

Memo

To: Aryeh Neier

From: Ann Beeson, Leonard Noisette, and CJF Staff

Date: 25 March 2009

Re: JEHT Emergency Fund Recommendations, Criminal Justice Fund

For the first docket of the JEHT Emergency Fund grantmaking, the Criminal Justice Fund recommends nine grants. Eight of these grants are in support of on-going activity previously funded by the CJF. One is a new grant which supports an ongoing and highly successful campaign-based partnership with one of our current grantees. Five of these grants advance the Fund's goal of death penalty reform, while simultaneously supporting the development of independent and robust public defense systems and leadership capacity. Another grant builds upon OSI's previous investments in fostering successful reentry after jail and prison. All of the grants advance the Criminal Justice Fund's goal of promoting the fair treatment of people of color and the fair and equal administration of justice.

Campaign for Youth Justice (C4YJ) - \$135,000 project support grant for one year, to develop capacity for the timely and effective implementation of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA), which advocates expect to be reauthorized by mid-2009. C4YJ will provide technical assistance to key constituencies such as state and local officials and advocates. One such product includes an implementation guide for new leaders at the Department of Justice and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). C4YJ will also help to develop strategies to ensure that states do not "opt out" of the JJDPA. C4YJ will focus on the (1) sight and sound separation and (2) jail removal provisions of the JJDPA. C4YJ has worked closely with the Center for Children's Law and Policy (CCLP) to develop advocacy strategies designed to improve juvenile justice policy at the state and national levels. The current project will be a natural continuation of this working relationship. When the JEHT Foundation shut its doors in December 2008, C4YJ lost \$135,000 in committed grantmaking – the entire budget for their JJDPA implementation project. Preparing states for compliance with the Juvenile Justice Delinquency Prevention Act will advance the Criminal Justice Fund's goals of reducing over-reliance on incarceration and fair treatment of people of color and the poor.

Center for Children's Law and Policy (CCLP) - \$140,000 project support grant for one year, to develop a comprehensive strategic approach to prepare for the implementation of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA), which expired in 2007 and is expected to be reauthorized by mid-2009. Although CCLP has not received prior support from OSI, it will carry out this national effort in close coordination with the Campaign for Youth Justice (C4YJ), a current OSI grantee. OSI's funding will support CCLP's efforts to conduct legal, policy, and evaluation research, provide technical support, and develop written materials that explain new provisions of the JJDPA and facilitate meetings and trainings with stakeholders. CCLP will focus on the 1) disproportionate minority contact and 2) conditions of confinement and isolation provisions of the JJDPA. CCLP's efforts to ensure timely and adequate implementation of the

JJDPAs support the Criminal Justice Fund's goal of reducing over-reliance on incarceration and fair treatment of people of color and the poor.

Corporation for Supportive Housing (CSH) - \$400,000 project grant over one year to continue replication, in Cook County, Illinois, of the successful *New York City Frequent Users of Jail and Shelter Initiative*, which integrates criminal justice, human services, and housing funding for creating and sustaining Reentry Supportive Housing, and to conduct a comprehensive feasibility analysis in up to five jurisdictions across the country to identify opportunities for making supportive housing a key component of coordinated reentry planning in those places. OSI funding will help replace a portion of committed funds that CSH lost with the closure of the JEHT Foundation this past December. This grant would build on OSI's previous investments in CSH's Reentry Supportive Housing efforts and would advance the Criminal Justice Fund's interest in fostering successful reentry after jail and prison by fostering cross-sector and multi-agency government accountability and collaboration for reinvesting criminal justice and other public dollars into reentry infrastructure for high-incarceration communities.

Equal Justice Initiative of Alabama (EJI) - \$525,000 general support grant for two years, for EJI's ongoing legal assistance to poor and disadvantaged people in the Deep South who are affected by the unfair administration of criminal justice. EJI uses strategic litigation, public education, training, and advocacy to promote civil and human rights and policy reform. Since its founding in 1989, EJI has provided direct legal assistance to death row prisoners, people who have received excessive prison terms, children sentenced to adult prisons, the mentally ill, and others who have been unfairly or illegally convicted. EJI's operations have been seriously undermined by the closing of the JEHT Foundation in December 2008. JEHT had committed \$1.5 million in funding over the next three years to EJI for its work on behalf of 13 and 14-year-olds confronting the sentence of Life without the Possibility of Parole, but had not made any payments on the grant at the time of its closure. General support from OSI would provide EJI with the funding and flexibility to continue this project and other critical work. This grant would advance a number of goals of the Criminal Justice Fund, including abolishing the death penalty, improving indigent defense systems, ending the over-reliance on incarceration, and reducing prison sentencing. It would also advance the goal of the Equality and Opportunity Fund of addressing structural racism and ensuring justice and equality.

The Defender Association (TDA) - \$300,000 project support grant for two years, to the Racial Disparity Project, which aims to reduce systemic racial inequality in the justice system. The RDP proposes to make arrest a tactic of last resort for law enforcement in Seattle and King County responding to low-level drug activity such as use, possession and sales. Instead, law enforcement, as well as community groups and corrections officers, will refer would-be arrestees to robustly-funded community-based (as opposed to court-based) diversion programs able to assist participants with a wide range of needs in order to discontinue their involvement in street crime. This grant would renew OSI's support for the Defender Association's work in this area, as well as provide for the loss of the second payment of a two-year grant for this project, in the amount of \$150,000, pending when the JEHT Foundation collapsed in December 2008. This grant would further the Criminal Justice Fund's goals of improving indigent defense services, encouraging incarceration alternatives that emphasize rehabilitation and treatment, while combating racially disparate law enforcement. ,

The Regents of the University of California - \$50,000 general support grant to the UC Berkeley School of Law Death Penalty Clinic's Lethal Injection Project (the Project) for 15 months. The Criminal Justice Fund recommends its grant in partnership with a \$50,000 grant from Atlantic Philanthropies. Since its formation in 2001, the Clinic has been dedicated to ending the unfair and unequal administration of capital punishment in the United States. The Clinic currently represents clients in California, Alabama, and North Carolina and has played a key role in several

capital cases before the United States Supreme Court, two of which involved the right to a jury selected free of race discrimination. For the past two years, the Clinic has played a central role in coordinating the more than two dozen pending cases that challenge lethal injection as a method of execution. When the JEHT Foundation ceased operations, the Clinic lost its grant of \$99,357 for the lethal injection website. This grant supports the Criminal Justice Fund's goal to abolish the death penalty.

Death Penalty Information Center (DPIC) - \$100,000 general support grant for one year to assist DPIC's efforts to provide information and analysis on the use of capital punishment in the United States. DPIC regularly issues press releases and conducts briefings for journalists and is one of the most widely cited sources of information on the death penalty in the media. Since its inception, DPIC has produced and broadly disseminated 18 major reports on the death penalty and 14 annual reports. Three of the major reports have been based on commissioned national opinion polls. All of these reports have been widely covered in the media. DPIC also operates a state-of-the-art website. DPIC had received a grant of \$125,000 from the JEHT Foundation in 2008 and was encouraged to request a grant of \$100,000 for 2009. The loss of these funds would have a significant impact on DPIC's budget and its ability to continue its work. DPIC's efforts reinforce the Criminal Justice Fund's goal to abolish the death penalty and ensure the fair administration of justice.

Innocence Project, Inc. (IP) - \$375,000 general support for one year to assist the IP in its mission to exonerate wrongfully convicted people through DNA testing and to reform the criminal justice system to prevent future injustice. The organization has facilitated the freedom of 234 innocent people from prison, including 17 on death row. In February 2008, Kennedy Brewer of Noxubee County, Mississippi became the state's first person to be exonerated through post-conviction DNA testing. The IP has also raised awareness about the fallibility of the criminal justice system leading the charge to improve eyewitness identification procedures, regulate and oversee forensic sciences, improve access to post-conviction DNA testing, and improve evidence preservation systems. The Innocence Project lost \$750,000 in pledged general support grants from the JEHT Foundation over the next two fiscal years, a loss of one-eighth of their yearly budget. The organization's mission to free the wrongfully convicted and achieve policy reform aligns with the Criminal Justice Fund's commitment to the fair and equal administration of justice, including reduction of over-reliance on incarceration, fair treatment of people of color and the poor, death penalty reform, and improved public defense services.

Texas Defender Service (TDS) - \$147,500 general support grant for one year, in partnership with a \$22,500 grant to be recommended by Atlantic Philanthropies, to advance the work of the Texas Defender Service to identify and expose inaccuracies, injustices, and flaws in Texas' system of capital punishment. TDS's core strategy for suspending or limiting the application of the death penalty in Texas is to identify cases with compelling injustices and relate that information to policy makers and the public. The organization's leaders support reform efforts to improve the appointment standards for capital lawyers at all phases of the proceedings, establish fair procedures for addressing the question of mental retardation in capital cases, and alter the capital sentencing scheme by eliminating the use of future dangerousness in jury sentencing. The most recent OSI grant supported TDS's involvement with the development and organizational set-up and protocol for the West Texas Capital Defender Unit, the first-ever capital public defender unit in Texas. TDS lost a total of \$170,000 in committed and anticipated grants from the JEHT Foundation. TDS's mission advances the Criminal Justice Fund's goal to abolish the death penalty and improve and develop independent public defense systems.