

U.S. PROGRAMS
JEHT Foundation Emergency Fund
Summary of Recommended Grants
Docket I - April 1, 2009

Organization	Requested	Recommended	Term
JEHT Foundation Emergency Fund (Program Code 59959)			
<u>Criminal Justice Fund (CJF)</u>			
Center for Public Representation	\$ 195,000	\$ 195,000	1 year
Community Foundation for Southeast Michigan	\$ 250,000	\$ 250,000	1 year
Community foundation for the National Capital Region	\$ 135,000	\$ 135,000	1 year
Just Detention International	\$ 150,000	\$ 150,000	1 year
Juvenile Law Center	\$ 250,000	\$ 250,000	1 year
National Alliance on Mental Illness of Minnesota	\$ 95,000	\$ 95,000	1 year
Regional Youth/Adult Substance Abuse Program	\$ 70,000	\$ 70,000	1 year
The American Judicature Society	\$ 200,000	\$ 200,000	1 year
The Juvenile Justice Initiative of Illinois	\$ 150,000	\$ 150,000	1 year
The Police Foundation	\$ 115,000	\$ 115,000	1 year
Vera Institute of Justice	350,000	\$ 350,000	1 year
	Recommended:	\$ 1,960,000	

National Security and Human Rights Campaign (Program Code 59959)

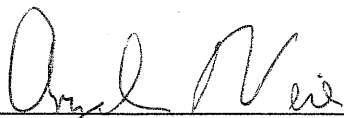
Amnesty International	\$ 125,000	\$ 125,000
	Recommended:	\$ 125,000

Total JEHT Foundation Emergency Fund **\$ 2,085,000**

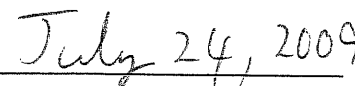
Criminal Justice Fund Grantmaking (24027)

Juvenile Law Center	\$ 50,000	\$ 50,000	1 year
Harvard University	\$ 150,000	\$ 150,000	9 months
	Recommended:	\$ 200,000	

TOTAL RECOMMENDED: \$ 2,285,000.00



Approval Signature



Date

¹ The Juvenile Law Center total grant is \$300,000, with \$250,000 from JEHT Response Grantmaking (59959) and \$50,000 from Criminal Justice Fund Grantmaking budget (24027).

MEMORANDUM

To: Aryeh Neier
From: Ann Beeson & Erlin Ibreck
Cc: Nancy Chang, Sophia Conroy, Leonard Noisette, William Johnston, Terrance Pitts
Date: July 17, 2009
Re: JEHT Emergency Fund - Docket III

You will be meeting with U.S. Programs staff on Friday, July 24 to discuss the final round of JEHT Emergency Fund recommendations for 2009. The bulk of the recommendations come from the Criminal Justice Fund; we are also submitting an additional recommendation from the National Security and Human Rights Campaign. The attached package contains a total of twelve recommendations for your review.

As discussed with you at the June docket meeting, we have assessed the impact of lost JEHT funding on groups that are OSI grantees as well those that are not current grantees, but whose work is critical to our priority policy areas. In determining levels of funding recommendations we have evaluated JEHT's unpaid commitments or expected renewals to these groups for the balance of the year. In addition, staff recommendations have been informed by a review of other funding possibilities available to these groups. Not surprisingly, we have found few other philanthropic partners beyond the Ford Foundation and Atlantic Philanthropies, both of which committed to a narrow set of JEHT related grants.

Criminal Justice Fund

The Criminal Justice Fund (CJF) recommendations that we are presenting total \$1,960,000 and are all one year grants. Three are to current or recent grantees of CJF. Two grants are to support a joint project to improve police practices related to identification procedures that complement the fund's work addressing wrongful convictions, and four grants support juvenile justice reform efforts of interest to the fund and aligned with activities of current grantees. The final two grants support work in areas of particular interest to the fund: one to further justice reinvestment work in Michigan, a key state where success will bolster further national efforts; and the other to support advocacy efforts on behalf of mentally ill persons involved in the justice system, another CJF interest.

Among the many active and or pending grants that JEHT was involved with, all of these recommended grants are ones former JEHT staff asked us to seriously consider because of the importance and significance of the work. Eleven of these grants would replace funds committed for 2009 but unpaid by JEHT, and two are funding commitments that JEHT anticipated making before its sudden closure. Given that our two lead partners in the JEHT emergency funding effort, Atlantic Philanthropies and the Ford Foundation, have limited criminal justice portfolios and have provided support to only a small number

of former JEHT grantees in this area, CJF recommends these grants to sustain key players in the field to provide them the time and opportunity to develop longer term strategies to address the unanticipated loss of critical funding. The proposed grants are briefly described below:

Current and Recent CJF Grantees

Vera Institute of Justice (Vera): a \$350,000 project grant to continue partnering with district attorneys to pilot internal oversight procedures to assist prosecutors with identifying evidence of racial disparities and respond appropriately to unwarranted disparity or biased decision-making. OSI funding would enable Vera to continue to provide technical assistance to district attorneys in three major metropolitan counties—Milwaukee County, Wisconsin; Mecklenburg County, North Carolina; and San Diego County, California—to design and implement internal assessment and management procedures that will help supervisors identify evidence of possible racial or ethnic bias in their staff’s aggregate decision making and respond appropriately when it is found.

Just Detention International (JDI): a \$150,000 project grant to support the Sexual Violence Standards Implementation Project. OSI funding will enable JDI (formerly Stop Prisoner Rape) to continue its efforts to hold government officials accountable for the rape of incarcerated people; to transform negative public attitudes about people in prison and their right to be free from sexual violence; and to ensure that survivors of sexual abuse in detention have access to the services they need.

Community Foundation for the National Capital Region *as fiscal agent for the District of Columbia Department of Youth Rehabilitation Services (DYRS):* a \$135,000 project grant to support DYRS in its efforts to become the first jurisdiction to truly replicate the “Missouri Model” outside of Missouri. Grant funds will enable DYRS to continue contracting with the Missouri Youth Services Institute (MYSI) to provide technical assistance including management coaching, training, and monitoring services. For the past two years, MYSI has worked with DYRS management to take elements of their approach and strategies and apply them in a way that melds them with local practice to form a unique “DC Model.” This continuation of technical assistance is intended to move beyond theory and classroom training to more intensive practical application, coaching, and unit-based training of both line staff and facility leadership staff.

Improving Policing to Reduce Misidentification and Wrongful Convictions

The American Judicature Society (AJS): a \$200,000 project grant to support the continuation and completion of the first phase of the Eyewitness Identification Field Studies (EWID Studies). The EWID Studies are designed to systemically enhance the reliability and accuracy of eyewitness identification in the United States by gathering and analyzing scientifically valid data from actual eyewitness identifications in four geographically and demographically diverse sites, for the purpose of determining the comparative accuracy of sequential versus simultaneous photo line-ups. The second phase of the EWID Studies - an independent evaluation of the relative evidentiary strength of eyewitness identification cases - is being led by the Police Foundation, for which funding is also recommended in this docket.

The Police Foundation (TPF): a \$115,000 project grant to support the continuation and completion of the second phase of the Eyewitness Identification Field Studies (EWID Studies), designed to systemically enhance the reliability and accuracy of eyewitness identification in the United States. TPF will collaborate with American Judicature Society (AJS), also recommended for funding in this docket, and the eyewitness identification field study partners (the Innocence Project, the John Jay College of Criminal Justice Center for Modern Forensic Practice, and the Center for Problem-Oriented Policing) to produce a comprehensive report detailing findings and recommendations and a dissemination plan for law enforcement, policymakers, and the media, resulting in more efficient utilization of justice system resources and enhanced public safety.

Juvenile Justice Reform

Center for Public Representation (CPR): a \$195,000 project grant to continue the Juvenile Justice System Reform Project, which strengthens legal advocacy for young people and engages in juvenile justice system reform in selected states. OSI funding will enable CPR to expand and leverage the capacity, skills and engagement of the national Program & Advocacy (P&A) network to provide legal advocacy for youth in, or at risk of admission to, the juvenile justice system; strengthen legal advocacy for young people; and engage in juvenile justice system reform in Alabama, Massachusetts, New York, and Texas. This grant would advance the Criminal Justice Fund's goals of reducing mass incarceration and harsh punishment by promoting alternatives to incarceration that impose the least restrictive conditions and by decriminalizing vulnerable populations, expanding access to quality mental health care, and fostering cross-sector and multi-agency government collaboration and accountability.

The **Juvenile Justice Initiative of Illinois (JJI-IL):** a \$150,000 general support grant to provide capacity to continue advocacy for a range of juvenile justice reforms, including expanding community-based efforts to reduce confinement of juveniles charged with low level offenses, increasing the range of community-based programs through the statewide expansion of two successful pilot programs and policy-driven changes within the department regarding length of stay for technical parole violators.

Juvenile Law Center (JLC): a \$300,000 general support grant (from OSI's JEHT Emergency and Criminal Justice Fund grantmaking budgets) to support work in two substantive areas: 1) judicial corruption casework in Luzerne County, Pennsylvania, and 2) ending Juvenile Life without Parole in Pennsylvania and nationally. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration and harsh punishment by promoting alternatives to incarceration that impose the least restrictive conditions and challenging policies and practices that treat children as adults and sentence them to lengthy terms of imprisonment, including life without the possibility of parole.

Regional Youth/Adult Substance Abuse Program *as fiscal agent for the Connecticut Juvenile Justice Alliance:* a \$70,000 project grant to support its efforts to reduce the number of children and youth entering the juvenile and criminal justice system, and specifically three projects that keep youth out of the adult criminal system by securing implementation of recently passed legislation that would move 16- and 17-year-olds out of the adult criminal justice system effective January 1, 2010, except for the most serious

and violent offenders; preventing at-risk youth from entering the juvenile justice system by ensuring equal access to services for all families, including access to a Family Support Center as required by state law; stemming the school-to-prison pipeline by reducing out-of-school suspensions and expulsions; and ending discrimination against youth returning from a delinquency-related placement.

Justice Reinvestment

Community Foundation for Southeast Michigan (CFSEMI): a \$250,000 project grant to continue the Detroit Safe Communities Collaborative's (DSCC) efforts, in partnership with the Michigan Department of Corrections (MI-DOC), to implement and evaluate the *Prisoner Reentry Initiative* (MPRI), a model reentry plan for Detroit's Osborn neighborhood that focuses on coordinated reentry service provision and employing people after jail or prison on neighborhood revitalization projects. OSI funding will enable CFSEMI to continue to build the capacity of service providers participating in the MPRI pilot by providing and monitoring carefully coordinated grants from DSCC member foundations, hosting capacity-building workshops, and providing technical assistance and continued evaluation of the pilot while promoting its expansion.

Addressing the Needs of the Mentally Ill in the Criminal Justice System

National Alliance on Mental Illness of Minnesota (NAMI-MN): a \$95,000 project grant to continue leading efforts in Minnesota to develop and implement jail diversion strategies and discharge planning for people with mental illness. OSI JEHT Emergency funding will enable NAMI-MN to continue to serve as a catalyst at the county level by convening public officials, service providers, and families to develop models for diverting people with mental illness from the criminal justice system and for discharge planning to assist people with mental illness transitioning back into the community. Further, this support will assist with the evaluation of project implementation.

National Security and Human Rights Campaign

The National Security and Human Rights Campaign is recommending a grant to **Amnesty International USA** to support its continued efforts to expand its constituency and build its membership program. Support for this work, previously funded by the JEHT Foundation, will benefit the organization as a whole and will build on and ensure the success of the Campaign's substantial investment in the organization's Counter Terror With Justice Campaign.

Name of Organization: Vera Institute of Justice

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

Purpose of Grant: To continue partnering with district attorneys to pilot internal oversight procedures to assist prosecutors identify evidence of racial disparities and respond appropriately to unwarranted disparity or biased decision-making

Previous OSI Support: \$4,837,524
(\$400,000 U.S. Justice Fund-2008; \$100,000 U.S. Justice Fund-2007; \$400,000 U.S. Justice Fund-2006; \$350,000 U.S. Justice Fund-2005; \$42,500 U.S. Justice Fund-2004; \$110,755 African Initiatives-2002; \$200,000 President's Grants-2006; \$300,000 President's Grants-2005; \$121,745 President's Grants-2005; \$273,800 President's Grants-2004; \$200,000 President's Grants-2004; \$200,000 President's Grants-2003; \$10,000 Resident Scholars Grants-2004; \$25,000 Strategic Opportunities Fund-2004; \$100,000 International Police & Prison Reform-2003; \$85,000 President's Grants-2000; \$75,000 Center on Crime, Communities & Culture-2000; \$48,769 Program on Law & Society-2000; \$151,000 Center on Crime, Communities & Culture-1999; \$1,588,000 National Foundation Law-1999; \$30,755 President's Grants-1999; \$24,000 Program on Law & Society-1999; \$1,200 President's Grants-1997)

Organizational Budget: \$21,552,874

Project Budget: \$887,000

Sources of Support: \$250,000 Ford Foundation; \$200,000 Public Welfare Foundation; \$87,000 Z. Smith Reynolds Foundation

Amount Requested: \$350,000

Amount Recommended: \$350,000 (JEHT Emergency Fund, T1: 59959)

Term: 1 year

Description of Organization

In 1961, Louis Schweitzer and Herb Sturz founded the Vera Foundation to repair New York City's unjust bail system, which granted liberty based on income. Working closely with the City's criminal justice leaders, Vera explored the issue, developed and rigorously tested a solution, and demonstrated the City could safely allow pre-trial release for those

too poor to afford bail but with strong, verified ties to their communities. Today, The Vera Institute of Justice (Vera) continues to combine reliable research and partnerships with leaders in government and civil society to achieve measurable improvements to the justice system. Each Vera project begins with an empirical investigation into how some part of the justice system operates. In some cases, Vera uses its research to design a practical experiment; in other cases, it brings officials together to plot a rational course for reform. Through its studies of social issues and current responses and its innovative, affordable programs that often grow into self-sustaining organizations, Vera provides practical advice and assistance to government officials in the U.S. and around the world. It has more than two dozen separate, justice-related projects, including efforts to serve troubled youth at home instead of in juvenile institutions, reduce violence against women, help state leaders develop affordable and humane sentencing policies, and strengthen police-community relations.

Vera has been an OSI grantee since 1997. In 2008, OSI funded Vera to work with local government and community leaders in New Orleans, Louisiana, to: 1) develop and implement pilot programs that expedite case charging and disposition, rationalize and increase pretrial release, and expand the use of alternative sanctions; and 2) assist the City's implementation of new legislation aimed at reducing arrest and detention for municipal offenses.

Description of Project for Which Funding Is Sought

Vera requests project funding to continue its Program on Prosecution and Racial Justice (PPRJ), which works with district attorneys and their staffs to collect and analyze data that can identify inappropriate racial disparities in prosecutorial decision-making and guide corrective action when necessary.

Vera's PPRJ is currently working in partnership with district attorneys in three major metropolitan counties—Milwaukee County, Wisconsin; Mecklenburg County, North Carolina; and San Diego County, California—to design internal assessment and management procedures that will help supervisors identify evidence of possible racial or ethnic bias in their staff's aggregate decision making and respond appropriately when it is found.

Vera will continue to support the efforts of Mecklenburg and Milwaukee to improve their technology capabilities and ensure the case management systems have the capacity to collect and analyze data and produce discretion reports. It will also continue to develop data collection strategies for the three current sites, including a comprehensive case file analysis of plea offers in Milwaukee, where pleas offers are recorded only in paper files and not electronically. In San Diego Vera will refine the monitoring system currently in development and continue to problem solve on the most effective way to examine the remaining discretion points in light of the problematic structure of California's penal code. Vera will also plan and hold an expanded program-wide meeting. Unlike past program-wide meetings, which brought together participating prosecutors and the project's national advisory board, Vera will invite select additional prosecutors who have expressed interest in the project. This has the advantage of preparing those prosecutors for future participation; providing the current prosecutors with the support and input of

their peers; building greater support in the profession for the project. This meeting will also help to inform the selection process for Vera's second round of partner jurisdictions.

Rationale for Recommendation

Vera previously received substantial support from the JEHT Foundation, and at the time of its closure, JEHT was actively funding four different projects and was in discussion with Vera about funding two others, including the Program on Prosecution and Racial Justice. OSI JEHT Emergency funding would replace anticipated JEHT funding to the Vera Institute for project activities in 2009 only. This grant would advance the Criminal Justice Fund's goal of ensuring equal and effective access to justice by analyzing the exercise of discretion by prosecutors and addressing racially disparate impact of prosecutorial decision-making. Although staff has made no commitment to Vera to renew funding for this project, given our plans to dedicate future funding to reform police and prosecution practices to eliminate racial disparities, we will consider continued funding for this project from the Criminal Justice Fund's grantmaking budget in 2010.

Prosecutors in the United States have an unrivaled influence on criminal justice outcomes, making key decisions like whether to prosecute or what charges to press. Their broad discretion often results in unfairly disparate treatment toward people of color. Statistics show that African-Americans, for example, account for 39 percent of the population within the criminal justice system, even though they make up only 13 percent of the national population. PPRJ is working in partnership with the district attorneys of Charlotte, Milwaukee, and San Diego to ensure that neither race nor ethnicity is producing inappropriate racial disparities. The new model of internal oversight they are developing will serve as an important model for prosecutors across the country.

Vera's PPRJ staff of researchers and former prosecutors developed a series of performance indicators—select statistics that provide insight into how a system is operating—that focus on four key discretion points in the prosecutorial process: initial case screening, charging, plea offers, and final disposition. Taken together, the indicators describe with meaningful specificity, prosecutors' exercise of discretion at each point in the process, which provides managers with the information needed to assess staff performance and provide supervision. Once data has been collected and analyzed, PPRJ's process encourages district attorneys to consider implementing policy changes to address any racially disparate imbalances that have been identified. PPRJ also helps to create a measure of transparency and accountability by assisting prosecutors to share their findings and any remedial actions they have taken with community stakeholders. These efforts aim to provide prosecutors with a safe political environment in which to pursue this potentially risky undertaking, while promoting community confidence in their offices. With the assistance of prosecutors and advisory board members, PPRJ has begun to share early accomplishments and lessons with other prosecutors, criminal justice professionals, civil rights organizations, and scholars.

PPRJ's progress, to date, has been promising. In all three jurisdictions, Vera has completed the analysis of initial case screening data. In Mecklenburg, the data revealed that prosecutors were accepting 97 percent drug cases presented to the office by police, and, while not a large number of cases, the office prosecuted 100 percent of all cases where the defendant was an African American female. The District Attorney responded

to this data by making a change in leadership and implementing policies that now lead to a more rigorous review of cases. The result has been an increase in the number of cases the office declined to prosecute—up to 16 percent according to most recent data results—and a similar increase in the decision to decline to prosecute where the defendant was an African American female. In Milwaukee, after the data revealed a disparity against nonwhites in the screening decisions that prosecutors were making in misdemeanor drug cases, the District Attorney instituted a policy that emphasizes diversion to treatment in place of criminal prosecution. When misdemeanor prosecutors feel charging this crime is still appropriate, the decision must now also be reviewed and approved by a more experienced prosecutor. This policy has resulted not only in remedying the disparity, but the overall declination rate of such cases rose significantly.

For these reasons, the Criminal Justice Fund recommends JEHT Emergency funding in the amount of \$350,000 over one year for the Vera Institute for Justice to replace JEHT funding Vera anticipated for the Racial Justice in Prosecution program in 2009.

Name of Organization: Just Detention International

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

Purpose of Grant: To continue working with the Oregon Department of Corrections to bring Oregon's state prison system into compliance with binding standards for the prevention and detection of sexual violence, required by the Prison Rape Elimination Act of 2003

Previous OSI Support: \$105,000
(\$75,000 U.S. Justice Fund-2007; \$30,000 Center on Crime, Communities & Culture-1997)

Organization Budget: \$1,361,310

Project Budget: \$300,000

Sources of Support: \$150,000 JEHT Foundation

Amount Requested: \$150,000

Amount Recommended: \$150,000 (JEHT Emergency Fund, T1: 59959)

Term: 1 year

Matching Requirements: None

Description of Organization:

Founded in 1980 as Stop Prisoner Rape, Just Detention International (JDI) is a human rights organization whose mission it is to end sexual abuse in all forms of detention. JDI provides expert analysis; survivor accounts; training and technical assistance to policymakers and corrections officials at the federal, state, and county levels; and mobilizes allied organizations to: 1) engender policies that ensure government accountability for prisoner rape; 2) change ill-informed attitudes toward sexual assault in detention settings; and 3) promote access to resources for survivors of this type of violence. To address the more immediate needs of prison rape survivors, JDI also mobilizes allied organizations to combat sexual abuse in detention and trains rape crisis centers nationwide to address the needs of prisoner rape survivors. JDI created *The Resource Guide for Survivors of Sexual Abuse Behind Bars*, a unique state-by-state guide to legal and psychological counseling resources for survivors who are still incarcerated, those who have been released, and loved ones on the outside who are searching for ways to help. JDI was instrumental in securing passage of the Prison Rape Elimination Act (PREA) of 2003 and has since led the call for the law's meaningful implementation. As part of that effort, JDI works closely with several federal agencies, including the National Prison Rape Elimination Commission (NPREC), the Bureau of Justice Statistics (BJS),

and the Review Panel on Prison Rape, and state and local authorities to bring facilities and systems into compliance.

In 2007, OSI provided general support funding for Just Detention International.

Description of the Project for Which Funding Is Sought:

Just Detention International requests project funding to continue providing technical assistance to the Oregon Department of Corrections (OR-DOC) to bring Oregon's state prison system into compliance with the first-ever binding standards for the prevention and detection of sexual violence, required by the Prison Rape Elimination Act of 2003 (PREA). Specifically, OSI JEHT response funding will enable JDI to continue the following:

Assessment. JDI will finalize its assessment of OR-DOC policies and the day-to-day practices employed at three facilities that are serving as the pilot sites for implementation to identify discrepancies between current policies and practices and the new national standards relevant for addressing the problem of sexual abuse, establish detailed priorities for project implementation, and generate baseline data that will be utilized for a thorough evaluation of the project implementation.

Education and training. To improve their understanding of the dynamics and complexities of sexual violence in detention settings and increase their ability to effectively respond to the needs of survivors, JDI will work closely with OR-DOC and external stakeholders, such as the state police, district attorneys, inspector general, hospital staff, and community rape crisis counselors. JDI will work to ensure that officials at all levels are educated about an incarcerated person's fundamental right to be free from sexual abuse, of relevant OR-DOC policies that protect this right, and of the practices required to effectively implement such policies. Drawing on its experience conducting sexual violence awareness and human rights training with prison officials, JDI will develop staff training curricula and printed materials; will provide specialized training to medical, mental health, and investigations staff and a train-the-trainer workshop for the OR-DOC Professional Development Unit, and ensure that these educational materials are incorporated into future new staff orientation and into in-service curricula. In addition, JDI will work to address significant gaps in knowledge about PREA and the effort to end sexual abuse in detention settings among people incarcerated in Oregon by developing an education curriculum for incarcerated people and preparing bilingual printed materials and conducting orientations in English and Spanish at the three pilot sites.

Monitoring and policy and practice reform. By maintaining a regular presence at the pilot facilities, conducting focus groups with staff and incarcerated people, interviewing key stakeholders, and tracking formal and informal reports of sexual abuse, JDI will closely monitor how the revised and new policies are put into practice at the three pilot sites and identify gaps between policy and practice. JDI will work with OR-DOC to remedy discrepancies and revise department policies and facility practices that fail to comply with the national standards, drafting new policies where needed. JDI will also work closely with the National Prison Rape Elimination Commission, sharing project experiences and offering input into the final stages of the standards development.

Rationale for Recommendation

In 2008 JEHT approved a grant of \$300,000 to Just Detention International, of which \$150,000 was paid. The remaining \$150,000 of JEHT's grant was scheduled to be released in 2009 but was disrupted by the closure of the JEHT Foundation in January. OSI JEHT Emergency funding would replace funding JEHT committed to JDI for project activities in 2009 only, and there is no guarantee of renewal funding in subsequent years. This grant would advance the Criminal Justice Fund's interest reducing harsh punishment by increasing transparency and accountability in prison and corrections systems and institutionalizing criminal justice policies and practices that foster successful reentry.

There is broad consensus among corrections experts and administrators—including those within the OR-DOC—that sexual violence in detention is vastly under-reported. According to the best available research, twenty percent of incarcerated men in the United States face sexual abuse at some point during their incarceration. The rate for women varies dramatically from one facility to another, with one in four women sexually abused in the worst facilities. In 2006, the OR-DOC received twenty-five reports of inmate-on-inmate abuse and twenty-two reports of staff-on-inmate abuse for the entire state. However, in its first national survey of incarcerated people, the Department of Justice's Bureau of Justice Statistics (BJS) reported that more than five percent of people incarcerated in Oregon reported being subjected to sexual abuse while incarcerated in 2006. Nationally, the report estimated that about 4.5 percent (or 60,500) of the more than 1.3 million people held in federal and state prisons had been sexually abused in 2006.¹ OR-DOC Director Max Williams has identified the reluctance of incarcerated people to come forward with reports about sexual abuse as one of the main barriers to eliminating such violence in Oregon's prison system.

Just Detention International and OR-DOC leaders believe that sexual abuse in Oregon's prison system is largely preventable through appropriate prison management and supervision, and that the national standards for the prevention and detection of sexual violence, required by the Prison Rape Elimination Act of 2003, represent a unique opportunity to undertake statewide policy reform. They also agree that, in addition to improved policies, a cultural shift needs to occur within the OR-DOC. Such a shift requires a sustained commitment by the OR-DOC to, among other things: carefully select and thoroughly train its staff; inform its inmates about their rights and responsibilities; and ensure that all cases of sexual abuse, or threats thereof, are addressed appropriately and swiftly. This project addresses these needs.

In addition to advancing the effort to end sexual abuse in Oregon's prison system, this project has the potential to stimulate and inform efforts to eliminate sexual violence in prisons nationwide. Beyond Oregon, the Sexual Violence Standards Implementation Project is intended to create a model that corrections departments nationwide can replicate, as they begin their efforts to adjust policies and practices in accordance with the new national standards. In 2008—the first year of this two-year initiative—JDI helped

¹ Beck, Allen J., and Paige M. Harrison. "Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007." U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics. Washington, DC: September 2007.

secure significant reforms, such as the development of an outside hotline to enable incarcerated people in Oregon to report sexual abuse to the Inspector General's office, rather than to a corrections official. The project's early success helped secure a similar commitment from the California Department of Corrections and Rehabilitation to become an early adopter of the standards. Moreover, this project will provide the National Prison Rape Elimination Commission with early, field-based feedback to help establish best practices for corrections administrators nationwide. The project will provide lessons that other corrections departments can learn from or replicate as they begin their efforts to change policies and practices to prevent and detect sexual violence in prisons.

For these reasons, the Criminal Justice Fund recommends JEHT Emergency funding in the amount of \$150,000 over one year for Just Detention International to replace the unpaid JEHT Foundation's commitment for 2009.

Name of Organization: Community Foundation for the National Capital Region *as fiscal agent for* the District of Columbia Department of Youth Rehabilitation Services (DYRS)

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

Purpose of Grant: Reforming D.C.'s Juvenile Secure Care System

Previous OSI Support: \$30,000 Strategic Opportunity Fund 2006; \$10,000 Gideon 2008

Organization Budget: \$6,129,129

Project Budget: \$135,000

Sources of Support: Not Applicable

Amount Requested: \$135,000

Amount Recommended: \$135,000 (T1: 59959)

Term: One year (October 1, 2009 through September 31, 2010)

Description of Organization

The Community Foundation for the National Capital Region is a public charity that promotes and facilitates charitable giving to improve the quality of life in the Washington metropolitan area. The Foundation will serve as the fiscal sponsor for this grant for the D.C. Department of Youth Rehabilitation Services (DYRS).

DYRS is responsible for pre-trial detention, residential, parole, community aftercare, and community support services for committed juvenile offenders in Washington, D.C. In January 2005, then D.C. Mayor Anthony A. Williams created the Department as a new, cabinet-level juvenile justice agency and named Vincent Schiraldi, a nationally known juvenile justice reform advocate as director. Schiraldi has since begun a substantial effort to reorient the juvenile justice system's culture and practices, which had long been plagued by deplorable conditions, inept management, and inadequate programming.

Building on a successful model for post-adjudication reform in Missouri, and detention reform in Juvenile Detention Alternative Initiative sites, and infusing new research and ideas from the field of Positive Youth Development (PYD), DYRS is striving to create the nation's first juvenile justice agency based on the tenets of PYD. Practitioners of PYD purposefully seek to meet the needs of young people and build upon their competencies to enable them to become successful adults. Rather than seeing young people as problems, this developmental approach views them as resources and builds on their strengths and capabilities to develop within their communities. The reform effort at DYRS has already made substantial progress, which was recently recognized when DYRS was honored as one of the "Top 50" programs nationally in the prestigious Harvard Kennedy School's 2008 Innovations in American Government Awards

competition. In addition, DYRS closed the doors of Oak Hill Youth Center in May 2009 ushering in a new era of juvenile justice reform in the District of Columbia with the opening of the New Beginnings Youth Development Center.

DYRS is making its transformative agency-wide change with the support of some of the nation's top juvenile justice experts and leaders. In addition to Vincent Schiraldi, formerly from the Justice Policy Institute, DYRS's management team includes individuals from some of the nation's most well-respected juvenile justice nonprofits including Marc Schindler (Youth Law Center), David Brown (National Youth Employment Coalition), David Muhammad (The Mentoring Center), Mishaela Duran (National Network for Youth, National Alliance to End Homelessness) and Barry Holman (National Center on Institutions and Alternatives).

Description of Program for Which Funding Is Sought

DYRS is seeking support for its efforts to become the first jurisdiction to truly replicate the "Missouri Model" outside of Missouri. For the past two years, with the assistance of the JEHT Foundation, the Missouri Youth Services Institute (MYSI) has been providing training and technical assistance to DYRS. MYSI has worked with DYRS management to take elements of their approach and strategies and apply them in a way that melds them with local practice to form a unique "DC Model." MYSI has coached top facility administrators, assisted with the development of policies and procedures and, most importantly, trained most of the DYRS line staff and middle management on the new approach.

Key to the long-term systemic changes sought by DYRS will be ongoing technical assistance from MYSI. DYRS is requesting funds to continue contracting with MYSI to provide technical assistance including management coaching, training, and monitoring services. This continuation of technical assistance is intended to move beyond theory and classroom training to more intensive practical application, coaching, and unit-based training of both line staff and facility leadership staff. The effort consists of the following three components:

1) On-Site Coaching and Development - MYSI will provide on-site expert consulting, coaching, and technical assistance to the Superintendent and Deputy Superintendents and unit-based training and coaching of the unit managers. MYSI will assess the skills and competencies of each unit manager and develop, in consultation with the unit manager and the Deputy Superintendent for Treatment, an individual plan for their professional development, including benchmark and individualized development goals.

2) Training Curriculum Design and Implementation - MYSI will conduct a training needs assessment through interviews with unit staff, unit Managers, DYRS leadership, superintendents, and other designated staff in order to help determine curriculum appropriate for the continued effectiveness of each staff group. MYSI will assemble a team of practitioner-trainers to deliver the core curriculum, all with expertise in juvenile secure care approaches, techniques, and philosophies and experience working in secure care supervisory or lead positions.

3) Development of a Team of Agency-based Coaches to Replace the MYSI Consultants - MYSI consultants will work in conjunction with DYRS to identify a team of inter-agency coaches who will serve to ensure that the new DC Model is continuously being implemented correctly. They will serve as trainers and mentors to all staff as they work towards sustainability of the DC Model. MYSI consultants will train the coaches and monitor them as they coach, offering feedback and recommendations.

Rationale for Recommendation

OSI JEHT Emergency funding would replace funds JEHT Foundation committed to DYRS for project activities in 2009 only and there is no guarantee of renewal in subsequent years.

This grant advances the Criminal Justice Fund's goals of ending mass incarceration and harsh punishment by promoting alternatives to incarceration that emphasize rehabilitation and treatment and promoting strategies which advocate for more effective use of community supervision. The Community Foundation of the National Capital Region is a current grantee of the Criminal Justice Fund, receiving project support for a funder affinity group seeking to improve outcomes for youth entangled in the justice system. Although OSI has not previously funded DYRS, the grant is consistent with the Criminal Justice Fund's grantmaking commitment to end disproportionate minority contact and reform the juvenile justice system including the efforts of current grantees such as the W. Hayward Burns Institute and the Ella Baker Center for Human Rights.

The Missouri Approach is widely considered an effective and humane alternative to the conditions in which youth are often incarcerated. Washington, D.C. is one of a handful of jurisdictions in the country working to adapt the Missouri Approach to its system, and while DYRS' progress to date has been significant, the work is not complete. Shifting the culture of an institution and department requires time and continued training to reach all levels of staff. Successful implementation will not only improve outcomes for youth, but also demonstrate that the Missouri Approach can be applied outside of Missouri. DYRS, located at the country's capital, is a highly visible site for a model system and is easily accessible to national policymakers and others interested in shifting approaches to handling juvenile offenders. In addition, comprehensive reform can be more readily achieved because of the system's relatively small size, but its impact will be substantial due to the District's reputation for difficult and violent youth.

While DYRS has solid backing from the Administration of Mayor Adrian Fenty and the DC City Council, the DC government does not typically allocate funding for the type of technical assistance that MYSI is providing DYRS to adopt its new model of youth rehabilitation. Without prior assistance from the JEHT Foundation, and now from the Open Society Institute, DYRS would go without the necessary expert services to train staff, develop curricula and support the cultural shift necessary to institute permanent changes within the agency. The loss of technical assistance now would be an immeasurable loss to an agency that has made tremendous advances in juvenile justice reform.

For the reasons stated above, the Criminal Justice Fund recommends an emergency grant of \$135,000 to the Community Foundation for the National Capital Region, serving as

fiscal agent for the D.C. Department of Youth Rehabilitation Services, to replace the JEHT commitment for 2009.

Name of Organization: American Judicature Society

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

Purpose of Grant: Eyewitness Identification Field Studies

Previous OSI Support: \$200,000 Progressive Infrastructure 2007; \$43,800 Independence of Judiciary 2006; \$50,000 Gideon 2001; \$250,000 Gideon 2001; \$175,000 Law & Society – Judicial Independence 2001; \$175,000 Law & Society – Judicial Independence 2000;; \$400,000 Law & Society – Judicial Independence 1998; \$100,000 Law & Society – Access to Legal System 1998

Organization Budget: \$1,736,558

Project Budget: \$700,000

Sources of Support: \$350,000 JEHT Foundation

Amount Requested: \$350,000

Amount Recommended: \$200,000 (T1: 59959)

Term: One year (July 1, 2009 through June 31, 2010)

Description of Organization

The American Judicature Society (AJS) is a national non-profit organization working to secure and promote an independent and qualified judiciary and a fair system of justice. AJS has a membership base of more than 5,500 lawyers, judges, social scientists and citizens. Active volunteer leadership from a 26-member governing Board of Directors and 65 members of the National Advisory Council (NAC) provides a nationwide network of regional, state, and local resources.

The work of AJS spans a wide variety of topics, with primary efforts focused and directed through five major areas of operation: the AJS Center for Judicial Ethics, the Elmo B. Hunter Citizens Center for Judicial Selection, the Carpenter Jury Center, the Center for Judicial Independence, and the AJS Institute of Forensic Science & Public Policy (Institute). For nearly a century, AJS has served as a neutral, nonpartisan voice in support of research-based improvements to the administration of justice. Since 1917, the Society has continually published its peer-reviewed journal, *Judicature*, which features the latest scholarly research and commentary on the courts and judicial process. Over the course of its history, AJS has led efforts to improve the criminal and civil justice systems, to achieve greater efficiencies in court structures and operations, and to promote fundamental fairness and due process protections.

The AJS Institute of Forensic Science & Public Policy was established in 2005 to explore the intersection of science and the law and to utilize science in a way that supports fair and equitable justice system outcomes. Since then, the Society has engaged nearly 40 of the nation's leading scientific, law enforcement, justice system and public policy experts through the AJS Commission of Forensic Science and Public Policy (Commission) to provide substantive guidance on the Institute's research and programs. The Commission formed a subcommittee to guide the Institute's research on eyewitness identification procedures, which led to the convening in September 2006 of the first ever meeting of stakeholders, including leading scholarly researchers of eyewitness identification and law enforcement, prosecution, defense, and judicial representatives. Participants reviewed the range of existing eyewitness identification procedures and reached consensus on those that require additional study. They further developed research protocols to provide answers to those questions, formulating the basic framework and methodology for the EWID studies.

Description of Program for Which Funding Is Sought

AJS is seeking funding to support the continuation and completion of the first phase of the Eyewitness Identification Field Studies (EWID Studies). The project had received a two-year, \$700,000 funding commitment from the JEHT Foundation, half of which had been paid at the time of the foundation's closure. The EWID Studies are designed to systemically enhance the reliability and accuracy of eyewitness identification in the United States, resulting in more efficient utilization of justice system resources and enhanced public safety.

Phase One of the EWID Studies, focusing on data collection from actual photo line-ups involving eyewitnesses, is being led by AJS in collaboration with the Police Foundation, the John Jay College of Criminal Justice Center for Modern Forensic Practice, the Innocence Project, and the Center for Problem-Oriented Policing. The second phase of the EWID Studies, an independent evaluation of the relative evidentiary strength of eyewitness identification cases, is being led by the Police Foundation, which has submitted a separate request to the Open Society Institute for project support.

The primary short-term goal of the first phase of the EWID Studies is to gather and analyze scientifically valid data from actual eyewitness identifications in four geographically- and demographically-diverse sites, for the purpose of determining the comparative accuracy of sequential versus simultaneous photo line-ups. A simultaneous procedure is one in which a witness views all lineup photos at once (the traditional method) whereas a sequential procedure is one in which the witness views each photo individually. The EWID Field Studies utilize a specially designed software program which allows witnesses to self-administer photo line-ups on laptop computers. Self-administration of line-ups is an important feature of the double-blind condition as it dramatically reduces or eliminates the possibility that law enforcement personnel administering line-ups can intentionally or inadvertently steer or guide witnesses to a preferred suspect.

The primary long-term goal of the EWID Studies, including the second phase – in which relative evidentiary strength of all cases captured in the first phase will be evaluated – is

to produce and promote policy recommendations for improvements in the administration of photo line-ups. This long-term goal is designed to reduce misidentifications and wrongful prosecutions and convictions, while enhancing the ability of law enforcement and prosecutors to identify and prosecute actual perpetrators.

To ensure that outcomes are representative of varying police department sizes and community demographics, and to enhance the viability of broad application of findings and acceptance by other criminal justice stakeholders, the studies are being conducted at four distinct, geographically diverse sites across the country: 1) Charlotte, North Carolina; 2) Tucson, Arizona; 3) San Diego, California; and 4) either Austin, Texas or Pittsburgh, Pennsylvania. In each study site, project partners work to engage a broad range of constituencies to further the purpose and goals of the EWID Studies, including law enforcement representatives, information technology specialists, prosecutors, defense attorneys, judges, criminologists, and community leaders.

Rationale for Recommendation

OSI JEHT Emergency funding would replace funds JEHT Foundation committed to AJS for project activities in 2009 only and there is no guarantee of renewal in subsequent years. This grant advances the Criminal Justice Fund's goal of securing a fair and equitable system of justice by supporting research, public education and communications strategies at the state level that promote best practices and innovative approaches in policing and prosecution. Although OSI has not previously funded AJS, the grant complements the Fund's work to address wrongful convictions including the work of the Innocence Project and the University of Virginia wrongful conviction study. Currently, eyewitness identification is the leading cause wrongful convictions overturned with DNA testing.

The leading cause of conviction of innocent people in the United States is mistaken eyewitness identifications, a fact that has been well documented by researchers. In one study which tracked all known exonerations through May 2009, the Innocence Project discovered that DNA evidence alone has led to the exoneration of 238 people in the United States who had been wrongfully convicted, most facing execution or lengthy prison terms. In approximately 74 percent of these cases, faulty eyewitness identification was the most common contributing cause of wrongful convictions. A review of these cases also shows that more than two of every three involved people of color, and 39 percent of these mistaken eyewitness identification cases involved at least one cross-racial misidentification by the victim.

Mistaken identification places an innocent person at risk, leaves the perpetrator of the crime free to commit additional offenses, and undermines the justice system. The National Institute of Justice has developed a guide to help improve eyewitness identification, and a few states have passed legislation mandating that police departments implement best practices. Since newer procedures using the sequential presentation method of identification have been tested by scientists in laboratory settings and not in the field, some police departments view these newer procedures as unproven. Additionally, after a well publicized but flawed study that found the older simultaneous

presentation method was more accurate than the newer sequential method, many police departments have been reluctant to alter their procedures.² Given these circumstances, a clear need exists for well-controlled field experiments in multiple jurisdictions to resolve conflicting information and provide guidance for law enforcement.

Some states such as Minnesota and North Carolina have implemented or are in the process of adopting double-blind, sequential line-up procedures. Completion and wide dissemination of the EWID Field Studies will significantly advance reform efforts. To date, the EWID Studies are the only tested protocol and data collection in the nation. The Field Studies will produce the first and only scientifically valid, empirical evidence about the efficacy of eyewitness procedures. Broad application of findings from the EWID Studies could also substantially reduce the number of innocent persons who might otherwise be wrongfully convicted, including disproportionately high numbers of African-American and Hispanic males, while simultaneously increasing the rates of correct identifications and subsequent prosecutions of actual perpetrators.

Based upon the above mentioned reasons, the Criminal Justice Fund recommends an emergency grant of \$200,000 to the American Judicature Society to replace the remaining JEHT commitment for 2009.

² These studies were conducted in Illinois without double-blind conditions, allowing the investigator to potentially influence selection, and without using real cases.

Name of Organization: Police Foundation

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

Purpose of Grant: Eyewitness Identification Field Studies

Previous OSI Support: None

Organization Budget: \$3,256,413

Project Budget: \$471,066

Sources of Support: \$159,904 JEHT Foundation; \$118,573 In Kind

Amount Requested: \$192,589

Amount Recommended: \$115,500 (T1: 59959)

Term: One year (July 1, 2009 through June 31, 2010)

Description of Organization

The Police Foundation (TPF) is a national nonprofit organization dedicated to supporting innovation and improvement in policing through research, technical assistance, professional services, and communication programs. Established in 1970, TPF has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with a range of important police operational and administrative concerns. The Foundation has established and refined the capacity to define, design, conduct, and evaluate controlled experiments testing ways to improve the delivery of police services.

TPF's research has served as a catalyst for many changes in policing strategies. For example, their research on foot patrols and fear of crime demonstrated the importance of frequent police-citizen contacts made in a positive, non-threatening manner and paved the way for current community policing efforts. Other groundbreaking research has examined the effects of arrest on domestic violence, the first test of the effects of arrest on any crime, and demonstrated that gender should not be a barrier to performing patrol work. TPF's innovations are taught in college, university, and law enforcement training classrooms and disseminated widely through its newsletter and website.

Description of Program for Which Funding Is Sought

TPF is seeking funding to support the continuation and completion of the second phase of the Eyewitness Identification Field Studies (EWID Studies). Initially funded by the JEHT Foundation, the EWID Studies are designed to systemically enhance the reliability and accuracy of eyewitness identification in the United States, resulting in more efficient utilization of justice system resources and enhanced public safety.

The first phase of the EWID Studies is being conducted by the American Judicature Society, which has submitted a separate request to the Open Society Institute for project support. Phase One entails collecting data from actual photo line-ups involving eyewitnesses at four geographically- and demographically-diverse sites, for the purpose of determining the comparative accuracy of sequential versus simultaneous photo line-ups.

For the second phase of the project, TPF researchers are developing the methodology for assessing case strength and tracking case outcomes. In order to determine from other evidence the accuracy of witness identifications from photo arrays when there is no established certainty about the perpetrator's identity, researchers will follow each case through its development and outcome. TPF will examine two specific variables: the actual case disposition (e.g. case dropped and reasons, plea bargained, jury/judge trial, verdict) and the overall evidentiary strength. Because a variety of evidence and information can potentially affect case outcomes, TPF has assembled a team of subject matter experts to identify contributing factors and develop an objective, reliable, and valid evidence rating scale. This scale will be utilized by teams of evaluators trained by TPF to assess the strength of cases in each of the participating sites, thereby serving as an indicator of correct or incorrect identification by an eyewitness. Retired criminal judges, defense attorneys, district attorneys, and police detectives will be recruited to serve as evaluators at each site.

TPF researchers will collect data on the disposition of cases in the AJS study over a one-year follow-up period. Data will include the date on which a case is terminated or completed through disposition, the disposition (i.e., conviction or acquittal), and other relevant case details. TPF will collaborate with AJS and the eyewitness identification field study partners (the Innocence Project, John Jay the John Jay College of Criminal Justice Center for Modern Forensic Practice, and the Center for Problem-Oriented Policing) to produce a comprehensive report detailing findings and recommendations and will develop a dissemination plan for law enforcement, policymakers, and the media.

Rationale for Recommendation

The Police Foundation had received a three-year, \$353,000 funding commitment from the JEHT Foundation, and the first installment of \$159,904 was paid prior to the foundation's closure. OSI JEHT Emergency funding would replace funds JEHT Foundation committed to TPF for project activities in 2009 only and there is no guarantee of renewal in subsequent years. The Field Studies will support best practices in policing that reduce the disparate impact of minorities involved in the criminal justice system. This grant will advance the Criminal Justice Fund's priority area of securing a fair and equitable system of justice by supporting research, advocacy, public education and communications strategies at the state level that promote best practices in policing and prosecution. Although OSI has not previously funded the Police Foundation, the grant complements the Fund's work to address wrongful convictions including the work of the Innocence Project and the University of Virginia wrongful conviction study. Currently, eyewitness identification is the leading cause wrongful convictions overturned with DNA testing.

The results of this photo identification lineup study will provide information that can be used by police to increase the reliability of investigative activities to identify the perpetrators of crimes. Unreliable procedures can result in refuting an eyewitness account or dismissal of a case entirely. Worse still, poor police procedures can lead to false identifications, which has been determined to be a leading cause of wrongful convictions, which disproportionately impact African-American and Hispanic males. The results of this study may serve as the basis for a suggested standard protocol, which would provide officers with a more reliable identification procedure and would eliminate some of the errors in eyewitness accuracy.

TPF's involvement in the project will ensure that the study is methodologically sound and that findings are objective and definitive. TPF's participation enhances the study's credibility with crucial law enforcement constituencies and will help ensure success in reforming eyewitness identification procedures. TPF has a solid background in the creation of new forums for the debate and dissemination of ideas to improve American policing. For example the foundation has helped to create independent organizations dedicated to the advancement of policing. These organizations include the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, and the Police Management Association.

For the reasons stated above, the Criminal Justice Fund recommends an emergency grant of \$115,500 to the Police Foundation to replace the JEHT commitment for 2009.

<u>Name of Organization:</u>	The Center for Public Representation
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	To continue the Juvenile Justice System Reform Project, which strengthens legal advocacy for young people and engages in juvenile justice system reform in selected states
<u>Previous OSI Support:</u>	None
<u>Organizational Budget:</u>	\$1,365,000
<u>Project Budget:</u>	\$239,000
<u>Sources of Support:</u>	\$34,000 Meadows Foundation; \$10,000 Shaw Foundation
<u>Amount Requested:</u>	\$195,000
<u>Amount Recommended:</u>	\$195,000 (JEHT Emergency Fund, T1: 59959)
<u>Term:</u>	1 year

Description of Organization

The Center for Public Representation (CPR) is a nonprofit public interest law firm whose mission is to promote systemic reform for people with disabilities, particularly those in institutions or at risk of institutionalization, through strategies founded on the importance of community living, community integration, and community participation. Based in Massachusetts, CPR works both in the state and throughout the nation to improve the quality of life for people with mental illness and other disabilities by advocating for positive change in the systems that serve them; protecting the rights of individuals with disabilities; providing support, consultation and technical assistance to people with disabilities and their advocates; and public education through publishing books and articles and disseminating information which influence mental health and disability law. Its systemic advocacy over the past 30 years has made CPR a respected leader throughout the country in protecting the rights and advocating on behalf of citizens with mental disabilities.

CPR provides statewide technical assistance and support to public and private attorneys who represent people with disabilities in Massachusetts, provides support to legal services programs throughout the state on mental disability issues, and co-counsels system reform cases with legal services and other public interest organizations to enforce the rights of persons with disabilities. CPR is also a national support center, providing training, and technical assistance to federally funded Protection and Advocacy programs (P&As) in each of the fifty states and territories, and it serves as the national technical assistance and support center on all institutional and community issues involving persons confined in psychiatric hospitals, mental retardation centers, nursing homes, jails, prisons, forensic institutions, juvenile justice facilities, and all types of community programs. With support from the JEHT Foundation over the last four years, CPR created

a special initiative for youth who are confined, or at risk of confinement, in juvenile justice facilities. The Center's Juvenile Justice System Reform Project builds upon, and expands, its commitment to incarcerated persons with disabilities, on whose behalf it has provided individual advocacy at correctional facilities, filed several class action cases seeking improved mental health and disability supports, and submitted *amici* briefs to the Supreme Courts of the United States and several states.

Description of Project for Which Funding Is Sought

The Center for Public Representation seeks project funding to continue the Juvenile Justice System Reform Project (the Project), which will: 1) expand and leverage the capacity, skills and engagement of the national Program & Advocacy (P&A) network to provide legal advocacy for youth in, or at risk of admission to, the juvenile justice system; and 2) strengthen legal advocacy for young people and engage in juvenile justice system reform in Alabama, Massachusetts, New York, and Texas.

National P&A Network Program. CPR has identified an overlooked, publicly funded resource for young people in juvenile justice systems—the Protection and Advocacy (P&A) system, which is a nationwide network of federally funded legal advocacy organizations in every state and territory created by Congress—to protect the rights of persons with disabilities. States are given the option to create their own P&A organizations or to appoint existing entities as P&As to receive federal funding. CPR will identify, encourage, and assist all P&As to develop juvenile justice programs with the capacity to represent children with disabilities and to undertake systems reform initiatives. To expand the capacity and competency of P&As to represent children involved in the juvenile justice system, CPR will provide technical assistance to P&As, including developing specialized tools such as inventories, checklists, and manuals for visiting and evaluating juvenile facilities; preparing informational materials and strategy papers; and delivering trainings and presentations at P&A conferences. Using P&A's unique access and investigation authority to prevent the death, abuse, neglect, and excessive restraint of juvenile confined to state correctional facilities, CPR will help P&As to apply best practices in mental health programs to juvenile justice facilities and support P&As in advocating for the diversion of youth with emotional disabilities to community, home-based services. CPR will also work with interested and competent P&As to test innovative legal theories for promoting systems reform initiatives in the juvenile justice system

State-based reform programs. In addition to providing trainings and technical assistance to the P&A network, CPR will continue or resume its state-based system reform initiatives, including collaborating more closely with specific, local P&A partners. In Texas, CPR will resume advocacy against the use in juvenile detention settings of restraint and seclusion practices, challenge discriminatory parole revocation regulations, and monitor the development of diversion alternatives. In Massachusetts, CPR will continue to challenge the inadequate processes utilized for the revocation of juvenile parole and reform the procedures for expelling non-disabled students from public school. Similarly, CPR will resume its system reform initiative in New York to prevent unnecessary restraint of juveniles in detention. Finally, in Alabama, CPR will resume its promotion of diverting to community and home-based services young people with emotional disabilities who are at risk of juvenile detention.

Rationale for Recommendation

In 2008, the JEHT Foundation committed \$718,320 in funding to The Center for Public Representation, of which \$226,781 had been paid (covering the first year of the project's operation) at the time of the foundation's closure in January. OSI JEHT Emergency funding would replace the unpaid JEHT Foundation commitment for 2009 only, and there is no guarantee of renewal funding in subsequent years. This grant would advance the Criminal Justice Fund's goals of reducing mass incarceration and harsh punishment by promoting alternatives to incarceration that impose the least restrictive conditions and by decriminalizing vulnerable populations, expanding access to quality mental health care, and by fostering cross-sector and multi-agency government collaboration and accountability. Although OSI has not previously funded The Center for Public Representation, this project complements our current funding the Bazelon Center for Mental Health Law's impact litigation, policy advocacy, and public education to end the criminalization of people with mental disabilities, and will inform our programmatic and grantmaking strategies to address the harsh treatment of young people in prosecution, sentencing, and detention.

A substantial portion of the youth detained in juvenile justice facilities has a disability. The percentage of youth with disabilities in residential programs far exceeds the percentage in the population at large, with some studies suggesting rates as high as 70%. At least one in five youth in the system has serious mental health problems and more than half have a co-occurring substance abuse disorder, on top of which, a significant number have learning and other disabilities. Young people who enter the juvenile justice system with a psychiatric disability or emotional disturbance are at higher risk of abuse and are subject to developmentally inappropriate punishment such as restraint and seclusion.

As federally funded programs empowered by Congress to protect the rights of persons with disabilities, the P&A network is a strategic instrument to reform the juvenile justice system and to promote the creation of community-based alternatives for youth. P&As have statutory authority to: visit and inspect any facility serving people with disabilities, including juvenile justice facilities; demand and review the records generated or maintained by the facilities concerning conditions of and care provided to persons with disabilities; investigate allegations of abuse or neglect; and institute legal actions in their own names, on behalf of their constituents. In securing services for youth with disabilities in custody, P&As may be able to divert youth from the juvenile system altogether. As the primary legal advocates for people with disabilities in their states, P&As tend to work with, and have meaningful access to, a variety of advocates, constituencies, and policymakers, among other stakeholders.

CPR is uniquely positioned to leverage significantly and further engage local P&A programs in advocating for youth in the juvenile justice system and in undertaking new initiatives to reform those systems. In addition to CPR's 30-year history of delivering legal services to people with disabilities, CPR also has a demonstrated track record of serving as a back-up center to the P&A network through a contract with the National Disability Rights Network. P&As are the largest provider of legal advocacy to people with disabilities in the country, but until the recent efforts of CPR to press P&As to focus on youth, the P&As had not used their resources or authority to represent young people in

custody of the juvenile justice system, nor to press for systemic changes in juvenile justice. CPR's outreach to the P&A network has resulted in over 20 state P&As creating juvenile justice staff positions for the first time.

With JEHT Foundation funding, the Juvenile Justice System Reform Project achieved impressive results in its state-based initiatives. In Connecticut, the Project successfully litigated a class action case (*Emily J. v. Rell*) that resulted in a landmark settlement requiring the state to provide appropriate evaluation and treatment for children with mental illness who are confined in juvenile detention facilities, and a wide range of diversion and community treatment alternatives to prevent or minimize incarceration. In Michigan, the Project successfully closed an adult correctional facility that was used to confine young people with mental health needs, and then negotiated a settlement to improve treatment and expand educational programs for youth in adult prisons. In Massachusetts, the Project obtained a landmark decision from the state supreme court in *Kenniston v. Department of Youth Services*, which declared that a statute to extend the commitment of juveniles in detention beyond their 18th birthday was unconstitutional. And in Vermont, the Project developed and implemented administrative strategies to challenge excessive restraint, preventable deaths, and unnecessary confinement in juvenile justice facilities.

For these reasons, the Criminal Justice Fund recommends JEHT Emergency funding in the amount of \$195,000 over one year for The Center for Public Representation to replace the JEHT Foundation's unpaid commitment for 2009.

<u>Name of Organization:</u>	Juvenile Justice Initiative of Illinois
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	General Operating Support
<u>Previous OSI Support:</u>	None
<u>Organization Budget:</u>	\$420,000
<u>Project Budget:</u>	N/A
<u>Sources of Support:</u>	\$200,000 MacArthur Foundation (requested); \$40,000 Woods Fund of Chicago (requested)
<u>Amount Requested:</u>	\$150,000
<u>Amount Recommended:</u>	\$150,000 (T1: 59959)
<u>Term:</u>	One year (October 1, 2009 through September 30, 2010)

Description of Organization

The Juvenile Justice Initiative of Illinois (JJI-IL) was launched in 2000 as a collaborative of the MacArthur Foundation and the Woods Fund of Chicago. JJI-IL is the only statewide coalition dedicated to reforming the juvenile justice system in Illinois, with a mission to reduce reliance on confinement, enhance fairness for all youth, and develop a comprehensive continuum of community-based resources throughout the state.

JJI-IL plays a key role in facilitating the development of juvenile justice goals and strategies in Illinois. They are the only non-governmental entity to sit on the advisory committees working to implement the State's justice reinvestment act and the Annie E. Casey Foundation's detention reform initiative. In addition, the organization participates in the MacArthur Foundation's Models for Change program.

JJI-IL is currently focused on two reform efforts:

- 1) Expanding community-based programs: Illinois currently has about 1300 youth confined in eight state juvenile prisons, many of whom are low-level offenders, detained for misdemeanors or technical offenses. With an annual cost per bed of \$76,000, the state is spending at least \$100,000,000 each year to lock up youth.

Widespread consensus exists among Illinois juvenile justice system stakeholders that secure confinement should be the choice of last resort, yet there are not enough alternative programs in the state to supervise youth in community settings. JJI-IL is working with Illinois policymakers to increase the range of community-based programs through the statewide expansion of two successful pilot programs.

- 2) **Implementing a treatment model:** The majority of youth held in Illinois state juvenile prisons are detained in four large, adult-like correctional facilities, with concrete cells, heavy iron cell doors, narrow slits for windows and rows of barbed wire surrounding the outdoor recreation areas and the entire facilities. Little programming is offered beyond basic education classes, and harsh discipline can be utilized, including lengthy terms of solitary confinement. Further complicating matters, Illinois lacks an aftercare system for the youth – they are released home with little to no support.

JJI-IL is advocating for the release of low-level offenders and technical violators to reduce the juvenile prison population by nearly half. Evidence of national best practices clarify that large youth prisons cannot maintain even minimal standards of safety, let alone provide youth with appropriate training and education. JJI-IL is working to educate policymakers that the change needed in philosophy and treatment of juveniles is not about funding. Rather, reduction of low-level offenders in confinement, expansion of community-based alternatives, and policy-driven changes within the department regarding length of stay for technical parole violators, could enable the department to reduce confinement rates by nearly half and improve conditions of confinement within current funding levels.

Description of Program for Which Funding Is Sought

JJI-IL is seeking general operating support.

Rationale for Recommendation

OSI JEHT Emergency funding would replace funds JEHT Foundation committed to JJI-IL for project activities in 2009 only and there is no guarantee of renewal in subsequent years. JJI-IL's mission is directly aligned with the Criminal Justice Fund's priority areas of eliminating harsh and unjust sentencing policies and practices and reducing mass incarceration. In particular, JJI-IL's work advances several the Fund's strategies to advance criminal justice reform including promoting alternatives to incarceration with conditions that ensure that participants succeed; limiting the prosecution of children under the age of 18 as adults; and broadening support for drug policy reform. Although OSI has not previously funded JJI-IL, the organization has consistently supported the work of the Campaign for Youth Justice, a core CJF grantee, including close collaboration on adult transfer and raise the age issues. This partnership is critical to the success of both organizations and to the Campaign's ability to develop strategies with local advocates, policymakers and impacted communities.

JJI-IL serves as an effective voice for Illinois youth in the juvenile justice system. They maintain valuable relationships with state policymakers and have made a substantial impact on policy and legislation in Illinois in a relatively short period of time.

Accomplishments to date include the following:

- Reduction in automatic transfers of juveniles to the adult court each year through drug transfer reform;
- Development of new fiscal incentives to keep youth out of confinement in state juvenile prisons;

- Establishment of a new cabinet level state agency devoted to treatment of juveniles;
- Raised the age of jurisdiction to return seventeen-year-olds charged with misdemeanors back to juvenile court (effective as of Jan 1, 2010);
- Development of a statewide uniform tracking mechanism to inform state policy on the effectiveness of juvenile reentry to community from confinement;
- Elimination of state reporting of individual juvenile arrest records to the federal authorities, and development of a mechanism for expungement by the court of misdemeanor convictions at age 18.

JJI-IL's successes are attributable, in part, to the broad-based coalitions that the organization has formed, thus driving consensus among key stakeholders. There is no other organization in Illinois that encompasses members from reform initiatives such as abating disproportionate minority contact, detention alternatives, jurisdiction reform, defender reform, and restorative justice. JJI-IL board members include the Illinois PTA, the Illinois State Bar Association, Chicago Area Project, Voices for Illinois Children, ACLU, the judiciary, defense bar, and law school clinics. Finally, JJI-IL works to ensure that communities most impacted by juvenile justice policies have a voice in policy reform by creating opportunities for board membership, to testify at public hearings, to join JJI-IL events and to participate on public boards. The JEHT Foundation previously provided annual general operating support to JJI-IL, and as a small state-based coalition, the agency has limited capacity to raise funds elsewhere. The Criminal Justice Fund, therefore, recommends an emergency grant of \$150,000 to the Juvenile Justice Initiative of Illinois to replace the JEHT commitment for 2009.

Name of Organization: Juvenile Law Center

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

Purpose of Grant: To provide general support

Previous OSI Support: \$1,021,728
(\$250,000 Criminal Justice Initiative-2002; \$20,000 Criminal Justice Initiative-2001; \$150,000 Center on Crime, Communities & Culture-2000; \$1,728 Center on Crime, Communities & Culture-2000; \$100,000 Center on Crime, Communities & Culture-2000; \$400,000 Center on Crime, Communities & Culture-1997; \$100,000 Center on Crime, Communities & Culture-1996)

Organizational Budget: \$2,158,829

Project Budget: Not Applicable

Sources of Support: \$360,582 MacArthur Foundation; \$200,000 Ford Foundation; \$125,000 Public Welfare Foundation; \$100,000 William Penn Foundation; \$60,000 Pew Charitable Trusts

Amount Requested: \$300,000

Amount Recommended: \$300,000
(\$250,000 JEHT Emergency Fund, T1: 59959)
(\$50,000 Criminal Justice Fund, T1: 24027)

Term: 1 year

Description of Organization

The Juvenile Law Center (JLC) was founded in 1975 to advance the interest of children whose legal rights have been compromised by the public agencies ostensibly in charge of their care. Since its founding, JLC has evolved from a local organization that responded to problems one child at a time to a national public interest law firm and advocacy organization that has had a major impact on policy and practice affecting youth in the foster care and juvenile and criminal justice systems across the country. With an approach grounded in principles of adolescent development, JLC provides individual children with legal representation, litigates class action suits, engages in public education, and advocates for broad systemic change to ensure that the child welfare, juvenile justice, and other public systems provide vulnerable children with the protection and services they need to become healthy and productive adults. Almost all of its clients are poor, most are children of color.

As an explicit strategy for maximizing its impact, JLC works in collaboration with organizations and efforts across the country on issues affecting young people. JLC serves as the point organization for the MacArthur Foundation's Models for Change program in Pennsylvania, coordinating the efforts of over 700 stakeholders working to reform the juvenile justice system in the state. JLC's Girls Health Screen project (a collaborative project with In Our Daughters' Hands and Children's Hospital of Philadelphia) is devoted exclusively to the health care needs of girls who have been arrested. JLC staff is experienced in using a range of approaches to social change and shares its expertise by serving as members of task forces, boards and commissions across the country, such as the National Juvenile Defender Center, the Advisory Committee to the Children's Rights Division of Human Rights Watch, and the American Bar Association's Juvenile Justice Committee, among others. With OSI funding in the mid-1990s, JLC collaborated with the Education Law Center-PA to improve access to quality education for delinquent youth and for youth tried as adults. JLC also played a key role in the national effort to end the juvenile death penalty by serving as the lead drafter of the *Roper v. Simmons* amicus brief filed on behalf of 50 children advocacy organizations from across the country.

Description of Project for Which Funding Is Sought

The Juvenile Law Center requests general support.

Rationale for Recommendation

The JEHT Foundation previously supported Juvenile Law Center annually in the form of general support and challenge grants. With the closure of JEHT in January, Juvenile Law Center did not receive \$250,000 in general support funding that JEHT had committed to the organization for 2009. OSI JEHT Emergency funding would replace funding JEHT committed to JLC for 2009 only. Juvenile Law Center has requested an additional \$50,000 in general support from the criminal Justice Fund, which would strengthen the organization's capacity to respond to emerging field developments. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration and harsh punishment by promoting alternatives to incarceration that impose the least restrictive conditions and challenging policies and practices that treat children as adults and sentence them to lengthy terms of imprisonment, including life without the possibility of parole. This grant would also advance the Criminal Justice Fund's interest in ensuring equal and effective access to justice by securing the right to counsel for young people. Although not a current OSI grantee, OSI consistently funded the Juvenile Law Center from 1996 through 2004, when our dedicated Juvenile Justice portfolio closed. As the Criminal Justice Fund plans to dedicate future funding to ending punitive school disciplinary policies and the treatment of children as adults in prosecution, sentencing, and detention, we anticipate that the Juvenile Law Center will again be a key grantee in these efforts.

JLC's current focus is on the rights and needs of children and adolescents in foster care or the justice system, with a particular emphasis on two substantive areas: 1) judicial corruption casework in Luzerne County, Pennsylvania, and 2) ending Juvenile Life without Parole in Pennsylvania and nationally. It uses an array of advocacy, litigation, and public education to ensure that young people in these systems have access to quality

education, housing, health care and other key services and to reduce reliance on incarceration, promote fairness, and reverse the criminalization of adolescence that has occurred in the United States over the past 15 years.

JLC possesses a rare opportunity to shape the national discussion concerning fairness, over-incarceration of youth, and other key juvenile justice issues. In 2007, following up on complaints from young people who were found guilty in the county juvenile court in Luzerne County, JLC attorneys began to investigate irregularities there. JLC discovered that hundreds of youth had been tried, convicted, and in many cases, placed in residential programs—all without the benefit of counsel. In April 2008, JLC filed an application with the Pennsylvania Supreme Court, asking it to provide relief for those youth. While the Court initially denied the application, it reconsidered as a result of JLC's pleadings in the wake of the disclosure that two Luzerne County judges had been involved in a pattern of corruption that involved taking bribes from a contractor and a for-profit juvenile detention center. Although the judges have entered a guilty plea in federal court, JLC continues an enormous amount of legal work to determine whether the affected youth will be granted retrials or have their adjudications of delinquency voided and their records expunged. JLC is also concerned with preserving evidence of wrongdoing to support clients in federal court, as they have filed one of three class action suits seeking damages on behalf of Luzerne County children and parents. The case has attracted an extraordinary level of media attention, and JLC is investing a significant amount of time educating reporters and the public as the proceedings unfold.

JLC is among a small group of public interest law firms that has the capacity to address juvenile life without parole. JLC previously played a central role in the successful national effort to eliminate the juvenile death penalty. Building on the *Roper* decision, which cited developmental psychology and precepts of international law, JLC is now striving to develop a new Eighth Amendment jurisprudence for juveniles that will end life without parole sentences. Its current work on this issue focuses on three sets of activities: 1) filing amicus briefs in two cases that are before the United States Supreme Court; 2) supporting the national coalition of advocates working to end juvenile life without parole; and 3) educating Pennsylvania legislators and the public about the issue, as the state has the highest number of inmates in the world who are serving life without parole sentences for crimes committed before their 18th birthdays.

JLC is one of the country's leading juvenile justice organizations. In 2008, the MacArthur Foundation selected JLC as one of eight organizations in the world to receive its Award for Creative and Effective Institutions. Its work has successfully linked juvenile justice policy and practice to the science of adolescent development to promote systemic reform and has influenced advocates, stakeholders, and policy makers in Pennsylvania and across the country to think in terms of treating young people in the justice system from a different developmental framework. This shift has helped increase momentum across the country for new, more effective, youth-friendly approaches to address juvenile delinquency.

For these reasons, the Criminal Justice Fund recommends JEHT Emergency general support funding to Juvenile Law Center in the amount of \$300,000 over one year to replace JEHT's commitment for 2009 and funding from the Criminal Justice Fund grantmaking budget to honor its request for additional general support funding.

<u>Name of Organization:</u>	Regional Youth/Adult Substance Abuse Program <i>as fiscal agent</i> for the Connecticut Juvenile Justice Alliance
<u>Tax Status:</u>	501(c)(3) public charity
<u>Purpose of Grant:</u>	to support the Connecticut Juvenile Justice Alliance
<u>Previous OSI Support:</u>	None
<u>Organization Budget:</u>	\$2,426,911
<u>Project Budget:</u>	\$334,000
<u>Sources of Support:</u>	\$75,000 Public Welfare Foundation; \$85,000 Connecticut Health Foundation; \$50,000 Tow Foundation; \$30,000 Rokit Fund; Campaign for Youth Justice (pending); Community Fund of Greater New Haven (pending)
<u>Amount Requested:</u>	\$70,000
<u>Amount Recommended:</u>	\$70,000 (JEHT Emergency Fund, T1: 59959)
<u>Term:</u>	1 year (July 1, 2009 through June 30, 2010)
<u>Matching Requirements:</u>	None

Description of Organization

The Regional Youth/Adult Substance Abuse Program (RYASAP) is a nonprofit coalition serving the Greater Bridgeport region of Connecticut, with a mission to build healthier and safer communities free of the harm caused by alcohol, tobacco, and other drug abuse, and related crime and violence. RYASAP serves as the fiscal sponsor for the Connecticut Juvenile Justice Alliance (CT-JJA).

CT-JJA was launched in November 2001 as a collaborative effort of RYASAP, the Center for Children's Advocacy, The Tow Foundation and Connecticut Voices for Children. For the first three years, the Alliance served as a voluntary, partially staffed organization operating under the umbrella of RYASAP, a regional, youth development-focused nonprofit organization. In 2004, after completing a strategic planning process and securing start-up funds from The Tow Foundation and JEHT Foundation, the Alliance hired its first full-time executive director. Since then, the Alliance has grown to a full-time staff of three with assistance from consultants and graduate-student interns and has become recognized statewide and nationally for its expertise and leadership. RYASAP still serves as the Alliance's fiduciary. The Alliance staff is guided by a Steering Committee comprised of policy experts, researchers, service providers, attorneys and family advocates, and meets at least 10 times a year.

The mission of the Alliance is to reduce the number of children and youth entering the juvenile and criminal justice system, and to advocate for a safe, effective and fair system

for those involved. The vision of the Alliance is a Connecticut where: 1) children and youth remain in and find all needed supports in their home community; 2) the juvenile justice system is rehabilitative and provides those involved with the support they need to successfully re-integrate back into their home community; and 3) families, schools, communities and government work together to meet the social, emotional, physical and intellectual needs of all children and youth.

Description of Project for Which Funding Is Sought

CT-JJA is currently focused on three reform efforts:

Keeping kids out of the adult criminal justice system – Connecticut is currently one of only three remaining states in the country that automatically treats all arrested 16- and 17-year-olds as adults, no matter what their offense, which impacts approximately 10,000 youth every year. In 2007, Connecticut passed legislation to move 16- and 17-year-olds out of the adult criminal justice system effective January 1, 2010, except for the most serious and violent offenders. Recently proposed budget cuts would delay implementation of the Raise the Age legislation until 2012. Budget concerns have allowed those against the legislation for philosophical reasons to aggressively push back against implementation for monetary reasons. CT-JJA is working with allies such as the state's Chief Public Defender for Juveniles, the Child Advocate at the Office of the Child Advocate, the National Association of Mental Illness, and several of the Alliance's Steering Committee members, to push for a compromise that would move 16-year-olds into the juvenile justice system on time and 17-year-olds one year later.

Preventing at-risk youth from entering the juvenile justice system – While the situation of the 3,600 to 4,000 juvenile status offense cases per year in Connecticut (called Families with Service Needs – FWSN cases) has improved since 2007, the reforms are new and not fully realized across the state. For example, state law requires that every family has access to a Family Support Center but only 4 of the 10 mandated Centers have been developed across the state, serving only 39 out of 169 municipalities. CT-JJA is working to ensure equal access to services for all families through public education, outreach and facilitating discussions among stakeholders. For example, the Alliance coordinates approximately six community discussions per year bringing together community leaders, parents, education experts, and legislators to talk about the Family Support Centers. One of the goals of these meetings is to educate groups and individuals about the benefits of the Centers and to gather as much information possible about what is working right with the four existing Centers. The Alliance also conducts education and outreach about the Centers at its monthly advocates meeting, which convenes local stakeholders.

Stemming the school-to-prison pipeline – While the juvenile justice and children's mental health systems in Connecticut have been steadily working on policy reforms and service improvements, the state education system has been moving in the opposite direction, as a result of under-funding and zero tolerance policies. To help keep kids out of the juvenile justice system, the Alliance has recently initiated efforts that will help to 1) reduce out-of-school suspensions and expulsions, a predictor of future juvenile justice involvement, and 2) end discrimination against kids returning from a delinquency-related placement (e.g., some schools do not accept/transfer educational credits earned under state supervision; others expel a student after they attempt to re-enroll, effectively

punishing them twice for the same offense). The Alliance's efforts include forming and coordinating a statewide education and juvenile justice working group to share information and develop coordinated advocacy and messaging strategies.

CT-JJA also incorporates the issue of disproportionate minority contact (DMC) into all of its efforts. The state's Juvenile Justice Advisory Committee recently released a report on DMC in the juvenile justice system showing that there are key decision points at which minority youth receive disparate treatment based on their race and/or ethnicity. CT-JJA will utilize the report findings, in addition to their own research, to continue educating state leaders and the general public about the issue, its effect and what cost-effective steps can be taken to address the problem.

Rationale for Recommendation

CT-JJA received five years of funding from the JEHT Foundation, and at the time of its closure, JEHT was considering a renewal proposal for \$100,000. CT-JJA has been able to raise a portion of the lost funding from other sources. This \$70,000 grant would replace JEHT funding for 2009 only and there is no guarantee of expanded funding beyond this grant. This grant would advance the Criminal Justice Fund's goals of reducing mass incarceration by decriminalizing vulnerable populations; eliminating harsh punishment by ending punitive school disciplinary policies; and eliminating race and class disparities in sentencing and incarceration. Although OSI has not previously funded CT-JJA, it has worked closely with the Campaign for Youth Justice, one of the Fund's core grantees, to prevent at-risk youth from entering the juvenile justice system and to keep youth out of the adult criminal justice system. These efforts include the campaign to change Connecticut's law ending the automatic prosecution of youth tried as adults who are 16 & 17 years old. The Campaign for Youth Justice has also worked closely with CT-JJA over the past two years to promote the Connecticut success to other jurisdictions.

Connecticut processes about 24,000 children and youth each year for crimes (many of them minor) and status offenses (e.g., skipping school, running away from home). Youth are often inappropriately introduced into the juvenile courts after the mental health or education systems lacked the resources or ability to appropriately serve the underlying cause of the child's behavioral issues. Schools have become one of the biggest feeders into the Connecticut juvenile justice system, both through truancy referrals and through arrests on school grounds. In addition, minority youth are overrepresented at every stage in the juvenile justice system in relation to their proportion in the general population.

The Alliance is the only public policy and advocacy organization in Connecticut working solely on statewide juvenile justice reform. One of the Alliance's key assets in its statewide reform efforts is its model as a coalition and partnership organization. CT-JJA has formed valuable relationships with key actors in the state systems that service young people as well as with members of the Connecticut legislature, and demonstrated its ability to help Connecticut move a reform agenda forward. The Alliance's Steering Committee is comprised of members of organizations in the state that provide legal or other direct services to system-involved youth and families, research juvenile justice related programs or issues, or advocate for interconnected children's issues. In addition to the Steering Committee, the Alliance works with organizations and individuals focused on related issues such as children's mental health and educational system reform.

Partners include Connecticut Voices for Children, New Haven Legal Assistance, Center for Children's Advocacy, NAMI-CT, AFCAMP-PEETA (family advocacy), Office of the Child Advocate, Office of the Chief Public Defender and Center for Effective Practice.

As a result of these collaborative efforts, the Alliance has had a strong influence on important policy and practice changes for juvenile justice reform in Connecticut. The most visible success of the Alliance's work to build public will for reform over the last two years is passage of Raise the Age legislation in 2007. A second important change occurred with the October 2007 implementation of an overhaul of the state's Family with Service Needs (FWSN) system to deal with status offenders. This change included ending the practice of detaining status offenders for violations of court orders, and instituting a new model of treatment and supports that works with the entire family and relies more on community-based programs.

For the above mentioned reasons, the Criminal Justice fund recommends a one-year grant of \$70,000 out of the JEHT Emergency Fund to the Regional Youth/Adult Substance Abuse Program as fiscal agent for the Connecticut Juvenile Justice Alliance.

Name of Organization: Community Foundation of Southeast Michigan

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

Purpose of Grant: To continue implementation and evaluation of a reentry plan for Detroit's Osborn neighborhood that focuses on coordinated reentry services and employing people after jail or prison on neighborhood revitalization projects

Previous OSI Support: None

Organizational Budget: \$5,605,468

Project Budget: \$930,000

Sources of Support: \$260,000 JEHT Foundation; \$395,000 Hudson-Webber Foundation; \$5,000 Knight Foundation; \$5,000 Kresge Foundation; \$5,000 John S. and James L. Knight Foundation; \$5,000 Skillman Foundation; \$5,000 McGregor Fund

Amount Requested: \$250,000

Amount Recommended: \$250,000 (JEHT Emergency Fund, T1: 59959)

Term: 1 year

Description of Organization

Established in 1984, The Community Foundation of Southeast Michigan (CFSEMI) is a permanent community endowment built by gifts from thousands of individuals and organizations committed to the future of southeast Michigan. CFSEMI serves a geographic region including seven Michigan counties (Wayne, Oakland, Macomb, Monroe, Washtenaw, Livingston, and St. Clair counties), including a diverse population of more than 4.6 million people. Its mission is to create a more vibrant and healthy region—one that attracts, inspires and connects residents, businesses and institutions in ways that foster regional prosperity. CFSEMI's general grantmaking program invests in a broad range of community needs and concerns, including the arts, education, health, human services, economic development, and the environment, and it augments its general grantmaking program by providing leadership for several region-wide special initiatives. Through these initiatives, the Foundation is able to convene organizations throughout the region to create change and leverage funds from individual donors and other public and private funding sources.

In 2006, with funding from the JEHT Foundation, CFSEMI and a group of Detroit area foundations created the Detroit Safe Community Collaborative (DSCC)³ to address issues of neighborhood safety within Detroit and Wayne County. DSCC's goals include creating safer neighborhoods in Detroit by building a reentry infrastructure in the city; reducing recidivism among people on parole; developing models of collaboration on reentry issues with key stakeholders that can be replicated across Michigan and around the country; and facilitating the sustainability of nonprofit organizations serving formerly incarcerated people by providing technical assistance in fund development. CFSEMI serves as the program and fiduciary coordinator for the DSCC.

Description of the Project for Which Funding Is Sought

Community Foundation of Southeast Michigan requests project funding to continue the Detroit Safe Communities Collaborative's efforts, in partnership with the Michigan Department of Corrections (MI-DOC), to implement and evaluate the *Michigan Prisoner Reentry Initiative* (MPRI), a model reentry plan for Detroit's Osborn neighborhood that focuses on coordinated reentry service provision and employing people after jail or prison on neighborhood revitalization projects. OSI funds will allow CFSEMI's DSCC to continue implementing the pilot in the Osborn community, by:

Supporting a network of service providers. To reduce jail and prison re-admissions from Osborn, the DSCC will continue to work with MI-DOC, other government agencies, and local service providers—mental health, medical, substance abuse, education, employment, and housing—to coordinate existing services now offered by state, local and community based entities. DSCC will continue to build the capacity of service providers participating in the MPRI pilot by providing and monitoring carefully coordinated grants from DSCC member foundations, by hosting capacity-building workshops, and by providing longer-term technical assistance to nonprofits currently serving or intending to serve formerly incarcerated people in Osborn.

Promoting the expansion of the MPRI pilot. DSCC will continue to develop relationships with local businesses and neighborhood organizations whose active involvement and partnership are necessary to the reentry plan's success and will continue efforts with the MI-DOC to secure sufficient financial support from public and private sources to sustain and expand the MPRI. To support its public education and outreach and expansion to other Detroit neighborhoods, DSCC will also continue its evaluation of the neighborhood-based pilot's effectiveness at fostering successful reentry, improving the physical condition of the Osborn neighborhood, and strengthening public safety.

Rationale for Recommendation

Along with several other grants in Michigan, in 2008 JEHT approved a grant of \$510,000 to the Community Foundation of Southeast Michigan to staff the Detroit Safe Communities Collaborative and implement the MPRI pilot in Osborn, of which \$260,000 was paid. The remaining \$250,000 of JEHT's grant was scheduled to be released in 2009

³ In addition to CFSEMI, DSCC member organizations include the John S. and James L. Knight Foundation, the Hudson-Webber Foundation, the McGregor Fund, the Kresge Foundation, the Skillman Foundation, and the United Way for Southeastern Michigan.

but was disrupted by the closure of JEHT in January. OSI JEHT Emergency funding would replace funds the JEHT Foundation committed to CFSEMI for project activities in 2009 only, and there is no guarantee of renewal funding in subsequent years. This grant would advance the Criminal Justice Fund's interest in reducing mass incarceration by reorienting the policies and practices of criminal justice and prison systems, as well as empowering communities most affected by mass incarceration to develop and advocate for alternative policies that address underlying social, racial, and economic inequality. Although OSI has not previously funded CFSEMI, this project complements our current funding to the Council of State Governments for its Justice Reinvestment Initiative in Michigan, a key state where success will bolster national interest in such efforts.

Michigan's large prison population disproportionately impacts the Detroit region, with approximately 40 percent of all persons under the authority of the Michigan Department of Corrections coming from Wayne County. This high concentration of imprisonment has had similar destabilizing effects on Detroit's high incarceration neighborhoods as those documented by researcher Todd Clear, whose twelve-city study demonstrated that concentrated incarceration contributes to the disruption of family and social networks, deprivation of familial emotional and financial support, the weakening of the economic and political infrastructure of already struggling neighborhoods, and disproportionately impacts poor communities of color.⁴ With the buy-in and cooperation by the Michigan Department of Corrections, the Michigan Prisoner Reentry Initiative represents a unique opportunity to focus coordinated reentry services in one of Detroit's most high need neighborhoods. If properly executed, this initiative could effectively leverage both public and private resources and serve as a place-based model for reentry service delivery that can be replicated throughout Detroit and across the state of Michigan.

With partial funding from JEHT since 2006, the Detroit Safe Communities Collaborative has made important progress. Part of the JEHT Foundation's commitment included a challenge grant opportunity to match, on a one-to-one basis, each dollar that a Michigan-based community foundation commits to support MPRI programs. With this funding, DSCC has been successful in reviving and improving the quality of what had become a lapsed network of service providers and better coordinating a number of pre-existing but disparate criminal justice, reentry, and neighborhood revitalization initiatives that had emerged over the past few years at both the state and municipal levels. With JEHT funding in 2008, DSCC used MI-DOC jail and prison release data to identify Osborn as the site for the MPRI pilot and to develop a reentry plan specific to the needs of the high incarceration neighborhood; launched a learning series to engage, inform, and expand the capacity of nonprofit organizations providing services to formerly incarcerated people in Osborn; and identified and selected a local organization with the capacity, physical infrastructure, and successful history of program engagement to serve as the pilot's reentry services coordinator. MI-DOC has adopted the neighborhood-focused reentry plan and has applied for additional federal resources that will leverage foundation resources and expand the pilot to other Detroit neighborhoods.

⁴ Clear, Todd R. *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. Oxford University Press: New York. 2007.

For these reasons, the Criminal Justice Fund recommends JEHT Emergency funding in the amount of \$250,000 over one year for the Community Foundation of Southeast Michigan to replace the unpaid JEHT Foundation's commitment for 2009.

Name of Organization: National Alliance on Mental Illness of Minnesota

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

Purpose of Grant: To continue leading efforts in Minnesota to develop and implement jail diversion strategies and discharge planning for people with mental illness

Previous OSI Support: None

Organizational Budget: \$1,235,100

Project Budget: \$300,000

Sources of Support: \$200,000 JEHT Foundation

Amount Requested: \$95,000

Amount Recommended: \$95,000 (JEHT Emergency Fund, T1: 59959)

Term: 1 year

Matching Requirements: None

Description of Organization

The National Alliance on Mental Illness of Minnesota (NAMI-MN) was founded in 1977 by a small group of parents who joined forces to advocate on behalf of their children who were suffering with mental illness and who were being discharged from the state hospital with no community-based services to support them. The organization has since grown to a robust statewide grassroots organization dedicated to improving the lives of children and adults living with a mental illness and their families. NAMI-MN's 25 affiliate chapters carry out the organization's mission by engaging public education, technical assistance and support, and advocacy on a broad range of issues affecting people with mental illness. NAMI-MN has a long history of addressing the criminalization of mental illness. One of its affiliates, the NAMI Forensic Network, formed specifically to assist incarcerated people with mental illnesses and their families. NAMI-MN maintains a close working relationship with the Minnesota Department of Corrections, and staff and volunteers serve on numerous state task forces and advisory committees, including a newly formed juvenile justice reform commission.

In 2005, the Judge David L. Bazelon Center for Mental Health Law selected NAMI-MN to participate in its *Building Bridges Project*, a three-state initiative funded by JEHT to advocate for the restoration of public benefits for people with mental illness before release from jail and prison to ensure access to needed services and to foster successful reentry.

Description of Project for Which Funding Is Sought

National Alliance on Mental Illness of Minnesota requests project funding to continue its efforts in Minnesota to develop and implement jail diversion strategies and discharge planning for people with mental illness. OSI JEHT response funding will enable NAMI-MN to continue to serve as a catalyst at the county level by convening public officials, service providers, and families to develop models for diverting people with mental illness from the criminal justice system and for discharge planning to assist people with mental illness transitioning back into the community, including:

Support development of models for diversion and discharge planning. NAMI-MN will provide technical assistance to help counties identify the various points at which people with mental illness can be diverted from the criminal justice system into treatment and transitioned to the community. To ensure that police recognize the symptoms of mental illness, understand how to de-escalate or avert a mental health crisis, and know the available mental health resources, NAMI-MN will work with law enforcement agencies to develop and implement educational materials and trainings. NAMI-MN will collaborate with community mental health centers to ensure that defense counsel and prosecutors know about mental health treatment options and alternatives to prosecution and incarceration in appropriate cases for clients with mental illnesses. To maximize the use of pre-trial release options, disposition alternatives like treatment, and sentencing options in appropriate cases of defendants with mental illness, NAMI-MN will collaborate with judges and defense attorneys. NAMI-MN will also foster collaboration between community mental health centers, housing, employment, and other service providers, local jail staff, and probation officers, to develop and implement effective discharge planning to foster the successful reentry of people leaving jail with mental health needs.

Evaluate impact and promote expansion. NAMI-MN will lead a collaborative effort between Wilder Research, Stearns County, Steele County, and Olmsted County to document the project's impact (within criminal justice and across systems) and to enhance and promote diversion and discharge planning strategies to other counties. NAMI-MN will help gather and analyze evaluation data; develop strategies that enable local stakeholders to advocate effectively with other public systems on behalf of people with mental health needs; and develop an advocacy plan targeting key audiences, such as policymakers and the media.

Rationale for Recommendation

In 2008, the JEHT Foundation committed \$300,000 over three years to National Alliance on Mental Illness of Minnesota, and only the first of three payments was made prior to the foundation's closure in January. OSI JEHT Emergency funding would replace funding JEHT committed to NAMI-MN for project activities in 2009 only, and there is no guarantee of renewal funding in subsequent years. This grant would advance the Criminal Justice Fund's goals of reducing mass incarceration and harsh punishment by decriminalizing vulnerable populations, expanding access to quality mental health care, and by fostering cross-sector and multi-agency government collaboration and accountability. Although OSI has not previously funded NAMI-MN, this project complements our current funding the Bazelon Center for Mental Health Law's impact litigation, policy advocacy, and public education to end the criminalization of people with mental disabilities.

With funding from the JEHT Foundation in 2005, the Judge David L. Bazelon Center for Mental Health Law selected NAMI-MN to participate in its *Building Bridges Project*. Bazelon chose organizations in three states to advocate for enrolling people with mental illness in public benefits programs immediately before their release to ensure their access to needed services and provide a better chance for successful reentry. Upon conclusion of the Bazelon project, the JEHT Foundation directly funded NAMI-MN to continue its efforts on behalf of individuals with mental illness involved in the criminal justice system.

NAMI-MN, together with local and state criminal justice officials, identified discharge planning at county jails and diversion programs as strategies to reduce the number of mentally ill people cycling through the criminal justice system. As is the experience across the country, Minnesota county jails struggle to find ways to manage people with mental illness who frequently cycle in and out of jails. NAMI-MN's 2006 survey of county jail staff found that an estimated 60% of people in jail have a mental illness, which is consistent with national research on the number of mentally ill people in jails. The survey also indicated that 86% of county jail staff believes that their ability to address the needs of those in jail with mental health needs is limited. Most staff indicated that discharge planning would be beneficial for inmates with a mental illness, but only 1.4% of respondents reported that their facility consistently provided discharge planning for those who need it. While Minnesota has made significant improvements in its state correctional facilities, county jails have yet to make progress in this area.

NAMI-MN's strategy created the "will" and the "means" to do this by convening and supporting community stakeholders—including 911 operators, police and sheriffs' departments, crisis teams, courts, public defenders, prosecutors, jail staff, probation officers, and community mental health program staff—to develop and implement diversion and discharge planning. We believe NAMI-MN is well-positioned to play this role. The organization is viewed in Minnesota as a trusted collaborator and as a promoter of pragmatic change with no self-interest because it would not be receiving funding from counties to carry out the project. NAMI-MN also is known in Minnesota for holding a broad view of and retaining strong relationships with the various sectors needed to carry out diversion and discharge planning. NAMI-MN's collaborative efforts have had the effect of spreading the interest in discharge planning quickly throughout the state during the last year. In mid-2008, only two counties had discharge planning programs; now 12 counties either have a discharge planning program or are in the process of developing one. Several other counties have expressed interest in discharge planning and will likely add themselves to this list soon. Over 30 Minnesota counties have applied for federal grants from the Bureau of Justice Assistance for implementation of new diversion and discharge planning programs. NAMI-MN's efforts to engage local stakeholders in developing these programs coupled with a formal evaluation component will continue to play an important role in demonstrating the efficacy of these programs to other counties and state policymakers.

For these reasons, the Criminal Justice Fund recommends JEHT Emergency funding in the amount of \$95,000 over one year for National Alliance on Mental Illness of Minnesota to replace JEHT's commitment for 2009.

Name of Organization: Amnesty International USA

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

Purpose of Grant: Support for the Constituency Expansion Project

Previous OSI Support: \$843,788
\$750,000 from NSHR Campaign (2008)
\$85,788 from Presidential Grants (2008)
\$3,000 from Charitable Events (2006)
\$5,000 from Strategic Opportunities Fund (2005)

Organization Budget: \$40,600,000

Project Budget: \$255,905.94

Sources of Support: \$130,905.94 Membership / Annual Donors

Amount Requested: \$125,000

Amount Recommended: \$125,000 [JEHT Foundation Emergency Fund, T1: 59959]

Term: One year, July 1, 2009 - June 30, 2010

Matching Requirements: None

Description of Organization

Amnesty International, founded in London in 1961, is an international grassroots activist organization with 2.2 million members in over 150 countries worldwide. Established to campaign against torture, Amnesty's mandate has evolved to include research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

Amnesty International USA (AIUSA) is the United States section of Amnesty. AIUSA is Amnesty's largest section, with 350,000 dues-paying members, 450,000 online activists, and approximately 1,500 local and student groups throughout the country. AIUSA is based in New York and has regional offices in Boston, Washington, D.C., Atlanta, Chicago, Los Angeles, and San Francisco.

Description of Program for Which Funding is Sought

AIUSA is seeking support for its Constituency Expansion Project, previously funded by the JEHT Foundation. AIUSA has long been a cornerstone of human rights grassroots advocacy in the U.S., yet for the past decade its membership rates have been stagnant at 350,000-400,000 people. Its membership has been growing older and increasingly less representative of the country's demographics. In order to strengthen its potential impact, AIUSA needs to build on its existing constituency base and revise its advocacy techniques. With a grant of \$300,000 from JEHT awarded in 2007, AIUSA has been

engaged in an institutional analysis and capacity-building effort to facilitate that revitalization. To date, the organization has convened a group of experts in social advocacy to develop recommendations on how to grow and broaden membership; conducted research to build a base of knowledge about current and potential members; and initiated some real-world applications to begin testing theories.

The main findings from the efforts to date suggest that AIUSA engage in the following activities to expand its constituency:

- Forge strategic partnerships to help drive the expansion and diversification of the membership, such as previously successful relationships with the National Council of La Raza, the NAACP, and Aliados, a network of Latino youth activists;
- Create compelling events to engage and reach a broader range of new members and activists, such as the “We Care!” concert staged last year, which was co-sponsored by AIUSA and produced by the Hip Hop Caucus, with over 800 attendees, most of whom were high school and college-aged African-American students; and
- Increase its electronic activism and online presence with new tools such as an e-newsletter and text messaging, which has already been successfully utilized by AI sections in Europe.

AIUSA’s long-term goal is to grow its membership to 1 million individuals while simultaneously diversifying its member base and deepening volunteer leadership roles. Working towards this vision, AIUSA has established the following objectives for the next 18 months:

- Increase AIUSA activist members and donors by 5-10%;
- Expand the number of AIUSA student groups by 5-10%;
- Establish an alumni retention program with goal of tracking 50% of graduated students in first year;
- Create a system to track leadership and engagement over time; and
- Develop database capacity to track and measure membership diversity.

Earlier this year, AIUSA dedicated Ana Polanco, Managing Director of the Organizing Membership & Campaigns Department of its Organizing Unit, to developing a long-term organizing model. Her focus is on building internal membership program capacity, deepening relationships with current members, and reaching new audiences to grow membership. This grant will provide minimal support for Polanco and several other senior staff members working on the project, and will fully support an Alumni Membership Coordinator position for six months.

Rationale for Recommendation

The JEHT Foundation’s International Justice Program was a significant supporter of Amnesty International USA, and the effect of the foundation’s closure on the organization is significant. JEHT was one of AIUSA’s few institutional donors and provided annual funding totaling over \$2 million during its 8-year lifespan, including funding for AIUSA’s campaigns against torture and rendition as well as institutional analysis and capacity-building work to facilitate the strengthening of its constituency

base. At the time of the foundation's closure, AIUSA staff were in conversations with JEHT about a renewal grant and anticipated continued support.

AIUSA is a current National Security and Human Rights Campaign grantee, and this grant will advance the NSHR Campaign priorities of strengthening the capacity of core organizations to advocate against abusive counterterrorism policies and for a progressive national security policy that respects civil liberties, human rights, and the rule of law.

In 2008, the National Security and Human Rights Campaign provided a three-year grant of \$750,000 to support AIUSA's Counter Terror with Justice (CTJC) Campaign, which engages in grassroots education and advocacy to build and support a movement of concerned individuals and communities dedicated to fighting for human rights protections in U.S. national security policies. Currently, the CTJC Campaign is focused on: establishing an independent commission to review U.S. detention and interrogation practices, prosecute those who broke the law, and ensure remedies for victims; rejecting military commissions and indefinite detention and ensuring that Guantanamo detainees are charged and tried in U.S. federal court without recourse to the death penalty, or released to countries where their human rights will be respected, including the U.S.; ensuring that the detention of terror suspects by the U.S. in Afghanistan and Iraq complies with international law; and ensuring that the U.S. ends its use of extraordinary rendition and that it will not, under any circumstances, engage in torture or other cruel, inhuman or degrading treatment, as defined under international law.

Although the organization has recently seen an increase in its total number of annual donors, this increase has coincided with a decrease in average donation amount. Between the loss of JEHT support and the recent economic downturn, the organization decided this spring to lay off 40 staff members.

A grant to support AIUSA's efforts to build its membership program will benefit the organization as a whole over the long term, helping it reach and engage more Americans with its campaigns to promote human rights. In doing so, this grant will also build on and help ensure the success of OSI's substantial investment in AIUSA's Counter Terror With Justice Campaign.

For these reasons, the National Security and Human Rights Campaign recommends project funding from OSI's JEHT Emergency Fund in the amount of \$125,000 over one year to Amnesty International USA.