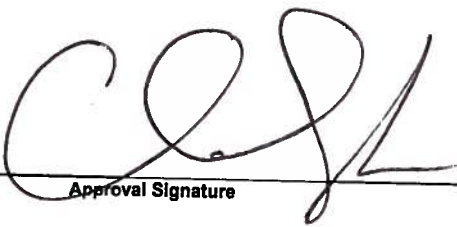


**U.S. PROGRAMS
Criminal Justice Fund
Summary of Recommended Grants
September 2012**

Program Area/Organization

Organization	Grant Code	Recommended	Term	2012		2013
Eliminating Harsh Punishment						
Capital Litigation Communications Project (fiscal sponsor: Texas Defender Service)	T1: 24016	\$ 200,000	2 years	\$ 100,000	\$	100,000
Youth Justice Coalition	T1: 24016	\$ 100,000	2 years	\$ 50,000	\$	50,000
Johns Hopkins University	T1: 24016	\$ 200,000	2 years	\$ 100,000	\$	100,000 c
Securing an Equitable System of Justice and Eliminating Racial Disparities						
Immigration Legal Resource Center	T1: 24017	\$ 200,000	2 years	\$ 100,000	\$	100,000
	T1:24449	\$ 200,000		\$ 100,000	\$	100,000
Communities United for Police Reform (fiscal sponsor: North Star Fund)	T1: 24017	\$ 120,000	14 months	\$ 120,000		
Total Recommended:		\$ 1,020,000		\$ 570,000	\$	450,000
GRANTMAKING TOTAL THIS DOCKET:		\$ 1,020,000				



Approval Signature

24-sept 2012

Date

MEMORANDUM

To: Christopher Stone
Via: Ken Zimmerman
From: Leonard Noisette and Criminal Justice Fund Staff
Date: September 17, 2012
Re: Criminal Justice Fund, September 24, 2012 docket

The Criminal Justice Fund recommends five grants, totaling \$1,020,000, for inclusion on U.S. Programs' Docket III, scheduled for September 24, 2012. These grants will advance our goals of reducing mass incarceration, eliminating harsh punishment, and eliminating racial disparities and securing an equitable justice system.

Eliminating Harsh Punishment

We recommend three grants, totaling \$500,000, that advance our goal of eliminating harsh punishment. One grant would support the Fund's continued commitment to the national Campaign to End the Death Penalty by 2025, launched with OSF leadership. The remaining two would advance our work to address the harsh treatment of children, one to continue support for youth organizing, mobilization and policy advocacy to challenge a range of issues affecting youth in the California youth and adult systems; and a second to support research to evaluate the consequences of and explain why Sexual Offender Registration and Notification requirements should not be unduly expanded to children.

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

We recommend \$200,000 in renewed project support over two years to the **Capital Litigation Communications Project** (with Texas Defender Service as fiscal agent), to continue its ability to serve as a nationwide communications resource for capital litigators. Led by communications expert Laura Burstein, the Project will continue to address the media and communications needs of the anti-death penalty movement. The Project has been instrumental in locating new allies in the fight for abolition and directing invaluable media attention to death penalty cases. Over the next two years, the Project will continue to provide expert communications supporting strategic litigation and recruiting effective media messengers. This grant will advance CJF's goal of abolishing the use of capital punishment and is part of the Campaign to End the Death Penalty by 2025.

Children in the Justice System

The proposed grant to the **Youth Justice Coalition**, \$100,000 in renewed general support over two years, will support its continued efforts to build and advance a youth-led movement to challenge the Los Angeles and California juvenile and criminal justice systems. Over the next year, the organization will continue its focus on strengthening and supporting local groups to engage in criminal justice reform, building its membership base, and mobilizing youth-led campaigns, including the Redirect the 1% Campaign which seeks to build a youth development department in Los Angeles and transfer law enforcement funds to youth employment, community centers, and intervention workers (peace builders) in an effort to curtail L.A.'s decades-long addiction to incarceration.

We recommend \$200,000 in project support over 2 years (2nd year contingent) to **John Hopkins University** to conduct a comprehensive quantitative research project to systematically evaluate the collateral consequences of juvenile sex offender registration and notification (SORN) policies on youth, their families, and impact on public safety. This national study will fill a critical research gap by rigorously assessing through empirical evaluation the effects of SORN policies on youth and public safety outcomes.

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

We recommend two grants, totaling \$520,000, that would advance CJF's goal of securing a fair and equitable system of justice and eliminating racial disparities. One would support continued efforts to provide training and technical assistance to ensure that non-citizens receive effective representation to address the potential immigration consequences arising from a criminal accusation; a second grant would enhance the communications capacity of the Communities United for Police Reform, the coordinating entity of the New York City police accountability campaign effort.

Improving Public Defense Services

\$400,000 in renewed project support over two years to the **Immigrant Legal Resource Center (ILRC)** (co-funded with the Equality and Opportunity Fund) will support the Defending Immigrants Partnership (DIP), a joint initiative of the Immigrant Legal Resource Center, the Immigrant Defense Project, and the National Immigration Project. DIP works to ensure that indigent immigrant defendants receive constitutionally effective criminal defense in light of the extreme additional penalties that they face by virtue of their being immigrants. DIP provides training, technical assistance, education and consultation to public defenders throughout the country to ensure that public defenders meet the Sixth Amendment requirement of effective representation by advising non-citizen defendants on the immigration consequences of a criminal conviction, as affirmed by the Supreme Court in *Padilla v. Kentucky*. The project engages in strategic litigation, as well.

Ending Discriminatory Policing

We recommend a one-year project grant of \$120,000 to **Communities United for Police Reform (CPR)** (North Star Fund as fiscal sponsor), a newly-initiated, multi-organizational campaign that seeks to challenge the racially disparate impact of New York City Police Department's stop, question and frisk practices and zero tolerance policing, to strengthen and expand its communications capacity. This campaign was developed with the leadership and grant support of the Open Society Foundations and The Atlantic Philanthropies and launched publically in February 2012. The grant will allow CPR to respond to emerging media opportunities, craft media messages, proactively build public discourse about community safety and policing practices, improve social media platforms and bolster the existing communications capacity of CPR's member organizations.

Criminal Justice Fund Grant Recommendations
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Docket III September 24, 2012

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Secure Fair and Equitable Justice System and Eliminate Racial Disparities

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Grant ID: 20037375

Legal Name of Organization: Capital Litigation Communications Project

Tax Status: 501(c)3 public charity

Name of Fiscal Sponsor: Texas Defender Service

Purpose of Grant: to support the Capital Litigation Communications Project

Grant Description: This grant will provide \$200,000 in renewed project support over two years to support a nationwide communications resource for capital litigators. Led by communications expert Laura Burstein, the Project will continue to address the media and communications needs of the anti-death penalty movement. The Project has been instrumental in locating new allies in the fight for abolition and directing invaluable media attention to high-impact death penalty cases. Over the next two years, the Project will continue to provide expert communications supporting strategic litigation and recruiting effective media messengers. This grant will advance CJF’s goal of abolishing the use of capital punishment and is part of the Campaign to End the Death Penalty by 2025.

Previous OSF Support: \$3,212,500

- \$650,000 from Gideon, 2001-2007
- \$2,562,500 from Criminal Justice Fund, 2008-2011

Organization Budget: \$1,968,623

Project Budget: \$630,000

Major Sources of Support:

The Atlantic Philanthropies	\$150,000
Sheila’s Fund	\$50,000
The Maverick Lloyd Foundation (requested)	\$11,000
Vital Projects Fund	\$4,000

Amount Requested: \$200,000

Is this a contingent grant?: No

Amount Recommended: \$200,000 (Criminal Justice Fund, T1: 24016; recommended by Terrance Pitts, Program Officer)

Term: 2 years, beginning December 1, 2012

Matching Requirements: n/a

Description of Organization:

Based in Washington, D.C., the Capital Litigation Communications Project (the Project) is a national communications strategy that aims to draw public attention to the mistakes and unfairness in capital cases, highlight the systemic failures of capital punishment and continue to erode public confidence in the death penalty. Launched in October 2007, the Project serves as a nationwide resource for capital litigators and plays a key coordination role between capital litigators and the broader anti-death penalty advocacy community. The Project is directed by Laura Burstein, a communications professional who is highly regarded in the capital advocacy community with over 20 years of experience in social justice communications campaigns. She has focused on anti-death penalty communications work for the past 13 years. Some of Ms. Burstein's prior experience includes Senior Media Relations Manager at Fenton Communications. Ms. Burstein works with an advisory board of leading death penalty advocates such as George Kendall of Holland & Knight, Bryan Stevenson, U.S. Programs Board member and executive director of the Equal Justice Initiative, Christina Swarns, Director of the Criminal Justice Practice and the NAACP Legal Defense and Educational Fund, Richard Dieter, the executive director of the Death Penalty Information Center. Ms. Burstein is assisted by a full-time communications associate and two part-time legal consultants. Through Ms. Burstein's leadership, the Project has helped to propel death penalty issues to front page news generating coverage by most major national news publication in the country including the *New York Times*, *Washington Post*, *Los Angeles Times*, *Associated Press*, *Chicago Tribune*, *Time Magazine*, *Parade Magazine*, *People Magazine*, and in broadcast including CNN's *Larry King Live*, *Oprah*, *NBC Today Show*, *ABC World News*, *Tonight*, *CBS Evening News*, *National Public Radio* and dozens of other state and national media outlets.

With offices in Austin and Houston, the Texas Defender Service (TDS) is the fiscal agent for this project. Founded in 1995, Texas Defender Service (TDS) is a non-profit litigation and policy reform advocacy organization with a mission to establish a fair and just criminal justice system in Texas, emphasizing the improvement of the quality of justice for people facing the death penalty. TDS has two goals: 1) reduce death sentences and executions through aggressive pre-trial and post-conviction case tracking, consulting, litigation, attorney training, and strategic communications campaigns; and 2) improve the quality of representation for those facing a death sentence, while exposing and eradicating systemic flaws in the Texas death penalty system. TDS has a staff of 16 including executive director Kathryn Kase, six staff attorneys, two contract attorneys, two mitigation specialists, finance and administrative staff and senior management. Ms. Kase, formerly TDS's Trial Project director, joined the organization in 2002 and became the executive director in 2012. TDS's has a 10-member board of directors including several death penalty experts including litigators with years of non-profit management experience and law firm partners. Some of the board members include Stephen Bright, nationally known leader on issues of capital punishment and Elisabeth Semel, the current co-director of the Death Penalty Clinic at Boalt School of Law.

Overall, TDS and the Project have nationally recognized staff and board members. Despite this leadership, TDS faced leadership challenges that it addressed and resolved in early 2012. In 2010 and 2011, TDS's then executive director Andrea Keilen did not provide support for numerous expenditures she initiated and paid for with the organizations funds. As a result, Ms. Keilen left the organization. Ms. Kase was appointed interim executive director and after a national search she was appointed the new executive director. As a result of the problem with Ms. Keilen, TDS's board worked closely with its auditors to adopt new policies and procedures, which the board implemented to improve TDS's internal controls. Some of the changes included having the executive director's use of debit or credit cards reviewed monthly by a board member and designating a board member as a liaison with the Director of Finance and Administration as a clear path to communicate unusual matters that may occur. CJF staff reviewed TDS's auditor's reports, recommendations, and audits for 2010 and 2011 and had in-person and phone conversations with TDS's staff and board members. CJF is satisfied that Ms. Kase and the board have adequately addressed and resolved the challenges the organization faced with its internal controls. Although TDS lost funding from a major funding partner in 2011 due to non-renewable grant, the organization has adjusted by aggressively collecting litigation income that it was owed and by laying off staff and reallocating work. On

average, 81 percent of TDS's income is from grant support, 12 percent from litigation income and 7 percent individual contributions. All of the Capital Litigation Communication project's income is from grant support.

Description of Program for Which Funding Is Sought:

This grant will enable the Capital Litigation Communications Project (Project) to continue to serve as a nationwide resource for capital litigators where the strategic use of communications has the power to highlight system failures and advance reform. The mission of the Project is to draw public attention to the mistakes and unfairness in individual cases to highlight the broader systemic failures of capital punishment, continue to erode public confidence in the death penalty, and ultimately bring about its abolition.

The Project will provide critical communications support on a range of litigation issues including innocence and DNA testing to racial bias and mental illness. Due to the nature of litigation, the Project remains ready to respond to case developments and assist in the process on an ongoing basis until. Some of the cases last a few months, while others can be active over the course of several years. Although the Project will work in a variety of jurisdictions it will focus on high-use states such as Alabama, Arizona, Georgia, Ohio and Texas. The staff will also consult on clemency campaigns in the coming months in several states including Ohio, Pennsylvania, Tennessee, Virginia, Colorado and Oregon. To achieve these goals, during the grant period, the Project will:

1. Create Strategic Communications Plans

Project staff will work with litigators to identify the communications goal, target audiences, strategy, messages, messengers, talking points and tactics needed to increase chances for litigation success and bring widespread exposure to the problems with the death penalty.

2. Recruit Messengers beyond the "Usual Suspects"

The Project will work with The Constitution Project's Clearinghouse for New Voices on the Death Penalty¹ to identify and employ unlikely allies such as victims, former prosecutors, judges and other prominent individuals and groups who bring instant credibility and attract media attention. These messengers are essential for both bylining opinion pieces and persuading governors, clemency boards, courts and other key decision-makers.

3. Brief Journalists and Editorial Boards

Project staff will carefully cultivate relationships with journalists and editorial writers to frame media coverage in ways that highlight the unfairness and lack of efficacy of the death penalty. This work includes assisting local organizations with the creation of opinion editorials and letters to the editor and handling media outreach.

4. Build Relationships and Facilitate Communication Among Stakeholders

Project staff will facilitate communication among all affinity areas within the Campaign to End the Death Penalty by 2025², including capital litigators, state and national advocates, and researchers to ensure that all parties convey persuasive messages at critical moments. The Project will coordinate conference calls and provide advocates with talking points, template opinion editorials and letters to the editor, and sample letters to clemency boards and governors. On the national level, the Project staff will facilitate communication and strategy discussion among federal death penalty attorneys and national advocacy organizations.

¹ The Constitution Project receives project support from CJF for the Clearinghouse for New Voices on the Death Penalty.

² The 2025 Campaign is a national multi-sector advocacy campaign to end the death penalty in the United States. The Campaign has a national strategy and is led by a program officer, a steering committee and affinity groups representing litigation, policy, organizing, communications and research. The Campaign coordinates closely with Funders for Alternatives to Abolish the Death Penalty, of which OSF is a member.

In all of these activities, Ms. Burstein will continue to measure the Project's success quantitatively (numbers of news articles and the extent of their reach in print and online); qualitatively (inclusion of its messages and messengers within the articles); and by outcome (e.g., stays granted, commutations secured, death sentences thrown out, etc.). Ms. Burstein will also assess how the Project's specific case work fosters opportunities for new partnerships between advocates and litigators and building relationships across the death penalty abolition movement.

During the coming grant period, the Project has already committed to providing strategic communications to a number of cases. Some examples of these cases include the following:

- **Clemency Campaign Consultation:** Consulting on numerous clemency campaigns in states around the country, including Ohio, Pennsylvania, Virginia, Tennessee and Oregon. Timeline: Ongoing
- **Duane Buck, Texas:** Designing and implementing a communications campaign around the need for a new sentencing hearing free from racial bias. Timeline: Execution could be scheduled for 2013.
- **Tyrone Noling, Ohio:** Supporting the fight for DNA testing in a case involving false confessions and prosecutorial misconduct. Timeline: Execution could be scheduled for 2014.
- **Terrance Williams, Pennsylvania:** Consulting on the possible first non-volunteer execution in Pennsylvania since the death penalty was reinstated in 1976. Timeline: Execution date could be set for late 2012 or early 2013.
- **Campaign for Prisoners Facing Federal Execution:** Urging review of race bias in federal death penalty cases and preparing to respond to possible increased public attention in this election year. Timeline: Ongoing

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's priority of eliminating harsh punishment by supporting strategic communications to end the death penalty. The grant also supports the goals of the Campaign to End the Death Penalty by 2025, a national advocacy campaign started with OSF's leadership.

By utilizing the media to draw attention to egregious problems in death penalty cases such as innocence, racial discrimination, judicial misconduct and poor indigent defense, the Capital Litigation Communications Project (Project) helps educate opinion leaders, policymakers, judges, potential jurors, and the public at large. It also creates a public climate in which capital punishment is no longer tolerated.

The Project's efforts are effective and impactful. To date the Project has provided consultation on over two dozen cases in which clients received stays, commutations, or clemency, resulting in widespread positive media coverage in the relevant states as well as nationally. With each success, the anti-death penalty movement grows in sophistication and more capital attorneys and advocates see the power of collaboration between litigation, grassroots/grassroots organizing, and communications.

Despite its small staff, the Project has a wide reach, managing a caseload of over 30 cases in 2011 alone. During the past grant period, the Project brought widespread attention to a range of compelling issues in cases including innocence, racial bias, mental illness, intellectual disability, DNA testing, incompetent counsel, prosecutorial misconduct, junk science and lethal injection. Two of these cases include Robert Gattis and Duane Buck. On January 17, 2012 Gov. Jack Markell commuted the death sentence of Robert Gattis, marking the first time in modern Delaware history that clemency was granted in a death penalty case. In coordination with Mr. Gattis'

legal team in Delaware and Pennsylvania, the Project crafted a communications strategy that highlighted Mr. Gattis's childhood history of extreme mental, emotional and physical abuse and the unfairness of his sentence, which was based on a non-unanimous jury verdict. This past fall, working with attorneys at the Texas Defender Service and the NAACP Legal Defense and Educational Fund, Inc., the Project designed and implemented a media campaign that helped secure a last-minute state of execution for Duane Buck. At Mr. Buck's 1997 trial, a psychologist shockingly testified that Mr. Buck was more likely a "future danger" because he is African American. In the lead-up to the stay, the Project helped to generate and shape the coverage of Mr. Buck's case in hundreds of state, national and international media outlets.

Attorneys see the Project's valuable role in death penalty litigation. Rob Owen, attorney for Hank Skinner in Texas, who the Project has assisted for over two years in the fight for DNA testing, states that the Project's support has been "indispensable to the success of our efforts." Kevin Werner, Director of Ohioans to Stop Executions, who the Project assisted in the successful clemency of John Eley, a prisoner with mental illness, remarked: "It's hard for me to imagine how we could have arrived at [the favorable clemency] decision without guidance and support of the Project. The Project will continue to collaborate with litigators, state and national advocacy organizations, and every aspect of the 2025 Campaign, many of them current OSF grantees, such as the Texas Defender Service, the NAACP Legal Defense and Educational Fund, Southern Center for Human Rights, the Atlantic Center for Capital Representation, the Death Penalty Information Center, the Constitution Project, and The Innocence Project, and the Texas Coalition to Abolish the Death Penalty.

Despite the Project's demonstrated success, its main vulnerability is a reflection of the lack of existing communication's capacity within the anti-death penalty movement. Most of the leaders within the 2025 Campaign, while acknowledging the critical support that the Capital Litigation Communications Project provides, also recognize that many capital litigators and state-based death penalty organizations rely heavily on Laura Burstein and her small staff. Many state-based death penalty abolition groups do not have the capacity for in-house communications expertise to assist capital litigators. Similarly, organizations focusing on capital litigation rarely have dedicated communications staff. Currently, too few funding resources are available to build the communications infrastructure of critical organizations working to advance the national 2025 Campaign. Funders for Alternatives to End the Death Penalty and the 2025 Campaign steering committee members have wrestled with the competing funding demands of the national campaign, including the lack of communications infrastructure. Thus far, without additional funders at the table, no effective solution has been implemented.

For these reasons, the CJF recommends \$200,000 over two years in renewed project support to the Texas Defender Service to advance the work of the Capital Litigation Communications Project.

Grant ID: 20037406

Legal Name of Organization: Johns Hopkins University, Bloomberg School of Public Health

Tax Status: 501(c)3 public charity

Name of Fiscal Sponsor: n/a

Purpose of Grant: to systematically evaluate the collateral consequences of juvenile sex offender registration and notification (SORN) policies on youth and their families

Grant Description: This grant will provide \$200,000 in project support over 2 years (2nd year contingent) to conduct a comprehensive quantitative research project to systematically evaluate the collateral consequences of juvenile sex offender registration and notification (SORN) policies on youth, their families, and impact on public safety. This national study will fill a critical research gap by rigorously assessing through empirical evaluation the effects of SORN policies on youth and public safety outcomes. This grant will advance the Criminal Justice Fund’s interest in eliminating policies and practices that criminalize children, especially youth of color.

Previous OSF Support: n/a

Organization Budget: \$4,369,091

Project Budget: \$400,000

Major Sources of Current Support:

Johns Hopkins University	\$155,600
University of Massachusetts-Lowell	\$44,000

Amount Requested: \$200,000

Is this a contingent grant? Yes

Amount Recommended: \$200,000 (T1: 24016; recommended by Luisa Taveras, Program Officer)

Term: 2 years, beginning September 2012

Matching Requirements: n/a

Description of Organization:

Founded in 1867, Johns Hopkins University is a privately endowed institution and one of the nation’s first universities oriented toward graduate education and research. The University has eight academic divisions on four campuses and also maintains a network of continuing education facilities throughout the Baltimore-Washington area, including the Washington, D.C., Montgomery County, and Columbia Centers. The project will be based at the Department of Mental Health at the Johns Hopkins University Bloomberg School of Public Health (JHSPH), which shares the East Baltimore campus with the Johns Hopkins Medical Center. The School of Public Health has the strongest research program in the nation for such institutions, receiving over \$125 million in

funding from the National Institutes of Health (NIH) in 2011. It is the highest ranked public health school in the U.S. and is internationally recognized for both the excellence of its scholarship and its many contributions to the improvement of human health throughout the world.

The principle investigators for this project are Dr. Elizabeth LeTourneau and Dr. Andrew Harris. Dr. Letourneau is an associate professor in the Bloomberg School of Public Health's Department of Mental Health and has studied sex offending and sexual victimization for more than 20 years. LeTourneau has completed several investigations on the effects of sex offender registration and community notification policies and was a co-investigator on the largest randomized controlled trial of treatment effectiveness for juvenile sex offending. She is currently involved in a project aimed at identifying high risk Internet Crimes Against Children offenders and in a project examining the validity of widely used sex offender recidivism risk instruments. Dr. Letourneau has presented her research nationally and internationally, most recently at the invitation of Interpol.

Dr. Andrew Harris is an associate professor in the University of Massachusetts-Lowell's Department of Criminal Justice and Criminology. Harris is an expert in public policy on sexual offending, substance abuse, crime and mental illness. Prior to joining UMass, Harris spent more than 16 years developing and managing innovative public sector policies and programs in both the criminal justice and human service arenas. His research examines the implementation of public policies at the intersection of criminal justice and human service sectors; Harris' current research agenda focuses on policy responses to sexual offending, and policies concerning justice-involved persons with serious mental illness. He is also the principal investigator for a major national study funded by the U.S. Department of Justice designed to inform policies and practices concerning teen "sexting" and its related issues.

Description of Program for Which Funding Is Sought:

Johns Hopkins University, in conjunction with the University of Massachusetts-Lowell, requests project funding for the Juvenile Sex Offender Registration and Notification (SORN) research project designed to systematically evaluate the collateral consequences of juvenile sex offender registration and notification policies on youth and their families. As the first empirically rigorous assessment of these effects, the study could inform the development of effective and responsive public policies in this area.

The project features two phases of data collection: 1) an online survey of approximately 415 treatment providers who provide services to juveniles who have sexually offended; and 2) a series of structured interviews with a national sample of approximately 700 youth in treatment for sexual offending and their caregivers. The provider survey will evaluate therapists' perceptions of the impact that SORN requirements have on youth and families and will also serve as a vehicle for recruiting youth and caregivers into the study. The youth/caregiver interviews will utilize a structured protocol that includes the use of validated measures and researcher-generated questions focused on youth mental health, school experiences, social relationships, attitudes, experiences of traumatic events, and impact on family. The interviews will also collect data on the youths' registration and notification requirements that will be used to develop comparison groups for purposes of analysis. Due to significant inter-jurisdictional variation in juvenile SORN requirements, the study sample is expected to be highly diverse in this regard.

Following data collection, the project team will complete a series of methodologically rigorous analyses that will investigate the following:

1. The manner in and extent to which SORN requirements are associated with measures of:
 - Youth mental health (e.g., anxiety, depression, suicidality);
 - School experiences (e.g., academic achievement, suspensions);
 - Social relationships (e.g., pro-social interactions vs. negative social interactions);

- Attitudes (e.g., perceived social support, positive outlook); and
 - Experience of traumatic events (e.g., bullying by peers, being approached by adults for sex);
2. The manner in and extent to which youths' SORN requirements are associated with impacts on families (e.g., sibling harassment experiences, compassion fatigue, financial burden); and,
 3. The manner in and extent to which extralegal characteristics of youth (e.g., age, gender, race, ethnicity, sexual orientation) and caregivers (e.g., single parent household, economic disadvantage) may be associated with increased intrusiveness of youth SORN requirements.

Based on these analyses, the research team will generate a series of written reports that could inform advocacy efforts. These will include developing materials for use by policymakers, advocates, and practitioners (e.g., policy briefs and summaries) as well as publication in peer-reviewed research journals. Following the completion of data analysis and prior to development of the final report, the research team – in conjunction with CJF staff – will convene a select group of juvenile justice stakeholders to share findings and assist in the development of policy recommendations.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's interest in reducing mass incarceration by reforming juvenile incarceration policies and practices that increase the risk of reoffending and incarceration and combating the harsh treatment of children in prosecution and sentencing.

Over the past two decades, policies requiring or permitting the inclusion of youth on public sex offender registries have become increasingly common across the United States. At least 35 states maintain laws that permit or require juvenile registration, some for children as young as six years old, with seven states containing provisions that may subject youth to lifetime registration and public disclosure. Furthermore, these harsh adult penalties are permeating the juvenile justice system and increasingly blurring the lines between the juvenile and adult systems of justice. For example, in the Federal Adam Walsh Act, Title I, Sex Offender Registration and Notification Act (SORNA), Congress redefines a juvenile court adjudication as a criminal conviction, thereby erasing any distinction between adolescent and adult misconduct. As a result, children as young as 14 are now subjected to *public* registration, notification, and lifetime registration, eradicating any privacy protections afforded children processed through the juvenile court system. SORNA represents a significant step in continuing the general trend of treating children as adults in the justice system.

These laws have proliferated amidst a convergence of two general trends: societal alarm over juvenile violent crime, and the expansion of social controls over sexual offenders. However, according to research, these policies have been largely based on faulty assumptions regarding the nature of sexual offending behaviors among youth, particularly the widespread but inaccurate belief that youth who commit sex offenses are uniformly at high risk for recidivism. In fact, studies evaluating the impacts of juvenile sex offender registration have failed to find any measurable effects on public safety, be they general or related to sexual offending. Conversely, evidence suggests that juvenile registration and notification may in fact *increase* rates of re-offense through its impacts on the social adjustment of affected youth. Ongoing developmental research indicates that being labeled as “deviant” may diminish youth social bonds and in turn increase the risk of future criminal behavior, including sex offending. Moreover, anecdotal evidence suggests that juvenile sex offender registration may be disproportionately applied to certain classes of youth and influenced by factors such as race, family status, and sexual orientation. Such effects, if substantiated, represent pivotal matters of concern for juvenile justice practice and public policy. Significantly, despite the negative consequences of these policies, little research has been conducted on the collateral consequences of juvenile registration or on the characteristics of youth subjected to these policies.

These knowledge gaps carry serious implications for policy and practice: policymakers often lack full appreciation for the consequences of subjecting youth to adult SORN requirements, and legal actors, such as prosecutors, judges, defense counsel, may fail to consider the full impact of their decisions when subjecting youth to registration and notification. The Criminal Justice Fund has made targeted exploratory investments to develop the knowledge base in the field, support legal challenges, and provide qualitative analysis of the impact of SORN policies on youth and communities. The proposed national study represents the first systematic investigation of the effects of registration and notification on youth and their families, with particular emphasis on identifying those variables that may affect youth adjustment and future re-offense risk. The study's ultimate aim is to provide a strong quantitative analysis regarding the collateral effects of juvenile registration and notification in an effort to promote informed and empirically grounded public policy reform in this area of the law.

The primary risk associated with this grant is that law and decision makers may disregard the findings and continue to implement detrimental policies that subject children to the harmful impact of sex offender registration and notification systems. To minimize this risk, principle investigators and CJF staff will consult with field experts, including advocates, policy makers, and communications specialist in an effort to report the findings in the manner most useful to people on the ground. Thus, staff plans to reach out to many of the experts who attended the national SORNA convening held at OFS in July 2011 and co-hosted with Public Welfare Foundation, which brought together over 40 experts including representatives from Right on Crime, Juvenile Law Center, Council of State Governments, Victim's Rights, Justice Policy Institute, the ACLU, public defenders and prosecutors. Many expressed a need for the information this research project is designed to generate, and therefore, they will be among the first experts consulted in an effort to help shape the policy recommendations and communications strategy. Additionally, second year funding for this grant is contingent on the progress made with regards to gathering a diverse sampling of research subjects and analysis of preliminary findings.

For these reasons, the Criminal Justice Fund recommends \$200,000 over two years in project support to Johns Hopkins University for the Juvenile Sex Offender Registration and Notification research project.

Grant ID: 20037386

Legal Name of Organization: Youth Justice Coalition

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 \$100,000 in renewed general support over two years to the Youth Justice Coalition (YJC), which seeks to build and support a youth-led movement to challenge the Los Angeles and California juvenile and criminal justice systems. Over the next year, YJC will continue its focus on strengthening and supporting local groups to engage in criminal justice reform, building its membership base, and mobilizing youth-led campaigns, including the Redirect the 1% Campaign, which seeks to build a youth development department in Los Angeles and to redirect law enforcement funds to youth employment, community centers, and intervention workers (peace builders) in an effort to curtail L.A.'s decades-long addiction to incarceration. This grant will advance the Criminal Justice Fund's interests in decriminalizing vulnerable populations such as youth of color and poor youth, eliminating racial disparities, and securing a fair and equitable justice system. It will also complement the efforts of the Californians for Safety and Justice campaign to reduce significantly levels of incarceration in that state.

Previous OSF Support: \$163,150

- \$100,000 from Criminal Justice Fund, 2009-2011
- \$63,150 from Community Advocacy Project, 2002-2004

Organization Budget: \$764,948

Project Budget: n/a

Major Sources of Current Support:

California Dept. of Education (ADA Funds)	\$265,740
California Endowment	\$150,000
Just and Fair Schools Fund (Public Interest Project)	\$50,000
California Community Foundation	\$37,500
Edward W. Hazen Foundation	\$30,000
Liberty Hill Foundation	\$25,000
California Women's Foundation	\$15,000

Amount Requested: \$100,000

Is this a contingent grant? No

Amount Recommended: \$100,000 (T1: 24016; recommended by Luisa Taveras, Program Officer)

Term: 2 years, beginning July 2012

Matching Requirements: n/a

Description of Organization:

Founded in 1987, Youth Justice Coalition (YJC) works to build a youth-led movement to challenge race, gender and class inequality in Los Angeles county's and California's juvenile justice systems. Over the past three years, the YJC has built the leadership of parents whose children are incarcerated, particularly youth who are facing or serving life sentences, and of liberated lifers who were sentenced as children or young adults and are now in the community helping other families to organize for change. Ultimately, YJC seeks to transform a criminal justice system that has led to the mass incarceration of people of color, distrust between law enforcement and communities of color, and the criminalization of youth of color in schools.

Kim McGill is the founder and lead organizer of the Youth Justice Coalition. McGill is a nationally recognized youth justice advocate and has worked with hundreds of young people to shape the work of the YJC. She is an active member of the National Juvenile Justice Network, All of Us or None (an OSF-funded project), Cease Fire, the Watts Gang Task Force, and the City Council Ad Hoc Committee on Gang Violence, Prevention and Youth Development. In 2012, McGill was the first recipient of the Beth Arnovits Gutsy Advocate for Youth Award for her "tenacious work on behalf of young people in trouble with the law." Kruti Parekh, YJC's lead administrator/infrastructure developer, has previously worked as a director for a number of youth programs, including YouthBuild, Teen Court, and Workforce Investment Act Programs. YJC embraces a model of shared leadership that operates on principles of inclusion and a non-hierarchical management structure. Its board is comprised of LOBOS (Leading Our Brothers and sisters Out of the System), a group of youth organizers between the ages of 17 to 24 tasked with setting strategic direction and implementing the day-to-day work of the YJC. YJC has three full-time staff and 10 LOBOS who receive stipends. Staff, board members, and volunteers are tasked with multiple roles including research, community assessment, legal education and court support, constituency mobilization and political education, outreach and facilitation, communications, fund development/grant writing, and engaging the membership in ongoing evaluation of the YJC's effectiveness in meeting its mission.

Lack of organizational capacity and its non-traditional horizontal management structure have caused several funders, including OSF, to question the long-term sustainability of the organization. During the last grant cycle, CJF provided technical assistance support and guidance to YJC to enable them to assess and strengthen their organizational capacity within their principled approach to reform. YJC has taken advantage of such support and is making strides to increase the knowledge and skills set of board and staff members. To this end, YJC consulted with Hamid Khan and Bernadine Dohrn, trusted advisors with extensive professional experience in organizational development and financial management to guide an organizational assessment and strategic planning process. Khan is a Soros Justice Fellow and former executive director of the South Asian Network (SAN), a grassroots community-based organization. The California State Assembly honored Khan in 2006 with the Excellence in Public Service Award for his "dedication and contributions to the people of the State of California and beyond." Dohrn is an associate professor of law at Northwestern University School of Law and former director of the Northwestern Children and Family Justice Center, a Criminal Justice Fund grantee.

Youth Justice Coalition has been primarily funded through a variety of small grants from local and national funders. It also receives substantial funding from the California State Department of Education for its educational programs. As the organization has increased its organizational strength and raised its profile as a vital player in state and national justice reform efforts, it has attracted new funding from the California Wellness Foundation, the California Endowment, and the Public Welfare Foundation. YJC engages the services of an accountant to help with financial reporting and according to its unaudited financial reports, for fiscal year ending June 30, 2012, income exceeded expenses by \$3,149.

Description of Project for Which Funding Is Sought:

The Youth Justice Coalition requests renewed general support.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund's goal of reducing mass incarceration and eliminating harsh punishment by challenging punitive school disciplinary policies, the treatment of children as adults in prosecution and sentencing, and the practice of sentencing juveniles to life without parole.

Although northern California consistently produces high quality, innovative criminal justice reform advocacy, southern California's advocacy infrastructure is relatively weak. Given that California is a bellwether state whose statewide reforms generate powerful ripple effects for the rest of the country, there is an obvious need to coordinate and strengthen the work of advocates in southern California. CJF staff have devoted considerable time and thought to identify southern California criminal justice groups capable of building and nurturing an advocacy infrastructure in that region of the state; YJC stands out as a critical player dedicated to fueling the juvenile and criminal justice reform movement in Los Angeles, as well as at the state and national level.

Recent reform accomplishments include:

- Release of a comprehensive report on the real cost of policing in LA County and subsequent launch of the LA For Youth Campaign, a.k.a. the 1% Campaign, aimed at securing 1% of the county's major law enforcement revenue to provide \$100 million/year to establish a youth development department. This department would fund 500 full-time peace-builders/community intervention workers in schools and communities; 25,000 youth jobs; and 50 youth centers open 3 PM-midnight year-round, each with a \$500,000 annual budget. More than 40 groups have joined the campaign. With assistance from the National Juvenile Justice Network's Fiscal Policy Center, a CJF grantee, YJC trained the campaign's partners on campaign messaging and fiscal analysis in an effort to expose the financial costs of LA and California's over-reliance on incarceration. The campaign has already succeeded in securing an increase in summer jobs for youth – prioritizing employing system-involved youth – in the 2012 city budget.
- In partnership with Critical Resistance and the LA Chapter of Californians United for a Responsible Budget (CURB), YJC coordinated the No More Jails Coalition, which defeated the LA County Sheriff's proposed \$2.6 billion expansion of the county jails and proposed funding of prison construction company AECOM through a non-competitive bid process to “study” whether or not L.A. County needed additional jail beds. YJC believes the Sheriff will resubmit the plan in 2013; it continues to closely monitor this situation.
- Obtained policy directives from the Los Angeles Police Department and the Los Angeles Unified School District Police Department, as well as securing amendments to Los Angeles municipal code, to change policies regarding the ticketing of students for truancy. These amendments included reducing fines from \$900 maximum to \$150 maximum, implementing alternatives to fines for the first two tickets, and curtailing the practice of ticketing students who are en route to school after the start of the school day. This victory was reached in partnership with the national Dignity in Schools Campaign, which includes the ACLU, the Children's Defense Fund, and the Los Angeles based Labor Community Strategy Center.
- The County's Municipal Court, which handles all citations for juveniles, has been closed due to budget cuts. Thus, all juvenile citations, including truancy and nighttime curfew violations, cigarette smoking, riding the Metro and/or bus without fare, possession of a lighter or drug paraphernalia, possession of low levels of marijuana, riding a bike without a helmet/reflector/license, etc., that would have resulted in high

finances and required court appearances will now be referred to the County Department of Probation. Advocates feared that this change in venue could have resulted in greater criminalization and incarceration of youth for failure to comply with Probation orders if fines are not paid. However, the YJC and its allies have secured a commitment from the County CEO's Office and the Department of Probation ensuring that failure to pay will be decriminalized, and sanctions will be limited to community service. YJC will monitor the implementation of this policy to ensure that the county honors its commitment.

YJC's membership has prioritized four organizing campaigns for the next two years: (1) *Challenging the lack of due process and community input* in the implementation of gang suppression tactics by police, sheriffs and the courts, including gang injunctions and gang databases that serve to sweep thousands of youth into the system without notification, appeal or opportunity for removal of their names (2) *Improving conditions of confinement* for youth at LA County juvenile halls, County Jails, State Prisons and the Division of Juvenile Justice (DJJ – formerly California Youth Authority) (3) *Reducing the County's use of detention and incarceration* by 75% within 10 years, including exposing and challenging the school to jail track and closing county and state facilities, shutting down of DJJ and its replacement by community-based youth development and rehabilitation centers, and continuing to advocate for the end of extreme sentences for youth such as Juvenile Life Without the possibility of Parole; and, (4) *Pushing the County to develop community-based owned and operated alternatives* to school suspension/expulsion, arrest, court, detention and incarceration.

YJC will continue to be an active member of the Board of the California Fund for Youth Organizing, CEPS (Coalition for Effective Public Safety) and CURB (Californians United for a Responsible Budget), which advocate for reductions in the state funding of prisons. On the national level, YJC will continue to represent California in the National Juvenile Justice Network (NJN) and the Community Justice Network for Youth (CJNY) of the W. Haywood Burns Institute, both CJF grantees, and the Dignity in School Campaign.

YJC brings the perspective of system-involved youth and their parents, whose voices are often otherwise absent, to local, state, and national coalitions and networks working to challenge juvenile and criminal justice systems. In so doing, YJC staff and members play an important role in holding policymakers accountable and advancing efforts to reform institutions, policies and practices that perpetuate the criminalization, violence, incarceration, and deportation of youth and families, especially in poor communities and communities of color. Research has demonstrated that young men of color between the ages of 18 and 24 years are disproportionately represented in correctional populations. Thus, by targeting “zero tolerance” policies in schools (i.e. suspension, expulsion policies), in policing (i.e. gang injunctions), in sentencing (i.e. JLWOP, Three Strikes), and empowering these young people to be agents of change, YJC seeks to stem the flow of young men of color into the criminal justice abyss. Its work complements the efforts of the Californians for Safety and Justice Campaign to significantly reduce levels of incarceration, launched by OSF in collaboration with other foundation partners, as well as advancing broader U.S. Programs' goals of reducing school displacement and extreme punishment of youth in a jurisdiction in which we are making significant investments.

YJC is a young organization with an ambitious reform agenda seeking to align its unconventional management and advocacy style to the demands of more traditional philanthropic and government funders. It is also learning how to connect financial management to organizational mission in an effort to address its long-term financial and programmatic sustainability. However, despite its challenges, YJC's unwavering commitment to youth, its effective advocacy strategies and victories, and its commitment to movement-building that is manifest in the most basic aspects of its operation, are particularly compelling. Additionally, YJC's work to engage young people of color in reform is helping to shape future advocates and leaders of color around criminal justice reform issues.

For these reasons, the Criminal Justice Fund recommends \$100,000 over two years in general support to the Youth Justice Coalition.

Grant ID: 20037399

Legal Name of Organization: Immigrant Legal Resource Center

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

Name of Fiscal Sponsor: n/a

Purpose of Grant: to support the Defending Immigrants Partnership

Grant Description: This grant will provide \$400,000 in renewed project support over two years to support the Defending Immigrants Partnership (DIP) and will be co-funded with the Equality and Opportunity Fund. DIP is a joint initiative of the Immigrant Legal Resource Center, the Immigrant Defense Project, and the National Immigration Project, that works to ensure that indigent immigrant defendants receive constitutionally effective criminal defense in light of the extreme additional penalties they face by virtue of being immigrants. DIP provides training, technical assistance, education and consultation to public defenders throughout the country to ensure that defenders meet the Sixth Amendment requirement of effective representation by advising non-citizen defendants on the immigration consequences of a criminal conviction as affirmed by the Supreme Court in *Padilla v. Kentucky*. It engages in strategic litigation on these issues as well. This grant will advance CJF's interest in securing a fair and equitable justice system through targeted indigent defense reform. The grant will also advance the Criminal Justice Fund's interests in eliminating policies and practices that criminalize immigrants and poor people, as well as the Equality and Opportunity Fund's interest in ensuring justice and equality by protecting immigrant's rights.

Previous OSI Support: \$3,160,000

- \$540,000 from CJF and EOF, 2010
- \$400,000 from CJF and EOF, 2009
- \$420,000 from Gideon Project and Immigrants Rights, 2007
- \$50,000 from Strategic Opportunities Fund, 2006
- \$125,000 from Immigrant Rights, 2004
- \$400,000 from Gideon Project and Immigrant Rights, 2004
- \$100,000 from Immigrants Rights, 2003
- \$100,000 from Gideon Project, 2003
- \$200,000 from U.S. Justice Fund, 2002
- \$50,000 from U.S. Programs, 2001
- \$575,000 from ELF 1996-1997

Organization Budget: \$4,528,825

Project Budget: \$1,740,000

Major Sources of Current Support: Ford Foundation \$800,000

<u>Amount Requested:</u>	\$400,000
<u>Is this a contingent grant?</u>	No
<u>Amount Recommended:</u>	\$400,000 (recommended by Luisa Taveras, CJF Program Officer) T1: 24017 (\$200,000) T1: 24449 (\$200,000)
<u>Term:</u>	2 years, beginning October 2012
<u>Matching Requirements:</u>	n/a

Description of Organization:

Established in 1979, the San Francisco-based Immigrant Legal Resource Center (ILRC) is a national nonprofit resource center that provides legal trainings, educational materials, and advocacy to advance immigrant rights. It works with immigrants, community organizations, and the legal sector to build a democratic society that values diversity and the rights of all people. ILRC is the coordinating member of the Defending Immigrants Partnership (DIP), a collaborative project with the New York City-based Immigrant Defense Project, and the Boston-based National Immigration Project of the National Lawyers Guild. Formed in 2002 with support from OSI, DIP is committed to preventing the needless deportation of low-income non-citizens accused of crimes. It provides public defense counsel with the training and technical assistance needed to protect the due process rights of poor immigrants charged with or convicted of a criminal offense. The three organizations offer expertise in analyzing the complex intersection between criminal and immigration law. ILRC is financially sound with 75% of its income coming from foundation support. In 2010, revenues exceeded expenses by \$1.1 million.

Bill Hing, General Counsel and Board Member, founded the Immigrant Legal Resource Center and served as executive director for its first two decades. A member of the USP Race and Marginalized Populations Working Group and law professor at the University of San Francisco, he is a nationally recognized expert in immigration and naturalization law and the author of *Deporting Our Souls--Values, Morality, and Immigration Policy*; *Defining America Through Immigration Policy*; *Handling Immigration Cases*; *Making and Remaking Asian America Through Immigration Policy*; and *To Be An American*. Eric Cohen, ILRC'S executive director, has been with the organization since 1988 and has extensive experience training attorneys, paralegals, community advocates, and organizers on a variety of immigration law, immigrants' rights, and leadership development topics. Cohen is a national expert on naturalization and citizenship. ILRC is governed by a sixteen-person board consisting of ten men and six women; one is African American, four are Asian/Pacific Islander, nine are Caucasian, two are Latino; all reflect diversity in age, sexual orientation, and immigration status.

DIP's work is guided by a 17-person advisory board consisting of defender leaders and immigration experts. The board sets policy priorities and strategies, provides information on issues arising in the field, and helps to promote the importance of *Padilla* to defense counsel across the country. Norman Reimer, executive director of the National Association of Criminal Defense Lawyers, and Ed Burnett, vice president of the National Legal Aid & Defender Association's Defender Legal Services, both Criminal Justice Fund grantees, provide key leadership on the DIP Advisory Board.

DIP is funded in partnership with the Ford Foundation and support from the partnering organizations.

Description of the Project for Which Funding Is Sought:

The Immigrant Legal Resource Center seeks renewed project support for the Defending Immigrants Partnership, which aims to protect the constitutional rights of noncitizens charged with criminal offenses by offering training,

technical assistance, and litigation support to public defenders working at the intersection of immigration and criminal law to ensure that they meet the requirement of effective representation by advising non-citizen defendants on the immigration consequences of a criminal conviction as articulated by the Supreme Court in *Padilla v. Kentucky*.

DIP will continue to provide local, state, and national trainings; mentorship and technical assistance; and educational resources to public defenders across the country. Over the next two years DIP will engage in the following activities:

Training: Continue to partner with national public defense organizations, such as the National Association of Criminal Defense Lawyers, the National Legal Aid and Defenders Association, the American Bar Association, the Southern Public Defender Training Center, and the National Juvenile Defender Center. The focus of these collaborations is to expand training opportunities for the defense bar on the immigration consequences of criminal convictions. DIP will also develop and standardize policies and best practices that promote effective representation for immigrant defendants.

Technical Assistance and Mentoring of in-house experts: Create a structured network of 100 “in-house immigration experts” in over 30 defender offices across the country, and continue to mentor existing in-house immigration experts at defender offices in New York, Pennsylvania, Colorado, Minnesota, North Carolina, Arizona, and California. Increased technical assistance support will be offered to New York City’s defender offices, where the city has broken new ground in funding immigration counsel in every city-funded defender office. The New York City initiative could serve as a model for other jurisdictions seeking to institutionalize immigration law into criminal defense practice.

Post-Conviction Relief: Continue to monitor cases nationwide and identify strategic opportunities to intervene as amicus or legal consultant in an effort to ensure a robust interpretation and implementation of *Padilla*. Partner the National Immigration Project, which has issued several national practice advisory on *Padilla* post-conviction relief issues, will continue to take the lead in framing this work among practitioners.

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund’s interest in improving indigent defense services, eliminating harsh punishment and the collateral consequences of convictions such as deportation, and combating the criminalization of immigrants. The grant will also advance EOF’s specific immigrant rights grantmaking priority of promoting fair immigration enforcement, detention, and deportation policies.

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

Additionally, the increasingly harsh interpretations of immigration laws and zealous enforcement practices by the U.S. Department of Homeland Security have dramatically increased the number of persons detained and deported for criminal offenses. Immigration enforcement has become increasingly enmeshed with the criminal justice system, resulting in new or expanded Immigration and Customs Enforcement (ICE) programs, such as Secure Communities (S-Comm), a national fingerprint sharing program between local and state law enforcement, the FBI, and ICE, to identify, detain, and deport noncitizens accused of crimes in record numbers. By 2013, ICE expects to enroll every U.S. jail in the S-Comm network that allows the agency to identify and detain immigrants

that have any contact with local law enforcement. Moreover, the June 2012 Supreme Court ruling in *Arizona v. United States* unanimously upheld the provision of Arizona's S.B. 1070 law that allows state police to investigate the immigration status of an individual stopped, detained, or arrested if there is reasonable suspicion that the individual is an undocumented immigrant. Latinos are particularly impacted by these practices, as they comprise 93% of individuals arrested through S-Comm and are the fastest growing minority group in the federal prison system. Undoubtedly, the state criminal justice system has become the primary mechanism for enforcing federal immigration policy.

The Defending Immigrants Partnership seeks to halt this disturbing trend by helping public defenders understand immigration law and thereby empower them to offer competent advice and zealous representation to their noncitizen clients. Public defenders are at the frontlines of the immigration-criminal justice cross-section, as they are oftentimes the only attorney that a noncitizen defendant will ever see. Thus, it is important that they have the knowledge, skills, and resources necessary to mitigate the negative immigration consequences flowing from the criminal matter. The laws governing immigration consequences of crimes are hyper-technical, federal circuit-specific, fast-changing, and use wholly different concepts and structures than those defenders encounter in the state criminal justice system. DIP trainings, resources, and technical assistance are specifically designed for use by criminal defenders so that they can adequately represent their noncitizen clients.

The unprecedented collaboration among the foremost immigration advocacy and criminal defense organizations in the nation with expertise in this extremely complex area of the law, the consistently outstanding quality of its trainings, resource materials, technical assistance, and the groundwork it has laid in establishing a national network of immigration-criminal justice experts have made DIP the leader in this arena. Nonetheless, the risk associated with this grant lies in the potential failure of immigration reform efforts to grant relief from detention or deportation to noncitizens charged with criminal offenses. That is, this project lies in the context of a highly politicized national debate over immigration policies that increasingly focuses on "criminal aliens" with both major political parties intent on showing they are 'tough' on this group of people. Without the meaningful reform of mandatory immigration detention laws, the restoration of judicial discretion in removal proceedings, or changes in the use of ICE detainers, even the best advice and efforts of defense counsel will not lead to relief from custody or deportation for non-citizen defendants.

With this in mind, DIP will engage in an in-depth evaluation of its efforts. The review will primarily be designed to measure for impact on the public defense function and defense counsel's ability to meet the *Padilla* mandate. Moreover, we hope that the evaluation will also examine both whether improved defense services directly or indirectly helps advance a broader reform agenda and identify ways in which the collaborative can inform immigration enforcement reform efforts being advanced by each partner organization individually. Effectively, the results of the evaluation should inform future DIP strategies as they seek to improve the quality of representation of immigrant defendants in criminal court, while promoting reform of immigration policies that criminalize status.

The Immigrant Legal Resource Center, the Immigrant Defense Project, and the National Lawyers Guild are key allies in the Criminal Justice and the Equality and Opportunity Funds' shared interest in ending the criminalization of immigrants. For these reasons, CJF and EOF recommend \$400,000 in renewed project support over two years to the Immigrant Legal Resource Center to support the Defending Immigrants Partnership; CJF will contribute \$200,000 and EOF will contribute \$200,000 to this grant.

Grant ID: 20037342

Legal Name of Organization: Communities United for Police Reform

Tax Status: other

Name of Fiscal Sponsor: North Star Fund

Purpose of Grant: to provide project support to Communities United for Police Reform (CPR) to strengthen and expand its communications capacity to develop robust in-house communications infrastructure to support the work of the campaign

Grant Description: This grant will provide \$120,000 in project support over 14 months to Communities United for Police Reform (CPR), a newly-initiated multi-organizational campaign that seeks to challenge the racially disparate impact of New York City Police Department's (NYPD) stop, question and frisk practices and zero tolerance policing, to develop its communications capacity. CPR was developed with the leadership and grant support of Open Society Foundations and Atlantic Philanthropies and launched publically in February 2012. The grant will allow CPR to respond to emerging media opportunities, craft media messages, proactively build public discourse about community safety and policing practices, improve social media platforms and bolster the existing communications capacity of CPR's member organizations. This grant will advance the Criminal Justice Fund's goals to eliminate harsh punishment by eliminating racial disparities and secure an equitable justice system.

Previous OSF Support: \$173,000 from Criminal Justice Fund, 2011

Organizational Budget: \$584,379 (Communities United for Police Reform); \$5,307,667 (North Star Fund)

Project Budget: \$120,000³

Major Sources of Support:

Anonymous Donor	\$80,000
Tides Fund	\$10,000
Individuals	\$5,000

Amount Requested: \$120,000

Is this a Contingent Grant?: No

Amount Recommended: \$120,000 (Criminal Justice Fund, T1: 24017; recommended by Terrance Pitts, Program Officer)

Term: 14 months, beginning November 1, 2012

³ This figure represents the total project budget for which Open Society Foundations will recommend support as an expenditure responsibility grant. These charitable activities are housed within a larger project that has a total project budget of \$305,000 for which the major sources of support are listed. Open Society Foundations funding will only be used to support charitable activities.

Matching Requirements:

None

Description of Organization:

Communities United for Police Reform (CPR) is a newly-initiated multi-organizational campaign that seeks to challenge the racially disparate impact of New York City Police Department's (NYPD) stop, question and frisk practices and zero tolerance policing. This campaign was developed with the leadership and grant support of Open Society Foundations and Atlantic Philanthropies and launched publically in February 2012⁴. CPR is led by two permanent staff, two temporary employees, the expertise of a 16-member steering committee representing nine organizations⁵, and six working groups, which drive the campaign's advocacy. CPR has retained Berlin Rosen, a media and communications firm, to provide support until permanent communications staff are hired. Palante and Design Action serve as CPR's tech consultants and web designers. CPR has launched a temporary website and will develop a more sophisticated site by early fall with the support of its web designers and technology consultants. The new site will have enhanced features and social media potential.

Joo-Hyun Kang, CPR's director, has over two decades of experience social justice work as an organizer, trainer and strategist including as director of programs for the Astrea Lesbian Foundation for Justice and executive director of The Audre Lorde Project, where she developed model organizing programs linking racial justice and LGBT rights. Ms. Kang is highly respected and continues to receive praise from CPR steering committee members and advocates for her leadership ability. CPR's incoming director of programs, Priscilla Gonzalez, spent almost a decade with Domestic Workers United in various leadership roles and most recently its executive director. Ms. Gonzalez helped DWU achieve a landmark victory – obtaining passage of the Domestic Workers Bill of Rights in New York.

Some of CPR's steering committee members include Udi Ofer, advocacy director of the New York Civil Liberties Union, McGregor Smyth, the Managing Attorney of the Civil Action Practice at the Bronx Defenders and Andrea Ritchie, current director of Streetwise and Safe and an attorney who has engaged in extensive research writing, litigation and advocacy on profiling, policing and physical and sexual abuse by law enforcement. Ms. Kang, in consultation with CPR's steering committee, is responsible for evaluating the campaign's effectiveness and the current political and operational risks. To support management of the campaign, Ms. Kang is in frequent consultation with the executive committee representatives of the steering committee⁶.

CPR's advocacy work is driven by its membership base of 28 organizations⁷, which meet in six working groups to coordinate the development and implementation of CPR's strategies⁸. CPR's members include a mix of national and local policy, research, and grassroots organizations. CPR also has over a dozen additional organizational supporters. CPR's working groups are convened at least monthly and are led by co-chairs. The working group members are some of the most savvy, strategic and experienced advocates working in New York City and nationally.

⁴ Approximately 50 advocacy organizations came together in New York City through a series of four convenings between October 2010 and August 2011 to develop a strategy to address the racially disparate impact of NYPD's stop-and-frisk and zero tolerance policing practices. Participants articulated a shared vision and theory of change, defined priority goals and developed a structure to coordinate a citywide advocacy campaign.

⁵ Steering Committee organizations include: Bronx Defenders, Center for Constitutional Rights, Center on Race, Crime and Justice at John Jay College of Criminal Justice, the Justice Committee, Make the Road New York, Malcolm X Grassroots Movement, New York Civil Liberties Union, Picture the Homeless, and Streetwise Safe.

⁶ Udi Ofer (New York Civil Liberties Union), Nahal Zamani (Center for Constitutional Rights) and Yul-san Liem (Justice Committee).

⁷ A complete list of CPR's organizational members is available upon request.

⁸ The working groups are: community empowerment, policy, electoral (supported through c4 funds), research, legal and communications.

North Star Fund serves as the fiscal sponsor for this grant. Founded in 1979, North Star Fund is a community foundation in New York City that supports grassroots groups leading the movement for equality, economic justice, and peace. North Star Fund also organizes donors, raises money for grants, and provides technical assistance to grantees. Since its founding, North Star Fund has distributed \$35 million dollars to more than 1,700 groups working to create a more equitable and democratic New York City. North Star Fund has a staff of six full-time professionals and 15-member board of directors. Hugh Hogan, the executive director since 2003, brings years of experience in the social justice movement including serving as the director of the Open Space Equity Campaign for the New York City Environmental Justice Alliance. North Star Fund's board of directors is a talented group of experts representing a wide spectrum of experience including financial management, litigation, non-profit management, fundraising, economic development, civic engagement, and racial justice advocacy. Some of North Star Fund's board members include Elise Boddie, the current acting director of litigation at the NAACP Legal Defense and Educational Fund; Oona Chatterjee, former co-executive director of Make the Road New York (an OSF grantee) and current Associate Director of New York City Organizing at the Annenberg Institute for School Reform at Brown University; and Nisha Atre, board chair, bringing over 15 years of experience working in the financial and technological sectors. North Star Fund's financial statements reflect an organization on solid financial ground.

North Star Fund is responsible for managing CPR's finances in partnership with CPR's director. On average, over the past five years, the majority of North Star Fund's income is derived from donor advised partners (over 50%), followed by individual donors (over 30%) followed by foundation partners and fees and investments. Although CPR has received start-up funding from the Criminal Justice Fund in 2011 and the Tides Foundation Funds for Fair and Just Policing⁹, the campaign currently faces a funding gap to meet the communications needs demanded by a fast paced advocacy campaign.

Description of the Project for Which Funding Is Sought:

This grant will strengthen and expand the communications capacity of Communities United for Police Reform (CPR), a policing campaign that has three primary goals: 1) substantially decrease the racially disparate impact of NYPD's encounters with New Yorkers; 2) increase the ability of impacted communities to increase police accountability and transparency and prevent police abuses; and 3) build the political will among the public and key decision-makers to bring about and sustain public policy shifts that promote public safety.

CPR has begun working to implement specific objectives to accomplish the goals above. These objectives include:

- Pass the Community Safety Act¹⁰ before City Council to strengthen the definition of profiling and protect a broader segment of New Yorkers from discrimination by the NYPD; institute a "Title VI fix" to allow individuals to challenge police practices that have a disparate impact on protected communities; require police officers to provide notice and obtain proof of consent prior to a search; require police officers to affirmatively identify themselves when engaging in law enforcement activities and to provide an explanation of their activities; mandate regular public reporting of NYPD enforcement activities and their impact on New Yorkers; bolster NYPD accountability mechanisms, including transferring prosecutorial power of police officers away from NYPD; and create an Inspector General Office for Police Integrity.
- Pass NY State legislation that would transfer from the NYPD Commissioner exclusive control over discipline of police officers; prohibit custodial arrest of individuals in various circumstances; and require recurring data reporting on police-civilian interactions.

⁹ The Tides Foundation Funds for Fair and Just Policing are cooperating c3 and c4 donor advised funds supported by the Human Rights and Reconciliation Fund at the Atlantic Philanthropies and the Criminal Justice Fund at the Open Society Foundations.

¹⁰ OSF does not support any lobbying activities of Communities United for Police Reform.

- Identify and support implementation of effective, just and fair alternatives to current NYPD policies and practices that are abusive or are discriminatory.
- Build resistance to the consequences of order maintenance and broken windows policing among pro se defendants, members of the public and private defense bar, prosecutors, and criminal court judges.
- Ensure coordination of existing litigation strategies and development of new litigation and legal strategies that challenge bias-based policing and support CPR goals.
- Strengthen community-based infrastructure of grassroots organizations to ensure that affected neighborhoods and communities have systems in place to prevent, monitor, document and respond to abusive policing including Cop Watch and Know Your Rights trainings.
- Strengthen community-based infrastructure to train and develop hundreds of grassroots leaders, who are able to meaningfully participate in all aspects of the campaign.
- Through research, develop an understanding of how order maintenance, broken windows and zero-tolerance policing practices impact individuals, families and communities; and how the practice affects individual views of legitimacy of police.
- Publicize the ineffectiveness, unlawfulness and unfairness¹¹ of discriminatory policing practices and present effective alternatives to build political will to change current policies and practices.
- Insert NYPD reform platform into 2013 city elections and ensure that mayoral and other candidates engage the issue of discriminatory policing.

This grant will enable CPR to develop a robust in-house communications infrastructure and strengthen the campaign's capacity to implement its campaign goals and objectives. In particular, this grant will enable CPR to:

1. Respond effectively to emerging media opportunities that will shift the debate about stop-and-frisk and advance the campaign's civic engagement, public education and organizing objectives;
2. Build public discourse about the problems with policing practices that are discriminatory and violate community members' constitutional rights while expanding the debate about effective models of community safety; and
3. Build the visibility and amplify the perspectives of the communities most impacted by discriminatory policing and include their perspectives in the debate about solutions to the problem through a mix of traditional, ethnic and social media.

To achieve these communication goals, CPR has identified five primary objectives:

- Transition the reliance on an external communications firm and build in-house staff expertise in communications, media relations and social media by hiring a communications director and communications organizer with expertise in social media;

¹¹ Ineffectiveness, unlawfulness and unfairness will be demonstrated through publicizing the pattern, volume and disparity of current NYPD policing practices such as stop-and-frisk.

- Develop a consistent communications strategy including: 1) traditional earned media; 2) online/social media and mobile communications; 3) grassroots communications including posters, murals, and door-to-door outreach; and paid media including public service advertising;
 - Ensure consistency of CPR’s written communications including press statements, website content and email communications to the public;
 - Develop effective messaging, talking points and ensure messaging alignment;
 - Support redesign of CPR’s temporary website, develop new content and expand CPR’s organizing capacity through the use of social media and text messaging campaigns;
- Cultivate CPR’s independent list of journalists/media outlets and identify and prepare spokespersons in a rapid news cycle;
- Convert the contributions of CPR working groups into media opportunities, such as the research working group’s findings on alternatives to stop-and-frisk; and
- Support the capacity of CPR’s communications work group to grow its membership base, convene on a regular basis and contribute to CPR’s communications brain trust.

CPR will measure the success of its communications outreach quantitatively by the numbers of articles (print and online); qualitatively by inclusion of messages in articles and media outlets and by broadening the range of messengers including city and community leaders; and outcomes by positive shifts in public opinion. Some of the measures are listed below:

- Increase CPR's social media credibility as a source for key information by building the base of followers on Twitter and Facebook (to include key journalists and reach at least 5,000 by grant period end).
- Increase in print, online, radio and TV coverage of CPR spokespeople and representatives of member organizations based on stories that CPR pitches, as well as in reaction to news development.
- Expanded frame of coverage of NYPD accountability issues including a broader the frame of discriminatory and abusive policing to include LGBT communities, people who are homeless, and women.
- Positive shifts in public opinion polling reflecting increased opposition to discriminatory and abusive policing practices, including stop-and-frisk abuses.
- Continued and increased coverage of positions of public officials on issues related to discriminatory and abusive policing to ensure that stop-and-frisk abuses and discriminatory policing is a key issue of the 2013 citywide elections. (CPR is non-partisan and will not endorse any candidates.)

Rationale for Recommendation:

This grant will advance the Criminal Justice Fund’s (CJF) interest in eliminating harsh punishment by eliminating racial disparities and securing an equitable justice system.

Problems associated with policing in New York City are not new. NYPD has a history of excessive use of force and racially motivated incidents targeting residents. Yet the vertiginous rise in the use of stop-and-frisk in New

York City since 2000 has intensified the debate about the racially disproportionate impact of NYPD's policing practices. In response, grassroots organizers, attorneys and policy advocates and researchers have launched Communities United for Police Reform (CPR) to advocate for fair and effective policing.

Since the public launch of CPR in February 2012, advocates have forged a citywide debate about public safety and the racially disparate impact of NYPD's stop-and-frisk and order maintenance practices. Despite the campaign's unprecedented success in raising public awareness about policing practices and public safety in New York, CPR and its member organizations face several challenges.

The political and external obstacles for shifting public opinion about stop-and-frisk are not insignificant. First, while public support for the racially disparate use of stop-and-frisk in New York City is now only 45 percent according to recent polling by the Quinnipiac University¹², city residents remain racially divided on the issue. Fifty-seven percent of white voters approve of the practice but only 25 percent of African-American voters surveyed said they support the practice. Latino support for the practice is 53 percent according to the survey. While overall public support for current use of stop-and-frisk has declined, if advocates are to shift policy they must continue to impact public opinion.

While the Quinnipiac survey focuses on larger racial demographics, it does not reveal the differences in public opinion within the New York neighborhoods most heavily impacted by stop-and-frisk and zero tolerance policing. In 2010, the research firm Global Strategies Group, with support from the Criminal Justice Fund, conducted six focus groups in New York City neighborhoods that were heavily impacted by NYPD's stop-and-frisk practice¹³. There, too, the study found differing opinions about and support for the practice. For example, seniors were most likely to be comfortable with the current practice of stop-and-frisk, expressing little surprise about the stark racial disparities. Women tended to be the "swing voters," expressing the highest levels of concern about violent crime but also expressing negative views about stop-and-frisk. By contrast, minority men expressed highly negative views about the policy. Younger men and women were most concerned about police effectiveness in their neighborhoods and about the negative effect of the volume and way stop-and-frisk is being conducted. Many of the focus group participants cited the disrespectful, unexplained and humiliating way stop-and-frisk was being conducted in their neighborhoods. The focus group revealed other trends as well: participants expressed a desire to have police presence in their neighborhood, but they want effective policing. Additionally, the participants said they lacked effective channels to engage law enforcement to improve community safety.

There is another rich source of data concerning the stop-and-frisk and policing debate in New York City. In 2010 and 2011, through support from the Criminal Justice Fund, Spitfire Communications developed two media audits to assess how stop-and-frisk was covered in the local and national media. The audits uncovered two dominant media frames: civil rights and public safety. Messages under the public safety frame mainly describe stop-and-frisk as either an effective deterrent or an ineffective policy impacting too many more innocent New Yorkers. The civil rights frame predominately associates stop-and-frisk with abuse of power and with racial profiling that corrupts the justice system. The results of the media audits reinforce the views expressed by the Global Strategies focus group participants. To be successful in the public education and public engagement component of the campaign, CPR must operate within both the public safety and civil rights frames, convincing New Yorkers that stop-and-frisk is racially discriminatory and ineffective. However, taken together with current political events in New York framed by reports of violence, advocates must also provide New Yorkers with viable alternatives to the current practice of stop-and-frisk.

¹² August 16, 2012 – "Cutting Stop and Frisk Won't Increase Crime, More New Yorkers Tell Quinnipiac University Poll." A recent survey by the *New York Times* (August 21, 2012) revealed similar results demonstrating a division among racial groups in their support for stop-and-frisk. In the survey, 64 percent of New Yorkers expressed an opinion that the police favored one race over the other.

¹³ Sixty-three Latino and African-American residents from Harlem, Brownsville, Bedford-Stuyvesant, Crown Heights, East New York and Jamaica, Queens participated in the qualitative research. (The full report is available upon request.)

While the tasks outlined above are substantial, they are not insurmountable. Less than a year old, CPR has had incredible success mobilizing community members and drawing national attention to the issues of stop-and-frisk, community safety and profiling. Police Commissioner Raymond Kelly was forced to make a public announcement that the NYPD was retraining officers to carry out stop-and-frisk to address community concerns. Since the campaign was launched, CPR members have been cited in local and national print, radio, and television media dozens of times while helping to shift and frame the debate about policing and public safety¹⁴. The campaign has had an impact. Police officers in New York reduced the use of stop-and-frisk by 34 percent in the second quarter of 2012, dropping to 133,934 in April, May and June from 203,500 stops in January, February and March. Media reports about the decline indicate that many officers are less inclined to initiate the use of stop-and-frisk given the recent criticism of the practice. Additionally, CPR member organizations have enlisted the support of mayoral candidates, civil rights leaders, and New York City Council members. The campaign has also introduced an Inspector General's bill and the Community Safety Act (CSA), a comprehensive bill addressing police accountability and transparency in New York City including the issue of profiling¹⁵.

CPR has achieved its successes thus far with limited resources. However, as the needs of the campaign grow, the campaign director and incoming policy director will not be able to carry out the functions required to lead a complex campaign and set of sophisticated communications functions without additional support and resources. Although the campaign has retained Berlin Rosen (BR) as a media advisor, the firm cannot replace the expertise of in-house staff. There are gaps in what BR can provide and what the campaign needs to develop its communications infrastructure. These gaps are some of CPR's most significant organizational constraints. The grant support recommended here would allow CPR to: 1) respond to media requests for spokespeople; 2) build an institutional base by nurturing its own list of journalists and media contacts; 3) draft and finalize web content; 4) ensure message alignment; 5) improve social media infrastructure and develop an effective social media organizing strategy; 6) strengthen the communications affinity group¹⁶; and 7) support message development and communicate shifts in messaging to key campaign stakeholders.

Communities United for Police Reform is led by accomplished and respected staff and steering committee members, and has a strong base of organizational supporters and dedicated advocates. Given its demonstrated success to date, CPR has the potential to have a lasting impact on the debate about fair and effective policing in New York City and beyond.

For these reasons, the Criminal Justice Fund recommends \$120,000 over 14 months in project support to advance the work of Communities United for Police Reform.

¹⁴Examples of articles citing CPR members include the following: *Stop-and-Frisk Opponents Set Sights on Mayoral Race*, NYT, Feb. 21, 2012; *Stop-and-Frisk Critics Unite Under One Police Reform Campaign*, Village Voice, Feb. 24, 2012; *Father's Day March Unites Thousands Against NYPD's Stop-and-Frisk Policy*, The Nation, June 19, 2012; *Thousands March Silently to Protest Stop-and-Frisk Policies*, NYT, June 17, 2012; *Silent March to Protest NYPD's "Stop-and-Frisk" Policy*, Reuters, June 12, 2012; *The Constitution Versus Ray Kelly: A new coalition is ready to take its fight to the commissioner*, Village Voice, Feb. 29, 2012; *New York Official Moves to Limit Police Stops*, Reuters, Feb. 29, 2012; *New Yorkers Uniting for Police Reform*, Caribbean Life News.com, March 6, 2012; *NYC Needs CPR*, Huffington Post, March 29, 2012; *Lawmakers Call for an End to Stop-and-Frisk*, Bet.com; *An Independent Monitor for the Police is Proposed*, NYT, June 12, 2012; *How 'Stop-and-Frisk' (Not So) Quietly Became the Center of NYC Politics*, Colorlines, June 18, 2012; *Courts Putting Stop-and-Frisk Policy on Trial*, NYT, July 10, 2012; *Citing Discrimination in Stop-and-Frisk Practice, Coalition Calls for Reforms*, NYT, June 27, 2012; *For Women in Street Stops, Deeper Humiliation*, NYT, Aug., 6, 2012.

¹⁵ Any lobbying work has been carried out using c4 funds including c4 funds supported by the Tides Foundation Funds for Fair and Just Policing. More information about the CSA or IG proposal is available upon request.

¹⁶ Due to lack of staff capacity, the communications affinity group is the only group that has not been able to meet since early 2012.