

Criminal Justice Fund

Memo

To: Aryeh Neier; U.S. Programs Board

From: Ann Beeson; Leonard Noisette; William Johnston; Angela Cheng

Date: 13 February 2009

Re: Drug Policy Alliance General Support Grant Recommendation

Criminal Justice Fund staff recommends renewing general support funding in the amount of \$4,000,000 over one year to the **Drug Policy Alliance**. Following the drug policy field assessment OSI commissioned last year and in conjunction with the Criminal Justice Fund's ongoing program evaluation, over the next year, staff will continue to assess and develop U.S. Programs' drug policy priorities and strategies. Renewed funding at this time will enable Drug Policy Alliance to continue its leadership role in promoting a just society in which the use and regulation of drugs are grounded in science, compassion, health, and human rights; in which people are no longer criminalized and punished for what they put into their own bodies; and in which the fears, prejudices, and punitive prohibitions of today are eliminated. This grant would advance CJF's goals of ending the over-reliance on incarceration and harsh punishment in the United States by decriminalizing vulnerable populations and downsizing prisons and strengthening civil society investments and infrastructure; it would also support EOF's interest in prohibiting arbitrary and discriminatory government action and lifting barriers that prevent people from participating fully in economic, social, and political life.

Name of Organization: Drug Policy Alliance

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

Purpose of Grant: To provide general support

Previous OSI Support: \$43,035,756.66

Organizational Budget: \$10,024,506

Project Budget: Not Applicable

Sources of Support: \$3,450,000 Individual Contributions; \$750,000 Membership Contributions; \$400,000 Earned Income; \$100,000 MAC AIDS Fund; \$100,000 Public Welfare Foundation; \$60,000 Daniels Fund; \$25,000 Consumer Health Foundation; \$25,000 Irene Diamond Fund; \$25,000 Krieger Fund; \$25,000 New York City AIDS Fund; \$25,000 Rosenberg Foundation; \$25,000 Syringe Access Fund; \$24,800 Libra Foundation; \$20,000 Meyer Foundation; \$20,000 San Francisco Foundation; \$15,000 Cafritz Foundation; \$15,000 Walbridge Foundation; \$10,000 Angelica Foundation; \$10,000 Herb Block Foundation; \$5,000 Langeloth Foundation; \$5,000 Livingry Fund; \$5,000 Stewart R. Mott Charitable Trust; \$2,500 McGraw Foundation; \$1,500 Santa Fe Community Foundation

Amount Requested: \$4,000,000

Amount Recommended: \$4,000,000 (U.S. Programs Drug Policy Reform, T1: 21030)

Term: 1 year

Matching Requirements: None

Description of Organization:

The Drug Policy Alliance (DPA) formed in July 2000 when The Lindesmith Center, the activist drug policy think-tank established as OSI's first U.S. Program in 1994, merged with the Drug Policy Foundation, a membership and grantmaking organization established in 1987. The objective of the merger was to create a powerful advocacy organization capable of informing the mainstream public and political discourse about much-needed drug policy reform in the United States. DPA has since become the leading national organization advocating for an end to the war on drugs and promoting a just society in which the use and regulation of drugs are grounded in science, compassion, health, and human rights; in which people are no longer criminalized and punished for what they put into their own bodies; and in which the fears, prejudices, and punitive prohibitions of today are eliminated. Its mission is to advance those policies and attitudes that best reduce the harms of both drug misuse and drug prohibition and to promote the sovereignty of individuals over their minds and bodies. Today, DPA has eight offices, 49 staff, 26,000 dues-paying members, 55,000 subscribers to its online communications, and a growing track record of success at the local, state, and federal levels.

DPA seeks to shift the U.S. response to drugs from a punitive criminal justice model to one based on public health and human rights. While its work addresses the wide range of social, political, and

economic issues implicated by the war on drugs, its efforts largely fall within four substantive issue areas, including:

Reforming the Criminal Justice System. DPA seeks to reduce the number of people arrested, convicted, and incarcerated for nonviolent drug offenses, and to decrease incarceration sentence lengths. Its strategies include diverting people convicted of nonviolent drug law offenses—particularly possession offenses—from prison and into drug treatment programs; eliminating racial disparities in the application of drug laws; increasing judicial discretion and promoting awareness of the harm caused by mandatory minimum sentencing; and reforming parole and probation so people who test positive for drugs or are involved in other nonviolent technical violations are not incarcerated or re-incarcerated.

Promoting Public Health Approaches. To help minimize the negative health consequences of drug use, DPA advocates harm reduction policies and practices. DPA supports the expansion of syringe exchange programs and the sale of syringes through pharmacies and the expansion of effective drug treatment programs, including opioid substitution therapies such as methadone and buprenorphine. It supports overdose prevention strategies, such as distribution of naloxone, which counters the lethal effects of opioid overdoses, as well as “Good Samaritan” policies that give incentives for people to call 911 when they witness an overdose. DPA also promotes safer injection facilities to provide medical supervision and access to support services for people, mostly indigent, who inject drugs.

Changing Cannabis Policy. DPA advocates for removing cannabis control as much as possible from the criminal justice system, with the Dutch “coffeeshop” system and its de facto legalization of retail sales of cannabis as a model. DPA also promotes the notion of ultimately taxing and regulating cannabis, similar to the ways in which alcohol is controlled in states and other countries with relatively strict systems. Much of DPA’s current work focuses on reducing the number of cannabis arrests—particularly in New York City, the “marijuana arrest capital of the world.” DPA also focuses on educating the public about the social benefits of legalizing the use and distribution of cannabis for medical purposes.

Promoting a Realistic Approach to Youth and Drugs. DPA promotes a more realistic approach—modeled after comprehensive sexuality education—to teens and drugs by stressing that abstinence is the only way to avoid the dangers of drug use but that complementary approaches are required for the majority of teens who do use alcohol, cigarettes, and various prescription and illicit drugs. Its “Safety First” and “Beyond Zero Tolerance” projects are embraced by the California PTA and are attracting increasing attention, nationally.

To advance its goals in these areas, DPA employs three main strategies:

Public Policy Reform. DPA engages in policy advocacy and litigation to bring about incremental policy reforms at the local, state, and federal levels that can be accomplished over the next few years, with the goal that each reform 1) creates real and measurable benefits for people who have been or would be unjustly victimized by the war on drugs, thereby reducing the death, disease, crime, and suffering associated with both drug use and drug prohibition; 2) builds political consciousness among other organizations and the public regarding the need to reform drug policies; and 3) advances its long-term vision of a society in which criminalization and criminal justice institutions play a minimal role in dealing with drugs, drug users, and drug markets.

Public Education. DPA initiates and shapes local, national, and international dialogue on drug policy reform, exposing the public to its messages through earned media. Its public relations efforts support DPA’s local and national programs and projects, help smaller organizations promote their own campaigns, and capitalize on breaking news to provoke debate framed by its mission and vision. DPA publishes booklets and other materials on cutting edge drug policy issues, and collaborates with allied

organizations in producing assessments of state and federal drug and crime policies. While its public education priority is to build support for short-term state campaigns, DPA also engages in longer-term campaigns to educate people more broadly about its vision and mission and promotes its “brand” as the leading organization advancing alternatives to the war on drugs, two areas it plans to expand in the coming years.

Movement Building. DPA works to cultivate a sustainable movement for drug policy reform. Through its Advocacy Grants Program, DPA funds, mentors, and provides leadership training for other reform-minded, state based, constituency-based, single-issue focused, and smaller national organizations. DPA uses its biennial International Drug Policy Reform Conference and its public policy reform process to build coalitions with non-drug policy groups on specific issues such as syringe access, alternatives to incarceration, access to pain medication, treatment of pregnant women who use drugs, among other issues. More broadly, DPA engages other prominent organizations across the political spectrum to persuade them to prioritize and embrace its perspectives, concerns, and priorities.

Description of the Project for Which Funding Is Sought:

Drug Policy Alliance requests general support funding.

Rationale for Recommendation:

The “war on drugs,” with its abstinence-only ideology and emphasis on punitive prohibitionist approaches, has failed miserably as a strategy for reducing drug use and abuse in the U.S. and has become, instead, a war on people and communities and on public health, civil liberties, and human rights.

Federal, state, and local governments spend over \$40 billion a year in hopes of realizing a “drug-free America.” Yet many illicit drugs are cheaper, purer, and more available than ever before and rates of drug-related death, disease, and crime persist at catastrophic levels. The failed war on drugs has thus become the rationale and excuse for allowing millions to suffer, and hundreds of thousands to die, rather than permit medications and public health interventions common elsewhere in the world.

The United States has roughly five-percent of the world’s population and 25-percent of the world’s incarcerated population. The U.S. rate of imprisonment—one out of 100 adults—is unprecedented among democratic societies, ranking it first among all other nations in per capita incarceration. With the number of people behind bars for drug law violations having increased from roughly 50,000 in 1980 to about half a million in recent years and additional hundreds of thousands incarcerated for drug-related violations of parole and probation, as well as for other crimes related to drug addiction, the war on drugs has become a principal force driving the incarceration of people convicted of nonviolent offenses. People of color and poor people are imprisoned on drug charges at vastly disproportionate rates. As such, the war on drugs provides a contemporary veneer for longstanding racial prejudices and discrimination.

Over a decade ago, with the goal of fostering a debate over the wisdom of the criminal justice response to drugs and abuse, with the hope that opening up a discussion would propel an advocacy agenda, OSI initiated programming and grantmaking with the establishment of the Lindsmith Center to support drug policy reform in the U.S. Since that time, U.S. Programs criminal justice staff has consistently pointed to the need to treat addiction through the public health system rather than the criminal justice system; to reduce the harm of drugs and drug abuse on individuals and communities; to reform law enforcement and sentencing practices with respect to drugs; and to reduce the drug imprisonment that drives prison expansion, drains public resources, and contributes to racial disparities in imprisonment, and disenfranchisement, particularly of poor people and communities of color. U.S. Programs Criminal Justice Fund staff remains committed to the notion that reform of the nation’s drug policies is an

important strategy—among other strategies we fund, such as Justice Reinvestment, Indigent Defense reform, as well as more general sentencing reform—for reducing the nation’s reliance on incarceration.

Staff remains sympathetic with DPA’s orientation and supportive of its drug and criminal justice policy goals and strategies for bringing about reform. Drug Policy Alliance addresses a wide range of drug and criminal justice policy issues, racial disparities in the enforcement of drug laws, drug treatment, harm reduction interventions, youth drug education, among others. Its advocacy tactics include developing and analyzing policy proposals; mobilizing grassroots supporters; media outreach; public education; litigation, when necessary; and policy advocacy. DPA prioritizes its work in selected states based on the need for reform, the likelihood of its success, and the potential for national or regional impact. Its current priority states are New York, New Jersey, New Mexico, and California, where DPA has offices, as well as Connecticut, Alabama, Wisconsin, and Maryland. In all of these states, DPA cultivates local leadership and advocacy capacity, engaging the grassroots, and attempting to build a sustainable reform movement. Increasingly, DPA is applying this statewide model in cities where it has a presence, most notably in San Francisco, New York, and Washington, D.C.

Drug Policy Alliance’s approach to the issues it takes on is sophisticated and is oriented toward achieving short-term gains while setting the stage for longer term success. Cannabis policy reform continues to be a key priority of DPA’s advocacy as cannabis prohibition is at the heart of the drug war. While not resulting in as many deaths as wrongheaded policies on HIV/AIDS, nor accounting for as many people imprisoned as heroin and cocaine laws, cannabis prohibition directly touches more lives than any other single drug policy. Of the 1.8 million drug arrests last year, 42 percent were for simple cannabis possession. Arrests can lead to a number of collateral consequences, such as the loss of housing, children, financial aid for school, job opportunities, and social benefits and services. DPA advocates for a regulatory system in which cannabis is treated similarly to alcohol—tightly controlled and taxed, with penalties for selling to minors, and expanded and realistic public education. DPA’s public education focuses on highlighting the benefits of legalizing cannabis for medical purposes, both because the persecution of people who use cannabis for medical purposes represents one of the most pernicious aspect of the war on drugs and because the debate favorably transforms the broader public and political dialogue around cannabis issues. DPA’s work promoting a realistic approach to youth and drugs is important not just in trying to reduce the harms of drug use among adolescents but also in responding effectively to critics who claim that drug policy reform puts young people at greater risk. Criminal Justice Fund staff agrees with DPA’s assessment that there are political benefits to advocating public health responses to drug use while seeking to diminish the influence of the criminal justice system.

A constant throughout all of DPA’s movement building efforts is that it persistently seeks to “connect the dots” of drug policy issues—among people coming to drug policy reform from diverse political perspectives, among people and organizations working on distinct drug policy reform issues, and among organizations working on broader political agendas that overlap with its own. Additionally, DPA’s Advocacy Grants Program supports a large number of smaller, drug policy reform organizations around the country, reaching and cultivating local efforts often out of reach to national foundations. Since DPA took over running this regranting program from the Tides Foundation several years ago, the programs grantmaking process has become a much more efficient and transparent.

In 2008, at the request of the OSI Board of Trustees, OSI commissioned an assessment of the drug policy reform field, including, but not limited to DPA’s efforts. The report—presented and discussed at the September 2008 Board Meeting—documented the evolution of the field over the past decade, identified leading organizations, highlighted challenges and opportunities for policy reform, and, to a limited extent, attempted to evaluate the impact of OSI’s funding. The report identified several areas for further exploration, including the need for more diversified funding to organizations run by and on behalf of people of color and other directly affected communities; a strategy for growing the number of funders

supporting drug policy reform; and guidelines clarifying U.S. Programs' grantmaking to DPA and the broader drug policy reform field. Criminal Justice Fund staff has begun investigating these and related issues and will continue to develop our drug policy reform grantmaking strategies and priorities over the next year. As we conduct our review and program development activities, we believe continued funding for DPA remains an important investment priority, given OSI's past history with DPA and the pivotal role the organization will continue to play in the growing movement to end the war on drugs.

This grant would advance U.S. Programs goals of reducing the U.S. reliance on incarceration and harsh punishment by decriminalizing vulnerable populations and strengthening civil society investments and infrastructure; prohibiting arbitrary and discriminatory government action; and lifting barriers that prevent people from participating fully in economic, social, and political life. For these reasons, and those discussed above, Criminal Justice Fund staff recommends continued general support in the amount of \$4,000,000 over one year to the Drug Policy Alliance.