$100,000 (Criminal Justice Fund, T1: 24016)

**Term:** 2 years, beginning July 1, 2012

**Matching Requirements:** n/a

### **Description of Organization:**

Founded in 2004 by Soros Justice Fellow Norris Henderson, Voice Of The Ex-offender (VOTE) is a formerly incarcerated person-led and membership-based grassroots organization in New Orleans dedicated to ending the disenfranchisement of and discrimination against people with criminal records. Founded on the principle that those who are most vulnerable and most impacted must have power in order to transform the systems that oppress their communities, it works to ensure that people directly affected by criminal justice policies are at the forefront of criminal justice reform. Through public education and advocacy campaigns directed at reforms that address the direct needs of its membership, leadership development, and expungement clinics, VOTE builds the political power of people most impacted by the criminal justice system. VOTE's current work also focuses on civic engagement by educating people with criminal records about their voting rights and on economic empowerment by increasing employment and career opportunities for people who have had prior contact with the criminal justice system.

In 2010, OSF awarded VOTE funding to conduct public education and to organize and mobilize people with criminal records around their right to vote, for greater participation in the 2010 Census, and to address unreasonable barriers to reentry in New Orleans.

### **Description of the Project for Which Funding Is Sought:**

Voice Of The Ex-offender requests renewed project funding to support its economic empowerment efforts to expand employment opportunities for people with criminal records in New Orleans, Louisiana. Specifically, OSF funding will allow VOTE to:

*Educate people with criminal records about employment opportunities.* VOTE will conduct research to gather information on the current state of employment opportunities for people with criminal records in New Orleans. Based on the data it collects, it will create a database of employers who hire people with criminal records, job-required prerequisites of available employment opportunities, and local programs that provide job readiness and/or job placement services. It will make the database accessible to all job seekers with criminal records through distribution to reentry programs, service providers, and via its website, and will use the data it gathers for the database to inform its public education and advocacy efforts. VOTE will also engage in targeted media outreach and press events to publicize the database and applaud employers who hire people with criminal records.

*Educate employers about the value of hiring people with criminal records.* VOTE will conduct research to document the experiences of employers who hire people with criminal records and will publish and disseminate a digest of the findings in a "Know Your Benefits" recruitment tool to attract new businesses and employers who do not yet hire people with criminal records. It will obtain employer testimonies about their experiences hiring people with criminal records, produce case studies, and disseminate these materials to employers through local business organizations and associations. It will conduct media outreach, assist three employers to write op-eds about the value of hiring people with criminal records, and generate at least one independent media piece about the need to increase the number of employers who are willing to hire people with criminal records. VOTE will also organize and regularly convene a Business Leaders Group of employers who hire people with criminal records and provide support to members to prepare them to speak about the benefits of hiring people with criminal records at business community events.

*Connect people with criminal records to employment opportunities.* To link directly business owners willing to hire people with criminal records with qualified applicants, VOTE will host a job fair and seminar. It will continue to organize and mobilize people with criminal records to urge the City of New Orleans' to hire people with prior criminal convictions, provide incentives to contractors and vendors

bidding for city contracts to also hire people with histories of criminal justice contact, and modify or end the statutory bans preventing people with criminal records from over seventy different professional certifications and licensure. Through partnerships with partner organizations and local attorneys, VOTE will also assist formerly incarcerated people to expunge their criminal records in order to better access employment, education, and housing.

**Rationale for Recommendation:**

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 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.

People with criminal records face innumerable unreasonable barriers to employment, particularly in Louisiana, where people with criminal justice involvement are barred from over seventy different forms of professional licensure, including those required for barbers, electricians, and stevedores, regardless of the nature of the crime of conviction. These obstacles make it difficult for people with criminal records to provide for themselves and their families in productive and safe ways. VOTE's goals and strategies reflect our belief in the importance of engaging marginalized individuals and communities in efforts to reform the policies and practices that most directly affect them. People with criminal records are an important potential constituency in New Orleans and elsewhere because they have important knowledge about the legal system and public safety issues through their own first-hand experience. Through VOTE's community education programs, organizing, legal training program, and neighborhood canvassing committees, the community of formerly incarcerated and convicted people in New Orleans has the potential to transform the criminal justice system into one that focused on true public safety and ensures the growth and development of self-determined communities.

Over the past two years, despite being a small, volunteer-led organization, VOTE has made important impact in New Orleans, including educating people with criminal records about their voting rights and educating the public about the collateral consequences that inhibit successful reentry. In 2010, the then new mayor Mitchell J. Landrieu invited VOTE's director to serve on the Mayor's Task Force to select a new Superintendent for the New Orleans' Police Department. As part of a citywide coalition combating the overreliance on incarceration, VOTE educated local stakeholders on the urgency of decreasing the number of local jail beds and redirecting funds towards crime prevention strategies. In early 2011, VOTE launched its Campaign to End Employment Discrimination, a three-pronged strategic effort to improve the employment opportunities for people with criminal records through public education, city government and employer education and advocacy, and job training, entrepreneurship, and apprenticeship programming offered by local non-profits. Last summer, VOTE completed its first paralegal training course, providing legal education and new job and leadership skills to 12 local community members directly affected by the criminal justice system. The project funding recommended here would enable VOTE to expand on this work by strengthening its public education and advocacy efforts.

CJF staff is encouraged by the leadership of VOTE's founder and executive director Norris Henderson who, before launching VOTE, was a Soros Justice Fellow and co-directed Safe Streets/Strong Communities. Wrongfully incarcerated for 27 years, Henderson shares firsthand experience of the racism and brutality of the criminal justice system with communities of color across New Orleans. Henderson has also built bridges with other constituencies, regularly speaking publicly in support of immigrant workers rights and acting as a general liaison to other community organizations in the city. Moreover, Henderson has become an increasingly important and respected advocate in justice policy circles in New Orleans, Louisiana, and nationally.



For these reasons, the Criminal Justice Fund recommends renewed project funding in the amount of \$100,000 over two years to Voice Of The Ex-offender.

**Grant ID:** 20035389

**Legal Name of Organization:** Death Penalty Information Center

**Tax Status:** 501(c)(3) private foundation

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to provide general support

**Grant Description:** \$200,000 general support renewal over two years to support Death Penalty Information Center's efforts to provide information and analysis on the use of capital punishment in the United States. The center regularly issues press releases and conducts briefings for journalists and is one of the most widely cited sources of information on the death penalty for the media. The grant advances the Criminal Justice Fund's goal to eliminate harsh punishment by abolishing the death penalty. It also advances the goal of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

**Previous OSF Support:** \$1,045,000

- \$200,000 from Criminal Justice Fund, 2010
- \$65,000 from Criminal Justice Fund, 2009;
- \$100,000 JEHT Emergency Grantmaking 2009;
- \$610,000 from Gideon Project 2000-2008;
- \$70,000 Law & Society Criminal Justice 1999

**Organization Budget:** \$435,757

**Project Budget:** n/a

**Major Sources of Support:**

Roderick MacArthur Foundation	\$245,000
Donations	\$12,500

**Amount Requested:** \$200,000

**Is this a contingent grant?** No

**Amount Recommended:** \$200,000 (Criminal Justice Fund, T1: 24016)

**Term:** 2 years, beginning July 1, 2012

**Matching Requirements:** n/a

### **Description of Organization:**

The Death Penalty Information Center (DPIC) is a Washington, D.C.-based private foundation that serves the media and the public by providing information and analysis on the use of capital punishment in the United States. Formed in 1991, DPIC operates under the premise that the more the public knows about the death penalty, the more it will understand that this form of punishment, with excessive costs, questionable returns and irremediable flaws, must be brought to an end. Richard Dieter became the executive director in 1992 and continues in that role.

DPIC is one of the most widely cited sources of information on the death penalty in the media. It has produced and broadly disseminated 20 major reports on the death penalty - four of which have been based on commissioned national opinion polls. All of these reports have been widely covered in the media. DPIC's Year End Report for 2011 was mentioned in over 400 broadcast and print media outlets, setting the tone for the death penalty debate in 2012. Some of the coverage included NBC Nightly News, CBS Radio and National Public Radio. Positive stories and editorials have appeared in hundreds of publications, including the *Wall Street Journal*, the *Washington Post*, *USA Today*, *Time Magazine*, and the *Los Angeles Times*.

DPIC also operates a state-of-the-art website, which received almost one million hits per day in 2011. The amount of information that flowed to site visitors in 2011 increased by 25 percent from 2010. The number of unique visitors to DPIC's website exceeds that of many national organizations with broad agendas such as the NAACP, the Brookings Institute and the Innocence Project. Many national outlets have included links to the DPIC site, and it is frequently referenced in court opinions, books, and articles. The site has a presence on networking websites such as Facebook, Twitter, YouTube, and produces free podcasts available through iTunes. DPIC maintains four additional websites—for students and teachers at the high school and college levels. DPIC's high school curriculum has been used by teachers in all 50 states and in 36 countries. DPIC's college curriculum has been used by professors in 46 states plus the District of Columbia. Over 30,000 students and 700 college instructors have reported using the curriculum in over 200 different class subjects. The curricula are in keeping with DPIC's philosophy and Thurgood Marshall's hypothesis that, the more people know about how the death penalty is applied, the more likely they are to oppose it. Though there is no survey at the beginning of each class regarding student opinions about the death penalty (in an effort to avoid the implication that there is a "right" answer), students come away from these courses better informed about capital punishment, which has proved to be one of the most persuasive methods of increasing opposition.

In addition, DPIC makes presentations at conferences and before journalists, school groups, international audiences, legislative bodies and interested organizations. During the past two years, its activities have included presentations at the National Coalition to Abolish the Death Penalty conferences, the Texas Coalition Conference, the University of Texas Law School symposium, Death Penalty Focus awards dinner; testimony on costs in Harrisburg, Pennsylvania and the European Union's NGO Human Rights conference in Brussels.

Over the next two years, DPIC will continue its core work of public communications, assistance to key constituencies, and education of the public about the death penalty. It will also continue outreach to communities of faith and other under-utilized and unlikely allies.

### **Description of Program for Which Funding Is Sought:**

DPIC seeks a general support renewal grant of \$200,000 over two years.

### **Rationale for Recommendation:**

This grant supports the Criminal Justice Fund's priority of eliminating harsh punishment in the criminal justice system. It also advances the goal of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

In the last few years, caution and skepticism about capital punishment have been running high, resulting in fewer death sentences and executions and increased activity in state campaigns for reform or abolition. Through its consistent work, DPIC has contributed to a shift in the national discussion on the death penalty. The polarizing discourse that had focused on the morality of capital punishment has moved toward a critical analysis of the system's risks and problems.

DPIC was formed in 1991, at a time when the number of death sentences, the number of executions, and public support for the death penalty were on the rise. By the mid-1990s, the number of new death sentences had increased to more than 300 per year, the highest level since the death penalty was reinstated by the Supreme Court in 1976. As the public's perception of this issue has changed, there has also been a dramatic reversal in death penalty trends. In 2011, there were 43 executions in 13 states, a 56 percent decline since 1999 when there were 98. There were 78 death sentences in 2011 – representing a decline of about 76 percent since 1996 when 315 inmates were sentenced to death. Even in Texas, there were only eight new sentences in 2011, compared to 48 in 1999. The size of the national death row is also on the decline, from a high of 3,593 in 2000 to 3,251 in 2011.

DPIC has played an instrumental role in bringing about these reversals. For 21 years, it has provided journalists, scholars, and the public with accurate and current information on the death penalty. It has strategically shifted the debate over the death penalty, once limited to moral and constitutional arguments, by demonstrating that the death penalty is applied in an unfair and arbitrary manner. DPIC's fact-based reports document numerous problems: the cases of the more than 100 death row inmates who have been exonerated based on innocence; the sharp racial disparities in the application of the death penalty; the dearth of well-trained counsel; the astronomical costs of prosecuting death-eligible cases; the skewing and withholding of evidence by overzealous police and prosecutors; the availability of life without parole sentences as an alternative to death sentences; and the weaknesses of the jury system.

Significant challenges remain. As more states resolve their problems with lethal injection, they could return to executions. Additionally, states that recently abolished the death penalty must fight reinstatement efforts. Nevertheless, the progress of recent years continues as advocates in a number of states, including Maryland, Colorado, and Montana, have made significant advances with repeal efforts. Consistent and effective communications strategies are needed to sustain momentum.

As a well-known, much consulted, and trusted source of information on the death penalty, DPIC is poised to continue raising concerns about the fairness of the death penalty. For the above mentioned reasons, Criminal Justice Fund staff recommends a renewal grant of \$200,000 over two years for general support to the Death Penalty Information Center.

**Grant ID:** 20035378

**Legal Name of Organization:** Equal Justice USA

**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 Equal Justice USA, a national, grassroots organization that seeks to build a criminal justice system that is fair, effective, and responsive to everyone impacted by crime, from ending the death penalty to strengthening services for crime survivors. EJUSA partners with state-based organizations working to end the death penalty and provides planning sessions, trainings, materials and message development, and other technical assistance to strengthen local advocacy. This grant advances the Criminal Justice Fund's goal to eliminate harsh punishment by abolishing the death penalty. It also advances the goal of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

**Previous OSF Support:** Amount

- \$400,000 from Criminal Justice Fund, 2010
- \$75,000 from Criminal Justice Fund, 2009
- \$250,000 from Gideon Project, 2008
- \$100,000 from Gideon Project, 2006
- \$80,000 from Gideon Project, 2003
- \$80,000 from Gideon Project, 2001

**Organization Budget:** \$1,082,097

**Project Budget:** n/a

**Major Sources of Support:**

Atlantic Philanthropies	\$400,000
Tides Foundation	\$200,000
Individual donations	\$150,000
Proteus Action League	\$80,000

**Amount Requested:** \$400,000

**Is this a contingent grant?** No

**Amount Recommended:** \$400,000 (Criminal Justice Fund, T1: 24016)

**Term:** 2 years, beginning July 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

Equal Justice USA (EJUSA) was established in 1990 as a grassroots criminal justice program of the multi-issue Quixote Center located in Hyattsville, Maryland. EJUSA's mission is to build a criminal justice system that is fair, effective, and humane and to mobilize ordinary citizens to advocate for reforms. In 1997, EJUSA launched a grassroots campaign seeking a moratorium on executions throughout the United States and the reallocation of resources saved in the process toward support for the family members of murder victims. On July 1, 2008, EJUSA separated from the Quixote Center and gained status as an independent non-profit entity. In October 2008, EJUSA relocated from Maryland to New York City. Over the past two years, EJUSA has increased its staff size from seven to twelve.

EJUSA is one of two national organizations that partner with state-based anti-death penalty organizations to provide them with specific tools and the support necessary to build strong death penalty reform or abolition campaigns.<sup>3</sup> EJUSA currently provides the following services:

- *Field Organizing and Campaign Coordination.* EJUSA's field organizers devote themselves to a cluster of key states to provide capacity-building assistance. This includes developing public education material, message development, outreach to stakeholders and organizational set-up. When state campaigns reach a high level of sophistication, EJUSA facilitates a "strategy team" of key staff, media and political consultants to support on-the-ground campaign activities. This assistance includes helping to develop and tailor the campaign strategy to the state's political environment, such as brainstorming outreach and mobilization tactics and facilitating planning sessions.
- *Senior Advising.* EJUSA plays an in-depth consultation role in campaigns. As advisors from the national movement, EJUSA is poised to catch opportunities that state groups sometimes miss because they are too close to the campaign or too demoralized by prior failures. EJUSA shares best practices, lessons learned, and contacts with other states to ensure that state campaigns understand their relationship to work happening outside their borders. It provides strategic advice in a variety of areas, such as polling, study commissions and outreach to policymakers, and on more technical issues, such database training, budgeting, accounting, staffing and management.
- *Develop Constituencies.* EJUSA helps states expand the breadth of constituencies in their campaigns through relationships with national organizations and leaders that trickle down to the state level and through concerted organizing in communities of color, law enforcement, victims, and conservatives. It conducts workshops at state and national meetings on how to reach out to these stakeholders. EJUSA has also developed outreach guides, provided mentoring in this area, and convened a national working group to expand outreach to conservatives at the national and state levels.
- *Leverage Financial Assistance.* EJUSA will occasionally provide modest funds to state groups to get them off the ground or assist them in an emergency, recognizing that, for some state groups, several thousand dollars—or even several hundred dollars—can make a tremendous difference,

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<sup>3</sup> The other national organization focused on death penalty abolition, the National Coalition to Abolish the Death Penalty (NCADP), is also presented on this docket for grant consideration. EJUSA and NCADP typically work in different states. However, in the few instances when the two organizations work in the same states, such as Colorado and Maryland, they focus on different areas of support in their campaign advising. Additionally, NCADP is an affiliate-based organization, which requires it to respond to requests from its affiliates for technical assistance.

and that smaller and less sophisticated groups have few places to tap for funding. EJUSA also helps states partners develop or implement fundraising plans, including proposal development, direct appeals, and donor outreach.

Overall, EJUSA's staff is known to roll up their sleeves and work side-by-side with their state partners to develop and implement successful anti-death penalty campaigns. EJUSA works with states over a multi-year period to build trust. Currently, EJUSA works in 10 states and provides other assistance as needed.<sup>4</sup>

### **Description of Program for Which Funding Is Sought:**

EJUSA seeks renewal of general support funding in the amount of \$400,000 over two years.

### **Rationale for Recommendation:**

This grant supports the Criminal Justice Fund's priority of eliminating harsh punishment in the criminal justice system. It also advances the goals of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

EJUSA plays a national leadership role in the anti-death penalty movement by providing direct campaign coordination assistance to states and by serving on the Steering Committee to the national abolition campaign.<sup>5</sup> EJUSA's track record of success is impressive. The organization developed strategies and messages that helped state and local organizers end the death penalty in New York, New Jersey, New Mexico and, most recently, Illinois. EJUSA has also been the lead national partner on campaigns in Connecticut, Maryland and Montana, all of which have had significant movement towards repeal.

EJUSA helped to transform the New Hampshire Coalition to Abolish the Death Penalty from an all-volunteer coalition with virtually no grassroots membership into a professional, staffed coalition with a vibrant grassroots base. The Connecticut Network to Abolish the Death Penalty hired its first staff person in 2009 and today is considered one of the most savvy and professional campaigns as a result intensive technical assistance from EJUSA.

Nationally, EJUSA has mobilized thousands of individuals to take action on landmark cases. The organization generated thousands of petition signatures and letters in support of Troy Davis prior to his execution. EJUSA's outreach to key constituencies has added many new and unlikely allies to the movement to end the death penalty. The organization has helped state coalitions to recruit family members of murder victims to support repeal, organized presentations to law enforcement associations, and supported recruitment of conservatives in key states. Over the next few years, EJUSA is poised to continue to play a key role in the national abolition movement by: 1) supporting repeal campaigns in one to two more states; 2) move five additional states closer to repeal by helping to develop strategic plans, increase participation of key communities, and build the necessary grassroots and political capital to make repeal viable beyond 2012; and 3) improve national-level coordination in the movement by playing a leadership role in the Abolition 2025 campaign.

EJUSA is highly regarded by its state and national partners. State partners view its staff as dedicated advocates that are willing to put in long hours and provide critical support on intensive repeal campaigns.

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<sup>4</sup> Intense focus states: Connecticut, Maryland, Montana, Colorado; Tee-up states: Washington, New Hampshire, Nebraska, Tennessee; and Post-repeal monitoring: Illinois, New Jersey.

<sup>5</sup> In 2007-08, EJUSA helped to develop the first national strategic plan for the 2025 abolition campaign through a convening process in coordination with Funders for Alternatives to the Death Penalty, of which OSF is a member. EJUSA's current organizing director is a member of the 2025 Campaign's national steering committee.

EJUSA has also worked closely and developed strong relationships with the National Coalition to Abolish the Death Penalty, Murder Victims' Families for Reconciliation and Amnesty International, among other organizations. A recent external evaluation commissioned by the Atlantic Philanthropies gave EJUSA high marks.

For the above mentioned reasons, the Criminal Justice Fund recommends a grant of \$400,000 over two years for renewed general support to Equal Justice USA.



**Grant ID:** 20035353

**Legal Name of Organization:** National Coalition to Abolish the Death Penalty

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to provide general support

**Grant Description:** \$350,000 general support renewal over two years to the National Coalition to Abolish the Death Penalty (NCADP), the nation's oldest and largest organization dedicated exclusively to ending the death penalty. Based in Washington, DC, NCADP provides leadership development, technical assistance, membership development and campaign organizing support to its extensive network of over 100 affiliate organizations dedicated to abolishing the death penalty. The grant advances the Criminal Justice Fund's goals to eliminate harsh punishment by abolishing the death penalty. It also advances the goals of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

**Previous OSF Support:** \$680,000

- \$265,000 Criminal Justice Fund, 2010
- \$250,000 Criminal Justice Fund, 2009
- \$25,000 from Gideon Project, 2002
- \$50,000 from Gideon Project, 2000
- \$10,000 from Law & Society, 1999
- \$80,000 from U.S. Justice Fund, 1997

**Organization Budget:** \$1,406,140

**Project Budget:** n/a

**Major Sources of Support:**

Atlantic Philanthropies	\$1,000,000
European Union	\$350,000
Norflet	\$250,000
Ford Foundation	\$100,000
Wardlaw Trust	\$12,500

**Amount Requested:** \$350,000

**Is this a contingent grant?** No

**Amount Recommended:** \$350,000 (Criminal Justice Fund, T1: 24016)

**Term:** 2 years, beginning July 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

More than 35 years ago, a group of leading civil and human rights activists founded the National Coalition to Abolish the Death Penalty (NCADP), responding to the Supreme Court's 1976 *Gregg v. Georgia* decision, which permitted executions to resume. Today, NCADP represents a network of over 100 groups and local affiliates, including human rights, civil rights and professional organizations. NCADP is the nation's oldest organization dedicated exclusively to death penalty abolition – unifying its extensive network of affiliates, dedicated advocates and volunteers, murder victim family members, and prominent civil justice organizations in the fight to end the death penalty in the United States.

Headquartered in the District of Columbia, NCADP provides state affiliates with technical support, to assure that its state affiliates have strong organizational infrastructures and realistic and strategic statewide campaign plans to repeal the death penalty. Executive Director Diann Rust-Tierney has over 20 years of experience as a lawyer and policy advocate on this issue, including extensive experience in the legislative arena. Previously, Tierney organized and managed the ACLU Washington, DC legislative office as its Associate Director from 1993 to 2000.

NCADP is one of two national organizations providing important strategic support to advocacy organizations and allies working to abolish the death penalty.<sup>6</sup> Its support includes: 1) training on the core elements of designing and executing a state-based campaign to repeal or abolish the death penalty; 2) an annual training conference for advocates and affiliate executive directors; 3) communications and messaging outreach support to affiliates; 4) fundraising advice; and 5) technical assistance and on-site support to affiliates engaged in active repeal or reform campaigns.

In 2012-13, NCADP plans to work intensively with affiliate leadership in seven states, including Kansas, Colorado and Maryland. These states are engaged in active repeal campaigns. NCADP will also continue its intensive assistance in Texas and Virginia – both states with large death rows and high sentencing or execution rates. It will work closely with affiliate leadership in Ohio and Pennsylvania, which now have study commissions. Additionally, the organization will provide specific short-term assistance to affiliate leadership in Florida, Indiana, Oregon and Washington. NCADP's intensive technical assistance to state affiliates includes membership development, advice on building or strengthening grassroots campaigns, communications assistance, board development and strategic planning. In recent years, NCADP has deployed staff on the ground to provide technical assistance in Arkansas, Colorado, Illinois, Kansas, Kentucky, New Mexico, North Carolina, Texas, Utah and Virginia.

**Description of Program for Which Funding Is Sought:**

NCADP seeks a renewal of general support funding in the amount of \$350,000 over two years.

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<sup>6</sup> The other national organization, EJUSA, is also presented on this docket for grant consideration. NCADP and EJUSA typically work in different states. However, in the few instances when the two organizations work in the same states, such as Colorado and Maryland, they focus on different areas of support in their campaign advising. Additionally, NCADP is an affiliate-based organization, which requires it to respond to requests from its affiliates for technical assistance.

### **Rationale for Recommendation:**

This grant supports the Criminal Justice Fund's priority of eliminating harsh punishment in the criminal justice system. It also advances the goals of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

Over the past year, there have been significant movements that support a climate for death penalty abolition and reform: Illinois abolished the death penalty; Oregon's governor declared a moratorium on executions; and Ohio and Pennsylvania initiated new study commissions. Other states such as Washington are also making progress towards building viable campaigns. There was also an unprecedented level of national organizing to contest the execution of Troy Davis in Georgia. The number of new death sentences dropped dramatically in 2011, falling below 100 for the first time in the modern era of capital punishment. Executions have also continued to decline, dropping to 43 from 46 in 2010 and from 85 in 2000.

All of these results, and more, were achieved through the collaborative efforts of dedicated and skilled activists, lawyers and leading organizations. NCADP plays an essential role by providing technical assistance to targeted states closer to repeal. For example, NCADP staff was on the ground in Illinois during the intensive repeal effort, helping to support the state affiliate. In Kansas, it helped the local affiliate to gain the support of conservative, Republican policymakers. NCADP also has worked closely with CJF grantee Equal Justice USA to build the infrastructure in Colorado as a potential target for repeal in 2013. In 2011, NCADP also provided hundreds of local advocates and affiliates with training opportunities through its national skills-building conferences.

NCADP continues to cultivate the broad base necessary for successful repeal campaigns, including working with conservatives, the religious community, victims groups and communities of color. The organization serves as a model for developing partnerships. For the past several years, NCADP has convened the Ad Hoc Working Group, which consists of the leading abolition groups in the country, including Equal Justice USA and Death Penalty Information Center (also recommended for funding on this docket), and OSF grantees Amnesty International and the ACLU, among others.

Overall, NCADP plays a leading role within the national death penalty abolition movement by helping state-based organizations develop robust programs, build membership, craft strategic campaigns, recruit diverse constituents and train leaders. CJF is recommending an increase in funding to support NCADP's additional technical assistance in states with emerging opportunities such as Ohio and Pennsylvania and other states requiring short-term assistance. For the above mentioned reasons, the Criminal Justice Fund recommends a grant of \$350,000 over two years to provide renewed general support to the National Coalition to Abolish the Death Penalty.

**Grant ID:** 20035483

**Legal Name of Organization:** Tides Foundation

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to support the Death Penalty Mobilization State Strategies Fund to provide capacity building grants to state-based organizations working on death penalty reform, abolition, or moratoria campaigns in the U.S.

**Grant Description:** \$200,000 project support renewal over one year to the Tides Foundation to support the Death Penalty Mobilization State Strategies Fund, which re-grants pooled donor funds to 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 and support state-based organizations that are often overlooked by national foundations but are critical to the success of the fight to end capital punishment. This grant supports the Criminal Justice Fund’s goal of eliminating harsh punishment by abolishing the death penalty. It also advances the goals of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

**Previous OSF Support:** \$1,050,000

- \$200,000 from Criminal Justice Fund, 2011
- \$200,000 from Criminal Justice Fund, 2010
- \$200,000 from Gideon Project, 2008
- \$150,000 from Gideon Project, 2005
- \$150,000 from Gideon Project, 2003
- \$150,000 from Gideon Project, 2001

**Organization Budget:** \$6,000,000

**Project Budget:** \$790,000

**Major Sources of Support:**

Atlantic Philanthropies	\$465,000
Sheilah’s Fund at Tides	\$125,000

**Amount Requested:** \$200,000

**Is this a contingent grant?** No

**Amount Recommended:** \$200,000 (Criminal Justice Fund, T1: 24016)

**Term:** 1 year, beginning August 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

The Tides Foundation (“Tides”), a San Francisco-based public charity founded in 1976, partners donors that are interested in charitable giving with organizations that are working for progressive social change. Tides actively promotes change towards a healthy society, one which is founded on the principles of social justice, broadly shared economic opportunity, a robust democratic process, and sustainable environmental practices. Tides initiatives focus on economic and racial justice, Native American rights, environmental justice, youth programs, violence prevention, and civic participation. Tides has awarded \$508 million in grants over the past five years.

The Tides Foundation Death Penalty Mobilization Fund (DPMF) was initiated in 2000 by a Tides donor and over the years has been sustained through the support of individual and institutional partners. To date, DPMF has awarded approximately \$2.9 million in grant support to state-based organizations working against the death penalty via two structures: the State Strategies Fund and the Rapid Response Fund. Currently, only the State Strategies Fund of DPMF—which Open Society Foundations has supported since 2001—remains active.

**Description of Program for Which Funding Is Sought:**

The Tides Foundation seeks a renewal grant of \$200,000 over one year to support the Death Penalty Mobilization State Strategies Fund (“Fund”). The Fund’s goal is to abolish the death penalty through the re-granting of pooled donor funds to state-based grassroots organizations to support public education and mobilization. Additionally, the Fund provides support to build the capacity of state-based organizations to engage in public education about the death penalty. A typical grant from the Fund ranges from \$30,000 to \$60,000 per year.

An Advisory Committee composed of activists and contributing grantmakers, including OSF’s Criminal Justice Fund, Atlantic Philanthropies, and Sheilah’s Fund have guided the Fund’s grantmaking decisions. Collectively, the committee determines which states are most likely to succeed in their reform efforts and which organizations within these states are best suited to mobilize groups to support reform. In the recent past, the Advisory Committee has recommended grants to build the organizational capacity of state-based groups in Colorado, California, Illinois, Kansas, Nebraska, New Hampshire, Ohio, Pennsylvania and Tennessee.

**Rationale for Recommendation:**

This grant supports the Criminal Justice Fund’s priority of eliminating harsh punishment in the criminal justice system. It also advances the goals of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

The anti-death penalty movement continues to gain momentum as Illinois became the fourth state to abolish the death penalty since New York abandoned capital punishment in 2005. More Americans are finding the death penalty’s costs and risks less justifiable given the infrequency of its use and the fact that its primary targets are consistently the most vulnerable: the mentally ill, the poor, people of color, and those without adequate representation. Studies show that most Americans believe that innocent people have been executed, and two-thirds believe that merely enacting death penalty reforms will not eliminate the multiple problems endemic to capital punishment systems. The economic cost argument continues to

be relevant in state and national media. As states continue to look for ways to decrease expenses, there will be more opportunities to argue for abolition.

Other recent developments demonstrate that the death penalty is receiving more scrutiny than ever before. There was unprecedented outrage over the execution of Troy Davis in Georgia (given serious doubt about his guilt), a suspension of executions in Oregon and new study commissions in Ohio and Pennsylvania. Additionally, since 2007 there has been an eleven percent decline in executions. Former Governor Rendell of Pennsylvania has urged lawmakers to consider life without parole instead of capital punishment if the system cannot be made more effective. Moreover, prosecutors are not seeking the death penalty as often as they had a decade ago, and jurors are not voting for death as often.

In 2012, advocates in several states will organize their grassroots base, murder victims' families and unlikely allies to push momentum for policy reform. Some of these states include California, Colorado, Maryland, Washington, Montana and Kansas. It is important that anti-death penalty organizations in these and other states receive adequate resources so that they can continue to build grassroots support, attract new messengers for reform and influence public opinion. Yet, many of these grassroots organizations work with limited resources and frequently have to rely on volunteer support. The death penalty movement can continue to be strengthened by enabling impactful advocacy organizations to hire strong leadership and skilled organizers, to obtain communications assistance and to engage committed support staff.

The Fund plays a singularly important role in the abolition movement by adding capacity to small, state-based organizations to support the goals of the Campaign to End the Death Penalty by 2025. Usually, the small scale at which these groups operate leaves them vulnerable to being overlooked by national foundations, which are ill equipped to seek out and evaluate numerous requests from fledgling groups. By participating in the Fund, Open Society Foundations pools its funds with those from other donors and pursues a nationwide strategy of promoting promising local organizations. In addition to the benefits of the administrative assistance provided by the Tides staff, the experience and expertise of the Fund's Advisory Committee supports solid grantmaking decisions and maximizes opportunities for success. For these reasons, Criminal Justice Fund staff recommends renewed project support of \$200,000 over one year to the Tides Foundation Death Penalty Mobilization State Strategies Fund.

**Grant ID:** 20035327

**Legal Name of Organization:** The Constitution Project

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to support the Clearinghouse for New Voices on the Death Penalty

**Grant Description:** \$150,000 project support renewal over two years to support the state-based work of *The Clearinghouse of New Voices on the Death Penalty*, a national network of influential and unlikely spokespersons to which allies can turn for assistance with death penalty reform, moratoria and abolition campaigns. Funding will enable The Constitution Project to continue to recruit and conduct outreach to prospective influential allies, sustain existing relationships with organizations engaged in reform efforts and connect them to new voices that can bolster reform. Based on requests from partners, The Constitution Project will generate speaking engagements and media interviews, draft opinion pieces, organize and file amicus briefs, and coordinate statements and letters. The grant advances the Criminal Justice Fund’s goal to eliminate harsh punishment by abolishing the death penalty. It also advances the goal of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

**Previous OSF Support:** \$2,650,477

- \$93,000 from Open Society Policy Center, 2011
- \$1,325,000 from National Security and Human Rights Campaign 2008-2011
- \$150,000 from Criminal Justice Fund 2009
- \$397,960 from Gideon Project, 2000-2008
- \$100,000 from U.S. Justice Fund, 2007
- \$269,517 from Independence of the Judiciary, 2002-2006
- \$20,000 from Strategic Opportunities Fund, 2006;
- \$295,000 U.S. Programs General Grantmaking, 2002-2003

**Organization Budget:** \$2,245,840

**Project Budget:** \$350,000

**Major Sources of Support:** Ford Foundation \$150,000

**Amount Requested:** \$150,000

**Is this a contingent grant?** No

**Amount Recommended:** \$150,000 (Criminal Justice Fund, T1: 24016)

**Term:** 2 years, beginning February 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

Founded in 1997, the Constitution Project is an independent bipartisan think tank based in Washington, D.C., whose mission is to advance institutional and systemic change at all levels of society, fight against diminishing governmental transparency and accountability, promote human rights and advocate for the rule of law through reforms to our criminal justice system. The Constitution Project utilizes a range of strategies including policy analysis, the publication of reports, media outreach, public education and the submission of amicus curiae briefs.

With a staff of six full-time employees, The Constitution Project conducts much of its work with the assistance of bipartisan committees composed of influential policymakers and experts working in coalition with allied organizations and individuals. While the Constitution Project shares many policy goals with other progressive organizations around the country, it is distinguished by its ability to recruit unlikely allies and work with them to develop consensus-based recommendations.

**Description of Program for Which Funding Is Sought:**

In 2009, The Constitution Project launched the Clearinghouse for New Voices on Criminal Justice Reform to influence the debate over capital punishment and criminal justice reform in key states. The Constitution Project will continue to develop and use its national database of unlikely allies in support of death penalty reform and abolition to respond to emergency requests, facilitate connections and coordinate interactions with attorneys, activist organizations and politicians nationwide. The long-term objective of the Clearinghouse, working with allies in the Campaign to End the Death Penalty by 2025, is to create the political pressure that will allow each state to abolish the death penalty. The intermediate objectives of the Clearinghouse are to identify, recruit, sustain and deploy the unlikely allies who will create this political pressure. The Constitution Project will collaborate with new voices supporting death penalty reform and manage their involvement in specific efforts to restrict or repeal the death penalty. The Constitution Project will also work to influence litigation and litigation-related decisions by promoting the voices of the unlikely allies in *amicus* briefs and in support of clemency campaigns and stays of execution.

The Clearinghouse coordinator will conduct personal outreach with prospective influential allies, sustain existing unlikely allies by providing timely and relevant information, facilitate relationships with other high impact change agents, generate speaking engagements and media interviews, and coordinate interaction with attorneys, activist organizations, and politicians at the federal, state, and national levels. To accomplish these goals and objectives, the Clearinghouse staff will undertake the following activities: 1) engage in proactive research to identify unlikely allies for death penalty reform and abolition; 2) respond to requests for emergency and long-term assistance from the Constitution Project's partners; 3) conduct national and community conferences and forums that involve and feature new and unlikely allies; and 4) produce and disseminate publications to promote the public policy solutions offered by these new voices.

By engaging unlikely allies to speak out in favor of abolition, moratoria and reform of the death penalty, The Constitution Project expects to achieve the following outcomes: 1) demonstrate that support for death penalty abolition and reform is broad-based and bipartisan; 2) persuade judges to rule in favor of inmates challenging unjust convictions and death sentences; 3) encourage governors, pardon and parole boards, and others with similar authority to grant clemency and stay executions; 4) confront and rebut



allegations that supporters of abolition and reform are “soft on crime;” and 5) provide political cover for policymakers.

### **Rationale for Recommendation:**

This grant supports the CJF’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 with OSF’s leadership.

Now is the time to implement the strategies of the Clearinghouse for New Voices on Criminal Justice Reform. The practice and public perception of the death penalty is gradually transforming as state reforms take hold. The community of advocates opposed to the death penalty has also evolved from a marginalized movement of passionate but isolated religious and human rights activists into a mainstream coalition that includes criminologists, economists, law enforcement officers, judges, penal authorities, politicians of all persuasions, prosecutors, and victim advocates. Republicans and conservatives, who often attacked reformers and their political allies as “soft on crime,” now often support the reforms they once opposed.

The emergence of influential but unlikely allies, such as law enforcement, traditionally conservative political figures and murder victims’ family members working along with traditional death penalty abolitionists and reformers, has been instrumental in efforts leading to reform and reshaping the national discourse. The recent moratorium of capital punishment in Oregon is one example of how unlikely allies have influenced the debate about capital punishment. Over the years, The Constitution Project has responded to the requests of a variety of allies working for abolition, moratoria and reform in states, including Arkansas, California, Florida, Illinois, New Jersey, New York, Maryland, Missouri, Montana, New Mexico, Nebraska, North Carolina, Pennsylvania, and Texas. On January 17, 2012, in a historic decision, Delaware Gov. Jack Markell commuted the death sentence of Robert Gattis. With support from The Constitution Project and other CJF grantees, the commutation was the first time clemency had been granted in a death penalty case in Delaware.<sup>7</sup> Additionally, the Ohio Parole Board unanimously recommended granting clemency to Shawn Hawkins based on unreliable identification and faulty forensic evidence.<sup>8</sup> The Constitution Project helped to rally prominent bipartisan leaders to support clemency.

The recruiting and promoting of unlikely allies is understood by advocates to be an important strategy for successful criminal justice reforms. Yet, there is a compelling need to develop a systematic approach to involve influential individuals from diverse fields of experts who are willing to collaborate in support of reform. Working to advance the voices of unlikely allies in support of death penalty reform requires strategizing with lawyers, communications experts, and advocates about what kinds of voices would be most persuasive in the particular circumstances, identifying and recruiting them, editing statements, op-eds and briefs and managing their involvement in collaboration with allies across the country.

There is a compelling need to continue to confront allegations that supporters of abolition and reform are “soft on crime.” There is no doubt that the voices of law enforcement, judges, victims, and other unlikely allies have made significant contributions to reform efforts by providing policymakers with needed cover to support smart criminal justice policies. The Clearinghouse has demonstrated success during its first two years of existence by highlighting the voices of more than 100 unlikely allies in support of criminal justice reform. These individuals have participated in a broad number of activities to support clemency

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<sup>7</sup> The commutation resulted from the concerted effort of several organizations including three CJF grantees: Pennsylvania Capital Representation Project, Capital Litigations Communication Project and The Constitution Project.

<sup>8</sup> On June 8, 2011, Gov. Kasich upheld the Parole Board’s unanimous recommendation.

campaigns and other death penalty reform efforts. There are now over 700 individuals in the Clearinghouse's database. A grant from the Criminal Justice Fund would allow The Constitution Project to continue and expand its work to recruit and engage unlikely allies in the movement for death penalty reform and abolition. For the above mentioned reasons, the Criminal Justice Fund recommends a grant of \$150,000 over two years to The Constitution Project.

**Grant ID:** 20035332

**Legal Name of Organization:** Witness to Innocence

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to provide general support

**Grant Description:** \$50,000 general support renewal grant over one year to amplify the powerful voice of innocence—largely cited as the most salient and compelling reason for the shift in public opinion against the death penalty—by extending the unparalleled influence of exonerated, ex-death row prisoners. Witness to Innocence’s mission is to train and empower exonerated men and women to change public opinion through educational outreach. The grant advances the Criminal Justice Fund’s goals to eliminate harsh punishment by abolishing the death penalty and to promote civic and political participation among communities most impacted by the criminal justice system. It also advances the goals of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

**Previous OSF Support:** \$220,000

- \$50,000 Criminal Justice Fund, 2011
- \$50,000 Criminal Justice Fund, 2009
- \$70,000 Criminal Justice Fund, 2008
- \$50,000 Gideon, 2006

**Organization Budget:** \$632,490

**Project Budget:** n/a

**Major Sources of Support:**

European Commission	\$173,635
Atlantic Philanthropies	\$125,000
Ford Foundation	\$50,000
Speakers’ Bureau	\$30,452
Fund for Nonviolence	\$20,000
Individual Contributions	\$15,200
Special Events	\$10,000

**Amount Requested:** \$50,000

**Is this a contingent grant?** No

**Amount Recommended:** \$50,000 (Criminal Justice Fund, T1: 24016)

**Term:** 1 year, beginning January 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

Formed in September 2005, Witness to Innocence (WTI) is the only national organization to bring attention to the issue of innocence through the mobilization of exonerated death row prisoners and their family members. Based in Philadelphia, the organization was incorporated as a non-profit organization in September 2009. Its ten-member board of directors comprises death row exonerees, family members of death row exonerees and anti-death penalty activists. WTI's mission is to empower death row exonerees to become leaders in the movement to abolish the death penalty. In November 2011, WTI entered a new phase of organizational development when David Love – an attorney, journalist and human rights advocate - assumed the position of WTI's executive director.

The long-term goals of WTI are to: 1) abolish the death penalty in the United States; and 2) win fair financial compensation and social services for every exonerated death row survivor in America. The short-term objectives of Witness to Innocence are to:

- Empower exonerated death row survivors to become skilled spokespersons, organizers, and leaders in communities across the United States;
- Influence the opinions of citizens and the positions of public-policy makers toward favoring the abolition of the death penalty;
- Generate local, state, and national media coverage that exposes the flaws in the death penalty process;
- Assist state anti- death penalty organizations to win public policy victories that reform, restrict, or repeal the death penalty;
- Raise the issue of wrongful convictions in capital cases to priority status in Texas, the state where the greatest number of executions are carried out; and
- Facilitate peer support among exonerated death row survivors in their journey of recovery from the trauma on death row to a renewed life in the community.

In order to meet its long-term and short-term goals, WTI will implement the following five core programs during the grant period:

1. National Speakers Bureau - WTI will continue to promote and schedule exonerated death row survivors to speak at 100 venues across the U.S. in 2012.
2. Campaign to Assist State Organizations – In 2012, WTI will assist nine targeted state campaigns by developing comprehensive statewide tours and incorporating exonerated death row survivors in key meetings with the states' political and religious leaders. The targeted states that have promise for reform include California, Colorado, Maryland and Montana. States that require intensive assistance given the political climate include Alabama, Georgia, Florida, Texas and Virginia.

3. Nationwide Media Campaign – WTI will generate high-level media visibility in local and statewide markets in nine states targeted for organizing activity. The customized media strategy may include speaking tours, specific advocacy efforts and targeted media outreach. WTI will expand its work in this area in 2012 by increasing the visibility of the executive director and by conducting advanced media training for exonerated death row survivors.
4. Movement Building in Communities of Color – WTI is launching an initiative to engage communities of color in the nine states where the organization will be providing campaign assistance. The initiative will utilize exonerated death row survivors to bridge the gap between communities of color and state death penalty abolition campaigns.

**Description of Program for Which Funding Is Sought:**

Witness to Innocence seeks a renewal of general support funding in the amount of \$50,000.

**Rationale for Recommendation:**

This grant advances CJF’s priority area of eliminating harsh punishment and supports the goals of the Campaign to End the Death Penalty by 2025, a national movement developed with OSF leadership and support. Moreover, the grant supports CJF’s goal of empowering communities impacted by the criminal justice system to participate in reform efforts.

This grant would allow WTI to increase awareness about the broken death penalty system, organize impacted communities, and galvanize support for death penalty reform from unusual allies. Research has shown that the potential for innocent people to be executed is the single most powerful factor that is eroding public support for the death penalty in the United States. Dr. Frank R. Baumgartner of Pennsylvania State University coded more than 3,000 newspaper stories published in *The New York Times* since 1960 and determined that, since 1996, the “innocence frame” has received unprecedented levels of coverage while public opinion has shifted against the death penalty. A national poll of 1,500 registered voters released by Lake Research Partners on November 16, 2010 revealed that the risk of executing an innocent person was the most convincing argument for abolishing the death penalty in the United States.<sup>9</sup> Over the past decade, concern about the integrity of the criminal justice system has helped to create an unprecedented opportunity for reforming, restricting, and repealing the death penalty.<sup>10</sup> A major catalyst for the shift in public opinion and political landscape in states has been the exoneration and release of 138 innocent people from America’s death rows since 1973.

While the revelations about wrongful capital convictions have created a measurable impact on reversing support for the death penalty in the U.S., there remains a gap between general *public knowledge* about wrongful convictions and *passionate public commitment* to prevent the execution of the innocent. All political messages require inspirational messengers to move an issue from the realm of lifeless statistics and facts and into the hearts and minds of the body politic. The faces and emotionally gut-wrenching stories of the exonerated help to close the gap between an intellectual awareness of innocence as an important issue and a deep-rooted commitment to reform. Exonerated death row survivors are the most effective messengers to convince Americans that the death-penalty system is broken beyond repair.

Exonerees and their family members continue to raise public awareness about innocence, which has driven every successful abolition effort to date - from the moratorium instituted in Illinois in 2000 to the

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<sup>9</sup> “Poll Shows Growing Support for Alternatives to the Death Penalty,” Death Penalty Information Center, November 16, 2010.

<sup>10</sup> “Californians’ support for death penalty waning,” by Carol J. Williams, Los Angeles Times, September 2, 2009.

repeal of the death penalty in Illinois in 2011 and repeal in New Jersey (2007) and New Mexico (2009). In fact, New Mexico's Governor Richardson, a longtime proponent of the death penalty, spoke at length about wrongful convictions and the possibility of executing an innocent person as the primary reasons for his approval of the state legislature's decision to repeal the death penalty. In Illinois, WTI played a decisive role in convincing members of the public, journalists and political leaders that the system of capital punishment was irrevocably broken. During the course of the intensive two-year long abolition campaign, WTI members spoke to thousands of citizens at community venues and appeared at high-profile media events. Overall, WTI continues to bring the voices of some of the most compelling victims of capital punishment to bear on the death penalty debate and serve as an invaluable resource to state and national advocates.

For the above mentioned reasons, the Criminal Justice Fund recommends a general support grant of \$50,000 over one year to Witness to Innocence.

**Grant ID:** 200354444

**Legal Name of Organization:** Equal Justice Initiative of Alabama

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to provide general support

**Grant Description:** \$950,000 general support renewal over two years to Equal Justice Initiative of Alabama, a non-profit law office that provides legal assistance to indigent defendants and incarcerated people who are affected by the unfair administration of criminal justice. OSF funding will advance the organization’s strategic litigation, advocacy, and public education efforts to challenge the death penalty, to eliminate racial discrimination in jury selection, and reform the sentencing of youth to life without the possibility of parole. The grant advances the Criminal Justice Fund’s goals to: eliminate harsh punishment by abolishing the death penalty and by addressing the harsh treatment of children prosecuted as adults; and eliminate racial disparities and secure an equitable justice system. It also advances the goal of the Campaign to End the Death Penalty by 2025, a national coordinated effort of advocates, litigators and funders, which OSF helped to develop.

**Previous OSF Support:** \$4,225,400

- \$475,000 from Criminal Justice Fund, 2010
- \$525,000 JEHT Emergency Grantmaking, 2010
- \$125,000 from Strategic Opportunities Fund, 2010
- \$150,000 Criminal Justice Fund 2009
- \$525,000 JEHT Emergency Grantmaking 2009
- \$2,175,400 from Gideon Project, 2000-2007
- \$250,000 Law & Society Criminal Justice, 1997-1999

**Organization Budget:** \$3,165,000

**Project Budget:** n/a

**Major Sources of Support:**

Ford Foundation	\$575,000
Service Income	\$300,000
Proteus Fund	\$200,000
Public Welfare Foundation	\$100,000
Southern Poverty Law Center	\$100,000
Morton and Jane Blaustein Foundation	\$50,000
Clifford Chance Foundation	\$50,000
Wallace Global Fund	\$50,000
Combined Small Grants	\$70,000

**Amount Requested:** \$950,000

<b><u>Is this a contingent grant?</u></b>	No
<b><u>Amount Recommended:</u></b>	\$950,000 (Criminal Justice Fund, T1: 24016)
<b><u>Term:</u></b>	2 years, beginning July 1, 2012
<b><u>Matching Requirements:</u></b>	n/a

**Description of Organization:**

The Equal Justice Initiative of Alabama (EJI) is a non-profit law office that provides legal assistance to poor and disadvantaged people in the Deep South who are affected by the unfair administration of criminal justice. Since its founding in 1989, EJI has used strategic litigation, public education, training, and advocacy to promote civil and human rights and policy reform. EJI's recent work has challenged the death penalty, the abusive punishment of children, the impact of structural poverty and abusive prison conditions.

EJI's efforts challenging capital punishment focus on: 1) providing direct assistance to dozens of death row prisoners; 2) dramatizing the problems of racial bias in the administration of capital punishment through civil litigation that targets a longstanding pattern of systemic exclusion of African-American jurors in specific Alabama counties; 3) continuing efforts to end Alabama's unique systemic practice of permitting judicial override of jury verdicts of life; and 4) supporting death row prisoners in Alabama to obtain competent legal assistance with the goal of creating a framework for the right to counsel for prisoners.

Prior to 2006, there existed little national coordinated advocacy on behalf of children in adult court who faced charges for serious offenses. Since then, EJI has developed a national effort with other advocates to end abusive and extreme punishments imposed on children prosecuted as adults. In May 2010, the advocacy community won a major victory with EJI's support through the landmark ruling in *Graham v. Florida*, which now prohibits juveniles from being sentenced to life without parole for non-homicide offenses.<sup>11</sup> EJI is actively engaged in 100 cases pending in over 22 states challenging the sentencing of juveniles to life without parole (JLWOP). These cases include representation and support in dozens of resentencing hearings impacted by the ruling in *Graham* and other JLWOP cases that include more serious offenses.<sup>12</sup>

EJI also aims to reform the harsh parole policies in Alabama through litigation, direct advocacy and research. In the next two years, EJI will leverage the threat of federal intervention to address Alabama's over-capacity prison crowding crisis by seeking the release of prisoners convicted of technical parole violations and non-violent offenses. EJI is also committed to advancing opportunities for underserved individuals emerging from prison by connecting them to a network of service providers providing residential support, job training and life skills.

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<sup>11</sup> In *Graham v. Florida*, Terrance Graham was 17 years old when he violated parole and was sentenced to life in prison. In the companion case, *Sullivan v. Florida*, Joe Sullivan was sentenced to life in prison without the possibility of parole for a non-homicide crime at age 13. U.S. Programs board member Bryan Stevenson served as lead counsel for Joe Sullivan.

<sup>12</sup> Sixty percent of the 100 cases are *Graham* resentencing proceedings in Louisiana, Mississippi, Virginia, Florida and Arkansas. EJI is pursuing relief in trial courts, state appellate courts and in federal *habeas* proceedings.



### **Description of Program for Which Funding Is Sought:**

EJI seeks renewal of general support funding in the amount of \$950,000 over two years.

### **Rationale for Recommendation:**

This grant would advance Criminal Justice Fund's goals of eliminating harsh punishment by abolishing the death penalty and the sentencing of youth to life without parole, and eliminating racial disparities and securing an equitable justice system by addressing inappropriate racial bias by prosecutors and the courts.

EJI is one of the few independent non-profit organizations in the Deep South providing critical support to death row prisoners and individuals facing capital sentences. Although there is increasing unease nationally about the use of the death penalty, Alabama sentences more people to death per capita than any other state in the nation.<sup>13</sup> In addition, over half of the state's death row prisoners were represented at trial by appointed lawyers whose compensation for out-of-court preparation was capped at \$1,000 – an amount far below what is required for adequate representation. To address this need, EJI currently represents over 100 individuals on Alabama's death row. Of these cases, 50 are direct appeals for which EJI bears the full weight and cost of representation. In the past 18 months, EJI won reversals and rehearings in over a dozen capital cases, shaping criminal law and procedure for future cases.

Unfortunately, racial bias continues to permeate Alabama's system of capital punishment. Sixty-five percent of all murders in Alabama involve African American victims yet 80 percent of people waiting execution involve white victims. The key decision-makers in Alabama's death penalty cases are also white: all 19 appellate court judges, all but one district attorney, and a high percentage of jurors. To address this problem, EJI filed a class action suit on behalf of African Americans who have been routinely excluded from jury service. It is using the suit to mobilize community members to challenge racial bias in the justice system by engaging church leaders and other civic organizers.

Of the 34 states with the death penalty, Alabama is one of only three that allow a trial judge to override a jury's verdict of life without parole and impose death.<sup>14</sup> Override is particularly problematic in Alabama because its judges are selected in hotly contested, partisan elections in which they campaign on their record of imposing death sentences. In addition to publishing a report condemning the practice of judicial override in Alabama, EJI has over 20 cases in court challenging the practice and plans to take on more cases.

The lack of an adequate public defender system in Alabama has placed enormous pressure on EJI to provide quality representation for individuals facing capital punishment. Although EJI does not have the capacity to represent all death sentenced people in the state, the organization has taken on all the death penalty direct appeals in Alabama – and with tremendous success in winning reversals and remands. EJI also continues to expose, litigate and challenge the structural defects of Alabama's inadequate defense system.

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<sup>13</sup> Alabama's death row population is 206. Forty-four individuals are condemned to die on Alabama's death row for every one million residents (more than twice the number in Florida and three times the number in Texas). There were six executions in Alabama in 2011. Texas was the only state in 2011 with more executions (8).

<sup>14</sup> Florida and Delaware, the other two states, have long maintained tight regulations on a trial judge's ability to overrule the jury's judgment. No meaningful standards regulate an Alabama trial judge's ability to ignore a jury recommendation of life without parole. Since 1976, more than 100 individuals have been sentenced to death by judges in Alabama by overriding a jury's decision.

EJI continues to provide national leadership to challenge the practice of sentencing juveniles to life without parole (JLWOP).<sup>15</sup> On March 20, 2012, EJI argued two new JLWOP cases before the Supreme Court through which it hopes to expand to *Graham* ruling to younger children who have committed homicide offenses.<sup>16</sup> EJI is also actively seeking reliable data about the population of children serving JLWOP, the sentencing schemes that produce these harsh sanctions, and data on conditions of confinement.

EJI is providing critical national leadership in the area of death penalty reform, advocacy to eliminate the harsh punishment of children prosecuted as adults, and challenges to eliminate racial bias in administration of justice. More recently, it has also begun advocacy to reform harsh parole policies and advance opportunities for underserved individuals emerging from prison. For the above reasons, the Criminal Justice Fund recommends general support renewal of \$950,000 over two years to the Equal Justice Initiative of Alabama.

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<sup>15</sup> The U.S. is the only country which sentences juveniles to life without parole.

<sup>16</sup> The EJI clients in the Supreme Court case are Evan Miller and Kuntrell Jackson. Both were 14 years old when they were convicted of homicide offenses and sentenced to life without parole. Jackson was convicted by an Arkansas court in a felony murder case in which he was not the triggerman. Miller was convicted by an Alabama court for intentional homicide.

**Grant ID:** 20035536

**Legal Name of Organization:** National Legal Aid and Defender Association

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to support the capacity among indigent defense leaders to utilize evidence- and research-based approaches to advocate for increased government resources and promote sound criminal justice and indigent defense policies

**Grant Description:** \$725,000 project support renewal over two years to the National Legal Aid and Defender Association (NLADA) to support three projects designed to build the capacity among indigent defense leaders to utilize evidence- and research-based approaches to advocate for increased government resources and promote 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 jurisdictions’ development of risk instruments designed to guide pre-trial custody decisions. Finally, NLADA will continue to engage and support the American Council of Chief Defenders to be strong advocates for fair and equitable indigent defense systems and policies. This grant would advance the Criminal Justice Fund’s goal to secure a fair justice system and eliminate racial disparities by improving the quality of and access to indigent defense services.

**Previous OSF Support:** \$8,172,552

- \$650,000 Criminal Justice Fund, 2010
- \$405,000 from Seize the Day Fund, 2009
- \$125,000 from Equality and Opportunity Fund, 2009
- \$2,960,000 from Gideon Project, 2000-2008
- \$600,000 from Racial Justice Initiative, 2004-2007
- \$1,138,230 from Independence of the Judiciary, 1997-2003
- \$2,125,815 from Law & Society, 1997-2001
- \$168,507 from Re-Entry, 1998-1999

**Organization Budget:** \$4,298,125

**Project Budget:** \$1,240,031

**Major Sources of Support:**

In-Kind Funds	\$464,724
Technical Assistance Contracts	\$40,000

Membership Dues	\$20,500
Meetings	\$25,000

**Amount Requested:** \$725,000

**Is this a contingent grant?** Yes

**Amount Recommended:** \$725,000 (Criminal Justice Fund, T1: 24017)

- \$362,500 from 2012 budget
- \$362,500 from 2013 budget

**Term:** 2 years, beginning January 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

Founded in 1911, the National Legal Aid and Defender Association (NLADA) is the nation's oldest and largest national nonprofit membership organization dedicated to achieving equal justice through quality legal representation for people who cannot afford counsel. NLADA works to promote excellence in the delivery of civil legal services and public defender services in every state and territory in the United States by engaging in advocacy in support of this goal, supporting coordination and collaboration in the field, conducting standards-based assessments of systems in need of repair, and providing training and other forms of technical assistance.

**Description of Program for Which Funding Is Sought:**

The National Legal Aid & Defender Association requests renewed project funding of \$725,000 over two years to support its National Indigent Defense Infrastructure Initiative. This project pursues two overarching goals: 1) promoting effective indigent defense systems and services; and 2) advancing sound indigent defense and pretrial justice policies.

NLADA will employ two primary strategies to achieve its goals. First, it seeks to expand the will and ability of the indigent defense community to use evidence- and research-based approaches as a strategy for increasing resources and for promoting sound indigent defense and pretrial justice policies. In bringing the defender community up to speed with other criminal justice stakeholders regarding the practice and importance of collecting, analyzing and using data, NLADA seeks to level the playing field that has traditionally favored prosecutors and other law enforcement-related entities which have kept abreast of the data revolution. Second, NLADA will continue to help states implement practice standards by working with the American Council of Chief Defenders, an affinity group of defender managers, which it created, to provide information and technical assistance to state decision makers.

NLADA will pursue these goals in close collaboration with accomplished partners. The North Carolina Office of Indigent Defense Services (NCIDS) is setting a new standard for indigent defense in the use of empirical evidence to raise resources, assess policy, and evaluate performance. NLADA will partner with NCIDS to further develop its System Evaluation Project, a comprehensive data collection and analysis system, by creating universal indicators for measuring indigent defense performance, developing accompanying tool kits to maximize its applicability across jurisdictions, and providing training and sharing best practices to increase research capacity in the defender community.

Additionally, NLADA will partner with the Pretrial Justice Institute (PJI), the nation's only nonprofit

organization dedicated to ensuring informed pretrial decision-making. Throughout its history, PJI has worked in conjunction with courts, pretrial services agencies and others to develop research, information, tools and training to advance effective pretrial policies. NLADA will work with PJI and the American Council of Chief Defenders to raise awareness of the impact that pretrial practices have on clients, identify best practices in pretrial justice, and explore ways to engage the defender community in advocating for pretrial justice reform.

### **Rationale for Recommendation:**

This grant would advance the Criminal Justice Fund's goals of eliminating racial disparities and securing a fair and equitable system of justice by improving the quality of and access to indigent defense services.

Next year marks the 50<sup>th</sup> anniversary of the U.S. Supreme Court decision, *Gideon v. Wainwright*, deeming the right to counsel “fundamental and essential to fair trials”. Yet indigent defense services in the United States are in a perpetual state of crisis. Without a doubt, the fact that many states have been unable or unwilling to adequately resource and administer indigent defense delivery systems is a key contributor to this oft reported fact. However, without the ability to assess and demonstrate the quality of their performance or the need for additional resources, indigent defense leaders will continually fail to meet their constitutional and ethical obligations.

Oftentimes, public defense delivery systems lag far behind the other components of the criminal justice system, such as the courts, the prosecution, law enforcement and corrections, when it comes to data collection, analysis and the ability to form policy based on objective information. In most jurisdictions, there is no uniform method for collecting and analyzing public defense data and no central repository for any such data. Indeed, many jurisdictions collect almost no data at all. This lack of systems data, combined with difficulty in making good use of available information, leads to poor representation, inefficient resource allocation, and wasted taxpayer dollars. It also renders indigent defense vulnerable to continued underfunding, especially during tight financial times, which keeps attorney caseloads too high and legal representation poor.

In order to reverse this trend, NLADA believes that it is necessary to expand the will and capacity of the indigent defense community to utilize data, research and analysis to developed evidence-based strategies when advocating for indigent defense reform and for increased resources for defender services. In partnership with the North Carolina Office of Indigent Defense Services, it seeks to expand the System Evaluation Project (SEP) to three jurisdictions to demonstrate how research and assessments can serve as powerful tools for advancing indigent defense reform. SEP provides a blueprint for measuring system performance and outcomes through statistical indicators. For example, NCIDS effectively utilized its research and assessment capacity to make the case in North Carolina that indigent defense costs could be reduced without compromising public safety by reclassifying certain low-level criminal offenses as noncriminal infractions. Similarly, when the North Carolina legislature sought to adopt a flat-fee contract system as a cost savings measure, NCIDS was able to use empirical evidence to demonstrate the cost effectiveness, and better outcomes for clients, of the public defender system over flat-fee contracting. NLADA and NCIDS will build on the North Carolina experience by developing and sharing the tools that will enable defender leaders to similarly collect, analyze, and effectively utilize data for planning, managing, communicating, and advocating for indigent defense reform and the need for increased state or federal funding.

Moreover, because the right to counsel is deeply intertwined with pretrial justice issues, NLADA is seeking to deepen the capacity of defender leaders to understand the laws, procedures, practices, and administrative issues related to pretrial justice. Through its partnership with the Pretrial Justice Institute, NLADA will conduct an “environmental scan” in targeted jurisdictions to identify model pretrial justice

policies, procedures, and practices. Additionally, because a growing number of jurisdictions are relying heavily on pretrial risk assessments to confront issues of jail overcrowding, it is imperative that defender leaders understand the research underlying risk instruments and the benefits and dangers of utilizing these tools. Through training and technical assistance, NLADA will equip members of the American Council of Chief Defenders with the knowledge and skills needed to understand the appropriate use of pretrial risk instruments, the challenges they pose for indigent defense clients, and how to successfully participate in the development of locally validated pretrial risk assessments. With increased knowledge and capacity, the American Council of Chief Defenders will be better able to tackle the inappropriate, excessive, and costly use of pretrial detention which harms clients and adversely affects the entire criminal justice system.

Technological advances and the economic downturn have created new expectations among policymakers and funders for institutions to produce data-supported outcomes to justify their resources and continued existence. The indigent defense community is poised to make tremendous steps forward— or lose substantial ground on recent gains in improving access to justice. NLADA is in a unique position, along with its proposed partners, to help the defender community to do the former and develop the capacity to defend and secure adequate resources for current practices and, when indicated by research and data, to develop new practices.

For the above mentioned reasons, the Criminal Justice Fund recommends a grant of \$725,000 over two years to support NLADA.

**Grant ID:** 20035517

**Legal Name of Organization:** Southern Public Defender Training Center

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to support its training and leadership development programming

**Grant Description:** to fund the Southern Public Defender Training Center, which provides training to, and develops partnership with, public defender offices across the region in order to build a community of zealous, committed public defenders, raise the standards of representation for indigent defendants and develop future leaders in the criminal justice policy reform arena in the Southeastern United States. This grant would advance the Criminal Justice Fund's goal to secure a fair justice system and eliminate racial disparities by improving the quality of and access to indigent defense services.

**Previous OSF Support:** \$229,500

- \$79,500 from Criminal Justice Fund, 2011
- \$150,000 from Criminal Justice Fund, 2009

**Organization Budget:** \$1,090,799

**Project Budget:** \$736,505

**Major Sources of Support:**

Ford Foundation	\$173,200
Annual Campaign	\$120,000
Corporate Sponsorship	\$71,200
Emil Gumpert Award	\$50,000
Federal Grant	\$30,000
Leadership Summit Event	\$16,000

**Amount Requested:** \$200,000

**Is this a contingent grant?** Yes

**Amount Recommended:** \$200,000 (Criminal Justice Fund, T1: 24017)

- \$100,000 from 2012 budget
- \$100,000 from 2013 budget

**Term:** 2 years, beginning April 1, 2012

**Matching Requirements:** n/a

### **Description of Organization:**

The Southern Public Defender Training Center (SPDTC), based in Atlanta, Georgia, was founded in 2007 through a Soros Justice Fellowship to Jonathan Rapping. The Center seeks to inspire, mobilize and train legal professionals to provide the highest quality defense representation to people unable to afford an attorney and to foster a new generation of public defenders who will drive reform of the nation's dysfunctional indigent defense system. To fulfill its mission, SPDTC operates with three primary goals: (1) to offer a gold standard public defender skills training program; (2) to build a strong community of public defenders comprised of SPDTC students, graduates, faculty, mentors, public defender offices, and other allies connected by a shared desire to reform the nation's public defense delivery system; and (3) to educate, inform and create the next generation of advocates for indigent defense reform at all levels of the indigent defense system. While SPDTC's programmatic focus is regional, its overarching goal is to create a national community of public defenders who share the core values of client-centered representation and zealous advocacy.

Jonathan Rapping, founder and Chief Executive Officer of the organization, is also a professor of criminal law and procedure at Atlanta's John Marshall Law School. Rapping previously served as Chief of Training for the Orleans Public Defenders and was the training director for the Georgia Public Defender Standards Council and for the Public Defender Service for the District of Columbia.

### **Description of Program for Which Funding Is Sought:**

With previous OSF support, SPDTC developed its core three-year training program, which has gained recognition as the nation's leading public defender training program for new and inexperienced attorneys. The proposed project will build on that success by developing programs targeting the graduates of SPDTC, 114 attorneys thus far, and other experienced lawyers who embrace SPDTC's philosophy of client-centered representation. SPDTC will use a combination of existing and new programming and the expertise of its faculty, board, staff and partner organizations to implement the following key project components:

**Leadership Development "201"**: This program will enable graduates of the core training program to have deeper and ongoing growth opportunities after they have gained frontline experience as public defenders. Following the three-year program, graduates often find themselves at a critical juncture of their careers, when they must make the important choice of recommitting to public defense work. Additional support is needed to guide the transition from recent law school graduate to the next level of expertise. Therefore, this program will center on advanced advocacy and leadership skills development as well as opportunities to put these skills into immediate practice. The curriculum will introduce participants to systems change analysis and advocacy (e.g., policy and legislative advocacy, community outreach, and coalition building). Trainings will be facilitated by representatives from organizations such as the American Council of Chief Defenders, the Alliance for Justice, the National Defender Training Project, and other well respected training programs.

**Leadership Summit**: This program will be offered to senior attorneys, supervisors, and chief defenders who utilize the SPDTC training to develop a client-centered practice, strengthen their organizational management skills, develop *external* leadership abilities (e.g., engaging with policy makers, judges, the public, media, and other entities), and provide opportunities to engage in systemic reform dialogue. The Summit will also create a peer-to-peer support network that participants can call upon to address immediate workplace challenges. Additionally, SPDTC will use the Summit experience to build the capacity of experienced attorneys and supervisors to effectively support the growth and leadership development of their junior staff.



**Training Development Initiative:** This initiative seeks to increase the pool of SPDTC faculty members who understand the model, are able to teach the material, identify curricular needs and develop appropriate curriculum, and plan for future expansion without sacrificing quality. The two components of the Training Development Plan include an annual Trainer Development Conference and the establishment of a Training Development Committee.

**Campaign to Raise Community Awareness:** SPDTC is working with Trilogy Films to use the release of *Gideon's Army*, its documentary about SPDTC (scheduled to air on HBO in early 2013), to expand support for reform. The release of the film will be central to a campaign designed to raise additional resources for the organization and help secure its long-term sustainability. Additionally, the film will be used as an advocacy tool to raise community awareness of, and support for, SPDTC's solution to the indigent defense crisis. SPDTC will reach out to community organizations in directly affected communities, law schools, bar associations, government agencies, and corporations as part of this campaign effort.

### **Rationale for Recommendation:**

This grant advances the Criminal Justice Fund's interest in securing a fair and equitable system of justice by improving indigent defense services. It also supports CJF's longstanding commitment to criminal justice reform in the Southern region of the United States by supporting the development of a network of highly trained public defenders working for the poor while improving their leadership capacity to promote systemic reform.

Throughout the United States, serious deficiencies exist in the way in which states and counties deliver Sixth Amendment right-to-counsel services, most notably in the crushing caseloads public defenders are forced to carry. Excessive caseloads stem from chronic underfunding of public defense and the over-incarceration of the poor. The American Bar Association has concluded that the criminal justice system "lacks fundamental fairness and places poor persons at a constant risk of wrongful convictions". This has devastating, life-altering and sometimes life-threatening consequences to defendants and their families, and an enormous economic impact on taxpayers.

A result of our nation's failure to live up to its constitutional obligations to indigent defendants is the acceptance by many criminal justice professionals of a substandard system of legal representation, which perpetuates racial inequality. Nowhere is this dilemma more acute than in the South, where lawyers representing poor clients often never see their clients outside of the courtroom, routinely advise clients to enter guilty pleas without any investigation, try cases with little or no preparation, and oftentimes perpetuate racial inequality. In some of the most egregious cases, accepted neglect is replaced by overt hostility by lawyers for the poor towards their clients. For example, a court-appointed lawyer for Curtis Osborne in Spalding County, Georgia, told another client that he didn't relay a plea to Mr. Osborne that would have spared his life because, in the lawyer's words, "that little [racial epithet] deserves the death penalty". SPDTC exists to challenge a system that denies justice to the poor and makes a mockery of the *Gideon* decision.

SPDTC is committed to developing a generation of well-trained public defense lawyers in both leadership positions and as staff attorneys. Its training and leadership programs reflect gold standard public defense training methods, but are also specifically designed to emphasize the *values* that are essential to the fair treatment of poor people as well as the inspiration and sense of community connection these lawyers need to succeed in the face of incredible obstacles. The training intentionally integrates a focus on representation and advocacy, values, and community building as essential elements in the preparation of 21<sup>st</sup> century public defenders and leaders who will serve as catalysts for change. SPDTC is driven by a strong sense of urgency to address the enormous issue of lack of adequate counsel in the Southern United

States. Without the well-trained attorneys developed through its program, numerous indigent defendants will continue to suffer the devastating consequences of inadequate legal representation, and inadequate public defense will remain the status quo.

Additionally, SPDTC seeks to increase the number of well-trained public defender leaders by offering advanced programming to a broader range of members of the public defender community, including graduates, trainers, host site chief attorneys and supervisors. It also engages organizations with expertise in public defense systems in its efforts to form a united voice to advance indigent defense reform. While the project's explicit goal is to develop lawyers into public defender leaders, it also seeks to ensure that among those who leave the practice will be some who may still positively impact reform through other policy-influencing positions, including public office, academia, philanthropy, and other community roles in which they can utilize the skills and values instilled by the SPDTC team.

The Southern Public Defender Training Center has been instrumental in advancing equal justice for the poor in the Southern region of United States where subpar representation of indigent defendants continues to be the norm. Moreover, its training and leadership model for public defenders is a promising strategy for transforming the culture of public defense systems permeated with mediocrity and neglect. Thus, SPDTC continues to be a strong ally in OSF's efforts to protect the constitutional rights of poor people charged with crimes in the South and throughout the nation.

For the above reasons, the Criminal Justice Fund recommends a grant of \$200,000 over two years to the Southern Public Defender Training Center.

**Grant ID:** 20035335

**Legal Name of Organization:** Defender Association of Philadelphia

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to support its Indigent Defense Representation Reform Project

**Grant Description:** \$100,000 project support renewal over one year to the Defender Association of Philadelphia to support the Indigent Representation Reform Project and advance systemic indigent defense representation reform in Pennsylvania through the Pennsylvania Coalition for Justice. Project activities include: coalition building; technical assistance on litigation strategies for reform advocates; and strategic communications. This grant would advance the Criminal Justice Fund's goal to secure a fair justice system and eliminate racial disparities by improving the quality of and access to indigent defense services.

**Previous OSF Support:** \$120,0000  

- \$120,000 from Criminal Justice Fund, 2010

**Organization Budget:** \$36,161,005

**Project Budget:** \$100,000

**Major Sources of Support:** n/a

**Amount Requested:** \$100,000

**Is this a contingent grant?** No

**Amount Recommended:** \$100,000 (Criminal Justice Fund T1: 24017)

**Term:** 1 year, beginning January 1, 2012

**Matching Requirements:** n/a

**Description of Organization:**

The Defender Association of Philadelphia (Association) is an independent, non-profit 501(c)(3) law firm whose mission is to provide its clients with quality, zealous and client-centered legal representation and advocacy. Founded in 1934, the Association is led by a board of directors that selects the chief public defender and the first assistant defender. The Association contracts with the city/county of Philadelphia to provide adult and juvenile criminal and delinquency indigent defense legal services in Pennsylvania's First Judicial District and in Pennsylvania's state appellate courts. It is the largest state court public defender office in Pennsylvania. It is also the federal community defender and capital habeas corpus office for the eastern district of Pennsylvania.

Juvenile Defenders Association of Pennsylvania, Inc. (JDAP) is a statewide professional organization whose public defender and private bar members are dedicated to providing quality legal representation for children in Pennsylvania's delinquency courts. It supports the Pennsylvania Indigent Defense Representation Reform Project through its training resources, statewide CLE accredited training programs, and the efforts of its board of directors, who provide strategic advice and assist with access to Pennsylvania policy makers.

The Association and JDAP are joint sponsors of the Pennsylvania Indigent Defense Representation Project. Phyllis H. Subin, Esq., is the director of the Pennsylvania Indigent Defense Representation Reform Project. She has extensive national public defender experience as an indigent defense system evaluator, public defender trainer, law school clinical professor, and founding member of the American Council of Chief Defenders. She has served on the board of directors of the National Legal Aid Defender Association, a longtime Criminal Justice Fund grantee, and currently co-chairs its Defender Trainers Section.

### **Description of Program for Which Funding Is Sought:**

The Defender Association of Philadelphia (“Association”) and the Juvenile Defenders Association of Pennsylvania (“JDAP”) request renewal funding in the amount of \$100,000 over one year to support the Pennsylvania Indigent Defense Representation Reform Project (“Project”). OSF funding will enable the Project to staff and advance its systemic indigent defense representation reform agenda through the Pennsylvania Coalition for Justice (“Coalition”). This coalition seeks to unite advocates behind a uniform agenda and build a support for indigent defense reform through community outreach, education and organizing; policy advocacy; trainings; engagement with government stakeholders; the development of an effective communication network; and the utilization of Pennsylvania’s Supreme Court’s rulemaking authority.

The Project will also promote the need for high quality, client-centered juvenile delinquency representation. In partnership with Juvenile Defenders Association of Pennsylvania, the Juvenile Law Center, a CJF grantee, and other juvenile delinquency advocates, the project will advance a systemic representation reform package that builds upon current reform initiatives in the legislature and advocates for amendments to the PA Rules of Juvenile Court Procedure. This reform package also takes into account the significant legal representation challenges that will result as a consequence of the state’s implementation of the federal Sexual Offender Registration and Notification Act requirements (Adam Walsh Act) on juveniles. Additionally, the Project will continue to advance the recommendations proposed in the final report from the *Interbranch Commission on Juvenile Justice (2010)*, following an in-depth investigation of the 2009 “kids-for-cash” judicial corruption scandal in Luzerne County. Specifically, the Project seeks to establish the Pennsylvania Center for Juvenile Defense, which would institutionalize a state-funded resource center to provide trial level litigation training and specialized appellate representation for appeals to the Superior and Supreme Courts.

Project activities will include:

- Increasing the capacity of the of Project by obtaining additional financial support from the National Association of Criminal Defense Attorney’s, and local philanthropists like the Heinz and Rooney families;
- Developing the Coalition for Justice Website which will serve as the Project’s major communication tool for disseminating information, tracking legislation, community organizing, and messaging;

- Conducting outreach to community based organizations, bar associations, religious groups, and system stakeholders to create a broad based coalition of supporters for indigent defense reform,
- Supporting JDAP and Juvenile Law Center in promoting juvenile delinquency reform by training Chief Public Defenders on the new legal requirements of the Adam Walsh Act: Sex Offender Registration and Notification Act (SORNA) for juveniles charged with sex offenses and supporting efforts for the creation of the Center for Juvenile Defense Excellence which will ensure access to counsel and quality representation in delinquency proceedings; and,
- Providing technical assistance and training to Chief Public Defenders to promote representation standards consistent with the ABA Ten Principles for effective representation.

### **Rationale for Recommendation:**

This grant advances the Criminal Justice Fund's goal of securing a fair and equitable system of justice by improving indigent defense services for adults and children.

Pennsylvania remains the only state in the nation that does not appropriate any funds to support either trial, appellate, or capital indigent defense representation services. The state's 67 counties bear the full responsibility of providing criminal and delinquency legal representation for their indigent population. This situation has resulted in a system that lacks fundamental fairness and places poor persons at risk of wrongful convictions and adjudications. Moreover, it is a system that disproportionately impacts people of color. For example, next to Texas, Pennsylvania has the highest percentage of racial and ethnic minorities on its death row (70% and 69%, respectively), and according to the 2007 Juvenile Court Judges Commission's *Juvenile Court Disposition Report*, of the 34,715 males who received a delinquency disposition, over 50% involved non-white males.

The system is fraught with political challenges, as well. Many county chief public defenders are appointed by the county commissioners and owe these appointments to their local political contacts, including judges. Additionally, many chief public defender appointments are often part-time positions or are viewed as temporary work until receiving a judicial appointment. It is commonplace to have chiefs assigned who lack criminal law practice experience or are unaware of national best practice standards for the delivery of quality representation. For example, the perception remains among chiefs that juvenile delinquency court is a benign "kiddie" court, focused on child social welfare issues. That misguided belief ignores the harsh penalties that now follow many delinquency adjudications, such as serving as the basis for adult court prosecution, for state authorized civil mental health commitment of juvenile sex offenders, for juvenile sex offender registration and notification, and for adverse immigration consequences.

These deficiencies were highlighted in *A Constitutional Default: Services to Criminal Indigent Defendants in Pennsylvania*, released December 2011, by the Joint State Government Commission. This report and its recommendations were based upon four years of study, data collection and review, and testimony from national and state experts involved with indigent defense legal services. It documents the failure of the state to meet its constitutional sixth amendment mandate as well as the failure of the counties to provide adequate funding and resources to meet the requirements of 21<sup>st</sup> century indigent defense legal services. Unlike prior studies documenting Pennsylvania's problematic delivery system, the *Constitutional Default* report offers a responsible plan for establishing and organizing a state funded Pennsylvania Office of Indigent Defense Services that would have the statutory authority to appoint county chief public defenders, enact standards of performance, establish criteria for accountability, collect data to guide sound policy decisions, offer trainings and web based resources, and support appellate, delinquency and capital legal representation.

Additionally, in December 2011, Governor Corbett brought Pennsylvania into compliance with the federal Adam Walsh Act: SORNA, requiring for the first time in the state juvenile sex offender registration and notification for designated adjudicated offenses. This law, with its retroactive application, could impact children as young as ten years old and subject them to public notification and lifetime sex offender registration. The law's implementation requires major changes in the manner in which public defenders represent children charged with sex offenses. The days of "kiddie court" are long gone and delinquency representation, especially for children charged with SORNA offenses, requires timely and competent legal counsel. Therefore, through its partnership with JDAP and the Juvenile Law Center, the Project will continue to promote fairness in the courts by supporting efforts to establish an unwaivable right to counsel for indigent youth and ensuring that children in juvenile court have access to high quality representation.

The Indigent Defense Representation Reform Project will seize upon this moment of opportunity for reform, made possible in part by past OSF support, by strengthening the PA Coalition for Justice, and building capacity among advocates to carry forward the systemic reform agenda. The Project has already garnered the support of local and national advocates for indigent defense reform such as the PA-ACLU, the National Association of Criminal Defense Lawyers, the National Legal Aid and Defender Association, the Philadelphia-based Juvenile Law Center, the Interbranch Commission on Gender, Racial and Ethnic Fairness, and the Pennsylvania Prison Society. Additionally, the Coalition will engage in outreach to the various bar associations, legal academic communities, and community based and religious organizations that service the indigent client population to build broad support for reform.

Reforming Pennsylvania's broken, county-based indigent defense system is an uphill battle. However, as was noted in the *Constitutional Default* report, reform is possible in the near future. The Project, through the Coalition, plays a critical leadership and advocacy role in organizing and motivating reformers, as well as preventing stakeholder and legislative fatigue around indigent defense reform efforts in the state. OSF support will sustain on-going efforts to achieve positive legal representation changes on behalf of Pennsylvania's poor children and adults whose lives are profoundly impacted by the criminal and juvenile justice systems.

For the above reasons, the Criminal Justice Fund recommends a grant of \$100,000 over one year to the Defender Association of Philadelphia for the Pennsylvania Indigent Defense Representation Reform Project.

**Grant ID:** 20035342

**Legal Name of Organization:** Juvenile Regional Services

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

**Name of Fiscal Sponsor:** n/a

**Purpose of Grant:** to secure strategic planning assistance and support its investigative and youth advocacy activities

**Grant Description:** \$85,000 project renewal over one year to build Juvenile Regional Services' capacity to serve as a model and resource for juvenile defense practice in Louisiana. OSF funding will enable the organization to secure strategic planning assistance and develop its investigative and youth advocacy function, including by developing a training protocol and curriculum for juvenile defense investigators and youth advocates in Louisiana. This grant would advance the Criminal Justice Fund's goal to secure a fair justice system and eliminate racial disparities by improving the quality of and access to indigent defense services.

**Previous OSF Support:** \$220,000

- \$120,000 from Criminal Justice Fund, 2010
- \$50,000 from Criminal Justice Fund, 2009
- \$50,000 from Strategic Opportunities Fund, 2008

**Organization Budget:** \$769,113

**Project Budget:** \$113,306

**Major Sources of Support:**

Orleans Parish Public Defender (Contracted)	\$500,000
MacArthur Foundation	\$125,000
Tides Foundation	\$75,000
National Juvenile Defender Center	\$25,000
Louisiana Bar Foundation	\$21,008
Greater New Orleans Foundation	\$20,000

**Amount Requested:** \$85,000

**Is this a contingent grant?** No

**Amount Recommended:** \$85,000 (Criminal Justice Fund, T1: 24017)

**Term:** 1 year, beginning January 1, 2012

**Matching Requirements:** n/a

### **Description of Organization:**

Based in New Orleans, Louisiana, Juvenile Regional Services (JRS) is the only stand-alone, full-time juvenile public defender office in the country. The office launched in the aftermath of Hurricane Katrina—when the system’s failure was realized in the discovery of over 150 detained youth stranded in New Orleans by the flood, without anyone to document who they were or why they were left behind in detention. JRS moved quickly to ensure that the children were evacuated from their detention centers and provided with access to legal representation, and reunited with their scattered families. JRS subsequently provided legal representation to 149 of these children.

In the fall of 2006, JRS incorporated as a nonprofit organization and began working to change juvenile defense in Louisiana, beginning in Orleans Parish, by contracting with the Orleans Public Defenders, a CJF grantee. JRS aims to provide high quality, comprehensive, and effective legal representation to court-involved youth as well as to serve as a statewide leader in juvenile defense reform through its collaborations with the Louisiana Public Defender Board, the Juvenile Justice Project of Louisiana, the Louisiana Office of Juvenile Justice, and the state’s Public Defender Board’s Juvenile Defender Advisory Committee.

### **Description of Program for Which Funding Is Sought:**

The Louisiana Public Defender Board – the statewide executive agency that coordinates, oversees, and funds public defense in Louisiana – has established a direct contractual relationship with JRS, making it the first non-capital, trial-level, non-governmental office to be given its direct support. The Board has charged JRS with promulgating its defense model and providing training and technical assistance outside of Orleans Parish to improve juvenile representation statewide. To support this expansion, JRS seeks to focus its attention on strategically building its infrastructure and a long-term sustainability plan, while also continuing to strengthen its ability to deliver high quality services. Thus, JRS seeks support for the following activities:

*Team-Based Representation:* The model of representation JRS has piloted and seeks to replicate throughout Louisiana involves each client being represented by a team of JRS staffers – a lawyer, youth advocate, investigator and, where appropriate, a social worker. JRS’ team-based work in Orleans Parish is designed, at full staffing, to be carried out by: four attorneys; two investigators; one social worker, who assesses client needs and designs treatment plans; two youth advocates, who provide intensive client support and case management, with a focus on educational advocacy; and one supervisor, who carries a reduced caseload. An important goal of this proposal is strengthening JRS’ staffing capacity to fully implement this team-based model in Orleans Parish, which was significantly reduced due to a public defense funding crisis this past fall in New Orleans.

*Capacity Building:* JRS seeks to seize a moment of opportunity due to its emerging relationship with the Louisiana Public Defender Board, which will allow it to work outside of Orleans Parish in a more significant manner. To do so fully, JRS would like to engage in an organizational management consultant to help it to develop a sustainable program and plan for organizational growth that aligns with its mission and vision.

### **Rationale for Recommendation:**

This grant advances the Criminal Justice Fund's interest in securing a fair and equitable justice system and reducing harsh punishment by improving indigent defense services and systems for youth. The grant would also support and advance the Fund’s long-term commitment to advancing comprehensive criminal justice reform in the city of New Orleans and throughout the state of Louisiana.



In 1967, the United States Supreme Court established the right to counsel for youth in delinquency proceedings in its landmark decision *In re Gault*. The Court observed that juvenile defense counsel's role in delinquency proceedings is unique and critical. In 2001, the ABA and the Juvenile Justice Project of Louisiana, an OSI grantee, delved into the issues plaguing juvenile indigent defense in Louisiana and released *The Children Left Behind*, a statewide assessment of access to counsel and quality of representation in the state. The report was highly critical of the State, noting numerous systemic failures in the delivery of juvenile indigent defense services. For example, it highlighted the fact that, despite the Louisiana Children's Code assurance that children have a right to counsel *at every critical stage*, up to 95 percent of children "waived" the right to counsel—many without every speaking to an attorney. Conversely, for those children who had representation, the assistance of counsel was characterized by a propensity to accept uncontested pleas—as many as 95 percent of cases were resolved in this manner in several jurisdictions.

Juvenile Regional Services understands that delinquency cases are complex matters that implicate legal, child and family-centered issues, and overlapping systems such as courts, schools, supervision, services and treatment systems. As a front-line advocate focused solely on the representation of young people, it is uniquely positioned to demonstrate what is necessary to fully and effectively implement the right to counsel for indigent youth in the juvenile justice system. Its work is structured around the *Ten Core Principles of Juvenile Indigent Defense*, developed by the National Juvenile Defender Center, a core CJF grantee, and serves as a model of quality representation for the state of Louisiana and nationally.

Equally important is JRS' role as a key stakeholder in efforts to advance statewide juvenile justice reform. Its engagement with local and state policy-makers ensures that the rights and well-being of children in the juvenile justice system are not overshadowed by the pressing needs of adult indigent defenders. It is no secret that juvenile representation is oftentimes a low priority for state legislators and indigent defense reform advocates alike. For example, JRS was one of the first casualties of the financial crisis of the Orleans Public Defender this past winter, when it decided to suspended payment to JRS for services rendered. (For four previous years, JRS was funded primarily through a contract with the Orleans Public Defenders – the governmental subdivision charged by statute with representing indigent defendants in New Orleans.) The funding cut brought JRS to the brink of collapse and jeopardized the rights and well-being of the hundreds of children it was representing. Thankfully, JRS' important contributions to juvenile justice reform in Louisiana were acknowledged by the Louisiana Public Defender Board when it intervened to ensure JRS' sustainability.

The current financial crisis highlighted for the Louisiana Public Defender Board the critical role JRS has played in advancing juvenile justice reform in the state. It decided that, in order to preserve previous hard won juvenile justice achievements and maximize the advocacy provided to juveniles in New Orleans, it had to provide JRS with direct state funding. Furthermore, because of JRS' effectiveness --both in the court room and in the policy arena -- the Board has charged JRS with promulgating its defense model by providing training and technical assistance to juvenile defenders outside of Orleans Parish. This new contractual relationship between JRS and the Louisiana Public Defender Board reflects the state's commitment to juvenile defense reform, a development due exclusively to the high quality service delivery and zealous policy advocacy that JRS has provided. Continued OSF support will ensure that JRS is prepared to continue to play these roles.

For these reasons, the Criminal Justice Fund recommends a grant of \$85,000 over one year to Juvenile Regional Services.