


**U.S. PROGRAMS
Criminal Justice Fund
Summary of Recommended Grants
Docket II, June 19, 2012**

Program Area/Organization

Organization	Grant Code	Recommended	Term	2012	2013
Reducing Mass Incarceration					
The Sentencing Project	T1: 24015	\$ 700,000	2 years	\$ 350,000	\$ 350,000
Families Against Mandatory Minimums Foundation	T1: 24015	\$ 600,000	2 years	\$ 300,000	\$ 300,000
Judge David L. Bazelon Center for Mental Health Law	T1: 24015	\$ 500,000	2 years	\$ 250,000	\$ 250,000
Tides Center (as fiscal sponsor for Justice Strategies)	T1: 24015	\$ 400,000	2 years	\$ 200,000	\$ 200,000
Eliminating Harsh Punishment					
Barry University	T1: 24016	\$ 90,000	1 year	\$ 90,000	
Juvenile Justice Project of Louisiana	T1: 24016	\$ 80,000	1 year	\$ 80,000	
National Employment Law Project	T1: 24016	\$ 400,000	2 years	\$ 200,000	\$ 200,000
Legal Services for Prisoners with Children	T1: 24016	\$ 400,000	2 years	\$ 200,000	\$ 200,000
Coalition for Juvenile Justice	T1: 24016	\$ 133,000	1 year	\$ 133,000	
Securing an Equitable System of Justice and Eliminating Racial Disparities					
Spitfire Strategies	T1: 24017	\$ 200,000	2 years	\$ 100,000	\$ 100,000
Total Recommended:		\$ 3,503,000		\$ 1,903,000	\$ 1,600,000
GRANTMAKING TOTAL THIS DOCKET:		\$ 3,503,000			


Approval Signature

June 19, 2012
Date

MEMORANDUM

TO: Aryeh Neier
FROM: Diana Morris, Leonard Noisette and Criminal Justice Fund Staff
DATE: June 14, 2012
RE: Criminal Justice Fund, June 19, 2012 docket

The Criminal Justice Fund recommends ten grants, totaling \$3,503,000, for inclusion on U.S. Programs' Docket II, scheduled for June 19, 2012. These grants will advance our goals of reducing mass incarceration, eliminating harsh punishment and eliminating racial disparities and securing an equitable justice system.

Reducing Mass Incarceration

We recommend four grants, totaling \$2,200,000, to advance the programmatic goal of reducing mass incarceration. Renewed funding to **The Sentencing Project** will support its research, public education, and policy advocacy to reduce the United States' reliance on incarceration, reduce racial disparities, and ensure a more fair and effective criminal justice system. The Sentencing Project will continue its work promoting sentencing reform and greater use of alternatives to incarceration; reducing racial disparities in the criminal and juvenile justice systems; reforming felony disenfranchisement policies; and providing technical assistance to state-level advocates. Our proposed grant to **Families Against Mandatory Minimums Foundation** will support its research, public education, constituency organizing and mobilization, and policy advocacy at the federal, state, and local levels to eliminate or limit federal mandatory minimum sentencing policies, preserve and increase judicial discretion, expand the use of the clemency power and support state-level sentencing reform campaigns.

Renewed support for **The Judge David L. Bazelon Center for Mental Health Law (Bazelon)** will support its continued efforts to reduce the over-criminalization of people suffering from mental illness. Bazelon's efforts will include: 1) litigation and oversight of the implementation of court rulings to replace unwarranted institutional confinement with community-based services and supportive housing; 2) work with federal agencies to expand their participation in protecting the rights of people with mental illness in the criminal justice system; 3) technical assistance to local jurisdictions to improve community mental health programs' performance in reducing crises leading to the criminal justice involvement of people with mental illness; and 4) public education about the rights of and the need for decriminalizing people with mental disabilities. The recommended grant to the **Tides Center's Justice Strategies** project will support its non-partisan research and technical assistance to inform and support grassroots organizations, advocates, and policymakers. OSF funding will enable Justice Strategies to continue its focus on downsizing prison populations, abolishing the privatization of prisons and corrections services, ending the inappropriate criminalization and detention of immigrants, and reforming police policies and practices.

Eliminating Harsh Punishment

We recommend five grants, totaling \$1,103,000, to advance our goal of eliminating harsh punishment. Two grants will support continued efforts to end to the sentencing of juveniles to life without the possibility of parole. The proposed grant to **Barry University School of Law's Juvenile Life without Parole Defense Resource Center** will renew support of its efforts to implement the Supreme Court's decision in *Graham v. Florida* that banned the sentences of life without parole for juveniles convicted of non-homicide offenses. Working in Florida, the state with the largest number of individuals affected by the *Graham* decision, Barry University will continue to serve as a strategic litigation clearinghouse for *Graham* cases at the trial and appellate levels; support public education to advance policies that address

Graham implementation; and begin coordinating strategic litigation to address the issue of juvenile life without parole for homicide cases and felony murder. Renewed support for the **Juvenile Justice Project of Louisiana** will allow it to continue to implement the *Graham* decision in Louisiana, another state with a large number of individuals eligible for relief under the ruling. It will seek resentencing for all remaining individuals in Louisiana and ensure that life without parole for juveniles for a non-homicide offense is replaced by a sentence that allows a meaningful opportunity for release.

Two recommended grants will address the collateral consequences of criminal conviction. A grant to **National Employment Law Project** will support its research and advocacy to: 1) promote reform of federal hiring practices and improvements to federal criminal records databases; 2) foster expansion and enforcement of civil rights and privacy protections of persons with criminal records; 3) support state and local hiring reform efforts; and 4) expand communications and media outreach. The recommended grant to **Legal Services for Prisoners with Children** will support the efforts of its **All of Us or None** project to train, organize, and mobilize formerly incarcerated and convicted people, and to direct regional campaigns to end the discrimination of people with criminal records in California. All of Us or None will engage in public education, grassroots organizing and mobilization, and advocacy to: 1) challenge unreasonable employment barriers faced by people with criminal records; 2) educate people with criminal records of their voting rights and secure these rights for people in prison or on parole or probation; and 3) expand meaningful reentry supports and services for people coming home from prison.

A final grant to the **Coalition for Juvenile Justice** will support the efforts of its **National Juvenile Justice Network** project to strengthen the capacity of advocates to seize opportunities presented by the budget crisis. The Coalition's Fiscal Policy Center will provide state and national reformers with crucial knowledge and tools around state budgets. Through general training on state budget structures, development of state-specific graphic communications materials and other technical assistance, the Network will arm those seeking the improved treatment of youth in conflict with the law with concrete tools for change in an era of fiscal deficits.

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

We recommend one grant, in the amount of \$200,000, to advance the Fund's goal of securing a fair and equitable system of justice and eliminating racial disparities through reform of our nation's indigent defense systems. Renewed funding to **Spitfire Strategies** will support activities to increase the strategic communications capacity of a coalition of advocates working to improve indigent defense systems in the United States, the National Indigent Defense Collaborative. Spitfire will conduct national trainings and provide specialized technical assistance for public defenders as well as new allies to ensure a coordinated and strategic approach to indigent defense communications, including to increase federal support for indigent defense systems and to help state-level advocates press for reforms unique to their jurisdictions. Spitfire will also develop a messaging platform and toolkit for advocacy to leverage communications opportunities presented by the 50th anniversary of the Supreme Court's *Gideon v. Wainwright* decision ensuring right to counsel in 2013.

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Grant ID: 20035787

Legal Name of Organization: The Sentencing Project

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide general support

Grant Description: This grant will provide \$700,000 over two years in renewed general support to The Sentencing Project, a DC-based organization. Its priorities include: reducing incarceration rates for adults and children by promoting sentencing and drug policy reform and evidence-based, cost effective alternatives to incarceration; eliminating racial disparities across the criminal and juvenile justice systems; removing the education, employment, and civic barriers faced by people with criminal records; and building the capacity of state-level organizations by providing technical, campaign, and research assistance and fostering collaboration among state and national advocates. This grant will advance the Criminal Justice Fund’s interest in reducing mass incarceration by exposing the social and economic costs of incarceration, by fostering practices to downsize prison populations, and by eliminating harsh and unjust sentencing practices. It will advance our interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions and by ending the treatment of children as adults in prosecution and sentencing. The grant will also advance our interest in securing a fair and equitable justice system by eliminating racial disparities.

Previous OSF Support: \$4,183,292

- \$702,423 from Criminal Justice Fund, 2010-2011
- \$1,290 from OSI-DC, 2010
- \$1,575,000 from U.S. Justice Fund, 2004-2007
- \$525,000 from Criminal Justice Initiative, 2001-2003
- \$1,379,579 from Center on Crime, Communities & Culture, 1996-2000

Organization Budget: \$1,342,000

Project Budget: n/a

Major Sources of Support:

Public Welfare Foundation	\$200,000
Ford Foundation	\$150,000
Individual Contributions	\$120,000
Wallace Global Fund	\$50,000
Blaustein Foundation	\$50,000
Bernard F. and Alva B. Gimbel Foundation	\$40,000
Working Assets	\$40,000

David Rockefeller Fund	\$30,000
United Methodists Global Ministries	\$30,000
Honoraria	\$12,000
The Tides Foundation Tikvah Fund	\$12,000
The Elizabeth B. and Arthur E. Roswell Foundation	\$10,000
Board Contributions	\$10,000
Interest on Investments	\$7,100
Earned Income	\$6,700

Amount Requested: \$700,000

Is this a contingent grant?: No

Amount Recommended: \$700,000 (Criminal Justice Fund, T1: 24015)

Term: 2 years, beginning July 1, 2012

Matching Requirements: n/a

Description of Organization:

The Sentencing Project was founded in 1986 to provide defense lawyers with sentencing advocacy training and to reduce the United States' reliance on incarceration. Based in Washington, D.C., The Sentencing Project today works nationally to change the way Americans think about crime and punishment and to secure a fair and effective criminal justice system by promoting sound sentencing and criminal justice policies, advocating for alternatives to incarceration, and exposing unjust racial disparities and practices. To accomplish its goals, The Sentencing Project engages in non-partisan analysis and research, produces and disseminates policy briefs and publications on an array of criminal justice system issues, conducts aggressive media and public education campaigns, and participates in strategic advocacy for policy reform. It draws upon its experience and a pool of national experts to provide consultation and assistance to local and state governments and advocates to support efforts to reduce corrections populations, remove unjust and unnecessarily harsh punishments, and eliminate racial disparities across the criminal justice system.

Over the next two years, The Sentencing Project will continue to focus on: reducing incarceration rates for adults and children; increasing the use of evidence-based, cost effective alternatives to prison for children and adults, particularly programs that foster economic self-sufficiency and provide treatment for substance abuse and mental illness; eliminating racial disparities across the justice system; and advocating for removing the many barriers faced by people with criminal records, with an emphasis on those that curtail access to civic participation, employment and public benefits such as housing, food stamps, and education. During the past year, The Sentencing Project conducted a strategic planning process, which solicited recommendations from advocates, religious leaders, colleague organizations, and formerly incarcerated people. In response to these recommendations, The Sentencing Project will increase its capacity to conduct targeted research and analysis and to track legislation at the state-level; expand its advocacy and media campaign technical assistance to state-level advocates; convene groups of state-level advocates to help them analyze local developments and policies and to improve their capacity to participate in campaigns to reduce corrections populations; conduct webinars and conference calls featuring state-level advocates discussing local campaigns; produce feature stories to promote local advocates and their work; publish annual reports on prison closures; and build the capacity of religious congregations to advocate for criminal justice reform.

Description of the Project for Which Funding Is Sought:

The Sentencing Project, an OSF grantee since 1996, requests renewed general support.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration, by fostering practices to downsize prison populations, and by eliminating harsh and unjust sentencing practices. It will advance our interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions and by ending the treatment of children as adults in prosecution and sentencing. The grant will also advance our interest in securing a fair and equitable justice system by eliminating racial disparities.

The United States is the world leader in imprisoning its people. Since 1972, its incarcerated population has grown more than 500 percent, far outpacing the 37 percent rise in the overall population over the forty-year period. Today, 7.2 million people in the U.S. are under some form of correctional supervision, including 2.3 million in prison or jail and five million on probation or parole. Mass incarceration and the criminal justice system that sustains it have disproportionately burdened communities of color and have substantially shifted monies away from the public investments that could prevent the reliance on prisons. The nation's failure to invest in sufficient opportunities for community-based mental health and substance abuse treatment is a case in point. Without such investments, hundreds of thousands of marginalized people are continuously pushed into the court system, where only a few are fortunate enough to receive services they could not otherwise access. In any case, criminalization should not be a qualifier for assistance.

Fortunately, the terms of debate have shifted in recent years. As the U.S. economy continues to struggle and states grapple with severe fiscal crises, awareness has grown among policymakers and the public that the escalating cost of a massive prison system is not sustainable. Increasingly, state officials across the country are acknowledging that their states cannot afford to continue to recreate an underclass of people marginalized by contact with the criminal justice system and unable to participate fully in society as a result. Newcomers to the movement for criminal justice reform, including political conservatives and public health officials, are beginning to commit resources to bring about reform. As a result, many of the criminal justice reform policies OSF has supported for many years are now attracting broader attention and consideration. For example, support has grown nationally for justice reinvestment strategies, reentry programming, the removal of young people from the adult correctional system, diversion programs, resources for substance abuse and mental illness treatment, and thoughtful reexamination of incarceration as the best tool for ensuring public safety. The Bureau of Justice Statistics recently reported that 2010 saw the first decline in the overall state prison population since 1977 and found that 24 states had reduced prison populations during 2009. In 2011, at least 13 states closed prison institutions or began contemplating doing so, potentially reducing prison capacity by over 15,500 prison beds across the country.

The Sentencing Project is an important field leader with the capacity to capitalize on these opportunities. It has a strong reputation among advocates, practitioners, and policymakers, who have come to rely on its expertise and technical assistance for addressing current policies and solutions for better public safety outcomes. The organization's non-partisan analysis, publications, and advocacy shape policy debates and have helped to define a national agenda for reform. In March 2012, The Sentencing Project published "To Build a Better Criminal Justice System: 25 Experts Envision the Next 25 Years of Reform," a compilation of essays envisioning comprehensive reform of the criminal justice system and proposing a range of policy initiatives as well as public education strategies to promote change. In 2011, Executive Director Marc Mauer testified on two occasions before the U.S. Sentencing Commission, arguing that that

the federal sentencing guidelines for crack cocaine should be applied retroactively for people currently in prison. In June 2011, the Commission adopted retroactivity, reducing the sentences of about 12,000 people incarcerated in federal prisons by an average of three years.

The Sentencing Project's credibility and expertise have generated nationwide media attention, and its staff serves as a key resource for national and regional media, providing data analysis, story ideas, op-eds and letters-to-editors. Its work is featured in more than 100 print, radio and TV outlets each year. Staff typically participates in 30 to 50 speaking engagements each year, including high profile events before audiences in a position to advance reform. The organization maintains a website that is a leading source of information on sentencing law and policy, racial disparity in the criminal justice system, drug policy and collateral consequences of conviction, receiving more than 80,000 visitors a month.

The Sentencing Project's programming continues to rest on an experienced and capable staff, aided by an engaged board of directors. During the economic downturn of recent years, it has impressively expanded its base of support. Its work has benefited greatly from the talents of its Executive Director Marc Mauer, who has authored some of the most widely cited reports and publications in the field. *Race to Incarcerate*, his groundbreaking book on how sentencing policies led to the explosive expansion of the U.S. prison population, was a semifinalist for the Robert F. Kennedy Book Award in 1999 and was revised and reissued in 2006. A forthcoming graphic novel version of the book will update the statistics to reflect an additional decade of mass incarceration. In collaboration with Sabrina Jones, an artist, illustrator, and comic book author, the graphic novel version of *Race to Incarcerate* has the potential attract new audiences, advocates, and allies.

Criminal Justice Fund staff will work closely with The Sentencing Project to ensure its work continues to leverage and inform our investments aimed at reducing prison populations nationally and in targeted states, such as California and Texas.

For these reasons, the Criminal Justice Fund recommends \$700,000 over two years in renewed general support to The Sentencing Project.

Grant ID: 20035788

Legal Name of Organization: Families Against Mandatory Minimums Foundation

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide general support

Grant Description: This grant will provide \$600,000 over two years in renewed general support to the Families Against Mandatory Minimums Foundation, a Washington, DC-based nonprofit, nonpartisan organization that engages in research, public education, constituency organizing and mobilization, and policy advocacy at the federal, state, and local levels to ensure fair and proportionate sentencing policies that promote public safety. Its priorities include eliminating or limiting the reach of federal mandatory minimum sentencing policies, preserving and increasing judicial discretion, expanding the use of the clemency power, preventing restoration of mandatory guidelines, and supporting state-level sentencing reform campaigns. This grant will advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration and by eliminating harsh and unjust sentencing practices.

Previous OSF Support: \$2,933,000

- \$600,000 from Criminal Justice Fund, 2008-2012
- \$500,000 from JEHT Emergency Fund, 2009-2010
- \$900,000 from U.S. Justice Fund, 2004-2008
- \$553,000 from Criminal Justice Initiative-2001-2003
- \$255,000 from Center on Crime, Communities & Culture, 1997-2000
- \$125,000 from Lindesmith Center, 1995-1999

Organization Budget: \$1,346,893

Project Budget: n/a

Major Sources of Support:

Individual Contributions	\$606,893
Public Welfare Foundation	\$175,000
Wallace Global Fund	\$150,000
Ford Foundation	\$100,000
Bernard F. and Alva B. Gimbel Foundation	\$50,000
Herb Block Foundation	\$35,000
Unitarian Universalists for a Just Society	\$7,000

Amount Requested: \$600,000

Is this a contingent grant?: No

Amount Recommended: \$600,000 (Criminal Justice Fund, T1: 24015)

Term: 2 years, beginning January 1, 2013

Matching Requirements: n/a

Description of Organization:

Founded in 1991, Families Against Mandatory Minimums (FAMM) is a national organization that challenges the inflexible and excessive penalties of mandatory minimum sentencing through federal and state advocacy, litigation, media outreach, membership development, grassroots organizing, and coalition building with likely and unlikely allies. FAMM has over 20,000 members nationwide and currently operates statewide campaigns in Florida and Massachusetts. The organization's broad-based constituency includes incarcerated people and their families, criminal justice and sentencing professionals, community organizations, state and national civil rights leaders, treatment and mental health providers, and citizens concerned about human and fiscal costs of sentencing policies. FAMM's public education, litigation, advocacy and grassroots organizing and mobilization have made it a national leader in efforts to promote fair and proportionate sentencing policies and to eliminate mandatory minimum sentencing. Over the next two years, FAMM will continue its three core programs:

Federal Sentencing Program. FAMM challenges federal mandatory minimum sentences by educating the public and policymakers about the social and economic harms of harsh sentencing regimes; mobilizing and providing a platform for people adversely affected by unjust sentences and their family members to advocate for fair sentencing policies; and providing litigation assistance and pro bono counsel for sentencing issues considered by the U.S. Supreme Court and lower federal courts. To eliminate or limit the reach of federal mandatory minimum sentencing laws, FAMM works to educate the White House and the Department of Justice to preserve and increase judicial discretion, expand the use of the clemency power, preserve advisory sentencing guidelines, prevent restoration of mandatory guidelines, and expand the use of compassionate release for people whose continued incarceration is cruel or redundant due to age or health status. Working with the U.S. Sentencing Commission and allied organizations, FAMM promotes shorter drug sentencing guidelines and retroactive relief to people incarcerated under onerous sentencing laws. In collaboration with pro bono partners and members of its Litigation for Justice Advisory Board, FAMM supports petitions for certiorari and files *amicus* briefs in appellate cases that challenge the interpretation of particular sentencing laws in the federal courts and the U.S. Supreme Court.

State Sentencing Program. FAMM promotes fair sentencing in states through reform campaigns. Currently, FAMM is directing campaigns in Florida and Massachusetts, where it coordinates coalition efforts with likely and unlikely allies; provides non-partisan technical assistance and educational material to state legislators; and engages its membership to provide grassroots support for reform. Its state-based issue campaigns include reforming mandatory minimums for drug free school-zone convictions, repeat burglaries, and repeat gaming and gun possession offenses, and ending consecutive sentences for multiple convictions for the same crime. Over the next two years, FAMM will continue directing its campaigns in Florida and Massachusetts and will provide technical and communications assistance to advocates in Maryland, Pennsylvania, and Arizona. It is currently exploring the possibility of launching campaigns in up to three other states that it will select based on a combination of factors, including where its work can have the greatest impact (i.e., the number of people serving state mandatory minimum sentences), where its activities would not duplicate efforts of other advocates, and where public opinion reveals opportunities for success.

Communications and Education Program. FAMM creates and distributes press releases, editorials, and action alerts; works with the media to publicize the injustices and social and economic costs associated with both federal and state mandatory sentencing policies; and serves as a national clearinghouse for news and information on mandatory sentencing issues. To put human faces on sentencing policies in its media and advocacy efforts, FAMM identifies individuals with compelling stories in its “Profiles of Injustice.” Its newsletter *FAMMGram*, which it publishes three times a year and disseminates to its membership, includes updates about issues and advocacy campaigns around the country and provides incarcerated people and their families with information necessary for understanding sentencing policy and how it affects them.

Families Against Mandatory Minimums has been an OSF grantee since 1995.

Description of the Project for Which Funding Is Sought:

The Families Against Mandatory Minimums Foundation requests renewed general support.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund’s interest in reducing mass incarceration by exposing the social and economic costs of incarceration and by eliminating harsh and unjust sentencing practices.

Severe sentencing in the form of mandatory minimum schemes has greatly contributed to the growth in the U.S. prison population, despite declining crime rates, by keeping large numbers of people behind bars for increasingly longer periods. However, prison overcrowding and the strain on state budgets caused by ever increasing prison expansion—combined with the resulting divestment from education, healthcare, and other public infrastructure and services—have begun to create political will for sentencing reform on the federal and state levels.

Recent developments signal the possibility of significant progress toward broader sentencing reform. In August 2010, President Obama signed the *Fair Sentencing Act of 2010*, reducing the disparity between the amount of crack cocaine and powder cocaine required to trigger certain federal criminal penalties from a 100:1 weight ratio to an 18:1 weight ratio and eliminating the five-year mandatory minimum sentence for simple possession of crack cocaine, among other provisions. A year later, in July 2011, the United States Sentencing Commission voted to apply the Fair Sentencing Act retroactively. In January 2010, after six years of public education, grassroots organizing and mobilization, and advocacy, New Jersey enacted drug-free school zone reform, which allows courts to decide whether mandatory sentences should be applied based on the facts of the drug crimes committed in prescribed areas near schools. Also that year, Massachusetts enacted sentencing reform that expanded parole eligibility and access to work release programs for people serving mandatory minimums for drug offenses.

Families Against Mandatory Minimums is an important leader well positioned to build on these significant advances and to capitalize on the evolving climate at both the federal and state levels. It has established itself as an authoritative and trusted information source on mandatory sentencing policies. It is also a mature and fierce advocate that has strategically and effectively engaged unlikely allies to advance its objectives. In April 2011, FAMM held a well-attended briefing on Capitol Hill entitled, *The Last Sacred Cow: How Congress Can Cut Criminal Justice Spending Without Compromising Public Safety*. In addition to preparing a fact sheet that outlined how hundreds of millions of dollars in spending reductions could be achieved through common sense proposals to reduce the federal prison population, shorten sentences for non-violent offenders, and restore judicial discretion, FAMM recruited Americans for Tax Reform President Grover Norquist, former Drug Enforcement Administration chief and Republican congressman Asa Hutchinson, and Cato legal scholar Tim Lynch to serve as panelists at the

briefing. Indeed, over the past two years, FAMM partnered with likely and unlikely allies on many issues, including the Overcriminalization Working Group organized by the Heritage Foundation, joining Heritage, the Texas Public Policy Foundation, National Association of Criminal Defense Lawyers, and the Washington Legal Foundation in sponsoring a Criminal Law Checklist for Federal Legislators. Last year, it also partnered with Koch Industries and the Federalist Society to conduct a poll and focus groups to gain a better understanding of national attitudes about the criminal justice system and sentencing and other criminal justice reforms.

Families Against Mandatory Minimums is effective at changing and leveraging public opinion on sentencing reform issues. Its staff has been featured by or quoted in many newspaper articles dealing with mandatory minimums and sentencing issues generally, including *The Washington Post*, *Los Angeles Times*, *The Wall Street Journal*, and *The Boston Globe*. Its unique ability to work beyond the stereotypic “liberal” and “conservative” labels enables it to build broad coalitions and bridge the gap between grassroots advocacy and policy makers. For example, its strategy of engaging taxpayer watchdog groups in successful reform efforts in Michigan years ago has encouraged similar groups to join reform efforts in Florida and Massachusetts. Beyond its value as a trusted information source and successful policy advocate, FAMM’s success at organizing and mobilizing people directly impacted by the harsh sentencing schemes the organization is trying to change has made it a model for engaging directly affected constituencies.

Criminal Justice Fund staff will work closely with Families Against Mandatory Minimums to ensure its work continues to leverage and inform OSF investments to reduce prison populations nationally and in targeted states such as California and Texas.

For these reasons, the Criminal Justice Fund recommends \$600,000 over two years in renewed general support to the Families Against Mandatory Minimums Foundation.

Grant ID: 20035789

Legal Name of Organization: Judge David L. Bazelon Center for Mental Health Law

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To redirect public investments in incarceration toward effective mental health treatment and stable supportive housing alternatives that reduce incarceration and promote successful reentry

Grant Description: This grant will provide \$500,000 over two years in project support renewal to the Judge David L. Bazelon Center for Mental Health Law (Bazelon) to redirect public investments in incarceration toward effective mental health treatment and stable supportive housing alternatives that reduce the number of people in prison and promote successful reentry. OSF funding will enable Bazelon to continue: 1) conducting litigation and oversight of the implementation of court rulings to replace unwarranted institutional confinement with community-based services and supportive housing; 2) working with federal agencies to expand their participation in protecting the rights of people with mental illness in the criminal justice system; 3) providing technical assistance to local jurisdictions to improve community mental health programs' performance in reducing crises leading to the criminal justice involvement of people with mental illness; and 4) offering public education about the rights of and the need for decriminalizing people with mental disabilities. This grant will advance the Criminal Justice Fund's interest in reducing mass incarceration by exposing the social and economic costs of incarceration, by challenging the criminalization of vulnerable populations, such as people with mental disabilities and mental illness, and by fostering practices to downsize prison populations.

Previous OSF Support: \$2,916,714

- \$750,000 Criminal Justice Fund, 2008-2012
- \$150,000 Transparency and Integrity Fund, 2009
- \$200,000 Constitutional Democracy Initiatives, 2007
- \$485,000 U.S. Justice Fund, 2004-2008
- \$324,000 Criminal Justice Initiative, 2001-2003
- \$554,714 Project on Death in America, 1998-2001
- \$150,000 Center on Crime, Communities & Culture, 1997-2000

Organization Budget: \$3,604,424

Project Budget: \$1,050,888

Major Sources of Support:

John D. and Catherine T. MacArthur Foundation	\$200,000
Bazelon Center General Operating Funds	\$131,814
Van Ameringen Foundation	\$75,000

Bazon Center Endowment Earnings	\$50,000
Melville Charitable Trust	\$50,000
Blaustein Foundation	\$44,074

Amount Requested: \$500,000

Is this a contingent grant?: No

Amount Recommended: \$500,000 (Criminal Justice Fund, T1: 24015)

Term: 2 years, beginning January 1, 2013

Matching Requirements: n/a

Description of Organization:

Based in Washington, D.C., the Judge David L. Bazelon Center for Mental Health Law (Bazelon) is a nonprofit legal advocacy organization with over 30 years of experience advocating nationally for the mentally ill and disabled through litigation and work on federal policy initiatives. Since its founding in 1972 (as the Mental Health Law Project), the organization’s litigation, policy advocacy, and public education has contributed to a changed landscape in legal protections for the mentally ill and disabled, including the establishment of legal precedents to outlaw institutional abuse and protect against arbitrary confinement. For selected lawsuits, Bazelon attorneys provide technical support and act as co-counsel with private lawyers, legal services programs, ACLU chapters, and state-based protection and advocacy systems. Bazelon is active in national policy coalitions that work on behalf of children and adults with mental disabilities, and has become an acknowledged leader in the disability community in applying protections for people with disabilities to criminal justice settings.

Description of Program for Which Funding Is Sought:

The Judge David L. Bazelon Center for Mental Health Law requests renewed project support to continue impact litigation, policy advocacy, technical assistance, and public education to decriminalize people with mental disabilities by addressing issues preventing access to mental health services and supports and redirecting public investments in incarceration toward effective mental health treatment and stable supportive housing. Specifically, OSF funding will enable Bazelon to continue:

Litigation and oversight of the implementation of court rulings. To replace unwarranted incarceration with community-based services and supportive housing for people with mental illness, Bazelon will support and direct strategic litigation that enforces the Americans with Disabilities Act and the Supreme Court *Olmstead* decision, which affirms that unwarranted institutional confinement is a form of discrimination based on mental disability. It will respond to litigation that challenge prior rulings that affirm the rights of people with serious mental illness by organizing legal arguments and amicus briefs in support of community integration. It will work with local partners to create and monitor the development of supportive housing at levels consistent with applicable court rulings and settlements and prevent prolonged incarceration of people when they would have been placed in or released to a community setting but for their mental illness. Bazelon will also engage in efforts to defend the constitutionality of the *Affordable Care Act’s* Medicaid expansion, which would provide resources for public services—such as Assertive Community Treatment, crisis services, intensive case management, and substance abuse services—needed to support people with mental illness in their communities and divert them from police encounters and incarceration.

Working with federal agencies. Bazelon will work with federal agencies such as the U.S. Department of Justice, the Centers for Medicare and Medicaid Services, the Department of Housing and Urban Development, and the Substance Abuse and Mental Health Services Administration to improve outcomes for people with serious mental illnesses who become involved, or are at risk of involvement, with the criminal justice system. It will educate agencies on the consequences of cuts and/or changes in federal programs—including healthcare reform—which impact opportunities for successful reentry and conditions related to risk of arrest and incarceration for people with serious mental illness, and it will provide technical assistance to agencies to guide effective policymaking. Bazelon will also analyze and comment on proposed changes in regulations as they are issued for public review and publicly issue findings and recommendations.

Performance Improvement Project. Bazelon will provide technical assistance to key stakeholders in five cities—Pittsburg, PA; Detroit, MI; Austin, TX; White Plains, NY; and Portland, OR—that are implementing demonstration projects assisting community mental health programs to reduce crises leading to the criminal justice involvement of people with serious mental illness. It will provide ongoing support to local steering committees on developing performance improvement techniques and consultation around data collection and evaluation. Bazelon will also work with pilot sites to measure program outcomes, use the data to develop recommended changes in local policies and practices, and provide technical support to sites to educate stakeholders about the benefits of early mental health system interventions for reducing criminal justice involvement. The latter will include developing an advocacy plan targeting key audiences, such as local business owners, policymakers, and the media.

Public education. Bazelon will educate the public, policymakers, and the media about the rights of and need for decriminalizing people with mental disabilities by publishing issue papers and reports explaining key legal and policy issues in everyday terms and highlighting issues related to mental health law in the media.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund’s interest in reducing mass incarceration by exposing the social and economic costs of incarceration, by challenging the criminalization of vulnerable populations, such as people with mental disabilities and mental illness, and by fostering practices to downsize prison populations.

Although mental illness affects a significant percentage of Americans, mental health systems have been eviscerated politically and financially, resulting in their failure to deliver even the most basic of supports. As a result, many Americans with unaddressed mental health needs—particularly poor people and people of color—inappropriately spill over into the criminal justice system. There is broad acceptance within criminal justice systems across the country that people with serious mental illnesses who are neglected by mental health systems and who live on the margins of society are at enormous risk of repeated arrest and protracted incarceration. Indeed, research shows that our nation’s jails and prisons house large numbers of people suffering from mental illness and that recidivism rates for this population are at least 80%. These shameful and preventable outcomes reflect social priorities in conflict not only with Open Society values but also with important federal laws such as the Americans with Disabilities Act.

The Bazelon Center has established itself as a national leader in formulating legal and policy interventions to prevent the criminalization of people with mental illnesses. It is exceptional among advocacy organizations working on behalf of the mentally ill in the criminal justice system in that it does not simply seek improvements in institutions (such as jails, prisons, and psychiatric hospitals). Rather, it focuses on addressing causal factors underlying patterns of discrimination, segregation, and institutional confinement and on strengthening community supports that promote integration. Bazelon’s expertise

around the Americans with Disabilities Act, longstanding efforts to ensure states' compliance with the Supreme Court's 1999 *Olmstead* decision,¹ deep knowledge of mental health and criminal justice systems, and ability to collaborate effectively and intervene on issues opportunistically have earned it a great deal of credibility. This reputation has helped it forge broad coalitions, including with government agencies, business and civil rights organizations, disability-rights groups, and legal, social service, and healthcare advocates. Congressional staff, state officials, mental health organizations, criminal justice stakeholders, and legal advocates, including the federal Protection and Advocacy network, increasingly request assistance from Bazelon to inform the development of effective policies and practices that support and decriminalize people suffering with mental illness.

Broader legal and public policy opportunities to protect people with serious mental illnesses, including those who are criminalized, have expanded considerably during the Obama Administration. Criminal Justice Fund staff is encouraged by Bazelon's ability to capitalize on the opportunities this has provided by calibrating its focus and expanding its work in relevant areas. This includes litigation and work with federal agencies spurring the development of integrated housing and supportive services, influencing the agenda of the DOJ's Civil Rights Division to focus on the Americans with Disabilities Act, and increasing support for and informing implementation of the Patient Protection and Affordable Care Act, currently being challenged before the Supreme Court. This body of work has far-reaching implications for reducing the risk of criminal justice involvement among people with serious mental illnesses and for ensuring successful reentry by those who have been incarcerated.

Given its leadership and unique perspective on issues at the nexus of mental disabilities and criminal justice and its credibility among federal, state, and local government officials across the country, the Criminal Justice Fund considers the Bazelon Center as its flagship grantee in this critical field of work. Staff will work closely with Bazelon to ensure that its work continues to inform our broader efforts to reduce prison populations in the United States.

For these reasons, the Criminal Justice Fund recommends \$500,000 over two years in renewed project support to the Judge David L. Bazelon Center for Mental Health Law.

¹ *Olmstead v. L.C.* stipulates that, under the ADA, people with mental or physical disabilities are entitled to receive community-based services rather than institutional placements.

Grant ID: 20036252

Legal Name of Organization: The Tides Center (Justice Strategies project)

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: To provide non-partisan research and technical assistance to inform and support grassroots organizations, advocates, and policymakers working to reform criminal justice and immigration enforcement policies

Grant Description: This grant will provide \$400,000 over two years in renewed project support to the Justice Strategies project to provide non-partisan research and technical assistance to inform and support grassroots organizations, advocates, and policymakers working to reform criminal justice and immigration enforcement policies. OSF funding will enable Justice Strategies to continue its focus on downsizing prison populations, challenging the privatization of prisons and corrections services, ending the inappropriate criminalization and detention of immigrants, and reforming policing policies and practices. This grant will advance the Criminal Justice Fund’s interest in reducing mass incarceration by exposing the social and economic costs of incarceration, by fostering practices to downsize prison populations, by eliminating harsh and unjust sentencing practices, and by challenging prison privatization. It will also advance our interest in eliminating harsh punishment by challenging harsh immigration detention and enforcement. The grant will also advance our interest in eliminating racial disparities and securing a fair and equitable justice system by challenging zero-tolerance, racially disparate policing practices.

Previous OSF Support: \$820,312

- \$497,173 Criminal Justice Fund, 2008-2012
- \$5,000 Equality and Opportunity Fund, 2010
- \$318,139 U.S. Justice Fund, 2004-2008

Organization Budget: \$85,770,128

Project Budget: \$915,111

Major Sources of Support:

Ford Foundation	\$400,000
Drug Policy Alliance	\$50,000
Earned Income	\$50,000
Individual Contributions	\$15,111

Amount Requested: \$400,000

Is this a contingent grant?: No

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

Term: 2 years, beginning January 1, 2013

Matching Requirements: n/a

Description of Organization:

In 1996, the Tides Foundation created The Tides Center (Tides) as an independent nonprofit by spinning-off its Projects Program, which had been providing technical assistance to progressive initiatives in the U.S. since 1979. Today, Tides provides a fiscal home to new and emerging charitable initiatives not incorporated as nonprofit organizations and whose missions promote a more just, healthy, and sustainable world. By providing infrastructure services—such as financial, human resource, payroll, risk and liability, compliance, and grants management—Tides enables its projects to receive charitable donations and grants available only to tax-exempt organizations. Tides has been fiscal sponsor to 677 projects with combined revenues of \$2 billion and currently manages over 230 projects.

Founded in 2003 as an independent research organization by veteran researchers and Soros Justice Fellows Judy Greene and Kevin Pranis, Justice Strategies became a project of the Tides Center in 2008. Justice Strategies supports criminal justice reform efforts by providing strategic research and public education tools to grassroots organizations, advocates, and policymakers in a form that can be used both to win policy reform and to build organization and field capacity. Through its research and communications strategies, Justice Strategies promotes more humane, just, and cost-effective approaches to criminal justice and immigration law enforcement. Its priority issue areas include reducing the United States' reliance on incarceration and downsizing prison populations, abolishing for-profit private prisons and corrections services, ending the inappropriate criminalization and detention of immigrants, and reforming policing policies and practices.

Justice Strategies has been an OSF grantee since 2004.

Description of the Project for Which Funding Is Sought:

The Tides Center's Justice Strategies project requests renewal project funding to continue providing non-partisan research and technical assistance to inform and support grassroots organizations, advocates, and policymakers working to reform criminal justice and immigration enforcement policies. Specifically, OSF funding will support Justice Strategies' efforts to produce and disseminate high-quality, strategic research and provide technical assistance to support national and state-based advocates and policymakers on the following core issues:

Downsizing the nation's prison systems. Justice Strategies will build on its *Downscaling Prison*² research by monitoring trends in the four states that formed the basis of the report, by compiling data and conducting interviews in additional states that are joining the trend of downsizing their prison populations, and by packaging the research in a series of policy briefs focusing on significant developments and innovative strategies. It will produce a new policy brief, targeted at a popular audience, explaining why construction of prisons and detention centers is not a viable economic development strategy for rural communities and will create targeted fact sheets and other materials to disseminate the report findings through networks of union organizers, criminal justice reformers and prison abolitionists, for use by local activists challenging the siting of prisons "in their back yards." It

² Greene, Judith, and Marc Mauer. *Downscaling Prisons: Lessons from Four States*. Washington, D.C.: The Sentencing Project. March 2010.

will analyze the criminalization of people with mental illness in the context of mass incarceration and produce and disseminate a series of policy briefs that provide arguments to support a “second deinstitutionalization” of people in prison due to untreated mental health issues and that promote effective and more appropriate treatment alternatives to prolonged incarceration. Justice Strategies will also continue to provide targeted research and analysis and technical assistance to state-level criminal justice reformers working to challenge punitive policies and practices that drive mass incarceration.

Challenging the privatization of prisons and corrections. Justice Strategies will remain an active member of and continue to provide research, analysis, and advice to the national coalition of organizations challenging private prisons and immigrant detention centers across the United States,³ and it will provide data analysis and strategic support to the coalition on prison and detention privatization at the federal level. To address the privatization initiatives launched since “9/11” by the Federal Bureau of Prisons, the Immigration and Customs Enforcement agency, and the U.S. Marshals Service, it will spearhead development of a comprehensive database of federal private prison and detention contracts and produce and disseminate a report that will detail the huge increase in incarceration of non-citizens in federal custody and describe how federal contracting for private prison and detention beds has “bailed out” an industry that suffered greatly from the end of the state-level prison population boom. It will also continue to educate the public about the private prison industry through direct media outreach and by providing content and editorial support to *Texas Prison Bid’ness*, a blog to keep advocates, the public, and policymakers abreast of developments from the private prison in that state.

Ending the criminalization and detention of immigrants. Building on its efforts to create effective partnerships between the immigrant rights and criminal justice reform communities, Justice Strategies will continue to collaborate with the National Day Laborers Organizing Network (NDLON) by supporting its *Turning the Tide* campaign. This initiative is a national network of community organizations joined in opposition to the U.S. Immigration and Customs Enforcement agency’s mass detention and deportation policies. It will assist NDLON organizers by designing a standardized FOIA request for filing requests for databases of immigrant detainees in each of the local communities active in campaign, analyze the databases obtained through FOIA requests, provide reports and fact sheets for local organizers, and compile its findings to produce a national report on the destructive impact of Immigration and Customs Enforcement’s policies.

Reforming policing policies and practices. To support advocates campaigning to end “Stop and Frisk” and other harsh police tactics in New York City and to help reshape the discourse that justifies other harsh policing policies and practices across the country, Justice Strategies will document and analyze promising policing developments in other cities, such as Cincinnati, Seattle, and Los Angeles. It will provide critical analysis of emerging strategies, publish policy briefs and other materials designed to support reform campaigns calling for more transparency and accountability in police policies and practices, and foster linkages between New Yorkers and their counterparts in other cities who struggle with the problem of discriminatory policing in low-income communities of color.

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, by fostering practices to downsize prison populations, by eliminating harsh and unjust sentencing practices, and by challenging prison privatization. It would also

³ Convened by OSF grantee Partnership for Working Families’ In The Public Interest project, the coalition includes Grassroots Leadership, Policy Matters Ohio, Good Jobs First, Public Campaigns, the Progressive States Network, the National Institute on Money in State Politics, 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, Human Rights First, SEIU, AFSCME, AFL-CIO, the Teamsters, and Detention Watch Network.

advance our interest in eliminating harsh punishment by challenging harsh immigration detention and enforcement. The grant would also advance our interest in eliminating racial disparities and securing a fair and equitable justice system by challenging zero-tolerance, racially disparate policing practices.

Justice Strategies is a research organization dedicated to the proposition that grassroots movements can win real reforms if given access to the right information and public education tools. Its tailored policy analysis and research have helped advocacy groups and policymakers across the country advance progressive policy agendas around reducing prison populations, advancing treatment not incarceration initiatives, challenging mandatory sentencing laws, and exposing the immigration consequences of criminal convictions. OSF staff regards Justice Strategies as an important component of the criminal justice infrastructure the Criminal Justice Fund supports to advance its substantive priorities.

With its well-developed network of allies and contacts in many states, Justice Strategies is well positioned to maximize opportunities for reform. Its long history of delivering high-impact research and technical assistance to advocates across the country on drug law enforcement, the nexus of criminal justice and immigration policy, mass incarceration, prison privatization, and policing issues attests to its value to the reform field. In 2011, it released *Numbers Game: The Vicious Cycle of Incarceration in Mississippi's Criminal Justice System*,⁴ which examines the State's drug enforcement and sentencing system and raises troubling concerns about the focus of federally funded drug task forces, the unchecked use of confidential informants, and the cumulative negative impact these law enforcement tactics have on relationships between police and the community. In 2010, Justice Strategies and The Sentencing Project (also recommended for funding on this docket) released their jointly produced report, *Downscaling Prisons: Lessons from Four States*,⁵ which shows how Kansas, Michigan, New Jersey, and New York reduced their prison populations by 5 to 20 percent in the last decade while reducing crime rates. In 2009, Justice Strategies published *Local Democracy on ICE*,⁶ a 95-page indictment of the federal 287(g) program that blurs the once bright line between criminal and civil immigration enforcement.

Justice Strategies produces all its research and analysis with the specific needs of advocates in mind, and its eagerness to partner with local and national organizations has made the organization an invaluable resource for and strategic partner to OSF and a host of OSF grantees. In 2007, in partnership with Grassroots Leadership, Justice Strategies launched *Texas Prison Bid'ness*, a blog where bloggers post information daily about the growing prison-for-profit industry in Texas and related issues. Its joint publication of *Downscaling Prisons* with the Sentencing Project is a perfect example of how Justice Strategies collaborates with other national organizations that work on critical reform issues.

Justice Strategies has also played an important role in the development of young leaders. In 2000, Soros Justice Fellows Judith Greene and Kevin Pranis began Justice Strategies as an informal partnership, launching it as an organization in 2003. Pranis now is Campaign Director with the Laborer's International Union of North America. In 2007, Soros Justice Fellows Robert Rooks and Patricia Allard conducted research under Justice Strategies' sponsorship. Rooks, after serving as the Criminal Justice Director for the national NAACP, recently took a position as the Director of the NAACP of California and Allard is now the Deputy Director of the Canadian HIV/AIDS Legal Network. And, Aarti Shahani, a Paul & Daisy Soros Fellow at Harvard's Kennedy School of Government who became a leader in the national immigration reform movement, previously was a Justice Strategies researcher and is now a journalist covering criminal justice and immigration policy for outlets including *The Washington Post*, National Public Radio, Salon.com, New America Media, and ColorLines.

⁴ Greene, Judith, and Patricia Allard. *Numbers Game: The Vicious Cycle of Incarceration in Mississippi's Criminal Justice System*. New York: Justice Strategies. March 2011.

⁵ *Op. cit.*

⁶ Shahani, Aarti and Judith Greene. *Local Democracy on ICE: Why State and Local Governments Have No Business in Federal Immigration Law Enforcement*. New York: Justice Strategies. February 2009.

For these reasons, the Criminal Justice Fund recommends \$400,000 over two years in renewed project support to The Tides Center's Justice Strategies project.

Grant ID: 20036473

Legal Name of Organization: Barry University

Tax Status: 501(c)(3)

Name of Fiscal Sponsor: n/a

Purpose of Grant: to continue to implement in Florida the Supreme Court's 2010 decision in *Graham v. Florida* that banned the sentencing of life without parole for juveniles convicted of non-homicide offenses and to expand litigation efforts to homicide offenses

Grant Description: The grant will provide \$90,000 in renewed project support over one year to Barry University to provide access to counsel and resources to obtain relief for the approximately 115 individuals entitled to relief in Florida under the U.S. Supreme Court's decision in *Graham v. Florida* that declared life without parole sentences for juveniles in non-homicide cases to be unconstitutional. Barry University will also expand its strategic litigation to challenge juvenile life without parole for homicide offenses. The grant will advance the Criminal Justice Fund's interest in eliminating harsh punishment by addressing the harsh treatment of children prosecuted as adults and in reducing racial disparities and securing an equitable justice system.

Previous OSF Support: \$95,000 from Criminal Justice Fund, 2011

Organizational Budget: \$161,402,000

Project Budget: \$560,676

Major Sources of Support: Florida Bar Foundation \$26,590

Amount Requested: \$90,000

Is this a Contingent Grant?: No

Amount Recommended: \$90,000 (Criminal Justice Fund, T1: 24016)

Term: One year, beginning July 1, 2012

Matching Requirements: None

Description of Organization:

Based in Orlando, Florida, Barry University School of Law offers a quality legal education that will enable its graduates to apply the skills and knowledge they have acquired to their own personal development and to the good of society through the competent and ethical practice of law or through pursuits other than traditional legal practice. Barry University School of Law is part of Barry University, based in Miami.

The law school's commitment to children and youth rests in its clinical programs and the Juvenile Justice Center. The Center has become the leader in training and consulting on quality legal representation of children charged with delinquent acts in Florida. Since 2007, the Juvenile Justice Center has demonstrated success in working statewide as a resource for lawyers representing children and youth in the justice system.

The Juvenile Life Without Parole (JLWOP) Defense Resource Center is run through the clinical programs at the Law School, led by Professor Gerard Glynn. Glynn has represented children for nineteen years while teaching law students about child advocacy in law school clinical programs. The Resource Center, directed by Iona Vila, is leading Florida's efforts to provide access to counsel and quality representation to clients entitled to relief under the U.S. Supreme Court's decision in *Graham v. Florida*. Before coming to the Center, Vila led juvenile justice recovery efforts in New Orleans through the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative at the Orleans Parish Juvenile Court.

Description of the Project for Which Funding Is Sought:

Barry University seeks renewed project support in the amount of \$90,000 over one year to allow its JLWOP Defense Resource Center at Barry University School of Law to serve as a strategic litigation clearinghouse for Florida attorneys working on cases subject to review under the *Graham v. Florida* decision and to engage in strategic litigation to end JLWOP for homicide offenses.⁷

Florida is in the national spotlight because of the high number of clients impacted by the *Graham* decision and the absence of a statewide public defender system to oversee appointment of counsel and litigation. There are 115 individuals in Florida that are entitled to relief. Thus, Florida has the overwhelming majority of the defendants that will need to be resentenced in light of the *Graham* decision.⁸ Moreover, the unique issue in Florida is the absence of a statutory framework for seeking meaningful opportunity for review and release because Florida abolished parole in 1983. As a result, individuals impacted by *Graham* must be resentenced by a judge, to whom they have to present a persuasive case in support of their application for relief.

In addition to the individuals sentenced to JLWOP for non-homicide offenses in Florida, there are 133 individuals in the state sentenced to JLWOP for homicide offenses. The Center will coordinate strategic litigation to end JLWOP for these individuals. Some of these cases may include individuals entitled to relief under the *Jackson v. Hobbs* and *Miller v. Alabama* cases currently before the U.S. Supreme Court. In these cases, the Court will review the constitutionality of JLWOP for 14-year-olds convicted of homicide offenses. The U.S. Supreme Court's *Miller/Jackson* ruling has the potential to impact 18 individuals incarcerated in Florida. Additionally, the JLWOP Defense Resource Center will work to identify all eligible individuals for relief under a Second District Court of Appeal decision, which advanced the logic of *Graham* to felony murder.⁹

⁷ On May 17, 2010, the U.S. Supreme Court ruled in *Graham v. Florida* that it is cruel and unusual punishment to sentence a defendant who was a child at the time of the offense to life without the possibility of parole upon a conviction of a non-homicide offense.

⁸ Currently, 48 of the 115 *Graham* eligible individuals have been resentenced. Of the 48, 12 have been released, 11 were resentenced with 2-12 years left to serve, and remaining individuals were resentenced to a range of 18.5 – 84 years left to serve.

⁹ The Second DCA held that in felony murder cases, the trial court must be permitted to engage in a case-specific analysis to determine whether the juvenile should receive a lesser sentence than life without parole as mandated by the statute.

To facilitate advocacy in support of the resentencing of individuals convicted of life without parole for non-homicide and homicide offenses while juveniles, the JLWOP Defense Resource Center staff will accomplish the following during the grant period:

1. Ensure every *Graham*-eligible inmate has access to counsel through the public defender offices, law firms, or solo practitioners from the Florida Association of Criminal Defense Lawyers (at the trial level appellate process);
2. Ensure individuals who become eligible for relief under *Jackson* and *Miller* have access to counsel (at the trial and appellate process);
3. Ensure individuals who become eligible for relief in Florida through recent felony murder litigation have access to counsel (at the trial and appellate process);
4. Monitor current and future litigation in Florida to end juvenile life without parole for homicide offenders;
5. Prioritize individual cases to ensure that the right cases go forward at the right time to maximize potential relief;
6. Coordinate a core strategy group of public defenders and the private bar to develop and share strategies and receive updates from lawyers;¹⁰
7. Develop, collect, and disseminate educational and legal materials on adolescent brain development, the effect of peer influence on adolescent behavior, and the susceptibility of youth to false confessions;
8. Develop and provide training as a strategy to further litigation (trial and appellate) for *Graham* cases; and
9. Identify experts who can prepare mitigation briefs and evaluate clients and present information that addresses the issues about adolescent development, maturity, and redemption.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund’s interest in eliminating harsh punishment by addressing the harsh treatment of children prosecuted as adults and in reducing racial disparities and securing an equitable justice system.

Although the JLWOP Defense Resource Center has made significant progress towards implementation of *Graham* in Florida, there are still challenges that prevent adequate relief for all individuals entitled to relief under *Graham*. For example, although 48 of the *Graham*-eligible individuals have been resentenced, several have received “virtual” life sentences. The three longest sentences are 170 years, with 47 years left to serve, 130 years with 52 years left to serve, and 100 years, with 43 years left to serve. There is currently a split among the District Courts of Appeal regarding these virtual life sentences. This split will impact other cases going up on appeal in Florida. As a result, the JLWOP Defense Resource

¹⁰ The core strategy group consists of experts and advocates such as Bryan Stevenson (EJI), Bryan Gowdy (argued *Graham v. Florida*; Creed & Gowdy, P.A.), Nellie King (Florida Assoc. of Criminal Defense Lawyers), Prof. Paolo Annino (Florida State Univ. College of Law), Jody Kent (Campaign for Fair Sentencing of Youth, a CJF grantee).

Center will work with pro bono attorneys in anticipation of taking key virtual life cases to the Florida Supreme Court and to the U.S. Supreme Court.¹¹

The expertise and coordination provided by the JLWOP Defense Resource Center are critical to obtaining effective relief for *Graham*-eligible clients in Florida. First, many lawyers representing *Graham*-eligible clients are adult defenders with limited juvenile justice experience, or are solo practitioners volunteering time with limited or no resources. The Resource Center is able to develop and provide these attorneys the materials necessary to make successful arguments for relief. Second, little funding is available for attorneys who need to hire experts to make convincing arguments that address issues in *Graham* about adolescent brain development. In many cases, there is still a need for investigation and expert evaluations and testimony.¹² For example, many *Graham*-eligible clients in Florida suffer from mental health problems or have special education needs. Given these facts, attorneys representing *Graham*-eligible clients need to identify and develop expert testimony to support relief.

Given its expertise gained over the past two years, the JLWOP Defense Resource Center is positioned to build momentum, share resources and engage attorneys in an effort to expand the *Graham* ruling to certain homicide offenses in Florida, including offenses for 14-year-olds and in cases of felony murder.¹³ The JLWOP Defense Resource Center is perfectly positioned to provide support to implement the pending ruling in the *Jackson v. Hobbs* and *Miller v. Alabama* cases currently before the U.S. Supreme Court.

Overall, the JLWOP Defense Resource Center is playing a major leadership role coordinating the various sectors of Florida's legal and advocacy communities to obtain relief for *Graham*-eligible clients—and will expand its expertise to end JLWOP for certain homicide offenses. The Center's staff is working in partnership with groups such as the Campaign for the Fair Sentencing of Youth (a CJF grantee), the elected public defenders of Florida, the Florida Association of Criminal Defense Lawyers, and pro bono attorneys—both solo practitioners and civil litigation firms.

For these reasons, the Criminal Justice Fund recommends \$90,000 over one year in renewed project support to Barry University.

¹¹ The First District Court of Appeal upheld a 50-year sentence arguing that *Graham* does not apply, but reversed an 80-year sentence in *Floyd v. State*. The Second District Court of Appeals contradicted the ruling in *Floyd* by affirming a 90-year sentence in *Henry v. State*, arguing that *Graham* offers no guidance on the issue of lengthy sentences.

¹² The U.S. Supreme Court relied on the science behind adolescent development and categorically held that children are different. Therefore, the resentencing hearings are viewed by national and Florida experts to require the litigation preparation equivalent to a death penalty sentencing hearing and juvenile disposition. Each hearing will require substantial investigation of the inmate's life before and after the offense was committed. (The Court mandated review of post-sentencing prison life.)

¹³ CJF grantee Equal Justice Initiative of Alabama is seeking to expand *Graham* to end life without parole for 14-year-olds convicted of homicide offense in the cases *Jackson v. Hobbs* and *Miller v. Alabama*.

Grant ID: 20036468

Legal Name of Organization: Juvenile Justice Project of Louisiana

Tax Status: 501(c)(3)

Name of Fiscal Sponsor: n/a

Purpose of Grant: to continue to implement the Supreme Court’s 2010 decision in *Graham v. Florida* that banned the sentence of life without parole for juveniles convicted of non-homicide offenses in Louisiana

Grant Description: The grant will provide \$80,000 in renewed project support over one year to the Juvenile Justice Project of Louisiana to provide direct representation over the next year to individuals eligible for relief under *Graham v. Florida*, the 2010 U.S. Supreme Court ruling that declared life without parole sentences for juveniles in non-homicide cases to be unconstitutional. The project will work to ensure that life without parole sentences for juveniles for non-homicide offenses are replaced by sentences that allow for meaningful opportunities for release. This grant will advance the Criminal Justice Fund’s interest in eliminating harsh punishment by addressing the harsh treatment of children prosecuted as adults, and in eliminating racial disparities and securing an equitable justice system.

Previous OSF Support: \$1,488,000

- \$680,000 from Criminal Justice Fund, 2009-2011
- \$808,000 from Gideon Project & US Justice Fund, 2000-2007

Organizational Budget: \$1,118,015

Project Budget: \$128,534

Major Sources of Support: Louisiana Bar Foundation \$21,250

Amount Requested: \$80,000

Is this a Contingent Grant?: No

Amount Recommended: \$80,000 (Criminal Justice Fund, T1: 24016)

Term: One year, beginning September 1, 2012

Matching Requirements: None

Description of Organization:

Established in 1997, the Juvenile Justice Project of Louisiana (JJPL) is a non-profit statewide advocacy organization based in New Orleans that seeks to reform Louisiana’s broken juvenile justice system. JJPL’s

mission is to transform the state's system into one that builds on the strengths of young people, families, and communities to ensure that children are provided the greatest opportunities to grow and thrive. Through a combination of strategic litigation, media outreach, policy advocacy, and grassroots organizing, JJPL seeks to reduce the number of children in secure care and abolish unconstitutional conditions of confinement by: improving or, when necessary, shutting down institutions that continue to inhumanely treat children; expanding evidence based alternatives to incarceration; and building power among those most impacted by the juvenile justice system.

Dana Kaplan is currently the Executive Director of JJPL. Prior to joining the organization, Kaplan was a Soros Justice Fellow at the Center for Constitutional Rights in New York working on detention reform. OSF has supported JJPL since 2000.

Description of the Project for Which Funding Is Sought:

Working in Louisiana, JJPL seeks renewed project support in the amount of \$80,000 over one year to support the implementation of the 2010 U.S. Supreme Court decision in *Graham v. Florida* that prohibits the sentencing of life without parole for juveniles in non-homicide cases. JJPL will also provide relief for juveniles sentenced to life without parole for homicide offenses pending the outcome of U.S. Supreme Court cases *Jackson v. Hobbs* and *Miller v. Alabama*.¹⁴

In 2010, JJPL identified 66 people who were eligible for relief under *Graham* and, in partnership with CJF grantee Equal Justice Initiative of Alabama, developed a legal strategy to pursue resentencing. To date, JJPL has filed pleadings on behalf of all identified *Graham*-impacted clients. Five of the men have been released, including the first two in the nation to be released as a result of the *Graham* decision. In addition, three have been resentenced to terms of years¹⁵ and, in response to the Louisiana Supreme Court's decision in a trio of cases, including *State v. Shaffer*,¹⁶ seventeen individuals have been resentenced to life with the possibility of parole after serving 20 years and reaching the age of 45. One case is pending resentencing pursuant to *Shaffer* after remand from the appellate court, two cases are pending in courts of appeal, and one case is pending in federal court. The remaining 38 *Graham*-eligible cases are pending in district court.

On a national level, the U.S. Supreme Court heard oral arguments in the cases of *Jackson v. Hobbs* and *Miller v. Alabama* on March 20, 2012, argued by Bryan Stevenson, U.S. Programs board member. JJPL signed onto an amicus brief that was submitted to the court in January 2012. Both cases pertain to 14-year-old offenders and address the issue of juveniles being sentenced to mandatory life in prison without parole. If a positive decision is handed down in these cases, then it may provide an opportunity for relief for as many as 228 juveniles serving life without parole for homicide offenses in Louisiana. Should any of these individuals be eligible for relief as a result of a positive ruling, JJPL and its partners would begin an effort to provide relief by filing resentencing hearings.

¹⁴ In *Jackson v. Hobbs*, the Arkansas Supreme Court upheld a death-in-prison sentence imposed on a 14-year-old who was convicted of an unintentional killing where he was not the triggerman; in *Miller v. Alabama*, an Alabama appeals court upheld a sentence of life imprisonment without parole imposed on a 14-year-old convicted of intentional murder.

¹⁵ These men were resentenced to 50, 40 and 5 years, respectively. The state has noticed its intent to appeal two of these sentences.

¹⁶ In the consolidated cases of *State v. Shaffer*, *State v. Dyer* and *State v. Leason*, which were litigated by JJPL and EJI, all three men had been convicted of aggravated rape as juveniles and sentenced to life without parole. The District Court had denied relief under *Graham*. On appeal, the Louisiana Supreme Court held that the *Graham* holding applied in the cases and crafted an interim sentencing remedy. The Court amended the sentences to eliminate the "without parole" restriction and instructed the Department of Corrections to revise each man's prison master to reflect parole eligibility after serving 20 years and reaching the age of 45.

Meanwhile, there is a significant amount of work remaining to be done to implement *Graham*, including in ensuring that all individuals impacted by the ruling are resentenced, that the relief be meaningful, and that any statutory change that brings the State of Louisiana into compliance with the U.S. Supreme Court decision be fair and meaningful as well. To carry out this work, JJPL will:

1. Litigate and obtain relief for all remaining individuals in Louisiana eligible for relief under *Graham*;
2. Ensure that life without parole for juveniles for non-homicide offenses is replaced by a sentence that allows a meaningful opportunity for release through resentencing and parole board advocacy and reform;
3. Investigate and pursue further constitutional challenges to life without parole sentences depending on the outcome of *Jackson* and *Miller*;
4. Increase participation of grassroots allies and advocacy organizations in juvenile life without parole reform by increasing membership of Citizens for Second Chances and by organizing faith leaders, victims groups and law enforcement; and
5. Engage in policy reform that will provide meaningful relief for individuals sentenced to life without the possibility of parole.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's interest in eliminating harsh punishment by addressing the harsh treatment of children prosecuted as adults and in reducing racial disparities and securing an equitable justice system. This grant will also advance U.S. Programs' longstanding support of enhancing capacity for statewide policy reform efforts in Louisiana.

JJPL has been at the forefront of juvenile justice reform in Louisiana since its inception and will continue to be a leader securing adequate relief for *Graham*-eligible individuals. In addition to playing a lead role representing *Graham*-eligible individuals in resentencing hearings and the appellate process, JJPL has supported the development of a task force to study whether the state of Louisiana is *Graham* compliant and, if not, what the appropriate sentence should be for children convicted of non-homicide offenses that currently receive life sentences. As part of its role in advancing policy reform, JJPL has forged alliances with key organizations such as Citizens for Second Chances to ensure that the voices of the most vulnerable communities are heard, including family members and youth. JJPL also works closely with a variety of other organizations on *Graham* implementation, including Criminal Justice Fund grantees Equal Justice Initiative of Alabama, Families and Friends of Louisiana's Incarcerated Children, Amnesty International, and Campaign for the Fair Sentencing of Youth.

JJPL will play a lead role in the resentencing hearings of juveniles sentenced to mandatory life without parole pending the outcome of the *Jackson* and *Miller* cases before the U.S. Supreme Court. If a positive decision is handed down, no other organization in the state has the expertise to carry out this task.

JJPL's constituency consists of 80 percent African-American youth who are either poor or from low-income families. In a Deep South state such as Louisiana where racial inequality is particularly brutal and pervasive and political patronage runs deep, JJPL's expertise and leadership are needed to advance criminal justice reform – including compliance with the *Graham* decision.

For these reasons, the Criminal Justice Fund recommends \$80,000 over one year in renewed project support to the Juvenile Justice Project of Louisiana.

Grant ID: 20036017

Legal Name of Organization: National Employment Law Project

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: to reduce the employment barriers faced by people with criminal records

Grant Description: The grant will provide \$400,000 in renewed project support over two years to the National Employment Law Project (NELP) to challenge the special employment barriers faced by people with criminal records. OSF funding will enable NELP to advance reform and support implementation of federal criminal records policies and support state and local efforts to protect the civil rights and privacy of workers with criminal records. This grant will advance the Criminal Justice Fund's interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions.

Previous OSF Support: \$1,420,000

- \$300,000 from Equality and Opportunity Fund, 2011
- \$300,000 from Criminal Justice Fund, 2010
- \$400,000 from Seize The Day Fund, 2010
- \$370,000 from U.S. Justice Fund, 2005-2010
- \$50,000 from Emma Lazarus Fund, 1997

Organization Budget: \$5,996,912

Project Budget: \$1,145,914

Major Sources of Support:

Public Welfare Foundation	\$409,763
Rosenberg Foundation	\$171,250
East Bay Community Foundation	\$13,764

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:

The National Employment Law Project (NELP) was founded in 1974 by the federal government to promote the employment rights of the working poor and unemployed through legal services for low-income communities. In 1994, as welfare reform was sweeping the country and Congress eliminated NELP's federal funding, the organization began expanding its constituency to include a broader community of organizers, policy advocates, policymakers, and unions serving the interests of all low-wage workers. Today, NELP is a leading national research and advocacy organization dedicated to promoting employment opportunities, building a stronger safety net, and enforcing labor standards on behalf of the working poor. With offices located in New York City, Michigan, California, and Washington State, NELP's diverse staff of legal and policy advocates has advanced a broad range of progressive employment policies at both the state and federal levels and engaged the labor movement, progressive advocates, and other major allies. NELP played a key role in forging labor-community alliances for progressive welfare reform and in successfully advocating for protections for workfare workers and subsidized wage-paying jobs for welfare recipients with the benefits of public sector union membership. It has been at the forefront of efforts to enforce and expand the labor rights of immigrant workers, including the right of undocumented workers to labor protections under U.S. and international human rights laws. NELP has led national efforts to reform the unemployment system to meet the needs of low-wage workers by forging alliances between labor unions and progressive advocates that have produced model policies in nearly half the states.

Description of the Project for Which Funding Is Sought:

The National Employment Law Project requests project funding to challenge the special employment barriers faced by people with criminal records. Specifically, OSF funding will enable NELP to:

Advance reform and support implementation of federal criminal records policies. NELP will educate government officials, employers, workers, and stakeholders to ensure implementation of the U.S. Equal Employment Opportunity Commission's (EEOC) new guidelines regulating the use of criminal background checks for employment under Title VII of the Civil Rights Act of 1964. It will educate the 15 EEOC regional offices that investigate discrimination complaints to ensure active enforcement and—in partnership with Community Legal Services of Philadelphia, its primary collaborator and an OSF grantee—pursue coordinated impact litigation against employers violating the rules. It will educate key federal agencies and policymakers to secure and implement Office of Personnel Management guidelines identifying model hiring practices to be applied to all federal agencies and their contractors, including a more transparent appeals process, and to secure new Department of Labor guidelines regulating the use of criminal background checks by recipients of federal workforce development funds. It will educate policymakers on the FBI criminal background checks database and screening process, how to make the agency's background checks more accurate, and how to protect workers affected by the records screening. In addition, to strongly support federal advocacy in this area, NELP will produce a major report documenting the need for reform of the FBI's criminal background check process.

Support local efforts to protect the civil rights and privacy of workers with criminal records. NELP will continue to partner with Community Legal Services of Philadelphia to expand and support the network of local and national advocates and policymakers actively engaged in challenging employment barriers faced by people with criminal records. It will support local campaigns by issuing policy briefs and updates on state policy developments, by producing a series of webinars to educate and connect local- and state-based advocates, by providing intensive technical assistance in key substantive areas, including “ban the box” policies, and by publicizing and disseminating model reforms. It will develop and implement a proactive communication strategy, including generating talking points to support national and local criminal background check reform efforts and securing feature stories and op-eds in major news outlets

on employer compliance with EEOC guidelines. NELP will also provide technical assistance to cities and states to encourage them to adopt criminal records screening reform and to promote hiring people with criminal records.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions.

Unregulated access to criminal history information has emerged as a fundamental threat to millions of U.S. workers screened every year for employment. In 2011, 90% of large employers reported conducting criminal background checks for employment, up dramatically from 51% in 1996. At the same time that access to criminal history information has increased, a staggering share of Americans—one in four adults—now has a misdemeanor or felony record that will show up on a routine criminal background check, no matter the age of the person at the time of the offense. This translates to more than 65 million Americans who could have their sensitive criminal history information subjected to employer scrutiny, often without adequate legal limits or protections. In addition, 700,000 people are released from state and federal prisons every year, seeking a second chance—including a job to help turn their lives around despite their criminal record. The obstacles to employment resulting from this the proliferation of criminal background checks are especially prevalent for people of color who face disproportionately high arrest rates¹⁷ and are far more likely to have criminal records. For example, African Americans make up 13.6% of the U.S. population, but account for about 28% of arrests and 38% of convictions. These arrests and convictions are often for non-violent drug offenses or other crimes that do not pose safety or security threats on most jobs.

In a short period of time, NELP has become a leader in challenging the unreasonable employment barriers faced by people with criminal records. It has expanded the constituency for criminal justice reform by forging partnerships with labor unions whose interests were threatened because they were losing members due to criminal background checks that had become mandatory in some industries after the 9/11 attacks. Its efforts to mobilize directly affected communities and move the policy debate are greatly enhanced by aggressive communications and outreach that, among other things, elevate workers' stories and brings their voices into the debate. Combining solid research and analysis with access to a strong network of advocacy partners and affected workers, NELP has engaged all the major media outlets, including editorial boards, in worker rights issues. It has built a strong relationship with the *New York Times* editorial staff, which has written several strong editorials pitched by NELP addressing criminal background checks for employment, featuring both model and problem background check policies.

Over the past two years, National Employment Law Project has helped shift the federal policy reform agenda significantly. In April 2012, the U.S. Equal Employment Opportunity Commission decided in a bipartisan (4-to-1) vote to update its 25-year-old guidance on how employers may use arrest and conviction records in their employment decisions. NELP played a major role in the campaign leading up to the vote by filing high impact EEOC charges, testifying before a Commission hearing on the issue, meeting with the commissioners, organizing over 200 public comments in favor of the action, and issuing a report in 2011 that provided strong empirical evidence making the case for a new guidance. It generated substantial press leading up to and immediately following the Commission's vote, including two *New York Times* editorials, and national stories that appeared in the *New York Times*, *AP*, *McClatchy*, *Huffington Post*, and numerous other national press outlets. NELP also responded immediately and effectively to the Commission's vote, releasing an analysis of the highlights of the EEOC's guidance,

¹⁷ Although about one-third of all felony arrests never lead to convictions, non-conviction arrests still present a major barrier to employment because arrests routinely show up in criminal records reviewed in employment background checks.

holding a national press call, and organizing a webinar co-sponsored with the National Reentry Resource Center featuring EEOC staff and a major employer. With substantial input provided by NELP, Attorney General Eric Holder has made the collateral consequences of criminal convictions a federal priority. In 2011, Attorney General Holder convened a Cabinet-level Reentry Council, which has made significant strides to educate the public, and employers specifically, and to coordinate federal policy to reduce barriers to employment of people with criminal records by calling on all federal agencies to document their employment screening practices. The EEOC's action and the Attorney General's Reentry Council represent major milestones and broaden the potential for even stronger engagement by the EEOC, the Department of Justice, the Department of Labor, the Office of Personnel Management and other key federal agencies.

For these reasons, the Criminal Justice Fund recommends \$400,000 over two years in renewed project support to the National Employment Law Project.

Grant ID: 20036254

Legal Name of Organization: Legal Services for Prisoners with Children

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: to organize and mobilize people with criminal records in efforts to end the discrimination against them and increase public safety in California

Grant Description: The grant will provide \$400,000 in renewed project support over two years to Legal Services for Prisoners with Children to support the efforts of the All of Us or None project to organize and mobilize formerly incarcerated and convicted people in efforts to end the discrimination of people with criminal records and increase public safety in California. OSF funding will enable All of Us or None to continue public education, grassroots organizing and mobilization, and advocacy to: 1) challenge unreasonable employment barriers faced by people with criminal records; 2) secure voting rights for people in jail or on parole or probation; 3) advocate for changes in criminal record-clearing procedures; and 4) promote investments in effective programs that increase public safety and reduce incarceration. This grant will advance the Criminal Justice Fund’s interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions and by promoting the civic engagement and leadership of people with criminal records. The grant will also advance our interest in reducing mass incarceration by fostering policies and practices that reduce prison and corrections populations.

Previous OSF Support: \$1,470,000

- \$350,000 from Criminal Justice Fund, 2010-2012
- \$150,000 from Campaign for a New Drug Policy, 2009-2012
- \$700,000 from U.S. Justice Fund, 2005-2010
- \$20,000 from Criminal Justice Initiative, 2001-2005
- \$250,000 from Center on Crime, Communities & Culture, 1997-2000

Organization Budget: \$1,091,497

Project Budget: \$1,078,437

Major Sources of Support:

California Endowment	\$400,000
Akonadi Foundation	\$120,000
Robert Wood Johnson Foundation	\$83,338
Common Counsel Foundation	\$40,000
Fund for Nonviolence	\$30,000

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:

Founded in 1978, Network on Women in Prison (dba Legal Services for Prisoners with Children—LSPC) is a San Francisco-based nonprofit that advocates for the human rights and empowerment of incarcerated parents, their children and family members, and people at risk for incarceration. LSPC organizes legal trainings for legal services agencies, law firms, and individual advocates regarding medical, human rights, family and prison law and provides general legal advice and referrals to prisoners and their families, with a focus on child custody, visitation, and parental rights. Its impact litigation and client empowerment model has inspired replication by other advocacy organizations across the country. LSPC has long stressed the importance of developing the advocacy and leadership skills among the formerly incarcerated, and it provides a strong model that links this training to community organizing.

A project of LSPC, All of Us or None (All or None) is a California-based initiative to organize formerly incarcerated people and the families of incarcerated people into a powerful grassroots movement for combating the many forms of discrimination faced by people with felony convictions. The long-term goal of All or None is to build the political power base in communities of color that will effectively challenge barriers to reentry. By reaching out to elected officials and other community leaders, and by partnering with other regional organizations in several state-wide coalitions, All or None has launched campaigns on issues relating to voting rights, children and families of incarcerated parents, expungement processes, and the disclosure of criminal records on applications for employment and housing.

LSPC has been an OSF grantee since 1997.

Description of the Project for Which Funding Is Sought:

Legal Services for Prisoners with Children requests renewed project funding to support the efforts of its All of Us or None project to train, organize, and mobilize formerly incarcerated and convicted people and to direct regional campaigns to end discrimination against people with criminal records in California. Specifically, OSF funding will enable LSPC to engage people with criminal records in public education, grassroots organizing and mobilization, and advocacy through the following projects:

Ban the Box Campaign. All or None will direct a statewide campaign to remove any question asking about conviction history (“the box”) from applications for public employment and expand the campaign to include government contractors and private employers. It will work to: ensure local enforcement of federal anti-discrimination and employment laws that allow only job-related convictions to be considered in hiring decisions; conduct outreach to and educate private employers, non-profit and subsidized housing agencies, college employment officials, and private contractors doing business with city and county government; and work with unions to include the demand to “ban the box” in contract negotiations as well as investigate and expose inappropriate background check practices and profiteering. To nurture efforts to end employment discrimination in other states, All or None will also provide technical assistance to community organizations across the country that engage people with criminal records on Ban the Box campaigns.

Voting Rights Campaign. All or None will educate people with criminal records about their voting rights and work to secure these rights for people in jail or on parole or probation, and to expand these rights to people in prison. It will advocate with County Sheriffs, the Secretary of State, and county elections officials to assure that people in jail have the ability to register and vote by absentee ballot and to ensure that community organizations have access to county jails to educate people about their voting rights. All or None will also educate traditional civil rights organizations about felony disenfranchisement and engage them in efforts to secure voting rights for people with criminal records and those currently under criminal justice supervision.

Clean Slate Campaign. All or None will direct a statewide coalition of public defenders, neighborhood and volunteer legal services organizations, and people with criminal records and their family members to advocate for changes in criminal record-clearing procedures so that individuals may apply for records sealing or expungement statewide in one application. It will conduct public presentations about the limitations of current remedies, and make specific proposals for the inclusion of remedies for “wobblers,” specific drug-related felonies that can be reduced to misdemeanors, which would allow them to be removed under record-clearing provisions.

Realignment for Healthy Communities. All or None will conduct community summits to educate communities with high incarceration rates about how California State’s Realignment plan to shift people convicted of non-serious, non-sex, and nonviolent offenses out of the state prison system and into county supervision will affect them and the people in prison, jail, and on probation. It will convene a statewide retreat of All or None chapters to identify policy priorities and to develop an advocacy plan grounded on the premise that Realignment will only be successful at reducing incarceration while protecting public safety if it involves real investments in health and mental healthcare, drug addiction treatment, and other community-based programs that communities need. It will create an advocacy toolkit for All or None chapters that will include issue and policy briefs and advocacy strategies for engaging in advocacy at the county level. All or None will also launch policy advocacy campaigns in two counties and at the state level, facilitate regular communications between the campaigns, and build partnerships between local groups and other advocacy organizations in the state.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund’s interest in eliminating harsh punishment by challenging the collateral consequences of criminal convictions. The grant will 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.

Years of “tough on crime” policies have resulted in severe marginalization and discrimination that permeates every aspect of life for people with criminal records and the neighborhoods in which they live. Today, there are more than 30 million people in the United States living with felony convictions and 17 million people who have served prison time. People with criminal records face unreasonable statutory and de facto barriers to employment, housing, education, and even benefits intended for the neediest, resulting in negative effects for individuals, their families, and their communities. Despite these dismal realities, people with criminal records are doing remarkable public education, advocacy, and organizing work around the country to challenge the policies, practices, and public perceptions that continue to limit their life opportunities long after serving their sentences.

Legal Services for Prisoners with Children’s All of Us or None project is aimed at expanding the economic and civic participation of people with criminal records by eliminating unreasonable employment barriers. This goal is tightly linked to its broader interest in changing failed criminal justice

policies that focus on harsh punishment rather than a public health approach that ensures public safety by strengthening communities. Its *Realignment for Healthy Communities* project promotes investments in effective, community-based strategies that increase public safety by addressing the needs of residents rather than strategies that rely too heavily on the criminal justice system and fail to address underlying issues that destabilize neighborhoods. Its advocacy for full restoration of rights for people with criminal convictions challenges unreasonable and excessive collateral punishment and advances the notion that everyone deserves a second chance. For example, its insistence that employers should not consider prior convictions when they are not job-related has challenged the common assumption by employers that prior contact with the criminal justice system is necessarily an indication of being an unreliable employee. Over the next two years, All or None will work to capitalize on the U.S. Equal Employment Opportunity Commission's recent decision to strengthen regulations on how employers may use arrest and conviction records in employment. All of Us or None has also been a strong leader in California in efforts to establish and fund effective reentry programming and for the provision of drug and alcohol treatment on demand.

All of Us or None has formed strong, strategic alliances with diverse local, regional, and national policy reform organizations that add value to their campaigns. It is sophisticated in its analysis and focused in its organizing, collaborating effectively with public interest lawyers and other justice reform advocates. Many of these advocates themselves working alongside formerly incarcerated people as equal players for the first time. Through its partnership with the National Employment Law Project (also recommended for renewal funding on this docket), All or None has become a model for collaborations between criminal justice grassroots advocacy and employment law professionals to expand employment opportunities for people with criminal records.

The leadership of All or None itself consists of formerly incarcerated individuals with deep roots in the community and proven leadership ability. Among them are LSPC Co-Director Dorsey Nunn and Soros Justice Fellows Linda Evans and Susan Burton, a well-known community organizer who established three transitional homes for women in Watts and has become a familiar and vocal advocate in Sacramento. These three, and others associated with All or None, exemplify the importance for justice reform of supporting the work of the formerly incarcerated to speak loudly and clearly for themselves.

Given our interest and significant investment in substantially reducing prison populations in California and its ability to mobilize affected communities, Criminal Justice Fund staff will work closely with All of Us or None to ensure its *Realignment for Healthy Communities* project leverages our investments in and remains directly connected to the Campaign to Reduce Incarceration in California. Campaign Director Lenore Anderson has invited an initial cohort of influential local and statewide community and grassroots organizations to participate in the campaign. Because of its close ties to and credibility among communities directly affected by high rates of incarceration, Anderson prioritized All of Us or None among this initial group. All of Us or None has signed on to participate in the campaign and has agreed to work closely with Anderson to strategically coordinate its activities with those of the campaign. This grant would help support this coordination.

For these reasons, the Criminal Justice Fund recommends \$400,000 over two years in renewed project support for Legal Services for Prisoners with Children.

Grant ID: 20036487

Legal Name of Organization: Coalition for Juvenile Justice

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: to support the Fiscal Policy Center of the National Juvenile Justice Network, which helps state and national juvenile justice reformers incorporate fiscal analysis and messages into their advocacy

Grant Description: The Fiscal Policy Center of the National Juvenile Justice Network, a project of the Coalition for Juvenile Justice, provides training, technical assistance, and state-specific communications tools in an effort to build the capacity of state reformers seeking the improved treatment of youth in conflict with the law in an era of fiscal austerity. This grant will advance the Criminal Justice Fund's interest in reducing mass incarceration by reforming juvenile incarceration policies and practices. This grant will also advance CJF's commitment to enhancing capacity for statewide policy reform efforts.

Previous OSF Support: \$100,000 from Criminal Justice Fund, 2011

Organization Budget: \$688,010

Project Budget: \$308,000

Major Sources of Support:

Public Welfare Foundation	\$150,000
Tow Foundation	\$25,000

Amount Requested: \$133,000

Is this a contingent grant? No

Amount Recommended: \$133,000 (Criminal Justice Fund, T1: 24016)

Term: 1 year, beginning August 1, 2012

Matching Requirements: n/a

Description of Organization:

The Coalition for Juvenile Justice (CJJ) is a nationwide coalition of State Advisory Groups and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system. The National Juvenile Justice Network (NJJN), a project of the CJJ, leads a national movement of state-based juvenile justice reform coalitions and organizations seeking to secure policies and practices that are fair,

equitable and developmentally appropriate for all children, youth and families involved in, or at risk of becoming involved in, the justice system. Founded in 2005, NJJN facilitates networking, information sharing, and strategizing among its 41 state-based organizations from 33 states, thereby strengthening the juvenile justice reform community. Network membership ranges from large multi-issue, multi-strategy organizations to smaller volunteer coalitions from affected communities. The Network's primary activities include: its Annual Network Forum for members; publication of relevant policy papers, policy platforms, research summaries and fact sheets; and webinars and teleconferences for members and the larger juvenile justice field. NJJN is also responsible for managing several issue-based working groups, an active members-only listserv, and a biweekly e-newsletter.

Sarah Bryer, NJJN's director, has been working in the juvenile and criminal justice fields for more than twenty years. Prior to joining NJJN, Bryer served as Director of Policy and Planning at the Center for Alternative Sentencing and Services. She has been a victim-offender mediator for court-involved youth in California and an appellate investigator for adults on death row. She received a BA with honors from Stanford University and a Master's in Public Policy from the John F. Kennedy School of Government at Harvard University.

Description of Program for Which Funding Is Sought:

The Coalition for Juvenile Justice on behalf of the National Juvenile Justice Network (NJJN) requests renewed project support for the continued build-out of the Fiscal Policy Center (FPC), which launched in 2011 with OSF support and is designed to build the capacity of juvenile justice reformers to incorporate fiscal analysis and messaging into every advocacy plan.

Fiscal Analysis: The Fiscal Policy Center will provide general training in state budget structures, content, and process, with a focus on those elements that are common to most states. In tandem with this training, the Network's in-house Senior Budget Analyst will work individually with state advocates to provide them a detailed understanding of their state budget content and processes, particularly as they relate to expenditures on youth in conflict with the law, related expenditures on youth and family services, and revenue streams that can be accessed through the general fund, trust funds, or other off-budget funding streams. Additionally, the Center will continue to develop modular training curricula on substantive fiscal issues, such as using fiscal realignment tools to promote de-incarceration of youth and mapping the costs of the deep end of the system and the costs of alternatives to detention and commitment. The Center will conduct skill-building trainings at the Annual Network Forum, at two in-person regional trainings, and through a series of webinars and teleconferences designed to reach advocates as well as stakeholders beyond the NJJN membership.

The Center will also continue to develop its online Fiscal Policy Resource Center, which houses training materials, toolkits, and other pertinent resources, such as sample/model legislation, clinical and legal research, a glossary of legislative budget terms, and instructions on how to retain funds for youth programming from the sale or lease of juvenile facilities.

Communications: The communications component is designed to complement the fiscal analysis training by providing fiscal communication and messaging training. It will also provide technical assistance on developing a strategic communications plan that integrates messages and tactics related to fiscal arguments into the broader reform agenda. NJJN members will also have access to adaptable communications tools, including model PowerPoint presentations and infographics that members can use for public education (e.g., presentations at service clubs, community forums, or meetings with newspaper editorial boards), that make a cogent and compelling argument for juvenile justice reform.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's interest in reducing mass incarceration by reforming juvenile incarceration policies and practices. This grant will also advance CJF's commitment to enhancing capacity for statewide policy reform efforts.

The United States has lost its way from the core ideals that led to the formation of the juvenile court more than 100 years ago when our country realized that youth are fundamentally and categorically different from adults. Today, thousands of our nation's children are languishing in prisons. Children as young as 6 years old are locked up and cut off from family and community supports, spending entire days in single room cells. In some states, 13 year olds are rubbing elbows with adult prisoners rather than receiving services that have been proven to help youth get on the right track. Moreover, in spite of a large and growing body of evidence that incarcerating children does not protect the public, states in dire fiscal straits continue to spend upwards of \$300,000 per child per year to incarcerate children.

According to the Center on Budget and Policy Priorities, state budget shortfalls will reach as high as \$125 billion in 2012. Legislators across the country are searching state budgets for areas to cut, and many have already made significant cuts to juvenile justice programming. Not surprisingly, juvenile justice reformers are watching hard-won battles for better programming fall prey to shortsighted budget cuts. In the current climate, policy changes become "all about the money." If the cost benefits, or more commonly, the cost savings, of a proposed change are not clear, or if the fiscal note is too high, even well-supported positive policy changes will be derailed. Yet at the same time, it is a great moment of opportunity for states to rethink their juvenile justice policies and evaluate whether they are getting a good return on their investments. States can no longer afford to waste precious dollars on ineffective, expensive and frequently harmful interventions such as juvenile prisons and boot camps.

In order to take advantage of this unique window for reform, state-based advocacy groups must be fully armed with current research, well-framed public safety arguments, and the fiscal details necessary to advance change during tight fiscal times. It is this last piece of the puzzle that juvenile justice reformers sorely lack. Reformers need a baseline understanding of state budget structures, as well as in-depth knowledge of their individual state budgets, including proposed and historical expenditures, revenue streams and budgeting processes, so that they can make sound fiscal arguments and help their legislative or administrative champions disarm their detractors.

Additionally, advocates need to know how to translate knowledge about budgets and budget shortfalls into compelling messages that convince state legislators and the public to make positive policy decisions for youth. Fiscal arguments must also be carefully balanced so that messages of cost-effectiveness do not fall prey to demands for more cost savings. Whether shifting dollars from prisons to communities, leveraging fiscal constraints into progressive programming, or ensuring that existing programs do not get laid to waste in a state's flurry to balance its budget, advocates need concrete fiscal tools to make their case.

Through its members, 16 national partner organizations, and allies, the Network is continually apprised of the needs of the reform community, the areas in which certain campaigns are poised for success, and the issues that are hampering positive forward movement. Through these channels, the Network has the capacity to disseminate crucial fiscal information widely and efficiently and to circulate key budget tools and materials to state-based reformers.

As the only organization of its kind, NJJN has emerged as a leader, supporting the work of state-based advocates and raising their collective voices to demand change both locally and nationally. In July 2010, for example, NJJN published, "The Real Costs and Benefits of Change: Finding Opportunities for Reform

During Difficult Fiscal Times.” This publication armed advocates with substantive and tactical strategies to push, and even accelerate, progressive youth policies during the recession. The Fiscal Policy Center builds on this fiscal information by equipping juvenile justice change agents with additional user-friendly financial knowledge and tools necessary to leverage fiscally-oriented reforms such as state realignment efforts that seek to achieve a greater return on investments in dollars spent on juvenile justice. State-based reformers need to have a handle on how realignment processes are best constructed in state budgets and how to ensure that the dollars saved actually flow to the youth. Ultimately, NJJN’s seeks to ensure that positive reforms are not defeated by budget-wary and -weary legislators and to build continued momentum for effective and humane juvenile justice programming during tight fiscal times and beyond.

For these reasons, the Criminal Justice Fund recommends \$133,000 over one year in renewed project support grant to the Coalition for Juvenile Justice for the Fiscal Policy Center of the National Juvenile Justice Network.

Grant ID: 20035535

Legal Name of Organization: Spitfire Strategies, LLC

Tax Status: other

Name of Fiscal Sponsor: n/a

Purpose of Grant: to build the communications capacity of public defenders and advocates working to improve public defense services by developing strategic and coordinated messaging designed to influence public opinion, stakeholders, and decision-makers in advancing a coordinated reform agenda

Grant Description: The grant will provide \$200,000 in renewed project support over two years to expand the capacity of indigent defense reform advocates and allies to effectively implement communications strategies at the local, state and national levels. Spitfire Strategies will provide customized training and technical assistance to the National Indigent Defense Collaborative¹⁸, the National Juvenile Defender Center, and state-based public defense reform coalitions in Pennsylvania, Louisiana, Michigan, and New Mexico. Additionally, Spitfire will develop a communications toolkit designed to publicize the 50th anniversary in 2013 of the 1963 U.S. Supreme Court’s decision in *Gideon v. Wainwright*, which guarantees the right to counsel for indigent persons accused of criminal offenses. This grant will advance the Criminal Justice Fund’s interest in securing a fair justice system by improving indigent defense delivery systems.

Previous OSF Support: \$526,938

- \$44,554 from Criminal Justice Fund, 2011
- \$282,384 from Criminal Justice Fund, 2010
- \$200,000 from Gideon Project, 2008

Organization Budget: \$8,139,000

Project Budget: \$200,000

Major Sources of Support: n/a

Amount Requested: \$200,000 over 2 years

Is this a contingent grant? No

¹⁸ NIDC members include the American Council of Chief Defenders (ACCD), National Association of Criminal Defense Lawyers (NACDL), National Legal Aid & Defender Association (NLADA), American Civil Liberties Union (ACLU), Brennan Center for Justice, American Bar Association Standing Committee on Legal Aid and Indigent Defendants (ABA SCLAD), NAACP Legal Defense and Educational Fund (NAACP LDF).

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

Term: 2 years, beginning April 1, 2012

Matching Requirements: n/a

Description of Organization:

Based in Washington DC, Spitfire Strategies, LLC was founded in 2002 to provide strategic communications solutions to promote positive social change. Spitfire's mission is to help organizations use their voice in a strong, clear, and compelling way to articulate their vision of a better world. Spitfire Strategies helps to build communications expertise by providing tools and resources to develop and implement effective and efficient communications strategies. Recognizing the need for a comprehensive approach to crafting an organization's communications vision, strategy and tactics, Spitfire provides its client organizations with communications assessments, strategic planning, implementation and training. Since its founding, Spitfire has worked with a wide range of nonprofit organizations and philanthropies, as well as on a broad set of social change issues, including indigent defense reform.

Piper Kerman, Vice President at Spitfire, will oversee this initiative. Kerman brings 16 years of experience in interactive communications, branding and marketing. She has a long track record of conceiving and implementing integrated communications strategies, which includes award-winning websites and interactive marketing, television advertising, print and promotions. Prior to her marketing strategy work, Kerman was a film and video producer.

Description of Program for Which Funding Is Sought:

Spitfire Strategies requests renewed project support to develop messaging and curricula and provide communications training and technical assistance over the next two years to individuals and organizations working to improve indigent defense delivery systems in key states and nationwide. During the proposed grant period, Spitfire will undertake the following activities:

Facilitate 2012-2014 Strategy Meeting and Update Training Content: In an effort to ensure a coordinated approach to indigent defense communications, Spitfire will plan and facilitate a communication strategic planning meeting with the National Indigent Defense Collaboration (NIDC) designed to identify shared reform objectives, including the leverage of the 50th anniversary of the *Gideon v. Wainwright* decision in 2013. This meeting will provide an opportunity for the NIDC partners to identify opportunities for collaboration and amplify each other's efforts through shared and complementary messaging. After the meeting, Spitfire will develop an updated message platform and materials for a new toolkit, with a focus on social media and campaign-style communications around the 50th anniversary of the *Gideon* decision.

Communications Training and Technical Assistance for Affiliates: Spitfire will plan and facilitate three day-long trainings for up to 25 participants each. It is anticipated that trainings may be conducted with the American Council of Chief Defenders, the Brennan Community Oriented Defenders Network, the National Association of Criminal Defense Lawyers State Criminal Justice Network and select ACLU affiliates. Curriculum for the trainings will be informed by the decisions made by the NIDC at the kickoff strategy meeting. Spitfire will also provide 50 hours of technical assistance to NIDC partner organizations to assist with the promotion of report releases, media outreach on news such as the recent release of the federal Government Accountability Office's study of indigent defense, and preparation of advocates who serve as spokespeople in mainstream, online and social media efforts.

State Technical Assistance: Spitfire will work intensively with advocacy coalitions in Michigan, Louisiana, New Mexico, and Pennsylvania where the movement for public defense reform is gaining traction. Support for these coalitions will include site visits, webinars, and in-person trainings on effective press outreach and developing communications materials such as press releases and op-eds that advance the most relevant and persuasive arguments for increasing support for public defense systems.

NJDC Support and Capacity Building: Spitfire will provide communications counsel and training to leaders of the juvenile defense field. Working in partnership with the National Juvenile Defender Center, Spitfire will provide communications strategy, planning and messaging sessions to juvenile defender chiefs from eight states and directors of regional juvenile defender centers from around the country. The objectives of the leadership cohort will be focused on advocacy to replicate and sustain highly innovative and successful programs developed by the group over the past four years. It will then provide follow-up coaching to participants.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's interest in securing a fair and equitable system of justice by improving indigent defense delivery systems.

In the 1963 landmark decision *Gideon v. Wainwright*, the Supreme Court unanimously concluded that states have a constitutional obligation to provide counsel to indigent defendants. However, while *all people*, regardless of their economic status, have the right to legal counsel, the promise of equal justice for the poor remains largely unfulfilled. Throughout the United States, indigent defense systems are struggling. Due to funding shortfalls, excessive caseloads, and a lack of independence from the authorities that provide funding for defense programs, many public defense systems are failing. This failure denies justice to the poor by placing them, for example, at greater risk of wrongful detention and convictions and it also adds significant costs to the entire justice systems in unnecessary appeals, lawsuits, and inflated corrections costs. This phenomenon has devastating, life-altering and sometimes life-threatening consequences to indigent defendants, their families and communities, and to society at large.

As frontline witnesses of the miscarriages of justice, public defenders and advocates play a critical role in advancing systemic reform. However, communicating the need for indigent defense reform is challenging: the remedies are often technical and difficult for non-lawyers to easily understand and the perceived beneficiaries of a strong public defense system—poor people who have been charged with a crime—are not popular with policymakers or with most segments of the public. To make the case to policymakers and their constituents that public defense reform is not a fringe issue, the voices calling for indigent defense reform need to be amplified, and opportunities to communicate about these issues need to be leveraged in ways that will resonate with targeted audiences who can help create the necessary changes.

While the process for improving public defense systems has been frustratingly slow, reforms are taking place state by state. For example, in states such as Pennsylvania, Louisiana, and Michigan, public understanding of the need for reform is improving as diverse grassroots and grassroots coalitions work together in an organized and focused way to demonstrate how a broken public defense system fails the accused, the taxpayers who fund it, and the communities that rely on it for safety. Notably, these are states where the Criminal Justice Fund has made significant investments in supporting indigent defense reform and where the NIDC believes that systemic reform is possible in the near future. At the national level, pressure on the federal government, a primary source of funding for state criminal justice systems, has begun to bear fruit as the Department of Justice is now requiring more transparency, accountability and parity in funding for defense services in the states' distribution of federal monies. However, for these reforms to continue to move forward at an accelerated pace, policymakers and key segments of the public

must understand the broader benefits of a strong public defense system, the fiscal benefits of court systems that work in the way they are intended, and the full promise of the constitutional mandate that guarantees the right to counsel as a fundamental precept of American justice.

Defenders and advocates must possess strong communications skills as well as access to professional communications assistance at strategic points in their reform efforts in order to bolster their policy reform agendas. Spitfire began work on indigent defense issues nine years ago. This experience has helped it develop issue expertise, build strong relationships with the defender community, and harness the expertise of the National Indigent Defense Collaborative as it mobilizes state and local leaders on indigent defense reform. By providing the necessary communications tools and assistance, Spitfire Strategies will assist the NIDC, National Juvenile Defender Center, and the state-based reform coalitions achieve the policy and systemic reform goals that will bring the promise of *Gideon* to fruition.

For these reasons, the Criminal Justice Fund recommends \$200,000 over two years in renewed project support to Spitfire Strategies.