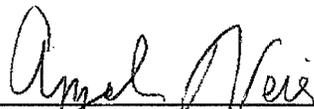


**U.S. Programs
JEHT Response Fund
Summary of Recommended Grants
Docket I
March 20, 2009**

| <u>Program Area/Organization</u> | <u>Grants Totals</u> | <u>Term</u> |
|---|--------------------------|-------------|
| <u>JEHG Response Grantmaking (59959)</u> | | |
| Council of State Governments ¹ | \$ 200,000 | 1 year |
| GRANTMAKING TOTAL THIS DOCKET: | <u>\$ 200,000</u> | |


Approval Signature

March 20, 2009
Date

¹ Council of State Governments: Total grant amount \$1,050,000 from 3 budget lines (\$500,000 from Criminal Justice Fund; \$350,000 from Seize the Day Fund; \$200,000 from JEHT response grantmaking). Please see the financial summary sheets for Seize the Day Fund and JEHT Response Grantmaking

Name of Organization: Council of State Governments

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

Purpose of Grant: To inform the criminal justice policy reform agenda of the U.S. Congress and Administration through non-partisan research, technical assistance, and public education; analyze the impact of school discipline policies on the juvenile and criminal justice systems in Texas; and to build the capacity of the organization's Justice Center following the loss of committed JEHT Foundation funding

Previous OSI Support: \$2,960,160
(\$33,300 Center on Crime, Communities & Culture; \$12,100 Center on Crime, Communities & Culture; \$110,000 Center on Crime, Communities & Culture; \$51,260 Center on Crime, Communities & Culture; \$101,000 Center on Crime, Communities & Culture; \$95,000 Center on Crime, Communities & Culture; \$98,000 Criminal Justice Initiative; \$89,500 Criminal Justice Initiative; \$320,000 Criminal Justice Initiative; \$250,000 Criminal Justice Initiative; \$100,000 U.S. Justice Fund; \$1,000,000 U.S. Justice Fund; \$700,000 U.S. Justice Fund)

Organizational Budget: \$5,784,503

Project Budget: \$1,760,000

Sources of Support: \$105,000 Pew Charitable Trusts; \$100,000 William T. Grant; \$100,000 Atlantic Philanthropies; \$100,000 Gates Foundation; \$100,000 Council of State Governments In-Kind; \$25,000 Association of State Correctional Administrators

Amount Requested: \$1,050,000

Amount Recommended: \$1,050,000
(\$350,000 Seize the Day Grantmaking, T1: ~~XXXXXX~~)
(\$500,000 Criminal Justice Fund, T1: 24027)
(\$200,000 JEHT Response Grantmaking, T1: 59959)

Term: 2 years

Matching Requirements: None

Description of Organization:

Founded in 1933, the Council of State Governments (CSG) is a non-profit, nonpartisan organization that provides state legislators and other policymakers the necessary resources for developing and implementing effective public policies and government programs. In 1995, CSG's Eastern Regional Conference (ERC) established a Criminal Justice Board of Directors (comprised of ranking state legislators, judges, attorneys general, corrections officials, juvenile

justice agency directors, and crime victim advocates) which meets regularly to discuss controversial issues in a de-politicized arena and oversee the CSG/ERC's criminal justice programming. Over 10 years, CSG/ERC's criminal justice program evolved from a regionally oriented initiative into a respected nonpartisan resource for leaders across the country. On December 3, 2006, CSG's Governing Board voted to transform the ERC's criminal justice program into a semi-independent national Justice Center positioned to serve all 50 states to promote effective data-driven criminal justice policies and practices, particularly in areas in which the criminal justice system intersects with other sectors, such as public health—to address particular public safety problems.

OSI has funded CSG's criminal justice work since 1997. Growing from a staff of one with a \$90,000 budget, CSG's Justice Center now operates with a staff of 29 and an overall budget of \$5,784,503, of which 50% comes from the U.S. Department of Justice Office of Justice Programs and the balance from private funders, including the Pew Charitable Trusts, OSI (which was its first and only funder back in 1997), and previously the JEHT Foundation. CSG's work has included successful, bipartisan initiatives to develop and encourage Justice Reinvestment, smarter reentry policies and practices, appropriate community and in-patient treatment for people with serious psychiatric disorders, instead of incarceration, and support for crime victims and children with incarcerated parents.

Description of the Project for Which Funding Is Sought:

The Council of State Governments requests project funding to conduct non-partisan research and public education and provide technical assistance to policy advocacy organizations and local, state, and federal policymakers to inform the criminal justice policy agenda of the U.S. Congress and Administration.¹ CSG also requests project funding to analyze the impact of school discipline policies on the criminal justice system in Texas and special funding to sustain CSG's Justice Center following the loss of committed support from the JEHT Foundation. Specifically, OSI funding will enable CSG to:

Inform the federal criminal justice policy agenda. CSG will conduct non-partisan research and education, and provide advocacy and technical assistance to inform the federal criminal justice reform agenda, including:

- Effective implementation at the federal, state, and local levels of the *Second Chance Act* and the *Mentally Ill Treatment and Crime Reduction Act*;
- Federal level adoption of *Justice Reinvestment* policies to incentivize states to downsize prison, parole, and probation systems and reinvest savings in the health and safety of high incarceration neighborhoods; and
- Educate Congress about the vulnerabilities of children of incarcerated parents to ensure that gaps in current policies are addressed and that children's needs are met in any new justice reform initiatives, through media and targeted outreach to the Congressional committees with jurisdiction (Finance, Ways and Means, Energy, Commerce and Judiciary), as well as helping to build the public will among grassroots, corrections, child welfare, education and human services leaders—and communicating it to Congress—for supportive reforms that ameliorate the impact of incarceration on children and families.

To advance these progressive policy reform efforts, CSG will also establish bi-partisan advisory councils, conduct briefings for the Senate and House, and convey to the administration and

¹ In accordance with U.S. tax law, no OSI funds will be used for lobbying purposes.

agency officials the critical importance and timeliness of adopting smart justice policies in these areas. To assure proper policy implementation of legislative mandates consistent with Congressional intent, CSG will work with stakeholders and partner organizations to craft RFPs and toolkits for prospective grantee organizations, coordinate convenings with key federal agency officials and present at three to five national conferences to raise the awareness and encourage their development of implementation plans.

Analyze the effect of high school disciplinary policies in Texas on students' involvement with the criminal and juvenile justice systems. CSG has been invited by the Texas Legislature, which has created a special Task Force, to compile data and compare the experience of students attending schools with different disciplinary policies, practices, and cultures in order to test the hypothesis that unreasonable suspensions, expulsions or other harsh punishments make it more likely that students will fail or drop out and become entangled with law enforcement and the juvenile justice system. In making this request, the legislature has committed the state's Unified School District, which maintains both school and juvenile justice data (an unusual but fortuitous arrangement), to comply and cooperate with CSG researchers' requests for data. Such data is often difficult if not impossible to access, thereby thwarting attempts to evaluate the impact of school and juvenile justice systems on young people in their care.

CSG will assemble a national advisory board of experienced researchers and practitioners to help analyze trends in juvenile justice and education systems, assist CSG in coordinating its work with other relevant researchers, and guide its efforts to present similar recommendations to other jurisdictions and engage additional system players, such as child welfare and education. CSG will produce a report detailing the factors that elicit disciplinary action and analyzing and comparing the effect of schools' disparate disciplinary policies on students' involvement with the juvenile or criminal justice systems in Texas. The report will provide concrete recommendations to the bi-partisan legislative Task Force on how the findings should be used to inform and reform policy in Texas and in states across the country, generally. CSG will present the report and its findings to the legislature, key executive branch officials, representatives of local government, and community-based organizations in Texas to inform the State's school discipline policy. In addition, CSG will present the report at national conferences and will highlight the report's findings that complement justice reinvestment work in states where policymakers and community leaders are exploring the impact of school policies on prison population growth.

Sustain capacity building of CSG's Justice Center. CSG will continue organizational capacity building for the Justice Center work that was funded by JEHT, a funding stream interrupted by the loss of the foundation's funding, forcing its closure in January 2009. OSI funding will strengthen CSG's communications capacity by enabling it to build and reach out to a wider network of reporters who cover crime; generate more news stories in mainstream media; increase significantly the reach of Justice Center publications and materials; and identify and use new forms of communications technology to promote the Center's work, including increasing its capacity to respond to inquiries from CSG members, participate in national forums, and plan and organize regional and national CSG meetings.

Rationale for Recommendation:

This grant would advance the Criminal Justice Fund's goals to reduce levels of incarceration and maximize successful reentry by creating incentives to institutionalize criminal justice policies and practices that shrink prison populations at sufficient scale to generate savings for neighborhood reinvestment, and to highlight and reverse criminal justice policies that harm rather than help vulnerable populations such as the mentally ill and the children of incarcerated persons. The

capacity building portion of this grant, recommended for funding from OSI's JEHT Response Grantmaking budget, will help sustain the growth and capacity of this critical OSI grantee. The funds replace funding JEHT committed to CSG for 2009 only and will not be renewable in subsequent years.

Council of State Governments' Justice Center has established an excellent track record as a policy innovator that can also deal on the most practical level in often politically charged environments. By leveraging its neutral expertise and playing the political margins, CSG manages to build consensus for progressive criminal justice reform within and among unlikely constituencies. This grant would strengthen the CSG Justice Center's ability to inform the criminal justice reform agenda on the federal, state, and local levels through enhancing its ability to produce effective, non-partisan research, technical assistance, and education.

The pragmatism embedded in all of CSG's criminal justice reforms is attracting widespread interest across the country and now from the Administration, federal agency officials and staff. Its concrete and innovative strategies to fund and operationalize progressive innovations—such as reallocating resources from prisons to affordable housing, living wage work, education, and health care—are beginning to leverage other public and private funding streams. CSG is a leader not only in Justice Reinvestment but also in advocating for community-based treatment and decriminalization of the mentally ill, championing the *Second Chance Act* and, more recently, calling attention to children of incarcerated parents and the connection between school disciplinary policies and juvenile justice populations. Because of its Republican and Democratic membership and its recognized expertise and leadership, the Justice Center is uniquely positioned to educate state legislatures, Congress, and the new Administration about the importance of taking on these mutually reinforcing initiatives.

That the Texas legislature—hardly known as “soft on crime”—is entrusting to CSG data rarely opened to the public or shared with outside researchers, analysis of which is likely to lead to uncomfortable conclusions necessitating radical reform of school disciplinary practices, is a testament to the respect and trust CSG has earned through its prior work with the state. The study itself is important. As far as we know, this will be the first attempt to prove that certain kinds of school disciplinary policies can lead students away from school and into juvenile prisons. Other studies asserting a correlation or causative effect—some of them excellent reports produced by liberal or progressive groups not likely to convince Texas legislators or officials—have not had access to the data or the explicit invitation to explore this issue. Moreover, the Task Force created by the Texas legislature has been charged with responding appropriately to the report's findings and recommendations.

Opportunities in the justice reform field today are ripe for the kind of goals and strategies CSG has pioneered and advanced. Its carefully tailored weave of technical assistance, media support, and bipartisan consensus-building has positioned CSG well as an insider and knowledge intermediary for federal and state policymakers, who increasingly rely on CSG to advise them on the crafting and implementation of major grant policies. Director Mike Thompson's leadership is at the heart of the Justice Center's successful growth. His skills and dedication are unique, yet he has shown insightful awareness of the dangers of becoming a one-man operation and has recruited and retained a seasoned and highly capable professional staff, including among them Jessica Nickel, Director of Government Affairs, a savvy and experienced Capital Hill insider who has worked as a Republican staffer and also alongside OSI-DC; Fred Osher, CSG Director of Health Systems and Services Policy, a respected mental health policy professional; Nancy Fishman, formerly at the N.J. Institute for Social Justice; and Tony Fabelo, Director of Research, formerly Senior Research Associate with the JFA Institute and former Head of Texas' State

Research and Evaluation Agency, where he advised ten biennial Texas Legislatures and five Governors, including Governors Ann Richards and George W. Bush.

Because of its Republican and Democratic membership, expertise and leadership, the Justice Center is uniquely positioned to educate state legislatures, Congress, and the new Administration about the importance of taking on these mutually reinforcing initiatives. Opportunities in the justice reform field today are ripe for the kind of progressive policy goals and strategies that OSI espouses and CSG has pioneered and advanced with the support of both parties. For all of these reasons, we recommend renewed project funding to the Council of State Governments in the amount of \$1,050,000 over two years.