
**OPEN SOCIETY
U.S. PROGRAMS BOARD
MEETING**

New York, New York
May 7 - 8, 2015



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ANNOTATED AGENDA
U.S. Programs Advisory Board Meeting
Open Society Foundations, New York, NY
May 7-8, 2015

With growing national attention to both economic inequality and criminal justice reform, our board meeting will delve into our evolving strategies in both areas recognizing that we will more fully refine our strategic plan in 2016. In addition, as we do each meeting, we will hold the board-led session about current opportunities and review a selected portfolio, in this case the Soros Justice Fellowships.

With regard to economic advancement, where we are just beginning to develop our strategy, we will recap what we have done to date and identify core issues to be considered moving forward. Notably, we will focus on the results of the inquiry into the Future of Work. To inform our criminal justice conversations, we will hold a session on police reform, preceded by a lunch briefing and discussion of the recent events in Baltimore.

THURSDAY, MAY 7:

9:00 - 9:15 a.m. **Welcome and Approval of Minutes**
Steve Coll, Chair

9:15 - 9:30 a.m. **USP and Economic Advancement: Stage-setting**
Chris Stone; Ken Zimmerman, Director; Eric Halperin, U.S. Programs Senior Advisor

In adopting a goal to promote economic advancement in USP's four-year strategy, the board recognized that the issue was of increasing importance in the United States. This session is intended to introduce the work we are already doing, in areas from housing and credit to the minimum wage, and to set up the subsequent discussions by outlining a set of premises, observations and insights from our experience and our analysis of the external landscape.

9:30 - 11:15 a.m. **Learnings and Implications from the Future of Work Inquiry**
Andy Stern; Yochai Benkler; Bill Vandenberg, Director, Special Initiatives and Partnerships
Guests: Andrew McAfee, Research Scientist, MIT Sloan School of Management
Larry Mishel, President, Economic Policy Institute
Felicia Wong, President, Roosevelt Institute

Whether technology will fundamentally change the way work is undertaken and conceived in the coming decades has been the subject of a board-led inquiry over the past 18 months. The nature of employment is changing, and with it a set of assumptions and conceptions about how to advance open society interests. This session will be organized in three parts: (1) an introduction to the research we have undertaken, (2) a discussion facilitated

by Yochai Benkler between Andrew McAfee, Research Scientist at the MIT Sloan School of Management and Larry Mishel, President of the Economic Policy Institute, with Felicia Wong, President of the Roosevelt Institute, providing topline from the research, and (3) a closed 30-minute discussion among the Board, facilitated by Andy Stern, about how USP might proceed in light of our findings.

11:15 - 12:15 p.m.

Report on the State of USP and Updates on Pressing Topics

Ken Zimmerman

Ken will, with relevant staff, provide a report-out on issues including our work to expand Medicaid coverage for those engaged in the criminal justice system, Emma Lazarus II and the President's Executive Action on immigration, updates on Puerto Rico, and the President's recent announcement of the My Brothers' Keeper Alliance.

12:15 - 12:30 p.m.

Break

12:30 - 1:30 p.m.

Lunch: The Situation in Baltimore

After a board and staff briefing—led by OSI-Baltimore Director Diana Morris, Criminal and Juvenile Justice Program Director Tara Huffman, and board members Joe Jones and Judge Andre Davis—we will discuss the state of affairs in Baltimore.

1:45 - 3:00 p.m.

Police Reform: How to Take Advantage of the Crisis of the Moment and Drive Long-Term Institutional Change in Police-Community Practice

Bryan Stevenson

Guests:

Dr. Phil Goff, Co-Founder and President, Center for Police Equity

Judith Browne Dianis, Co-Director, Advancement Project

Moderator: *Leonard Noisette, Director, Justice Fund*

We will engage grantees who are actively involved in a range of efforts to advance police reform, including as a result of our investment in post-Ferguson activity, to explore the potential and challenges inherent in translating that energy into a national movement.

3:00 - 4:00 p.m.

Policing Conversation without Guests: Board Discussion

Without guests, the Board will discuss the situation in Baltimore and potential next steps on the broader policing situation.

FRIDAY, MAY 8:

8:45 - 10:00 a.m.

Portfolio Review: The Soros Justice Fellowships

Lead: *Adam Culbreath, Program Manager, Soros Justice Fellowships*

Discussants: *Deepak Bhargava, Emily Martinez, Director, Open Society Human Rights Initiative*

Moderator: *Tom Watson, Senior Communications Officer*

The Soros Justice Fellowships program has long prided itself on its support of fellows who are formerly incarcerated. Since its founding, the program has provided 36 fellowships—or roughly 10 per cent of the overall total—to people who have self-identified in this way. This portfolio review will scrutinize those efforts.

10:00 - 10:15 a.m.

Break

10:15 -11:30 a.m.

From the Ground Up: USP and Economic Advancement

Guests:

John Henneberger, Co-Director, Texas Low Income Housing

Roxana Tynen, Executive Director, Los Angeles Alliance for a New Economy

Analilia Mejia, Executive Director, New Jersey Working Families

Tajfa Butler, Executive Director, Georgia Budget and Policy Institute

Moderator: *Andrea Batista Schlesinger, Deputy Director, U.S. Programs*

Can local efforts to change local policy address the structural, political and even global dynamics that lead to economic inequality? Is it a wise strategy for a national foundation such as ours to invest in local victories, without a guarantee that even the soundest ideas can be scaled or replicated?

Conversely, can local innovation and victories help drive the national conversation in unpredictable ways, as perhaps in the case of the \$15 minimum wage increase in Seattle and the creation of a national domestic workers movement which began with a group of immigrant women and organizers in the neighborhoods of New York City? To help explore these questions, we have asked four grantees who are working at the local level with demonstrable results, to reflect on the possibilities and constraints of their approaches.

11:30 - 12:30 p.m.

Board Discussion and Board-Led Opportunities Fund Conversation

We will start this session with reactions to the discussions on evolving economic advancement strategy with lead-off remarks from Steve Coll and Deepak Bhargava. We will then move to the board-led conversation on the Opportunities Fund, starting with a report-out on developments since the last Board discussion of the Opportunities Fund in February 2015.

12:30 -1:00 p.m.

Executive Session with (for 15 minutes) and without Director

THE STATE OF U.S. PROGRAMS

TO: USP Advisory Board
FROM: Ken Zimmerman and Andrea Batista Schlesinger
DATE: April 27, 2015

An ongoing reality at USP is that we are almost always engaged in long-term efforts such as institution-building and new idea development, while also responding to particular opportunities, ranging from the impressive victory (if only a first step) related to net neutrality to specific regulatory battles involving civil rights and working conditions for our communities of concern. Consistent with past practice, this memo offers highlights of activities of manifold importance that will not otherwise be featured at the upcoming board meeting. This memo also provides information on grant making underway thus far in 2015 and an update on our financials and human resources. Hyperlinks are embedded throughout for additional information.

I. REPORTS FROM THE FIELD

Executive Action on Immigration

At the time this was written, the immigration community was waiting for a decision on a preliminary injunction issued by a politically-motivated Texas District Court Judge, and the timeline for the program's start-up was uncertain. The case, *State of Texas v. U.S.*, is likely to go to the Supreme Court. But the Obama Administration is [appealing to the Court of Appeals for the Fifth Circuit to lift the preliminary injunction](#) so that the program can run as intended throughout the course of the litigation. The appellate court's decision on the preliminary injunction is expected by early May. The delay in the program is challenging on multiple levels, creating confusion among potential applicants, slowing (but not halting) our efforts to increase resourcing of key organizations in the field, and, most importantly, delaying the ability of immigrants to get work permits and other benefits from the program.

[Based on support expressed by many legal experts and analysts](#), we believe that the prospects remain high for the ultimate authorization of DAPA. We are therefore continuing to plan for the successful launch of Emma Lazarus II. Since the February board meeting, we have hired two co-directors to drive the effort: Nancy Youman, a 13-year veteran of OSF, and Rebecca Carson, an immigration policy and implementation expert who previously oversaw the implementation of DACA from inside the Administration and has a long history in the field. While we will await the 5th Circuit ruling before determining the full course of our action, we have alternative plans if the stay is listed or remains in place. In the latter case, we will only move forward with a limited portion of the \$25m we are prepared to spend this year if the program is authorized. We have identified a number of “no regrets” investments in key organizations and innovators that will offer concrete benefits to the approximately 15% of the eligible applicants even if the program does not begin immediately, as well as helping prepare (and fight) for the program. One step we will take either way is a challenge program to local funders and others who put up funds and create collaborative models to prepare for implementation.¹ We are also working to leverage additional funds at the national level—

¹ The three primary goals for the new fund remain the same: (1) Maximize the number of successful applications for Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent

including close coordination with the Ford Foundation, hosting a caucus at the April meeting of the Democracy Alliance, and other outreach. We have had some initial success, including interest from the business community (including Mark Zuckerberg’s representative, Pershing Square and Laurene Jobs’ Emerson Collective). At the request of the field, EL2 is funding public opinion research among Latinos and Asians that will provide insights into the messages that resonate in the current environment and minimize confusion for potential applicants.

Media and Technology Policy

In April 2015, [Comcast and Time Warner Cable abandoned their \\$45 billion merger](#) after the Federal Communications Commission and the Department of Justice indicated plans to challenge the transaction. USP grantees helped regulators build the case against the merger by highlighting the unprecedented control that Comcast would have over the consumer broadband market. This recent success builds on the February 2015 FCC vote to approve strong network neutrality rules that are grounded in Title II of the Telecommunications Act, and that define internet access as an essential communications service. The FCC also approved a petition filed by Wilson, NC and Chattanooga, TN challenging laws in 20 states that restrict the cities’ ability to build and expand municipal broadband networks. These milestones were the result of a sophisticated and tightly-coordinated inside/outside organizing strategy. While these policy wins are impressive, their permanence is not guaranteed. Congress swiftly attacked the rules through an aggressive series of hearings and introduced a resolution of disapproval that would overturn the rules. Even before the new net neutrality rules were printed in the Federal Register, the cable and telecommunications industry [filed lawsuits challenging the rules](#) and Tennessee sued the FCC, [challenging its approval of the petition to preempt state law](#).

Surveillance

In March the ACLU filed [Wikimedia v. NSA](#) on behalf of legal and media organizations challenging the NSA “upstream” program (also known as Sec. 702 surveillance). This challenges the massive collection and trolling through communications that travel outside of the U.S., While focused on the Constitutional rights of people inside the U.S., this case may also serve to highlight the breadth of NSA mass spying on foreign populations. Also in March, the UN Human Rights Council voted by consensus to name an [expert](#) who will be charged with investigating violations of privacy rights in the digital sphere.

The PATRIOT Act provision (Sec. 215) that has been used to allow for bulk collection of data about U.S. phone calls is [approaching its sunset date of June 1](#). The House Judiciary Committee markup of its bill, once again denominated the USA Freedom Act, is set for April 30. Comparative reviews of the House bill and last year’s House and Senate bills, from grantees the [Center for Democracy and Technology](#) and [New America’s Open Technology Institute](#) conclude that the 2015 bill is better than last year’s House bill but a step down from the Senate bill that was two votes shy of cloture at the end of 2014. The current version of the House bill – which some Republicans may seek to amend – ends bulk collection of data on US persons’ phone calls and requires a

Residents (DAPA); (2) Build lasting immigration advocacy and services capacity in key areas of the country; and (3) Broaden the pro-immigration tent by bringing in new allies and funders. Unfortunately, given the litigation reality, there must also be a fourth goal added to OSF’s effort: Mounting a robust defense of and advocacy for the program consisting of legal, mobilization and communications tactics.

declassification review and release or summary of significant legal interpretations by the FISA Court. A panel of individuals would be named as eligible to serve as amicus before the FISA Court with some access to classified material but without a specific mandate to protect privacy concerns. Other grantees – including the Brennan Center – [are critical of aspects of the bill](#), but withholding final judgment. A contemporaneous campaign to [Stop 215](#) is pushing back against mass surveillance more generally and a few groups will oppose anything less than sunset. The House bill would renew Sec. 215 to 2019. Senate Majority Leader Mitch McConnell introduced his own bill on April 21 that would reauthorize Sec. 215, without reform, for another five years. Currently, all of the privacy and civil liberties groups are unified in their opposition to this kind of “clean” reauthorization and are coordinating their efforts with OSPC-funded lobbying support.

In Germany, a project to leverage that country’s strong defense of privacy interests and model policies for the rest of Europe and, ultimately, the U.S., is starting to bear fruit.² Reflecting USP’s efforts to leverage international assets, USP co-funded Stiftung Neue Verantwortung (Foundation for New Responsibility) with the Information Program. It reports that [debate is intensifying](#) on the adequacy of parliamentary control of intelligence operations. One party is now calling for stricter controls and a new law that could make Germany a pioneer in setting legal limits on communications intercepts beyond its borders. Court challenges to intercept orders are also being brought against the security sector. SNV’s Ben Scott reports that “almost all of the key players...have been deeply engaged with the [SNV] Privacy Project.”

Closer to home, this past March, a federal district court in San Francisco [rejected](#) the FBI’s attempt to withhold or redact documents detailing surveillance techniques targeting the Muslim communities in Northern California. The ruling comes as a result of FOIA litigation [initiated by grantee Asian Law Caucus in 2010](#) along with the ACLU of Northern California and *San Francisco Bay Guardian* that seeks information on the suspicion-less surveillance of communities based on religion, race, or ethnicity. The FBI will likely appeal the ruling.

Reducing Recidivism through Pre-Booking Diversion

This month we learned that the Seattle diversion program that we helped to launch is proving effective in its goal of reducing recidivism. Seattle’s pilot Law Enforcement Assisted Diversion (LEAD) program, funded by USP and the Ford Foundation since its inception in 2011, is an innovative approach to reducing criminal justice involvement and recidivism. LEAD allows law enforcement officers to divert individuals engaged in low-level drug or prostitution activity to community-based services instead of directing them into the criminal justice system. Unlike most models where police are unable to do anything but put people into the system, LEAD gives law enforcement discretion – one major reason they support it. Furthermore, LEAD-involved individuals do not have to plead guilty (thereby receiving a criminal record) in order to get services. Services provided through the program are not contingent on total abstinence. The program was created by current and former drug users, business and NGO leaders, public defenders, the police, and leaders in city and county government to address the prevalence of low-level drug and prostitution crimes in the Belltown neighborhood of Seattle and the Skyway area of unincorporated

² Analysis here is from Ben Scott at SNV. His project was co-funded last year by the Information Program, the Democracy Fund and NSHR. The Information Program is in the process of renewing that project through funds from the general reserve for surveillance work in Europe.

King County. The program is being considered for replication in several places around the country, including Sante Fe, New Mexico, and Albany, New York.

In a development which should help further expansion, an [evaluation](#) funded by the Arnold Foundation found that people involved in LEAD were 60% less likely than those in the control group to be arrested within the first six months of the evaluation. This demonstrates that diverting people *away* from the criminal justice system and into the services they need indeed leads to lower rates of reoffending and positive community outcomes. Other programs, such as drug courts, claim to reduce recidivism by 75% over two years. But, drug courts omit participants who ‘fail’ (relapse before graduating), and an overwhelming number of participants end up with criminal records, which interferes with future housing and employment possibilities. The studies claiming these results have recently come under intense scrutiny. Job training and educational services in prison have also been shown to decrease recidivism, but not at the same magnitude. Again, these participants will still have a criminal record inhibiting successful and easy reentry into society. In April, we [released a Request for Proposals](#) to replicate pre-booking diversion models like LEAD in jurisdictions across the country. Applications are due by mid-May, and site visits and tentative selections will be made by early summer.

The Koch Brothers’ Stealthy New Latino Engagement Effort

[The LIBRE Initiative](#), a new Latino engagement effort that works in seven states with more than \$10 million in funding from Koch Brothers related entities, is beginning to make political waves. Using a strategy that focuses on neutral forms of civic engagement (e.g., conducting food banks, sponsoring Cinco de Mayo fiestas, and assisting undocumented people in getting their driver’s licenses), it is intended to influence policy and politics, including dismantling the Affordable Care Act and opposing recent immigration executive orders. A recent People for the American Way [report](#) on LIBRE and this BuzzFeed [story](#) highlight how LIBRE operates. USP will host a funder briefing on the LIBRE Initiative on May 20, with speakers from the Latino Victory Fund and state-based advocates from Arizona and Nevada.

Expanding Civil Rights Movement Focus to Include Combating Islamophobia

In March, 31 racial justice and Muslim, Arab, and South Asian (MASA) leaders came together for the first of five gatherings billed as the "Solidarity Summit." The gatherings were a joint endeavor by OSF, the Ford Foundation, and the Proteus Fund. As reflected in a portfolio review of our MASA portfolio, we are aware that our post 9/11 strategy of investing to create the first ever set of organizations designed to create MASA leadership and institutions has borne some fruit. These groups are growing in effectiveness, but lack deep relationships on the ground and are still newcomers to the national civil rights community. This effort, therefore, is a foundation-led initiative to further their institutional strength and expand their influence and capacity. The racial justice groups similarly will derive institutional benefit from this effort by building collective power and solidifying new and existing alliances. The initial planning retreat kicked off a subsequent set of gatherings that will visit four different cities in the country to explore a shared understanding of one another's work, how sustainable black-brown alliances have been built, and the best ways of sustaining those alliances.

Strengthening our Inside Game at the Local Level

How well are we cultivating and supporting the talent of appointed and elected officials in public office in localities across the country to advance a progressive agenda?

These questions are timely given the conservative right's enhanced efforts to drive change through local policy and to drive their local agenda through state preemption. We take note of ALEC's recent [decision to create a division focused on city- and county-level positions](#), a complement to their well-known and established state-wide efforts. Is there anything we can learn from ALEC about how to support potential leaders, help them as they take steps to become influential, and, if in office, assist them govern effectively? In April, we hosted a conversation between leading training organizations like [Wellstone Action](#); new efforts to organize public officials including [Young Elected Officials](#), [State Innovation Exchange](#), and [Local Progress](#); labor unions including AFL-CIO and SEIU; and elected officials including the Mayor Madeline Rogero of Knoxville, Tennessee, Judge Clay Jenkins of Dallas County, and Council Member Brian Rowland of Prairie View, Texas. Clear takeaways include: a) the world of appointed officials and staffers is neglected by progressives, reflecting a lack of infrastructure to support effective governance; b) there are interesting and effective training models but they have not gone to scale; and, that c) there is no effective center of gravity for progressive local officials. USP's next steps are to explore the capacity of existing organizations in collaboration with funders including Ford and to think about whether there is any chance for alignment on building larger national capacity or in particular localities, such as cities in the South.

Executives Alliance Update

As an outgrowth in investments via the Campaign for Black Male Achievement, USP Director Ken Zimmerman co-founded the Executives' Alliance to Expand Opportunities for Boys and Men of Color (Executives' Alliance), a philanthropic network focused on collective action and investments to change the odds for this population. Many of the recent boys and men of color-focused investments and activities of the various foundations are detailed in the Alliance's first Annual report, entitled "[Investments for Change](#)".

Since September 2014, USP Senior Advisor Damon Hewitt has informally served as an "executive on loan" to direct the activities of the Alliance. Nearly 20 foundations (including Ford, W.K. Kellogg, Kresge, Annie E. Casey, The California Endowment, and Robert Wood Johnson) have committed to the proposed infrastructure and dues model, and nearly ten others have also [signaled a willingness to join](#). To date, pledges total just over \$2 million per year for the operations budget. As the Alliance formalizes its infrastructure, USP will also formalize the arrangement to have Damon serve as Executive Director of the Alliance for the next year, potentially renewable for a second year. Damon will remain on the USP staff. His salary, benefits and expenses will be counted against USP's annual dues to the Alliance.

On the horizon for the Alliance are additional investment opportunities, including [RISE \(Research, Integration, Strategy, and Evaluation\) for Boys and Men of Color](#) – a new research and evaluation collaborative, and the Places of Opportunity Program (POP), a place-based effort designed to align existing place-based initiatives, such as Cities United and the emerging work of the White House's My Brother's Keeper, which will launch its own organization (the My Brother's Keeper Alliance) in

early May. The federal government's efforts, while welcome on one level, are also a complicating factor programmatically and in terms of focus.

Solar in Puerto Rico

During the OPI convening in Puerto Rico, representatives from the three sites discussed a common interest in solar power. In particular, representatives from Open Buffalo, where a major solar panel production plant is due to open soon, and Puerto Rico, where energy costs are high and sun is abundant, recognized the potential for a joint project. In response to a request from the board, we retained a consultant to conduct a preliminary assessment of the possibility of residential solar in Puerto Rico. While confirming the substantial benefits of widespread adoption of residential solar, she identified barriers including the lack of available financing, grid issues, and problems with the utility company. At first blush, it appears that a substantial investment is needed to overcome these barriers. However, the report also concluded that there is a need for a more in-depth analysis before reaching any final conclusions.

USP Innovation Fund

In 2015, USP launched the Innovation Fund as an exploratory initiative, at the request of the USP Advisory Board. The fund is designed to help organizations build power and become financially sustainable using revenue generating models. We have identified our initial grantees for the three areas in which the fund intends to engage: [Accelerate Change](#) works with progressive membership organizations to develop revenue models to improve organizing and achieve scale; [New Media Ventures Fund](#), which provides grants and investments to tech startups that seek to catalyze progressive change; and [PUSH Buffalo](#) to build its capacity to accept investments for its housing development and green jobs project. The grant to PUSH is an example of our grantmaking that seeks to build the capacity of organizations to successfully attract investment capital with an initial focus on entities located in our OPI sites.

Places and Communications Board Committees

The Communications committee will be reviewing a draft strategic communications plan for USP, for discussion at the next board meeting. The plan seeks to: raise the profile of the Open Society Foundations in the U.S.; increase awareness of USP's work and priorities in the philanthropic community among grantees and among the general public; and establish criteria for when USP speaks out in its own name. The "places" committee, which grew out of the February board meeting in February, will commence its work in the fall.

II. 2015 GRANT MAKING

We have made 12 grants totaling \$2.8 million so far in 2015, accounting for just under 3% of our \$111 million programmatic budget. The majority of grants approved thus far fall in the \$50K-\$250K range. Almost 75% of USP grants thus far are project support grants. Our general support grants are 20% or less of the grantee's budget. Ten of the twelve are returning grantees. The two new grantees are both Opportunities Fund grants, which is a positive sign despite the small sample size. One of the premises of the reserve funds is to introduce OSF to new grantees.³

³ For a list of OSF largest cumulative grantees in 2014, please see [this chart](#).

As you can see by the chart below, USP historically begins its grant making in earnest in May, but the bulk of the money moves in the fall. We are hoping that this will become more evenly distributed now that we have moved to monthly docket and the decentralization of grantmaking authority to the senior team for grants below \$250k. However, staff are focused right now on establishing “eligibility” for grantees, a necessary step in OSF’s new grant making processes that focuses on the health of the organizations that we fund. Staff project that they will need to submit 75 of these eligibility assessments in 2015 in order to do their grant making. These will go to Chris Stone for review. However, a new policy will allow for Ken to approve renewals of eligibility assessments for organizations whose status has not yet expired. We anticipate there will be 12-15 renewals this year. This change will ultimately allow us to expedite the eligibility process, as Chris’ queue can become lengthy, and incentivizes program staff to more regularly renew assessments before they expire.

Even as we move our grants forward in accordance with our approved strategy and in an environment of delegated grantmaking authority, we are meeting with program officers for in-depth discussions about each portfolio. This is a necessary step to prepare for the strategy refinement process that USP is required to undertake in 2016.

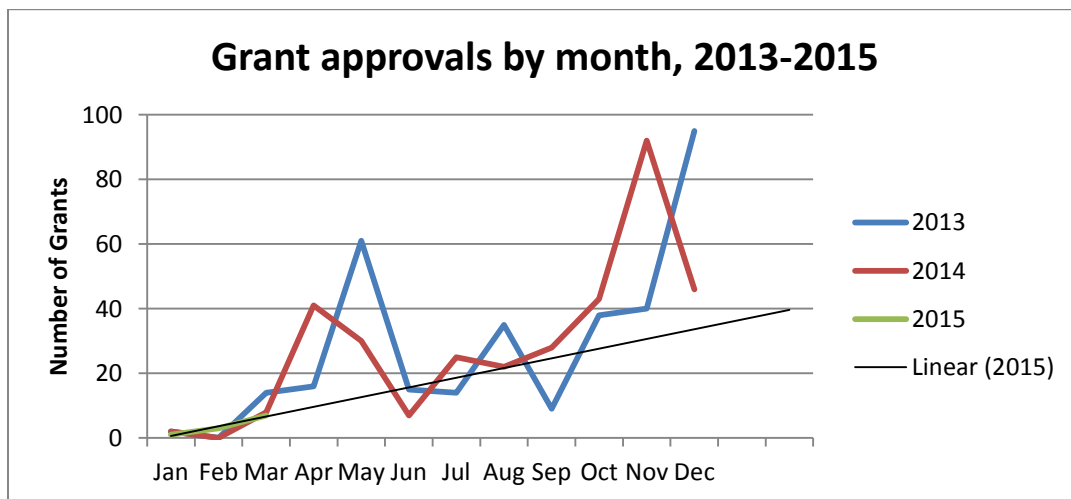


Chart 1: The quarterly docket system in 2013 show grant making peaks in May, August, and December. With monthly dockets implemented in 2014, we see a gradual increase in grant making from June to November. In 2015 with full implementation of monthly dockets, we expect to see a more gradual increase for the entire year.

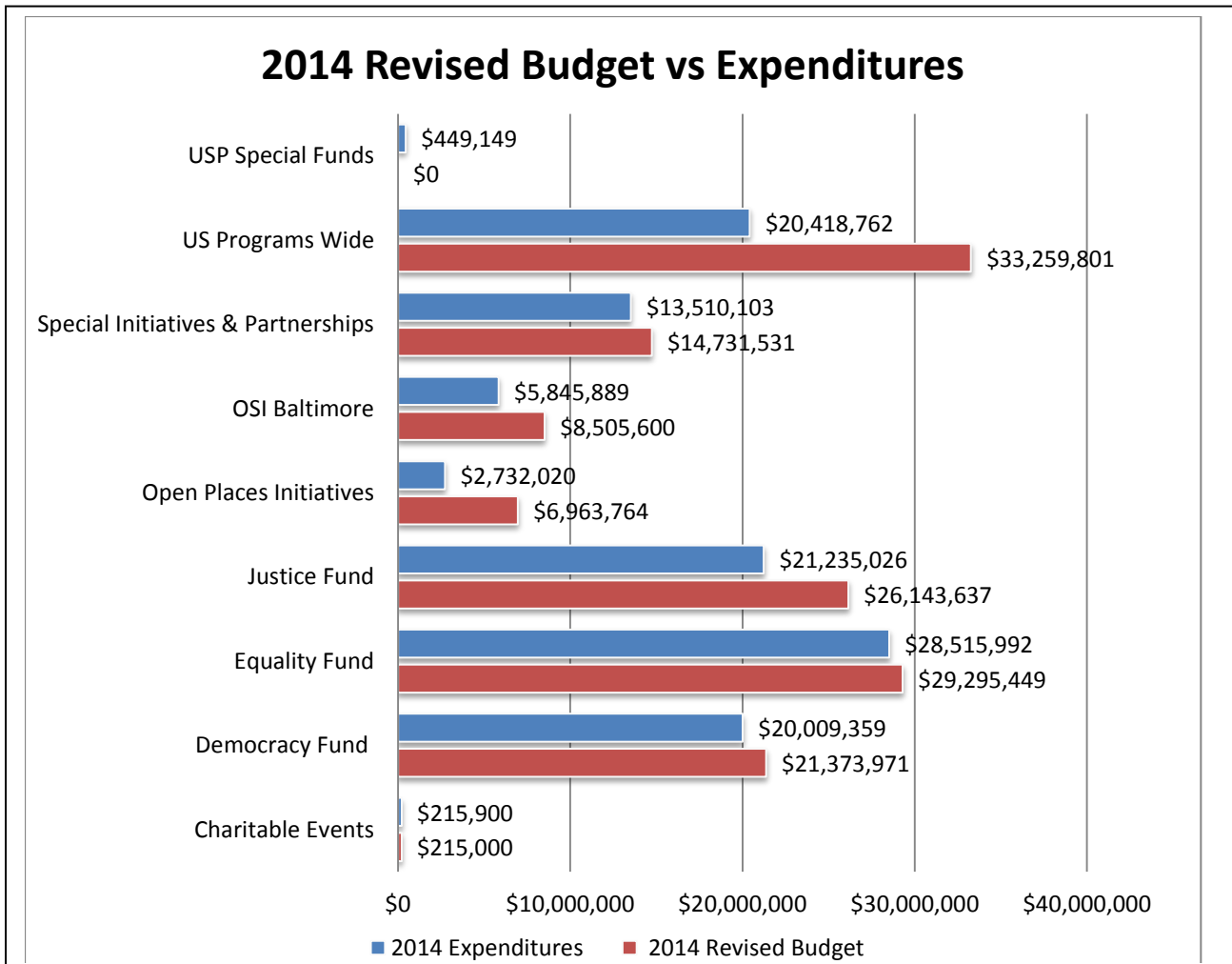
III. FINANCIALS

In conjunction with OSF-wide budget refinements, we provide the following information noting that it will still take some time for the information to be as useful as we want it to be as an accountability tool and data-based activity summary. With that said, the original approved budget for USP in 2014 was **\$125 million**, which consisted of an \$87 million programmatic budget, two Reserve Funds totaling \$25 million, and administrative/operational costs totaling approximately

\$13 million. The two reserve funds were the Opportunities Fund at \$20 million and the U.S. General Reserve at \$5 million. During the course of the year, revisions were made to bring the revised budget to a total of \$140.4 million. These are primarily accounting matters whereby grant-making not completed in prior years are formally added to our budget. In the past year, the additions include:

- 2013 legacy budget rollovers;
- Reversed/returned grants, unexpended grantee funds or grantee funds that were not sent to the grantee. Reversed grants are usually due to changing circumstances at the grantee level;
- Funds left over from the Special Poverty Alleviation Fund;
- Charitable Events Fund—moneys used, for example, to buy tables at an event hosted by organizations other than OSF. This has been moved into the general OSF building-wide budget.

US Programs ended 2014 with expenditures totaling **\$113 million**, representing 81% of the revised budget and 91% of the original budget. Generally speaking, USP expended all of its programmatic and administrative/operational funds, but—as previously discussed with the board—exercised discipline with regard to the Reserve Funds and only expended roughly half of the total amount available.



As chart above indicates, \$27.5 million of the revised 2014 budget was unexpended as of December 31, 2014. However, \$13.8 million or 50% of this remaining 2014 budget will be expended (rolled over) in 2015. These rollover funds represent work started, but not completed, in 2014. A portion (\$3.1 million) of the rollover amount will be used to specifically fund 2-year grants in 2015. **44%** or **\$11.6 million** of the remaining budget was the unallocated reserve funds (both the Opportunities Fund and US General Reserve). Unallocated Reserve Funds are ineligible to be rolled over from one year to the next. The remaining **\$2.8 million** represents the cumulative rollover (monies not spent) from prior years in OSI-Baltimore. Since OSI-Baltimore raises funds for specific projects, the monies they receive in the USP budget tend to be more flexible and can be rolled over from year to year.

For a more comprehensive view of our budget to date, please [follow this link](#) to a budget and variance report as of March 31, 2015.

IV. USP PEOPLE

OSF is engaged in a “role alignment” process to rationalize the positions, titles, and salary scales across the organization. Represented by Andrea Batista Schlesinger, Eric Halperin, Erica Teasley-Linnick and Maggie Corser, USP’s perspectives were influential to the proposal made to and received favorably by Chris. The vision offered in a future-state OSF is one in which the program officer role is central to the organization and attracts candidates with more experience, in which programs can make their own decisions about bringing on staff to serve in advisor roles with or without grantmaking responsibilities, in which talented staff can move up in the ranks without necessarily taking on management responsibility, and in which we offer administrative tracks to provide more skilled and coherent support to grant makers.

New Hires since February

Rebecca Carson joins as Co-Director for the Emma Lazarus II initiative. Rebecca was Principal at Star Immigration Strategies, a firm providing immigration law, policy, and advocacy expertise in the Chicago area. She previously served as Chief of Staff for Director of United States Citizenship and Immigration Services (USCIS) Alejandro Mayorkas at the U.S. Department of Homeland Security. USP is thrilled to welcome back Nancy Youman, who will serve as Co-Director for Emma Lazarus II.

Deidre Swesnik joins as Program Officer responsible for the housing and credit portfolios. Deidre’s last position was Director of Programs and Communications at Issue One. Prior to that she was Director of Public Policy and Communications at the National Fair Housing Alliance (NFHA), a grantee of the housing portfolio. Deidre is working out of the Washington DC Office.

Kevin Hirano started in April as Major Gifts Officer in the Baltimore Office. Kevin joins USP after being the Director of the Gates Millennium Scholars Program and Special Development –Asian and Pacific Islander American Scholarship Fund. Also joining the Baltimore team is Rachel Abdullahi, who will be supporting the Drug Addiction Treatment Program and the Criminal and Juvenile Justice Program as a Program Associate. Previously, Rachel worked as operations manager at One

Common Unity and before that as a legislative affairs intern at Drug Policy Alliance. Jessie Greenspan, who served as the office assistant in the Baltimore Office for the last two years, was promoted to Program Associate for the Deputy Director and for the Education and Youth Development Program.

On a bittersweet note, our colleague Michael Sosa accepted a position as Program Coordinator for the OSF Fiscal Governance Program. Michael has been an integral part of the USP community for the last four years, starting out as an Administrative Coordinator in the Executive Office before switching over to his most recent role as a Program Associate for Open Places Initiative.

To support the next stage of the development of our senior team, we've invested in executive coaching for a 6-month period. As we will discuss in our Executive Session, it is also worth noting that Andrea will be on parental leave for much of the summer, and for the month of December.

Thank you and we look forward to discussing the State of USP with you on May 7.

REPORT ON U.S. REGIONAL RESERVES

U.S. Opportunities Fund - \$20 Million

As of April 29, USP has committed \$8.6 million of the 2015 Opportunities Fund, approved by Steve Coll (c3 funds) and designated board members. USP has also proposed \$330,000 in funding yet to be approved. OSPC has proposed \$790,000 for approval by Jonathan Soros and designated board members. The following is a summary of approved and proposed requests:

Pope Francis Visit - \$650,000 (USP)

Pope Francis' first visit to the United States in September will include a historic address to Congress, a speech at the United Nations, and a visit to Philadelphia for the "World Meeting of Families." In order to seize this moment, we will support PICO's organizing activities to engage the Pope on economic and racial justice issues, including using the influence of Cardinal Rodriguez, the Pope's senior advisor, and sending a delegation to visit the Vatican in the spring or summer to allow him to hear directly from low-income Catholics in America. The grant will also support FPL's media, framing, and public opinion activities, including conducting a poll to demonstrate that Catholic voters are responsive to the Pope's focus on income inequality, and earning media coverage that drives the message that being "pro-family" requires addressing growing inequality. By harnessing the Papal visit to lift up the Pope's searing critique of what he calls "an economy of exclusion and inequality" and his dismissal of "trickle down" theories, PICO and FPL will work to build a bridge to a larger conversation about bread-and-butter economic concerns and shift national paradigms and priorities in the run-up to the 2016 presidential campaign.

Bard Early College High School - \$250,000 (USP)

This request is to support the start-up costs of opening a Bard Early College High School in Baltimore, Maryland. Slated to open in August 2015, it will be the first school in Baltimore's public school system that will allow students to graduate in four years with both a high school diploma and a two-year college Associate's Degree. The school's year one enrollment will include 100 ninth and 50 eleventh grade students. The school plans to reach full enrollment, 500 students, in year four. At that point, the per-pupil funding from Baltimore City Public School System will cover the costs of operating the school. The school has the support of Baltimore City Public School CEO, Dr. Gregory Thornton, who, along with OSI-Baltimore staff, has called for a more ambitious vision for high school in Baltimore.

My Brother's Keeper Community Challenge - \$200,000 (Approved in 2014) (USP)

PolicyLink will be engaged as a short-term Technical Assistance provider for the White House's challenge to cities to establish initiatives focusing on boys and young men of color. To ensure the 186 cities, counties and tribes participating in the challenge have access to the information and guidance needed for their initiatives to succeed, PolicyLink will provide four-months of TA during the initial phase of the My Brother's Keeper Community Challenge.

Emma Lazarus II - \$7,500,000 (USP)

We received approval to commit \$7.5 million to create the Emma Lazarus II project (see page 5, Reports from the Field). This is the biggest bet from the Opportunities Fund to date, and has \$17.5 million being contributed from the Chairman's Reserve, for a total of \$25 million.

Home Care Rule - \$330,000 (USP, Proposed)

This grant will fund a campaign for state level implementation of the Department of Labor's new rule that will provide overtime protections for two million home care workers. Home care workers are a large and rapidly growing part of the workforce made up of mostly women of color and immigrants. If the rule is implemented successfully, they will earn higher wages and overtime for their work and there will be improved quality of care for the elderly and disabled. However, in order to properly implement the rule states must make changes to their Medicaid plans and budgets. The coalition has proposed activities largely at the state level to push as many states as possible to comply with the rule in ways that ensure adequate funds are budgeted for workers' wages without turning to harmful cuts in services for consumers. It will also focus media and public attention on implementation successes and remain active on the Hill to educate lawmakers and guard against efforts by opponents in Congress to stop the rule.

Home Care Rule - \$90,000 (OSPC, Proposed)

This grant will fund lobbying capacity in targeted states to implement the Department of Labor's Home Care Rule. This campaign is an outgrowth of fairly significant work that has been done for a number of years on behalf of vulnerable sectors of workers including efforts to serve and organize day laborers, taxi drivers, restaurant workers, and more. This may be the most ambitious policy campaign to come out of those sector-focused efforts and there is much to learn about what comes after winning a change in the law: successful implementation and building public support from workers and consumers for new regimes, as well as engaging new partners in advocacy efforts focused on measures with implications for state budgets.

Every Voice Action Fund - \$700,000 (OSPC, Proposed)

Every Voice Action Fund (Every Voice) is a recently re-launched 501(c)(4) organization that is uniquely positioned to rationalize and coordinate state and local campaign finance reform work that is occurring now in an ad hoc and disjointed fashion. While the purpose of this Opportunities Fund request is to provide seed capital support for an organization that can provide a much-needed hub for state and local campaign finance reform activity, the investment also has the potential to (a) yield short-term campaign finance reform successes, (b) begin to build a robust and diverse field infrastructure that can be deployed in other campaign finance reform initiatives, and (c) advance the law of campaign finance reform, putting forth a mix of defensible traditional campaign finance reform measures and new legal theories, in line with U.S. Programs' foundation-led campaign finance reform jurisprudence concept.

U.S. General Reserves - \$5 Million

There have been no requests to date by OSF programs for allocations from the U.S. General Reserves.

MEETING OVERVIEW MEMO

TO: USP Advisory Board
FROM: Ken Zimmerman
DATE: April 27, 2015

During this board meeting, we will focus on two areas of work within U.S. Programs. First we will discuss the long-standing issues surrounding criminal justice reform, which we address as developments across the country drive issues of targeted policing and the improper use of force to the forefront. Second, we will continue to explore our potential role in improving economic equality. Our portfolio review will focus on a tool that OSF has historically deployed: fellowships. In this case, we will examine the Soros Justice Fellows program.

DAY ONE: THURSDAY, MAY 7

USP and Economic Advancement: Stage-Setting

9:15 - 9:30 a.m.

In adopting a goal to promote economic advancement in USP's four-year strategy, the board recognized that the issue was of increasing importance in the United States, that OSF and USP had done work in this area but not in a coherent way, and authorized a set of initial activities to help develop our overall strategy. This was in keeping with a broader interest in OSF as a whole to examine economic advancement as a core area of interest. This session is intended to recap the work we are already doing, in areas from housing and credit to the pursuit of opportunistic victories like the minimum wage, and to set up the subsequent discussions by outlining a set of premises, observations and insights we are gleaning, and initial notes about the external landscape. A briefing memo will be made available in advance of the meeting, but of updates on related goals, please see the Programmatic Updates by Strategic Goal, on page 49.

Learnings and Implications for the Future of Work

9:30 - 11:15 a.m.

Whether technology will fundamentally change the way work is undertaken and conceived in the coming decades has been the subject of a board-led inquiry over the past 18 months. The nature of employment is changing, and with it a set of assumptions and conceptions about the policy framework, key institutional actors, and dynamics in local places that implicate open society interests. This session will be organized in three parts: (1) an introduction to the work we have undertaken, (2) a discussion facilitated by Yochai between [Andrew McAfee](#), Research Scientist at the MIT Sloan School of Management and [Larry Mishel](#), President of the Economic Policy Institute, with [Felicia Wong](#), President of the Roosevelt Institute, providing topline from the research, and (3) a board conversation facilitated by Andy about how USP might proceed in light of our findings. The debate between Andrew McAfee and Lawrence Mishel will illustrate the complexities of a central question of the [Future of Work learning inquiry](#), specifically whether technology is the main driver of what we can expect to be a mass displacement of workers, both low and high skill, in the future. If some projections come true, this could lead to as many as 47% of U.S. jobs being at risk

in the future due to automation. McAfee, an MIT researcher and co-author, with [Erik Brynjolfsson](#), of *The Second Machine Age*, is a leading thinker about technological change and what such change may do to the numbers and types of jobs that will be present in the future. McAfee stakes a position that technological change will be so rapid that it will lead to a shortage of jobs overall, not exclusively in specific occupations or sectors of work, and that since automation will take hold in so many aspects of work, low-skill workers will face especially dire realities. Mishel, an economist and the president of the Economic Policy Institute, a long-time USP grantee, disagrees, believing that the worry about mass, technology-driven displacement of workers is unwarranted and inconsistent with the actual trends that have been observed over the past 14 years. Mishel finds that there is no plausible cause that technology has been responsible for adverse labor market trends, arguing that regulation, policy, and the worsening leverage of the vast majority of workers relative to their employers are the factors that are most essential to address. Felicia Wong will also join us to share brief observations from an OSF commissioned [literature review](#) on the future of work. To learn more about Future of Works position papers and research and design projects, please [click here](#).

Report On the State of USP and Updates on Pressing Topics

11:15 – 12:15 p.m.

Please review the accompanying memo, the State of U.S. Programs on page 5, for background into USP's activities and the context in which we operate. For information on Puerto Rico's economy, which we will also discuss, please read the [update here](#).

Lunch: The Situation in Baltimore

12:30 – 1:30 p.m.

After a briefing led by OSI-Baltimore Director [Diana Morris](#), Criminal and Juvenile Justice Program Director [Tara Huffman](#), and board members [Joe Jones](#) and [Judge Andre Davis](#), we will discuss the state of affairs in Baltimore and potential next steps. To read a statement by OSI-Baltimore in response to the killing of Freddie Gray, please [click here](#). Also, coverage by Aljazeera America on [Boston's failed mass incarceration policy](#); The Atlantic's [broader historical perspective](#) on issues of violence facing black residents of the city; The Chronicle of Philanthropy's look at the [subsequent increase of charitable activity](#) in the city; and the Baltimore Sun's piece on [looking ahead](#).

Police Reform: How to Take Advantage of the Crisis of the Moment and Drive Long-Term Institutional Change in Police-Community Practice

1:45 - 3:00 p.m.

The police killings of unarmed African American men in Ferguson, Staten Island, most recently in North Charleston, South Carolina, and many other American cities, and the death while in police custody of Baltimore's Freddie Gray, highlight that reform of policing policy and practice must be integral to our criminal justice agenda. These events have demonstrated that grassroots pressure to change law enforcement practices is crucial, even if not sufficient by itself, to spur change, but that in order to sustain a broader reform movement after the public visibility and outrage surrounding particular events have faded, it is necessary to employ a variety of approaches.

In this session of the board meeting, Bryan Stevenson will begin by offering his thoughts on the status of the police reform nationally. We will then have a discussion with a panel of guests who are actively engaged in a range of efforts to advance [police reform](#) and to further a movement that connects specific events to broader systemic failures. Panelists will offer perspectives on how local incidents of police abuse can lead to local reform, and whether and how that momentum can be leveraged into a national movement. This will require a frank discussion about the strengths and weaknesses of the field of policing reform advocates, the capacities absent from the movement currently including access to real data, and the possibilities on the national [federal landscape for reform](#). We are aiming to get board guidance on the direction a committed effort on our part might take.

To help inform the conversation, we will hear from three guests. [Dr. Phil Goff](#) of the Center for Policing Equity will discuss the National Academy of Science sanctioned effort to develop a national data collection on police-community contact (including the use of force), which relies on voluntary participation by police but is also designed to foster appropriate police practice. [Judith Browne Dianis](#) of the Advancement Project will offer insight on supporting local organizing in a number of jurisdictions, as well as efforts to develop more coordinated national activities. Relevant information is contained in the following Justice Reform Goal Strategy Update, on page 31.

Policing Conversation without Guests: Board Discussion

3:00 - 4:00 p.m.

Without guests, the Board will discuss the situation in Baltimore and potential next steps on the broader policing situation.

DAY TWO: FRIDAY, MAY 8

Portfolio Review: The Soros Justice Fellowships

8:45 - 10:00 a.m.

The [Soros Justice Fellowships](#) program each year awards 12-15 full-time fellowships to a diverse collection of individuals to undertake an equally varied array of projects that advance reform and spur debate on issues facing the U.S. criminal justice system. Through a number of its recipients, who range from [Michelle Alexander](#) who used it to write her book *The New Jim Crow*, to a current member of the New York Times editorial board staff, to an array of local leaders and activists, including a number of formerly incarcerated people, the program has been a notable part of our overall criminal justice strategy and will offer an introduction to USP's use of fellowship programs. Since its founding, the program has provided 36 fellowships—or roughly 10 per cent of the overall total—to people who have self-identified in this way. This portfolio review will scrutinize those efforts and, in the process, seek to gain some meaningful insights about other parts of the program, as well as about our effectiveness in using fellowships as a tool.

Our interest in supporting formerly incarcerated people is founded on several, sometimes overlapping, ambitions. Most fundamental is our belief that efforts to reduce mass incarceration,

eliminate harsh punishment, and promote justice system accountability are strengthened if they include in leadership roles people who themselves have had direct experience with the abuses, excesses, and injustices of the system. Closely related is the notion that by investing in the leadership of formerly incarcerated individuals, we create more opportunities to raise their visibility, help change perceptions, and bring a more nuanced and complete understanding of the full range of capacities possessed by people who have this experience. Also, to the extent the program, over an extended period of time, strives to build (and sees value in) a diverse community of actors—including lawyers, grassroots organizers, researchers, print and broadcast journalists, and filmmakers—inclusion in this community those who have been incarcerated or otherwise have direct experience with the criminal justice system ensures critical voices are included ; and gives the fellowships program and the Open Society Foundations more broadly a measure of credibility. The challenges of attempting to do so are at the heart of a set of questions about the fellowship program. More details can be found in the Soros Justice Fellowships Portfolio Review on page 36.

Panel: From the Ground Up - USP and Economic Advancement

10:15 - 11:30 a.m.

Can local efforts to change local policy address the structural, political and even global dynamics that lead to economic inequality? Is it a wise strategy for a national foundation such as ours to invest in local victories, without a guarantee that even the soundest ideas can be scaled or replicated? Conversely, can local innovation and victories help drive the national conversation in unpredictable ways, as perhaps in the case of the \$15 minimum wage increase in Seattle and the creation of a national domestic workers movement which began with a group of immigrant women and organizers in the neighborhoods of New York City? To help explore this question, we have asked four grantees who are working at the local level with demonstrable results to reflect on the possibilities and constraints of their approaches.

[Roxana Tynen](#) is the Executive Director of LAANE. She began her career as an organizer for the hotel workers union and then worked on economic development issues for Los Angeles City Councilmember Jackie Goldberg. LAANE is best known nationally for their work on cities to leverage of local government powers and public investment to set minimum job standards, raise the minimum wage, and encourage high road business growth.

[Taifa Butler](#) is executive director of the Georgia Budget and Policy Institute (GBPI). Founded in 2004, GBPI uses credible research and analysis, strategic communications and outreach to drive public policies that can stem economic inequality. GBPI has been successful in a conservative state curtailing regressive tax proposals, building momentum for expanded health care access, significantly influencing the public and political debate around public education funding, and aggressively promoting state investment and fiscal policies in areas that facilitate economic mobility for low- and moderate- income families.

[Analilia Mejia](#) is Executive Director of the New Jersey Working Families Alliance and has been a central figure in the wave of successful local paid sick days campaigns in New Jersey over the past year, where nine municipalities have passed paid sick laws, either on the ballot or through city councils. [The Earned Sick Days for NJ campaign](#) has sought the passage of a strong statewide law

by moving the adoption of several municipal ordinances that cover over 150,000 workers and set the groundwork for extending this protection to 1.2 million workers across the state.

[John Henneberger](#) is a founder and co-director of [Texas Low Income Housing Information Service](#), a nonprofit organization established in 1988 with a mission to support low-income Texans' efforts to achieve the American dream of a decent, affordable home in a quality neighborhood. John was named a 2014 MacArthur Fellow for his work in fair housing, disaster recovery, and supporting people with low incomes to organize to solve their housing and community development problems. He works in partnership with several Texas-based, multi-issue community organizing groups to plan and support ongoing campaigns around neighborhood inequality, fair housing, disaster recovery, colonias, immigrant rights, access to equal public and municipal services, affordable housing, environmental justice and more.

Board Discussion and Board-Led Opportunities Fund Conversation

11:30 a.m. - 12:30 p.m.

Since our board meeting in February, we have continued to put forth ideas and proposals for Opportunities Fund support. The senior team is engaged in exploring the ideas discussed at the February board meeting, including helping to create a organizations to organize and advance the interests of child care workers, advising OSPC on a ballot initiative strategy for 2016, and supporting research to think through the implications of the American state of perpetual conflict and its implications for the domestic human rights movement. We will update the board at the meeting on our progress in identifying opportunities and review the \$9.3 million of the Opportunities Fund allocated so far this year.

Executive Session with (for 15 minutes) and without Director

12:30 a.m. - 1:00 p.m.

We thank you for your participation in this board meeting, and look forward to seeing you on May 7th and 8th in New York.

ECONOMIC ADVANCEMENT STRATEGY UPDATE

TO: USP Advisory Board
VIA: Ken Zimmerman
FROM: Eric Halperin, Andrea Batista Schlesinger and Bill Vandenberg
DATE: April 27, 2015

In USP's four year strategic plan for 2015-18 we adopted a new goal focused on economic issues, realizing that equitable growth was a key issue to promote open society interests and that our democracy is threatened by rising economic inequality (see pp. 17-21 in the USP strategy [available here](#)). When the board adopted the goal, we recognized that it would be an iterative process to build on the disparate work we were already doing and develop a full-fledged and focused strategy to maximize our resources for impact and recognize the significant assets that exist elsewhere in the Soros network. We expect OSF's new economic advancement strategy to be incorporated into the strategy refinement we will undertake next year. Here, we update the board on the steps we have taken to date, offering initial observations about our premises and questions that our early probes have inspired.

We reiterate several underlying premises that inform our work related to this goal:

- Economic inequality is not only a threat to open society interests but a major fulcrum for debates and public policy development in the coming years, especially but not only in the upcoming Presidential election.
- We can take actions and make investments that meaningfully impact the lives of individuals and families in the short term and help influence longer term trends. The OSPC investments in municipal and state minimum wage campaigns last year, the USP grant to help the National Domestic Workers Alliance develop its Fair Care Labs, and the ways in which the USP future of work learning inquiry have influenced other actors are examples.
- Many of our policy, think tank, and advocacy grantees are, appropriately, engaging on issues of economic growth, advancement, and inequality.⁴ As the issue grows in importance and more organizations are drawn to it, however, we have concerns about the institutional capacity of many that seek to enter the field and note that some key concerns, such as the racial dimensions of inequality, are not sufficiently present.
- In INET, SEDF, and other parts of the broader Soros network, there are other very valuable assets to further our economic advancement work. Our strategy should recognize what they do, ensure we utilize our relationships with them, and focus in areas where USP has capacities and potential that do not exist elsewhere. These include the ability to pursue specific policy opportunities in the executive or legislative arenas, strengthening organizations leading reform efforts or developing innovative approaches, connecting grantees with those from business or technology worlds in which they do not normally travel, and our extensive relationships with government and other non-grantee actors.

⁴ For example, the Center for American Progress created an Inclusive Prosperity Commission, led by Larry Summers and Shadow Chancellor of the Exchequer Ed Balls which issued an important final report; the Roosevelt Institute has played an important role in new thinking about the financialization of the economy; and, long-standing think tanks like the Economic Policy Institute draw regular citations for analysis that spotlight rising inequality.

As we have begun the work of building out our strategy, we are aware that OSF has previously undertaken targeted economically oriented work, such as the significant post-recession investment through the Special Fund for Poverty Alleviation ([report on the fund from August, 2012](#)) or the Center for New York Neighborhoods which served as a response in New York City to the foreclosure crisis ([link here for the USP Housing and Credit portfolio review materials](#)). Similarly, we know that this strategy will, by necessity, intersect with other USP investments, such as our anchor grantees or targeted initiatives including on black male achievement. As a result, we have begun to assess the impact of our current work, including our portfolio to reduce racial discrimination in housing and lending policy and to promote fairer state and federal tax policies. This will help us make the requisite choices, recognizing that we cannot do it all. This meeting is a step in that examination.

2015-2018 USP Strategy for Economic Advancement:

The board-approved 2015-18 strategy identified four areas to help develop our approach to this new goal, incorporating existing portfolios that we are assessing while enabling us to investigate new areas of potential opportunity. We have budgeted \$6.925 million in four grant making portfolios that have either a significant or sole focus on economic advancement: the Equality Fund's Housing and Credit portfolio; the new Local Equitable Economic Development portfolio; the Fiscal Equity portfolio; and the Economic Core portfolio. Additional information related to our current grant making is attached.

1. *Increase the capacity of localities to create high-road approaches to economic development and policy that result in higher employment and fairer distribution of municipal revenue*

We believe that local and regional conditions matter for addressing inequality. We have observed several instances in which ideas that become policy on the local level spark replication and, in doing so, become drivers of national policy reform. Further, at the local level we can gain insights into what works (or doesn't) and understand the intersections between policy development and community mobilization. There are also valuable lessons to be learned from the interplay of local and national expertise, as well as community-based organizations and national networks. Lastly, there are significant resources in play at the local and regional level that can be deployed in ways that create jobs and opportunities for our communities of concern.

It is for those reasons that we began work this year to explore how to most effectively create high-road approaches to economic development in cities across the country. Organizations are leading campaigns across the country that take seemingly forgone developments—the construction of a new airport, the redevelopment of a port, the siting of a new highway, the rebuilding of housing and infrastructure after a natural disaster—and turned them into opportunities to generate growth for a locality while providing opportunity for residents and benefiting communities traditionally marginalized. This interest in finding new ways to do high road economic development will be informed by our Open Places Initiative sites, where all three are seeking to engage in this area. We are also assessing the quality of the field beyond our OPI sites and in particular identifying national actors that can function as intermediaries and provide technical assistance to local efforts.

We also recognize that there are challenges to local approaches to economic advancement. Some local victories may wind up being one-offs, not to be replicated or scaled up because of the unique fiscal, political or civic dynamics in each place. Efforts focused on the fairer distribution of resources may only work in places that have resources to leverage. Finally, out of a concern that outside strategies may inherently be limited, we are also thinking actively about the role of the public sector practitioner in this space, and whether we might influence policy by influencing the economic development profession.

For over a decade OSF has funded efforts to reduce residential segregation through various portfolios that predated the establishment of the Housing and Credit Portfolio in 2013. We have been interested in whether it is possible to create more economic equality, in particular for people of color, by reducing segregation, revitalizing low-income communities, and improving access to credit.⁵ We funded local and national efforts, which sparked an assessment of the value of funding local versus national and informed our current premise that a national funding strategy must seek to build the capacity of local and state actors to be successful. We also observe that the root causes of issues now at the forefront in Baltimore and elsewhere around the country involve the lack of economic opportunity in high poverty segregated communities.

Our grantees have had some notable successes over the years, but we determined that in order to achieve our long-term objectives we needed a greater focus on the institutional dynamics in the field. For example, civil rights housing advocates are often isolated from the rest of the housing field, as well as the broader racial justice field, undermining their ability to win victories outside of litigation. There can be a disconnect between the national infrastructure and creative high performing local groups that inhibits replication of models and tactics across the country. In close collaboration with colleagues at the Ford Foundation, we are developing a strategy to address the specific challenges for the fair housing field but within the context of a larger effort involving the broader housing field. The core questions we seek to address through this inquiry are how to encourage a field that has been litigation focused to engage with other tools and organizations outside of its fair housing silo, especially organizations that can marshal broad based support. And given that we cannot fund in every locality, what is the best way to build capacity at the local level and ensure those efforts are connected to a national movement?

2. *Advance longer-term efforts to promote policies that recognize the shifting nature of jobs and work*

As we learned through the recently completed inquiry, technology will be a factor that drives large-scale worker displacement and changes in the nature of the relationship between workers and their employers. The impact, pace, and nature of these dislocations will also be significantly influenced by public policy, the capacity of organizations (existing or new), and new developments we cannot fully anticipate. This will be discussed in more detail at the board meeting, and a more comprehensive memo about what - and how - the Board and staff learned via the inquiry will follow after the May Board meeting. For now, there are four primary themes that have emerged that could warrant USP's continued focus. The themes are consistent with our ongoing concerns about the role of

⁵ The Harvard Equality of Opportunity Project [found](#) that upward income mobility varied substantially within the U.S. with Metro areas with low levels of segregation and income inequality having higher levels of upward mobility.

emerging technologies in what work will be available in the future and the ongoing changes in the relationship between people to their jobs and workers to their employers.

The themes include: (1) Developing a new social compact. With some estimates showing that 53 million U.S. workers are already in jobs that are contingent, what are the sources and implications of this as well as the benefits and protections that should be afforded contingent workers? What are the roles for nonprofits, government, and the private sector in reimagining this in the future?; (2) The intersection of the “new economy” with low-wage work. Should USP attempt to catalyze new ideas and advocacy around worker protections and other policies to benefit our communities of concern should jobs begin to disappear?; (3) Where jobs will increase and how those industries can, along with the so-called sharing economy, benefit workers on the margins. One potential approach is to examine two sectors that are expected to grow in the future (health care plus either professional and business services, retail trade, or leisure and hospitality), to explore the effects of technology, organization, and regulation on the workforce. OSF commissioned research on the sharing economy has garnered interest at the U.S. Department of Labor and the Federal Trade Commission; and (4) New models of worker engagement. USP has already made investments in organizations that take into account the new economy and attempt to respond by building scale, services, sustainability, and influence for workers in a time of great transformation in the marketplace. Are there opportunities in the tech sector to build new models that will further individual dignity and participation as work transforms and workers seek to address issues of wages, conditions, and rights.

3. *Provide opportunistic support of campaigns or institutions that will advance economic opportunity for our communities of concern, including immigrants people with criminal records, young boys and men of color, and communities of color*

In 2014 and early 2015, several Opportunities Fund grants were made to take advantage of time sensitive chances to advance economic justice. These grants represented a diverse set of strategies and suggest the value and importance of unanticipated investments in specific campaigns that are emerging more regularly. For example, OSF supported grassroots organizing in key states as part of a coordinated campaign of state and federal advocacy to push for strong payday lending regulation from the Consumer Financial Protection Bureau (CFPB), an agency with a robust regulatory agenda over the next two years. OSFC also supported campaigns in several municipalities (including Los Angeles, New York City, Oakland, and San Francisco) and states (Illinois, New York, and Pennsylvania) that pushed for higher minimum wages than Obama Administration’s proposed \$10.10 per hour.

We’ve also begun to think about how we can help our pre-existing grantees scale up and innovative in ways that can affect market dynamics. For example, we provided a grant to the National Domestic Workers Alliance to create an internal entrepreneurship capacity, Faircare Labs, to introduce sustainable models that treat workers fairly, as well as promote existing businesses that adhere to high-road employment standards, as part of their strategy to improve working conditions and wages in the private market. FairCare Labs adopts lessons from tech start-ups, using rapid experimentation and testing to produce products or ventures that can that can be brought to market quickly.

Financial services and labor policy, including conditions of work, are two areas that we believe may be ripe for potential opportunistic grant making. Our housing and credit portfolio currently supports work related to mortgage and payday lending. However, between now and the end of the Obama Administration regulations are under consideration related to other products or practices, such as student loans, that impact low-income communities' ability to build wealth. We have a unique opportunity with strong leadership at Department of Labor, where a number of rules are under consideration or being implemented. To that end, we have an Opportunities Fund grant proposal in process related to state-level implementation of a DOL rule that expands overtime protection to approximately 2 million home care workers.

4. *Make state fiscal policy more equitable and influence federal debates on raising revenue and closing corporate tax loopholes*

We have had a small set of investments in state and federal tax policies, which are a significant contributing factor to economic inequality, and are evaluating these as part of this effort. OSF and the Bauman Foundation were the founding funders of Americans for Tax Fairness, a center of gravity and hub for 450 endorsing organizations. We also support the State Priorities Partnership, the 41 state fiscal think tank network that is coordinated by the Center on Budget and Policy Priorities. Americans for Tax Fairness has had mixed results, with its central purpose, the creation of a hub for advocacy, communications, and public opinion research along with field advocacy in the states, accomplished. The State Priorities Partnership network is among the highest impact state-based networks that U.S. Programs supports, with its rigorous, data-driven tax and budget research and analysis fueling advocates from multiple USP goals and in progressive, moderate, and conservative states. Congress and many state legislatures are only expected to make bad fiscal proposals at present, unless there is significant political change in 2016. This leads to a decidedly reactive and defense-oriented stance for this field. A central question for us is whether OSF's limited resources can develop this field into one that is positioned to help shape the 2016 campaign conversation on taxes and public investment.

Tools

Finally, our 2015 – 2018 strategy also called for us to use a diversity of tools and fully engage our anchor grantees. Our activities under the economy goal will utilize our common tools: grant making and advocacy, and, as SEDF develops its approach, potentially program-related investments. We are also using the new innovation fund to explore how we can use grant-making to build the capacity of organizations to attract investment capital, including program related investments from foundations, and made a similar series of probes focused on projects in our OPI sites.

Observations and Questions Going Forward

As we've engaged in the above efforts, several observations—each of which lead to strategic questions—have emerged:

1. We need a national approach, but the most promising advances may be found on the state and local level. Despite widespread attention, it is highly unlikely in the near term that the federal government would adopt sweeping changes, for example, to tax and spending policy that would quickly and dramatically lower economic inequality. Nonetheless, as evidenced by the successes of

the 2014 minimum wage campaigns in Arkansas, Nebraska, Alaska, and South Dakota there are opportunities to move targeted policies which will make an impact even in challenging political environments. The question of how to balance the importance of investing in a national debate and strategy versus seizing opportunities for policy change, as well as whether local victories are necessary to build a national movement are ones that we look forward to discussing with the board.

2. The racial wealth gap is significant and worthy of a focused response. Income inequality has been slowly increasing for decades but reached unprecedented levels in the aftermath of the great recession. The existence of large and increasing gaps in income and wealth cuts across all demographic groups, with a recent [Pew Research Center study](#) finding that the wealth gap between the highest income earners and everyone else was the widest in history. The racial wealth gap, which is much larger than the wealth gap for the entire population is of particular concern for us and should be a focus of our efforts. According to the [most recent data](#), the average white household has 13 times the net worth of the average African-American household and 10 times the average Latino household.

Explicit in a focus on the racial wealth gap are two issues that are worthy of greater explanation and that have implications for our strategy going forward. First, a focus on wealth rather than income as an overall measure of equity is important because wealth provides a better measure of economic well-being over time, accounts for inter-generational transfers, and allows people to engage in activities such as paying for education or purchasing a home that often are correlated with economic mobility. A focus on the wealth gap still requires a strategy that seeks higher wages for low-income workers, but means that our strategy must also seek policies that allow low-income people to use their higher wages to build the wealth which is critical for creating pathways to opportunity. Second, we believe there is a benefit of a race lens as a complement to an exclusive class perspective. The persistence of the racial wealth gap and its historical roots in government and private discrimination suggest that different interventions may be required-- a combination of targeted and more broad-based solutions. We also look forward to discussing the implications of this choice with the Board.

3. Ideas require development, as does applied research that can help address broader dynamics. The intellectual framework for understanding the sources of economic inequality and what can should be done about it is ongoing with many actively engaged, including our anchor and economic core grantees, and others in the network such as INET. Beyond assessing the relevant roles each of these can play, we believe that there is a capacity that seems to be unfilled: the ability to anticipate applied policy consequences both immediate and long term and prepare to engage seriously in assessment. By way of example, the current minimum wage campaigns have garnered substantial attention and with good reason, yet it is untested whether at \$15 an hour there may be push out of low-wage jobs (which has not yet been shown to occur). Further, there are questions about whether policies—such as ban the box, to promote employment opportunities for those with criminal records—are actually implemented by governments in ways that are impactful. Finally, the [recent research](#) by Raj Chetty on the significance of place in furthering economic advancement potentially challenges some long-held assumptions about the limited impact of moving low-income families to neighborhoods with more access to opportunity and is worthy of examination.

4. Institutions matter. As a tentative matter, we have found that there are a new set of emerging institutions and leaders who are developing important institutions and identifying innovative approaches to respond to growing income inequality. The best known of these is the National Domestic Workers Alliance, led by MacArthur “genius” award winner, Ai-Jen Poo, who, with USP support, has effectively built a movement that is addressing the marginalization of domestic workers. While few if any others are as well-established, we believe some may be in the making and others could emerge, especially with the right identification and nurturing. This is an area worthy of further attention and will form part of our assessment going forward. In particular, we think there may be value in targeting certain sectors, such as early childhood education, for attention.

5. The growing interest of other funders potentially allows us to leverage our funds and influence the direction of the debate. The Ford Foundation is our closest and largest funding partner across a number of sub-fields, including housing, financial services, fiscal equity, and equitable economic development (and potentially on future-oriented developments in employment, depending on how Ford’s new strategic plan shakes out). In several areas we are actively coordinating funding strategies with them to maximize our impact. Other major funders in the field include Wyss and Surdna, with whom we have an emerging partnership involving local economic development. It is our impression that minimum wage campaigns are fairly well funded compared to other activities and that there is less of a need for OSF resources in that area. OSF is one of the few funders with c(4) capacity.

6. Engagement with the private sector, including the use of market mechanisms to change behavior, is essential. Private sector institutions have a significant impact on economic equity as employers, providers of housing and consumer financial products, and through policy advocacy. We will conduct a series of probes to determine the most effective strategies for engagement with the private sector. Our look at the future of work and emerging technologies has brought us into greater contact with private sector leaders, including those from Barclays, Kelly Employment Services, and Kronos. While it’s not something we have done regularly, OSF can draw business and advocacy leaders into the same room and facilitate conversations where leaders can grapple with issues from multiple vantage points. As noted above, our grant to the NDWA’s Faircare Labs will help us test a variety of different strategies for private sector engagement. For example, NDWA has entered into a partnership with Care.com, the largest online homecare marketplace, to experiment with interventions that raise standards for workers (e.g. nudging, living wage calculators, popups) and the Lab will also develop a Fair Care seal for consumers and companies that commit to fair care standards. FairCare Lab will also develop and grow businesses through its social enterprise incubator.

SELECTED GRANTS FROM ECONOMIC ADVANCEMENT PORTFOLIOS

In our 2105 budget we have allocated \$6.925 million to the four grant making portfolios that have either a significant or sole focus on economic advancement: \$3 million in the Equality Fund’s Housing and Credit portfolio; \$1.5 million in the new Local Equitable Economic Development portfolio; \$1.125 million in the Fiscal Equity portfolio; and \$1.3 million in the Economic Core portfolio. In addition to grants from these portfolios, we fund activities that promote economic advancement from other parts of USP. This includes anchor grantees, such as Center for Community Change and Center on Budget and Policy Priorities, and organizations funded from our other portfolios, such as the Immigration portfolio which supports the National Domestic Workers Alliance.

Economic Core

Economic Policy Institute: The Economic Policy Institute is a think tank that conducts research and analysis on the economic status of low- and middle-income Americans and promotes policies designed to improve the economic conditions of workers. EPI’s research priorities include: inequality, labor standards, public investment, unemployment, and wages and its [EARN Network](#) connects 61 state and local economic justice think tanks in 44 states.

Roosevelt Institute: The Roosevelt Institute is a progressive policy think tank that features senior fellows, including Joseph Stiglitz, and promising new thinkers who are leading idea generation around financialization, the structure of the economy, and the future of the economy and work. Roosevelt’s [Campus Network](#), recognized by the MacArthur Foundation in its 2015 “genius” awards for organizations, is a student policy network with 120 campus-based chapters in 38 states.

Fiscal Equity

State Priorities Partnership: Coordinated by the [Center on Budget and Policy Priorities](#), the State Priorities Partnership (SPP) is a network of 41 state-based, data driven think tanks that produce highly credible (to leaders across the political spectrum) fiscal research and policy analysis that promotes fiscal equity, equitable tax and budget policies, and the protection of the social safety net.

Housing and Credit

Center for Responsible Lending: Since it was founded in 2002 as a research and policy organization, CRL has played a key role in state and federal efforts to halt the growth of abusive lending practices, in particular those practices that stripped wealth from communities of color and recent immigrants. CRL is an affiliate of Self-Help, one of the nation’s largest community development finance institutions, which allows CRL to engage with policymakers and market actors in a manner that most pure advocacy organizations cannot.

Fair Share Housing Center and Texas Low-Income Housing Information Service (TxLIHIS): Along with our support for more than half-a-dozen national housing organizations, we also support state-level organizations to better understand how to build capacity at local levels and improve coordination with the national fair housing infrastructure. These two organizations are national leaders in ensuring racial equity in disaster recovery; John Henneberger of TxLIHIS was recently recognized

with a MacArthur “genius” grant for this work, and in employing innovative strategies to reduce segregation.

Local Equitable Economic Development

Partnership for Working Families: The Partnership for Working Families is a national network with affiliates in 17 major metro regions who build coalitions to win policies that improve job standards, environmental policy, and the opportunities for civic engagement. They have affiliates in 6 of the 10 most populous U.S. cities, and an organized base of nearly a million women, people of color and low-income workers in the rising American electorate. Their specialty is in finding new ways to influence billions public and private investment in cities, and we are currently working with them to expand their reach to 2-3 Southern cities in the fall.

JUSTICE REFORM GOAL STRATEGY UPDATE

TO: USP Advisory Board
FROM: Lenny Noisette
DATE: April, 2015

In the USP strategic plan for 2015-2018, the board reaffirmed a vision for our criminal justice reform activities that would seek to strengthen communities by redirecting wasteful correctional spending toward supportive public institutions; ensure proportional sentences that do not result in undue harm to individuals, families and communities; and secure individual rights and public protections by establishing the proper roles and effective oversight of criminal justice system authorities. We have engaged in a variety of grant making and programmatic activities to advance this agenda, making necessary adjustments and refinements in light of changing dynamics on the ground. We will refine the strategy more fully in 2016 as part of our periodic strategy review process. We provide this memo to update you on our current efforts to reduce incarceration, and to develop a national police reform agenda.

Reducing Mass Incarceration

While the number of people in prison in the United States has largely levelled off in recent years, the aggregate numbers hide important dynamics, notably the sharply differing incarceration [trends among the states](#). Two-thirds (34) of states have experienced at least a modest decline since 1999, while one-third (16) have had continued rises in their prison populations. Nine states have produced double-digit declines during this period, led by New Jersey (29% since 1999), New York (27% since 1999), and California (22% since 2006). The overall pace of change, though, is quite modest given the scale of incarceration: the total U.S. prison population has declined by 2.4% since 2009; the federal prison population has declined by 1% since 2011. Five of the states with rising prison populations have experienced double-digit increases, led by Arkansas, with a 17% rise since 2008, and of those states with declining prison populations, sixteen have had less than a 5% decline since their peak years. In sum, while there has been progress in reversing the decades' long upward trend in incarceration, it has been nuanced.

The broadening bipartisan consensus on the need for criminal justice reform offers promise to build on this trend, and we intend to exploit it. However, in our view the consensus is far too limited to lead to the end of mass incarceration or racially disparate criminal justice practices in the United States. For example, the left-right coalition that the John and Laura Arnold Foundation and Koch Industries recently launched, in partnership with many OSF partners, is considering starting its work with federal reform, which will have at best modest impact on the numbers of people in prison nationally. Reforms heralded by the bipartisan partnership of Van Jones and Newt Gingrich, conservative leaders in Congress like Sens. Rand Paul and Mike Lee, as well as in the various states, are similarly limited by their exclusive focus on low-level drug and nonviolent offenses. Victories like Prop. 47 in California are often subject to immediate attack by forces [interested in maintaining the status quo](#), and reforms for which there appear to be broad consensus can be unexpectedly derailed, such as when the opposition of Senator Charles Grassley, the new chair of the Senate Judiciary Committee, shut down any possibility for serious federal legislation by playing to ignorant but widely held views of mandatory minimums. Moreover, while the events in Ferguson, Missouri,

brought concerns about policing into stark relief, the town has come to represent not only the epidemic of police brutality against young men of color in this country, but also the preponderance of fiscal structures that incentivize police officers' discriminatory enforcement of minor municipal violations to generate large amounts of local revenue at the expense of the most vulnerable populations, frequently leading to inappropriate incarceration due to inability to pay such fees.

With this backdrop, our strategy includes efforts to reform sentencing and correctional policy, correct the public perception of crime survivors and their interests, challenge inappropriate fiscal structures and financial incentives, and shift the culture of prosecution.

Reform sentencing and correctional policy – The path to ending mass incarceration requires fundamentally changing laws that inappropriately criminalize certain conduct (e.g., drug possession⁶) and punish people in ways unrelated to the severity of offense or protection of the public. We believe continued support of a group of key partners working nationally is essential to maintain the broad call for substantial reform, but recognize that most reform activity must take place at the state level.

OSF's decision to make a \$50 million, 8-year investment of (c)(4) resources in the ACLU to advance criminal justice reform in the states, with a specific focus on reducing incarceration, has added important new field capacity - taking advantage of the ACLU's structure that combines state affiliates with a strong national infrastructure – for supporting legislative and executive lobbying in several states simultaneously.⁷ The ACLU's still-developing plan places significant focus on southern states, including some with the highest levels of incarceration in the nation.

As we refine our work in light of the current political climate and this new field capacity, we are pursuing sentencing reform with two areas of focus:

1. Drive sentencing reform in selected states that have preexisting advocacy capacity by increasing resources to take advantage of the "political" moment – We need to expand the number of states that are undertaking serious sentencing reform and intend to drive serious reform efforts in 3 to 5 target states (and the federal system)⁸ in the next two years. Our California effort has given us valuable insights about the necessary components of a successful reform effort, including the need to develop deep understanding and sense of the political space; engage public and private sector allies, law enforcement and other justice sector stakeholders; and the availability of (c)(4) investment when needed. While we need not necessarily pursue reform in other states through the creation of a new stand-alone entity as we did with Californians for Safety and Justice, and given OSF's support of the ACLU are not likely to, we are exploring how to use the lessons of the California experience to inform future state investments. One immediate question involves the role a national hub, tentatively called Americans for Safety and Justice, funded by a range of organizations (including Ford, Atlantic Philanthropies, and Public Welfare Foundations) can play in adding effective state-

⁶ Through our Drug Policy Project we continue to promote efforts to remove individuals involved with drug offenses from the justice system entirely, including using healthcare reform to develop structures and practices to respond to drug use and other behavioral health issues in the health and public health systems, and promoting the expansion of pre-arrest diversion programs for individuals involved in drug use or suffering mental illness.

⁷ This grant was made by the Fund for Policy Reform, an affiliated 501(c)(4) entity.

⁸ This is in addition to our ongoing work to reduce incarceration in Maryland through the work of OSI-Baltimore, which is developed and executed in close collaboration with national staff.

level capacity.⁹ We are engaged with these funders to evaluate how such a hub could leverage our collective resources, including providing direct support for advocacy, coordinated research and analysis, and consistent messaging and strategic communications. We are encouraged that Lenore Anderson and her CSJ leadership team have been engaged to assist with the planning of this new venture, and will continue to evaluate its potential to complement the expanded work of the ACLU.

2. Drive “deep-end” reform – U.S. incarceration cannot be cut in half in the near or intermediate term by focusing solely on the nation’s response to drug and nonviolent offenses. Achieving that level of decarceration in a relatively short period of time will require reforms that involve safely releasing from prison people incarcerated for serious and violent crimes, and those who are incarcerated due to multiple criminal convictions. Because reforms of this sort remain a third rail for policymakers and many advocates alike, achieving them will require a major shift in the political conversation and environment. To do this, we intend to move beyond our efforts to date that have largely succeeded in reducing prison populations of individuals accused of lower level offenses by continuing into the needed areas involving a change in sentencing and corrections practices for those convicted of more serious crimes. This poses obvious political challenges even though the policy case is much easier to make. California is a key target given Prop. 47’s recent success in removing most individuals with convictions for nonviolent offenses from its state prisons. We are also exploring New York, which has similarly seen a substantial drop in its level of imprisonment through reducing incarceration for nonviolent offenses. An additional effort will involve developing a knowledge base on the scale, cost, and consequences of long prison sentences and expand the national reform and state policy conversation to include reconsideration of such sentences.

Correct the public perception of the crime survivors and their interests – Crime victims have a disproportionate influence on criminal justice legislation and policy. Currently, the most influential organizations of crime victims promote punitive and misguided policies, despite the fact that most victims of violent crime in America are black and Latino young men and women who have more nuanced views on the issues. As we saw in California, sophisticated efforts to accurately represent victims’ voices can undermine prosecutors’ claims that they speak on behalf of victims and open people’s minds and the political space for reform, and we will build on other nascent investments in similar state-level efforts. We are working with a small group of organizations who are leading this new victims’ engagement effort to expand these activities to more jurisdictions across the country.

Shift the culture of prosecution – More than any other actor in the justice system, prosecutors control charging and sentencing practices. They can work around well-intentioned legislative changes, or block them altogether. Prosecutors set policies that bind the assistant prosecutors in every courtroom and office, so changing the policy of one elected or appointed prosecutor is far more significant than changing the practice of one elected or appointed judge. We are focusing on how to support progressive prosecutors and help institutionalize leadership among prosecutors who can help shape policy in the future. Among the steps that hold promise are engaging a recently created association of progressive prosecutors (noting that there is no corollary to the organization that

⁹ The MacArthur Foundation’s new initiative focused on local jails will support jurisdictions across the country working to safely reduce over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color.

gathers major cities chiefs of police), and supporting individual prosecutors who are willing to emphasize issues of race and accountability.

Police Reform

The police killings of African-American men in Ferguson, Staten Island, most recently in North Charleston, Baltimore, and many other American cities, highlight that reform of policing policy and practice must be integral to our criminal justice agenda. Notably, while such reform activities are inextricably linked with our concerns about racial justice and equity, in particular about advancing opportunity for boys and men of color, they are also critically related to our goal of reducing incarceration, given the role that police practices play in bringing people into the justice system. Political leaders have paid considerable attention to these issues recently, but we are skeptical that many of the efforts announced with fanfare will have much reach. For example, FBI Director Comey's speech earlier this year on race and law enforcement was widely appreciated, but he made no mention of specifics that could help advance an agenda; the [Administration's guidance on equitable policing](#) released in December 2014 was a major disappointment, as well. See [here](#) for a statement from a coalition of civil and human rights organizations in response to this DOJ guidance.

Perhaps more promising is the taskforce empaneled by President Obama on policing, which developed more than [60 recommendations](#) to provide direct support and guidance to localities on how to improve policing practices. (USP Advisory Board member Bryan Stevenson served as a member of the taskforce and a number of grantees, including NAACP-Legal Defense Fund [LDF], Leadership Conference on Civil and Human Rights [LCCHR] and others, testified at its hearings.) Since the release of the taskforce's recommendations earlier this month, there has been much discussion about how best to ensure effective implementation given the federal government's limited authority to dictate reform at the local level. For example, LDF, LCCHR and others have been pushing the Justice Department to use its existing authority to place conditions on the funding it provides to local police departments, requiring basic elements of good practice in exchange for federal funds. But even under a progressive Attorney General, the Department has failed to take steps to use these funds to incentivize good policies or deter bad practice. In part, this reflects an entrenched political reality in which local police lobbyists can go to members of Congress to protect their federal funding from any meddling by the Justice Department. We ourselves with our key grantees continue to push the Administration to take the pivotal step of including social policy incentives in these grant programs.

There are also substantial differences in the needs of large urban police departments versus smaller suburban and rural agencies, such as the department in Ferguson. The smaller departments are generally less professional and are dealing increasingly with diverse populations as demography shifts; these departments are also much more difficult than their urban counterparts to reform.

The events of the past several months have understandably led to a wide range of activities, including a variety of advocacy efforts, to respond to the significant challenges in policing that have been exposed and the opportunity to promote meaningful and lasting change. For example, organized under the banner of the Civil Rights Coalition on Police Reform, organizations like the Lawyers' Committee for Civil Rights Under the Law, LCCHR, and LDF are advocating for federal reform efforts with a particular emphasis on data collection and transparency and, as noted above,

effecting federal funding streams. A variety of other national advocacy organizations, including grantees Advancement Project, PolicyLink, the Center for Popular Democracy and the ACLU are working to provide advocates with toolkits and resources to help their organizing efforts. Locally based groups such as the Ohio Student Association, the Organization for Black Struggle, the Asian Law Caucus, and the ACLU of New Jersey, to name a few, are advocating for specific reforms at the city and state levels. Another layer of grassroots and youth-oriented groups like Freedom Side, Ferguson Action, Black Lives Matter and Million Hoodies Movement for Justice are also advocating for specific reforms. The range of efforts underway raises a number of questions and concerns about capacity, the need for coordination and the appropriate prioritization of policy objectives, among others, which we will discuss in the policing portion of the meeting.

The federal government is seeking philanthropic support for a number of its initiatives. In addition to seeking support to advance the implementation of the recommendations of the Presidential Taskforce, the White House recently launched the Policing Data Initiative to explore how best to use data and technology to build trust, voice, and solutions to improve community policing. The Department of Justice recently selected the first six cities to host pilot sites for the [National Initiative for Building Community Trust and Justice](#), which was launched last fall to help repair and strengthen the relationship between law enforcement and the communities they serve by exploring strategies intended to enhance procedural justice, reduce implicit bias, and support racial reconciliation.

We are gaining a better understanding of these efforts in order to determine how best USP can use this moment to create a national movement. We have already had a set of preliminary conversations with about a dozen key stakeholders and will undertake a field scan to map the areas of work currently underway to advance police reform, including an assessment of the redundancies and gaps in work, and opportunities for collaboration. As we proceed, we will engage the funder network we helped to establish, the Executive Alliance on Men and Boys of Color, which now includes forty foundations.

The range of options, not mutually exclusive, include: an *Inside strategy*, thorough which we would look for ways to better engage law enforcement and governmental leadership, such as our investment in reforming drug arrest practices in Seattle, Washington, through the Law Enforcement Assisted Diversion program; an *Outside strategy*, like our investments in a campaign-style infrastructure in New York City (in partnership with Atlantic Philanthropies) and more recently through our post-Ferguson investment in the Center for Popular Democracy, to determine how best to encourage, support and sustain similar efforts across the nation; and *Structural interventions*, such as the recent post-Ferguson Opportunities Fund grant to Phil Goff and the Center for Policing Equity to work with experts and professional organizations to bring more knowledge and professionalism to the criminal justice system.¹⁰

¹⁰ The grant to the Center for Policing Equity (CPE), which is led by Dr. Phil Goff and working in collaboration with a majority of Major Cities Chiefs and communities across the country, is supporting CPE's compilation of the first national-level database of police behavior. The project will map the current state of race and policing conflicts by aggregating data on police behavior on a national level. The database will allow for advocates and policymakers alike to identify the size, scope, and location of problems, to diagnose factors most strongly associated with them, and to target remedies in the areas of gravest concern.

SOROS JUSTICE FELLOWSHIPS PORTFOLIO REVIEW

Introduction

The Soros Justice Fellowships program each year awards 12 – 15 full-time fellowships to a diverse collection of individuals to undertake an equally varied array of projects that advance reform and spur debate on issues facing the U.S. criminal justice system. Since the program's founding in 1997, it has funded approximately 350 individuals working in locales all over the country, utilizing a wide range of approaches, strategies, and platforms.

The program has seeded the careers of future leaders at the national, state, and local levels — people like **Vanita Gupta**, who upon graduating from law school in 2002 received a fellowship to work at the NAACP Legal Defense and Educational Fund (and quickly gained national prominence for her role challenging the wrongful convictions resulting from a drug trafficking sting that ensnared nearly 10 per cent of the African-American community in Tulia, Texas) and who was recently appointed as acting attorney general for the Civil Rights Division at the U.S. Department of Justice; and **Lenore Anderson**, the executive director of Californians for Safety and Justice and one of the architects of California's recently-passed Proposition 47, who began her career 15 years ago with a fellowship hosted by the Ella Baker Center for Human Rights. (The center itself is a longtime Justice Fund grantee whose recently-appointed executive director, **Zachary Norris**, also began his legal career in 2010 with a fellowship from US Programs).

We've supported the production and distribution of books, films, and other media that have prompted national debates around our core issues. Among them: **Michelle Alexander's** best-selling *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* and **Eugene Jarecki's** award-winning documentary, *The House I Live In*, which chronicles the devastating consequences of this country's failed war on drugs. Soros Justice Fellows also include lesser-known advocates whose efforts on the local level have the potential for a much broader reach, such as 2013 fellow **Ian Mance**, whose use of newly-available statistical evidence to expose and challenge the systemic practice of racial profiling in several North Carolina counties has provided a model for activists around the country to use stop and search data to galvanize supporters and pressure departments to change policies.

We have also long prided ourselves on the program's support of people like **Susan Burton**, executive director of Los Angeles-based A New Way of Life Reentry Project and 2010 CNN Hero, and acclaimed prison journalist, author, and activist **Wilbert Rideau** — formerly incarcerated individuals who, in many cases, most directly and intimately experienced the abuses, excesses, and inequities of the criminal justice system.

On this last count — support for people who are formerly incarcerated — we've constructed within the fellowships program a narrative that says there is an inherent value, both to the program and to the field, in supporting the leadership of people with this kind of experience; that in the same way the fellowships have helped to launch and sustain the careers of some of this country's most respected lawyers, academics, and policy advocates, the program has also been a platform for elevating the voice and perspective of people traditionally left out of the advocacy arena; and that our role in this respect is distinct. This portfolio review offers an opportunity to examine these

conceits with respect to this small but important slice of the larger body of the fellowships program's work.

Background

The fellowships program, part of a larger effort within the Open Society Foundations' Justice Fund to address the destructive impact of criminal justice policies on the lives of individuals, families, and communities in the United States, presently provides funding through two categories:

Advocacy Fellowships fund lawyers, advocates, grassroots organizers, academics, and others with important perspectives to initiate policy projects at the local, state, and national levels that aim to have an impact on one or more of the Open Society Foundations' U.S. criminal justice reform goals.

Media Fellowships support writers, print and broadcast journalists, bloggers, filmmakers, and others with distinct voices to complete media projects that engage the public and spur debate on one or more of the Open Society Foundations' U.S. criminal justice areas of focus.

Fellowships in both categories are awarded on two tracks: one for more junior people just beginning their careers and one for more experienced and accomplished practitioners.¹¹ Fellows, who apply for funding by responding to an open call for proposals typically issued in the fall of each year, are selected through a process that includes: the review of paper applications by people both inside and outside the foundations; in-person interviews with one of four selection committees comprised of Justice Fund staff, colleagues from other funds within US Programs, as well as outside experts from the field; and several rounds of deliberations by the Justice Fund to settle on a final cohort. (For our most recent cycle, we received over 350 applications, interviewed 40 finalists, and [awarded 14 fellowships](#).)

The fellowships program complements the organizational grantmaking of the Justice Fund, and plays several functional roles as a program that provides grants to individuals. The accepted wisdom is that individual fellowships are distinctly valuable because they give someone the time, space, and flexibility to take risks and seize opportunities in ways that organizations often cannot. In recent years, we've begun to look more closely at this question, asking ourselves how specifically we've

¹¹ Since the program's founding in 1997, with its Post-Graduate and Senior categories (the former primarily for recent law graduates, the latter primarily for seasoned researchers and scholars), the program's operations and orientation have changed in a number of ways. Just a year following the creation of the Soros Justice Fellowships, the Center on Crime, Communities & Culture (CCCC) — one of the forerunners to what is now the Justice Fund — established a separate Media Fellowship to support journalists to cover in-depth stories in the areas of crime and criminal justice. In 2002, the CCCC Media Fellowship was renamed Soros Justice Media Fellowship and merged with the Soros Justice Fellowships. Also in 2002, in order to attract a more diverse group of fellows, as well as to emphasize a desire for work that sought deeper policy impact, the Post-Graduate Fellowship was renamed and re-conceptualized as the Advocacy Fellowship, and no longer required a graduate degree. In 2005, the Senior Fellowship category was itself renamed and re-conceptualized as Advocacy Track II Fellowship, in order to place an emphasis on policy change. In 2008, U.S. Program's criminal justice reform work — previously organized through the After Prison Initiative, the Sentencing and Incarceration Alternatives Project, and the Gideon Project — was consolidated under a single "Criminal Justice Fund" (now the Justice Fund), giving the Fund as well as the fellowships program more space to operate outside of programmatic siloes. Finally, in 2010 the program established the Media Track II category, increasing the stipend for more experienced media makers and making the Advocacy and Media categories structurally more consistent.

used the fellowships to do things that our organizational grantmaking and other tools at the Justice Fund’s disposal might not as effectively do — or be able to do at all. Over the years (and within the cohort for any given year), the program has variously been deployed to:

- *Identify and support emerging leaders*, e.g. Vanita Gupta (2002); Lenore Anderson (2001); Zachary Norris (2010).
- *Identify promising but previously unexplored areas of reform*, e.g. Nicole Pittman (2011), who as part of her fellowship project authored the definitive national report on the collateral consequences of registration and notification regimes for youth convicted of sex offenses, and is considered a leading national expert on this issue — which has emerged as an area of focus for the Justice Fund’s newly-launched Transformative Youth Justice Initiative.
- *Build (and continue to feed) a critical mass of advocates on particular issues*, e.g. more than a decade of support to over a dozen fellows working on issues at the intersection of criminal justice and immigration enforcement, including Carlos Garcia (2012), executive director, Puente of Arizona and Benita Jain (2003), managing attorney, Immigrant Defense Project.
- *Inject Justice Fund priorities into the broader public debate*, e.g. Michelle Alexander’s (2005) *The New Jim Crow*; Amy Bach’s (2004) *Ordinary Injustice* (an eight-year investigation into the widespread courtroom failures that each day upend lives across America); Paul Butler’s (2006) *Let’s Get Free* (a former federal prosecutor’s exploration of the places where ordinary citizens meet the justice system — as jurors, witnesses, and in encounters with the police — and examination of what “doing the right thing” means in a system deemed by many to be corrupt).
- *Learn about a new idea or approach related to a Justice Fund priority area*, e.g. Raj Jayadev’s (2010) creation of a network of a rapid-response support centers for those entering the criminal court process — a project that has since evolved into a promising “participatory defense” model now being disseminated in public defender communities nationwide.
- *Elevate the voices and perspectives of people traditionally left out of the advocacy arena*, e.g. support to formerly incarcerated individuals, including John Thompson (2011), founder, Resurrection After Exoneration, and Dwayne Betts (2010), author of *A Question of Freedom*.

This range of roles reflects the value we have seen in using the fellowships program as a flexible, adaptable tool with the latitude to support the best possible people doing important work. But it also points to a host of enduring questions about our efforts, including: How can we best address the fellows’ training and professional development needs? How can we help fellows sustain their work beyond the term of the fellowship? Is the fellows’ work effectively informing and influencing the ongoing work of the Justice Fund? What are the best ways to foster and activate the growing network of fellowship alums? And most fundamentally, how should we strike the appropriate balance between using the limited fellowships resources in a focused, strategic way, and seeing the fellowships more as an “open valve” (or, as some have put it, a means to “let 1000 flowers bloom” where they may)?

By training our gaze on one particular function — *elevating the voices and perspectives of people traditionally left out of the advocacy arena, specifically those who were themselves incarcerated*— this portfolio review offers the opportunity to reflect on those specific efforts and gain some meaningful insights about other parts of the program, as well as about our effectiveness in using fellowships as a tool.

Portfolio Parameters

Since its founding, the program has provided 36 fellowships — or roughly 10 per cent of the overall total — to people who have self-identified as having been incarcerated.¹² Those scanned as part of this review were all awarded fellowships based on their respective selection committees' favorable view of their proposed projects, as well as the sense that there was a meaningful nexus between the person's project and their experience with incarceration.

While portfolio reviews ordinarily do not look back more than a few years in reflecting upon a particular body of work, for our purposes here we do consider awards made considerably further back in time. The reason for this is two-fold: 1) we want to ensure that we have a sufficient number of grants to allow us to discern some meaningful, albeit tentative, lessons from this body of work, and 2) given that many of the fellowships we award are by their very nature intended to seed someone's future leadership and accomplishments, it takes time to see whether those seeds have borne fruit.

Our Ambitions

Our interest in supporting formerly incarcerated individuals is founded on several, sometimes overlapping, ambitions. Most fundamental is our belief that efforts to reduce mass incarceration, eliminate harsh punishment, and promote justice system accountability are strengthened if they include in leadership roles people who themselves have had direct experience with the abuses, excesses, and injustices of the system. Such individuals bring not only a measure of legitimacy, but a specific strategic and tactical value as well. For instance, in jurisdictions around the country, people with criminal records have been leading efforts to “ban the box,” i.e. forbid employers, housing providers and, more recently, higher education admissions administrators, from including on their applications questions about someone's criminal history. Their role in these campaigns has not been as tokens or on the margins; instead, they've collectively constituted both the “boots on the ground,” bringing the necessary numbers to the effort, and the “brain trust,” devising strategy, designing model policy, and serving as the campaigns' public face and voice.

They also possess the kind of insight and perspective that often comes only from those with a direct and immediate stake in the outcome of a particular campaign or reform effort. We can see this, most recently, in the work surrounding the 2014 passage of California's Proposition 47, which

¹² For us, formerly incarcerated individuals are a more discrete subset of a larger collection of people who've been “directly affected” by the criminal justice system. This larger group includes, most significantly, people who've had incarcerated family members, as well as people who are crime survivors. Given the complex web of factors related to crime and punishment in particular communities, it should come as no surprise that many of our fellows who've been incarcerated also have had a loved one behind bars and have themselves survived a crime. Since we began tracking the numbers in 2005, we've supported 25 individuals, or 13 per cent of fellowships awarded, who were directly affected (but not formerly incarcerated).

reclassifies certain low-level, nonviolent felonies as misdemeanors, thereby preventing potentially thousands of people from being incarcerated. While seen as a breakthrough development by many, the passage of Prop 47 can also be viewed as having created and reinforced a troubling divide between people who are deemed to be deserving of justice and others who are seen as beyond redemption. Formerly incarcerated individuals were among the most vocal in the community of advocates who raised concerns about this divide. But these same individuals asserted a noticeable capacity for leadership by both challenging that divide while at the same time embracing the importance of ensuring relief for the thousands of individuals who would benefit from Prop 47's passage. This perspective could not likely have come, with any authenticity, from any other source.

Closely related is the notion that by investing in the leadership of formerly incarcerated individuals, we create more opportunities to raise their visibility, help change perceptions, and bring a more nuanced and complete understanding of the full range of capacities possessed by people who have this experience. Also, if the fellowships program sees value in building and sustaining a diverse community of actors, it would seem axiomatic to ensure that included in this community are people who themselves have been incarcerated or otherwise have direct experience with the criminal justice system. Doing so arguably gives the fellowships program and the Open Society Foundations a necessary measure of credibility.

We've sought to operationalize these ambitions in several ways. Years ago, we did away with the requirement that applicants have a post-graduate degree and now only ask for a high school diploma or its equivalent — a change borne of an awareness that we had to think more expansively about the types of experiences, training, and backgrounds that allow someone to make an important contribution to the work. More recently, we included in our guidelines an explicit expression of interest in applications from formerly incarcerated individuals and others “directly affected by, or with significant direct personal experience with, the policies, practices, and systems their projects seek to address.” Our outreach efforts, too, have placed a greater emphasis on reaching the kinds of individuals and organizations that would help generate a more diverse pool of applicants.

Of course, embedded in these ambitions and our corresponding actions are a set of assumptions that, in some cases, have not been tested with rigor. At the most basic level is one that applies to every award we make: that an individual fellowship — and the accretion of fellows over a period of time into something that resembles a community, or at least a collection of separate communities, of interest or practice — is the most effective and appropriate use of this particular tool at the Justice Fund's disposal. But is this, in fact, the case? Might it be better, for instance, to fund an organization or set of organizations to accomplish these aims?

Similarly, how do we know that the fellowship itself — which, in addition to a stipend for full-time work over a period of 12 – 18 months, also includes professional development funds, communications support, and opportunities to participate in fellowship-related gatherings both during and after the term of the fellowship, among other things — provides someone with the necessary skills, experiences, and connections to become the kind of leader we hope they can be? How can we be sure that the fellowship, as a full-time, year-plus commitment, is even structured in the right way? Might it make more sense to offer more flexible arrangements, e.g. shorter or part-time fellowships? In the extreme, can an award of a full-time fellowship actually hinder someone's development?

Moreover, to the extent our ambitions purport to raise someone’s visibility, is the fellowship program sufficiently high profile and held in sufficiently high esteem by the right people and institutions so as to confer upon the fellow an increased legitimacy or credibility? Is any given fellow equipped to effectively leverage the award—and does the fellowships program have the capacity to help a fellow do so?

Our Place

The fellowships program is unique in its exclusive focus on supporting individuals to take on projects related to the U.S. criminal justice system; it remains the only program of its kind nationally, in terms of scale and substance. But the context in which the program operates has changed over the years. If one of the original ambitions was to build, over time, a field of leaders working toward policy change and other systemic reforms to the criminal justice system, the landscape in which public interest lawyers, policy advocates, and activists operate has transformed in remarkable ways.

In the most general terms, discussions and opportunities to engage on issues around mass incarceration and systemic reform of the criminal justice system have become more mainstream. Whether it’s Alexander’s *The New Jim Crow* revealing among the general reading public a significant appetite for a sophisticated analysis of the systemic causes and consequences of mass incarceration, the launch of the online newsroom The Marshall Project signaling a new orientation toward mass incarceration among those who chronicle, document, and debate issues of national import, or the recent Bipartisan Summit on Criminal Justice Reform pointing to opportunities for reform that were simply inconceivable just years ago, there is ample evidence that the ground beneath our feet has shifted. This generation’s emerging social justice leaders confront a vastly different set of debates (both in substance and tone) that animate our shared civic life.¹³

Within these larger shifts we also detect smaller ripples that, from our perspective, are just as significant. For example, most directly related to this portfolio review, we’re seeing indications of an increased visibility and vitality around the leadership and agency of formerly incarcerated people. Just last year, a group of formerly incarcerated leaders — referred to by some as “The Big Eight” (three of whom, incidentally, are former Soros Justice Fellows) — addressed the staff of the Federal Interagency Reentry Council of the U.S. Department of Justice to advocate for a set of reforms to help end the second-class status of people with criminal records. As a result of that meeting, the

¹³ Whether they mirror or influence society at-large, institutions of higher education — and law schools in particular — now offer their students a breadth of curricular and extra-curricular opportunities related to mass incarceration, harsh punishment, and systemic dysfunction that simply did not exist even a decade ago (see, e.g., Stanford Law School’s Three-Strikes Clinic, Columbia Law School’s Mass Incarceration Clinic, *The Effects of Mass Incarceration: Experiences of Prison and Parole at Harvard Law School*, Georgetown Law’s Criminal Defense & Prisoner Advocacy Clinic). Moreover, beyond the walls of the classroom or the pages of the course catalog, mass incarceration has become a flash point for student activism (see, e.g., Student Alliance for Prison Reform). Also dramatically different, albeit in a narrower sphere, is the spectrum of opportunities commonly pursued by many aspiring public interest lawyers, policy advocates, and social entrepreneurs. The two largest post-graduate legal fellowships in the country, Skadden and Equal Justice Works, have in recent years begun to include in their cohorts of fellows individuals working on juvenile and criminal justice-related projects, something these programs historically eschewed. We have seen efforts in the last several years to establish a training and mentoring fellowship, the Public Defender Corps, that sought to address the systemic crisis facing defender offices nationwide. And Echoing Green, which for almost 30 years has provided fellowships to social entrepreneurs who are starting up new and innovative organizations, has in recent years awarded fellowships to criminal justice reformers.

Bureau of Justice Assistance (BJA) has committed to adding a “Second Chance Fellow” to its Visiting Fellows Program¹⁴ — a small development, to be sure, but one that signals an acknowledgment that formerly incarcerated individuals should be at the proverbial table. This same group of leaders remains at the forefront of the current effort to urge President Obama to use his executive power to “ban the box” for federal contractors. Last year also saw increased energy and focus geared toward supporting the leadership and collective power of those most directly affected by the criminal justice system (see, e.g., JustLeadershipUSA’s newly-launched “Leading with Conviction Training” and the growing presence of the Formerly Incarcerated and Convicted Peoples Movement).

We see these as signs that, as efforts to challenge mass incarceration and harsh punishment develop and mature, there’s a corresponding recognition that those most directly affected by these systems, policies, and practices have a central role to play in the work. While we don’t want to overstate the case, what we once considered innovative and cutting edge has now, in some quarters, become accepted wisdom; what was once marginal has become institutionalized.

Our Work and What We Learned

Stripped down to the essentials, our work is defined most concretely as our decisions to award (or not award) someone a fellowship. Of course, we engage in a range of activities before, during, and after we reach those decisions, but the choice to invest in someone for a discrete period of time, with the expectation that they achieve particular project-related objectives during the term of their fellowship and, just as importantly, stay connected with the larger community of fellows over the arc of their career, remains our most tangible exercise of agency.

Still, looking at the front end of our process reveals some valuable lessons. For example, our efforts to more aggressively solicit applications from people directly affected by the justice system have produced results. In the last three years alone, when we’ve received just under 1,000 applications overall, we’ve seen a total of 75 applications from formerly incarcerated individuals (10 of whom ended up receiving fellowships). But given that fellowship resources are limited — only 12 – 15 fellowships are awarded each year, with perhaps 2 – 4 going to people who are formerly incarcerated — this high level of demand is not necessarily something to laud; it should instead give us pause. If we believe in tapping into the power and potential of people with this experience, ***our selection process fails in its ability to do anything meaningful with the scores of formerly incarcerated applicants who do not end up as fellows.*** This is about more than some generic philanthropic maxim (“We operate with finite grantmaking dollars and, as a result, have difficult decisions to make every year”); it’s about what it means to have access to a relatively large group of talented and committed individuals about whom and whose thinking we’ve learned a lot.

In hindsight, this was a missed opportunity. Where our approach has been inward looking and limited to our existing program structure (i.e. taking steps to increase the number and quality of applications from formerly incarcerated individuals by, for example, providing feedback to both unsuccessful candidates as well as prospective applicants to help them put together stronger or more

¹⁴ BJA’s Visiting Fellows Program supports collaborations between BJA staff and criminal justice practitioners and researchers to develop strategies and tools to address gaps in priority and emerging issues. The centerpiece is a residency at BJA, where Fellows work onsite for up to a year, during which time they make important policy and programmatic recommendations in a BJA priority area of criminal justice practice.

viable proposals for the next round of applications), we should've been exploring ways to "grow the pie." This would have meant thinking about how to connect unsuccessful applicants to existing leadership development opportunities, to campaigns or initiatives that might benefit from their skills and talent, or to other places or spaces that might serve as promising outlets for their individual and collective commitment. It would also have involved asking whether the award of a full-time fellowship was the only way for someone to gain entrée into the larger community that we've strived to foster. Notably, we've heard from a number of formerly incarcerated fellows who came to the work not as professional or credentialed advocates, but rather as people whose "homegrown" activism was a direct outgrowth of their experiences with the criminal justice system that the award of a fellowship brought with it an immense amount of pressure to conform their activism to the structure of our fellowships, e.g. full-time, 12 – 18 months commitment. Some of these individuals, while they may have appreciated the financial resources associated with a full-time fellowship award, likely could have benefited as much from a different set-up or more modest investment.

For those who *were* awarded fellowships, we've learned that ***the program has not, in the main, been a pipeline, stepping stone, or feeder to work at established advocacy organizations in our orbit*** (e.g. either current or former grantees, or key local, statewide, or national organizations). This stands in stark contrast to the role the program appears to have played, for example, for recent law graduates. While we don't have precise information on the career trajectories for all fellows going back to 1997, an examination just of those who were awarded fellowships as law graduates in the last 10 years shows that over 80 per cent remain associated with organizations in the field of criminal justice (we include academia in this count). It may not be every formerly incarcerated advocate's ambition, or our ambition for them, to land at an established organization. But to the extent that we view this "feeder" role as a viable route to a position of influence, our intentions cannot be squared with the facts on the ground.

Of the 15 or so formerly incarcerated fellows who undertook their projects with the support of an established host organization by whom they were not previously employed, only three, upon conclusion of the fellowship, either stayed on with the original host organization or parlayed the fellowship into a position at another advocacy organization in the field. One of the three, Francis Guzman (2012), was awarded a fellowship as a recent law graduate, and therefore, not surprisingly, followed a trajectory similar to other young lawyers in our community. Another, Calvin Duncan (2013), secured outside funding on his own to continue the work with the original host organization. (The third, Michael Blain (2003), transitioned from his fellowship to become the Drug Policy Alliance's director of public policy but died an untimely death in 2006.) What to make of this apparently poor showing? We attribute it in the first instance to a failure to ask applicants a basic question: What role will the fellowship play in their career trajectory? For formerly incarcerated fellows, the fellowship has not been a feeder because they don't appear to have viewed it that way. In other words, had we asked this very simple question, we likely would've found that many of the formerly incarcerated candidates about whom we were most enthusiastic did not envision using the fellowship in the same way that, say, a graduating law student might. An obvious point, perhaps, but one seems to have eluded us nonetheless.

So if these individuals are not using the fellowship as a means for gaining employment with and advancing through the ranks of key organizations in the field, then what purpose is it serving? ***Most typically, the fellowship is being used as a vehicle or platform to either help sustain the work***

at an organization with which they previously had a connection, in some cases as the founder, or to start their own organizations. This dynamic, if accurately identified, raises a number of important questions about whether we're being as strategic as possible, if we have the capacity internally to address the needs that fellows actually have, and what exactly the added value of a fellowship may be.

Susan Burton (2006), a longtime leader in the criminal justice reform and reentry rights movements, is the founding executive director of A New Way of Life Reentry Project (ANWOL). After having cycled in and out of the criminal justice system for nearly 15 years, Burton founded ANWOL in 1998 as a shelter for women leaving prison and jail. ANWOL has since grown into an organization that provides transitional housing, leadership development, and support services (including direct legal services). The organization also engages in policy advocacy and organizing around the systemic issues facing women in the criminal justice system.

Burton was awarded a fellowship in 2006 to educate, organize, and train formerly incarcerated women in Southern California to advocate against barriers facing women with criminal records. At the time of her award, Burton, as ANWOL's executive director, was already a known and respected quantity; and ANWOL was an established, albeit fledgling, organization. Following the fellowship, she has garnered even greater recognition (e.g. 2010 CNN Hero of the Year Finalist, 2010 Harvard Kennedy School of Government Gleitsman Citizen Activist Award, 2014 James Irvine Foundation Leadership Award), and ANWOL has grown in corresponding fashion.

From our perspective, the work Burton undertook for the fellowship was important on its own terms. Less clear, however, is what role the fellowship played in her development, as well as in the development and growth of ANWOL. We've benefitted enormously from having Burton as a member of the community of fellows (e.g. as a selection committee member, as a mentor and advisor to other fellows, as a recruiter on our behalf) and she did manage to secure from OSF a small amount of post-fellowship funding for ANWOL (\$15K for communications support to capitalize on Burton's nomination as a CNN Hero). But the question remains: would Burton or ANWOL be in a substantially different position without the fellowship support? This "but for" inquiry is complicated in all cases; in situations like Burton's, where fellowship support begins to look like a subsidy for someone's existing work — however important that work may be — it's brought into especially sharp relief.

[On a related note, while there are innumerable permutations to this question of what the added value of a fellowship may be, it's worth noting that Burton is by no means the only formerly incarcerated fellow who, at the time of our award, had already established themselves as leaders or otherwise had gained some notoriety or public presence. See, e.g. Wilbert Rideau (2007), Dwayne Betts (2010), and John Thompson (2011).]

If the award is deliberately used to seed a particular body of work with the internal expectation that, under the right circumstances, it would receive ongoing support from OSF, then that would arguably suggest a more strategic use of our resources — whereby a fellowship is awarded with a keen interest in seeing how the work develops and an inclination to provide post-fellowship support should the work gain traction or otherwise show promise. We have seen examples of this in several past fellowship awards, most notably in the Justice Fund's public defense reform portfolio, where we have provided grant support to continue work that originated with a fellowship award.¹⁵ But it's

¹⁵ For instance, Jon Rapping (2007) was awarded a fellowship explicitly to lay the groundwork for a program that would provide training to, and partner with, public defender offices across the region in order to build a community of zealous, committed public defenders and raise the standards of representation for indigent defendants in the southeastern United States. Originally hosted by the Southern Center for Human Rights, Rapping's project soon became an independent, stand-alone organization, the Southern Defender Training Center, which received post-fellowship organizational support

not clear whether, in the case of formerly incarcerated individuals, the fellowships have been used as an incubator in this way. Instead, something else may be at play.

Norris Henderson (2005) perhaps most emphatically represents a phenomenon not unknown in grantmaking: funding an organization mainly because of an interest in supporting one of its leaders. Henderson is a prominent New Orleans activist whose work, both inside prison during his almost 30 years of wrongful incarceration at Louisiana’s Angola State Penitentiary and on the outside since gaining his freedom in 2003, has gained the respect and trust of a wide range of community residents, elected officials, policy makers, and advocates.

The support he first received through OSF began, appropriately (and modestly) enough, as an individual fellowship he received in early-2005 to launch an effort to remove barriers that prevent formerly incarcerated people from participating fully in the economic, social and political life of the community. This work was at the core of the mission of an organization, Voice Of The Ex-Offender (VOTE), Henderson had founded in 2004. Then Hurricane Katrina hit.

In late-2005, Henderson became actively involved in efforts to ensure that post-Katrina criminal justice policies and practices in New Orleans were community-driven and responsive to residents’ needs. These efforts were formalized with the creation of a group called Safe Streets / Strong Communities. As a result of the tumult that was post-Katrina New Orleans, we allowed Henderson to extend the term of his fellowship. Even more significantly, we allowed him to substantially modify his project objectives to closely align with the work that Safe Streets proposed to undertake (at this point, Henderson had assumed the role of “co-director” at Safe Streets).

Upon conclusion of Henderson’s fellowship in 2008, OSF provided a two-year grant to Safe Streets, where Henderson continued to serve as co-director. Partway through the grant period, however, Safe Streets experienced significant institutional disruptions, and Henderson left the organization to turn his attention more fully to VOTE, which, as noted above, he had founded in 2004 and had continued to run on a volunteer basis. (OSF ended its support of Safe Streets in 2010). OSF wound up funding VOTE with two years of project support, which was subsequently renewed. Henderson continues to work to build VOTE into a sustainable organization, although there are concerns about its institutional viability; and OSF’s most recent support for VOTE (which included a project grant to help the organization develop a plan for growth and sustainability) includes a noticeable scrutiny of those concerns.

This is by no means a critique of our efforts within the Justice Fund to support Henderson and the various vehicles he’s been associated with (indeed, they were driven by a well-placed interest in maintaining investments in a location, Louisiana, that remains critical in the struggle against mass incarceration); nor should it be seen as a slight to Henderson’s legitimate efforts to sustain those vehicles. Rather, it’s an observation about how an investment in a leader can morph, and become complicated, over time — given that leaders don’t function in a vacuum, but instead operate in particular organizational contexts.

This all may suggest an interest in people who, consistent with our primary ambition, *simply want to lead* and propose to do so with entities in which they are the founding or driving force. Our support

from what was then USP’s Gideon Project, as well as subsequently from the Justice Fund’s public defense portfolio. The organization, recently re-named Gideon’s Promise, continues to grow, and in 2014 Rapping was awarded a MacArthur “genius grant” in recognition of his longstanding commitment to the work. See also Andrea Marsh (2004), whose fellowship project involved monitoring and implementing the Texas Fair Defense Act and who transformed this work into the Texas Fair Defense Project, an organization that soon after the conclusion of the fellowship also received organizational support from USP’s Gideon Project (and later the Justice Fund).

may reveal a bias toward people who, fully consistent with an ethos of “by us, for us,” take a different, more entrepreneurial approach to the fellowship.

Mujahid Farid (2013) was awarded a fellowship in 2013 to address the plight of older people in New York State prisons and promote the use of mechanisms that would lead to their release. As someone who had himself been incarcerated for over 30 years (and who, while incarcerated, earned four college degrees, was a founding member of the Prisoners AIDS Counseling & Education program and helped design courses that allowed others to earn college-credited certificates), Farid struck us as an inspiring, informed, and credible emissary to take on an issue that we recognized as important but to which we had directed few resources.

His “Release Aging People in Prison” or RAPP project — which involved building a coalition of prison justice groups, criminal justice reformers, and directly impacted individuals and families — also struck us as one that would, under the best circumstances, take much more than the 18-month period of the fellowship term; and that Farid hoped ultimately to create a more lasting enterprise.

That it was hosted by the Correctional Association of NY, a Justice Fund grantee with a solid reputation and a mission and set of policy priorities that seemed a strong match for Farid’s work, gave us some hope that the work would, somehow, be able to continue on. But it was just a hope. Although Farid made significant strides over the term of the fellowship, the Correctional Association was not in a position to secure additional resources to support his work. He is now in the process of trying to do so on his own, with RAPP as an independent organization.

In **Tyrone Werts (2013)**, we also saw someone who brought an immensely valuable perspective and set of skills and experiences to an issue that was critically important — the special role that formerly incarcerated men could play in addressing crime and violence in their communities — but that would, by the very nature of the issue and how he proposed to address it, involve an effort that would last well beyond the term of the fellowship.

During his 36 years of incarceration at Pennsylvania’s maximum-security Graterford Prison, where he served, among other roles, as president of the Graterford “lifers” organization, Werts took part in numerous efforts to address the injustices facing the men housed there. But in order to have any impact on policies affecting those on the inside, Werts and others surmised, they first needed to confront issues that mattered most to communities on the outside — with the fear of violence being at the top of the list.

With this insight as his guiding principle, Werts used his fellowship to organize workshops, community meetings, and trainings to develop and promote the leadership of incarcerated and formerly incarcerated men in addressing the problem of crime and violence in his home city of Philadelphia. Like Farid, Werts’s ultimate goal was to lay the groundwork for what he hoped would be something more lasting. He has since launched “The End Crime Project,” an effort to actively engage the formerly incarcerated in the development of leadership skills for positive peer intervention activities in the community,—one that will develop an economic strategy to provide jobs for people with criminal records and empower people to end crime in their communities.

But cases like Farid’s and Werts’s above point to a capacity we don’t have in abundance in the fellowships program or in the Justice Fund more generally. Unlike some other philanthropic efforts that are expressly in the business of supporting people who are building social justice organizations and initiatives, we’ve never held ourselves out as operating this way. Indeed, our guidelines specify that

“...all Advocacy Fellowship projects must, during the term of the fellowship itself, actively seek some measure of reform. We generally define ‘reform’ as a change to a policy or practice, whether formalized by law or not, that has a particular effect on individuals,

families, or communities... [and is more than about] simply obtaining a specific result for a specific person... This requirement suggests that there should be at least the theoretical possibility, based on your activities and actions during the fellowship, that the change you want to see will come to pass during the term of the fellowship itself. *In other words, projects that involve only planning, conceptualizing, researching, strategizing, or otherwise 'laying the groundwork' during the term of the fellowship are unlikely to fare well in our process.*"

This "reform requirement" is partly a reflection of our desire, however ambitious it may be, to use the fellowships to achieve specific, tangible changes in policy and practice in a way that advances our larger agenda to transform the U.S. criminal justice system (as well as a desire to support actors in the field who are oriented this way). But it also reflects an implicit recognition that providing support to build and sustain organizations is no easy task — and ill-suited for a funding mechanism that is of extremely limited duration, goes only to a single individual, and is not accompanied by a set of supports that directly relate to someone's institution-building aims.

We don't plan to revisit the requirement that applicants propose projects that seek some measure of reform during the term of the fellowship. Still, we should have been doing things differently for people like Farid and Werts (for whom, mind you, the jury is still out, in terms of the ongoing viability of their work). In retrospect, we should, at a minimum, have been asking applicants, on the front end, to describe their specific plans for sustaining the work.

That being said, if we do plan on engaging a serious and responsible way with fellows who intend to use the program to lay the groundwork for a more lasting enterprise, then we also need to significantly modify how we do business. We would need to provide significantly more leeway (and more explicit direction) in our application guidelines, to give candidates adequate opportunity to set forth their plans. In addition, we would have to ensure that we've built into our program access to resources and expertise that are likely to be of assistance. Moreover, we would have to have a clear vision for how we think a fellow's efforts will add to the existing constellation of organizations and initiatives in the field.

Going Forward

Our fundamental ambition — to support and elevate the voice, perspective, and leadership of formerly incarcerated people — remains an important one. But it is also one that, over the years within the fellowships program, we have only defined in the most general terms. While we tell ourselves that someone's status as a formerly incarcerated individual is not, for purposes of our application and selection process, a box that someone checks to get a bonus point or otherwise a leg up, and that our assessment of someone's candidacy is more contextual and nuanced, we have in some cases failed to appreciate or acknowledge both the intentions behind someone's pursuit of a fellowship and the key questions around whether the fellowship, as presently structured, is a good fit with those intentions.

Which leads to a set of related questions that concern this work going forward:

- Given the shifting landscape of criminal justice reform, does a general, undifferentiated interest in identifying and supporting future leaders continue to make sense? Is there a more urgent, unmet demand that the field has identified that could be addressed via individual

fellowships--one that would give greater strategic focus to our selection decisions? If so, how do we go about identifying those needs? (We like to say that with our open call for proposals, the field “speaks to us” and tells us what matters.)

- If, in fact, we remain particularly interested in formerly incarcerated individuals (or any other particular type of applicant) whose ambitions lie beyond the scope of our guidelines, how much leeway should we give? The program already serves so many masters, and the thing that connects all fellows — a focus on one or more of a broad set of criminal justice reform goals — has erected an already sufficiently big tent. Providing more leeway would only make our selections even more diffuse.
- The fellowships program, in its earlier years, had a primary focus on graduating law students (and launched the program with relatively large cohorts of fellows, e.g. 36 and 23 in its first two years, as compared to 14 in each of the last two). Is it reasonable to expect to have any meaningful impact on the field with cohorts of fellows (even if looked at over a long period of time) whose work, backgrounds, and project orientations are so diverse? Would it make sense to once again “go big” in a more targeted way?
- Should we more carefully identify subsets within cohorts that have particular, more intensive needs (which would likely mean providing fewer fellowships) and to whom we would theoretically provide more intensive support?

For a comprehensive view of the Soros Justice Fellowships by region, post-fellowship occupation, project type, and more, please [click here](#).

PROGRAMMATIC UPDATES BY STRATEGIC GOAL

1. A More Inclusive and Accountable American Democracy

Constitution and the Federal Courts

In March, the Supreme Court heard oral arguments in *King v. Burwell*, to determine whether the IRS can offer tax credits for policies purchased under the Affordable Care Act's federal health care exchanges. While no constitutional questions were involved, the case has important implications for federal agencies' ability to promulgate and interpret regulations, as well as dramatic practical and political ramifications. Grantees Constitutional Accountability Center and CAP's Legal Progress worked with public relations firm SKDK to coordinate communications on this complex case, manning a war room to ensure discipline and clear strategy, collaborating closely with health care advocates and legal organizations, and developing clear messaging tools (like [this explanatory video](#) and this "5 Myths about King v. Burwell" piece in the *Washington Post*) that translated the complex ideas contained in the amicus briefs for general audiences. CAC coordinated amicus briefs, making sure that authors covered all the arguments necessary to win both the case and the popular narrative. While a decision is not expected until June, courtwatchers are [cautiously optimistic](#) that the Court will uphold the tax credits.

State Courts

Wisconsin's April 7, 2015 statewide ballot pitted fair courts advocates against conservative forces working to unseat an incumbent "liberal" Supreme Court justice and to demote the long-time chief justice. As one of only two states with a judicial election in 2015 (the other is Pennsylvania), this election garnered much [national attention](#) due to the partisan nature of the ballot. Incumbent Justice Ann Bradley was able to hold onto her seat. But the ballot measure effort to remove Chief Justice Shirley Abrahamson (who is perceived as "liberal") from her post overturned a 125-year old practice of assigning the position by seniority, leaving it to a vote of fellow jurists to select the chief justice. This political move ensures that the conservative majority will have the power to elect its Chief Justice of choice. Phone banking by fair courts grantee Justice at Stake and the State Voices' Wisconsin affiliate could not overcome massive spending on the other side; Wisconsin Manufacturers and Commerce spent at least \$600,000 to pass the ballot measure 53%-47%.

Money in Politics & Policymaking

One day before the anniversary of the Supreme Court's decision in *McCutcheon v. FEC*, which struck down aggregate campaign contribution limits, a federal grand jury [indicted](#) U.S. Senator Robert Menendez of New Jersey on 14 counts related to his alleged exchange of political favors for campaign contributions, some of which flowed through technically "independent" super PACs and nonprofits. This prosecution has the potential to call into question some of the premises underlying *Citizens United*: namely, whether Justice Anthony Kennedy got it right when he concluded that independent expenditures "do not give rise to corruption or the appearance of corruption." Grantees working with us on our concept to reform campaign finance jurisprudence are actively exploring ways to use the rich factual background of this prosecution as they further develop litigation, communications, and policy work that will be sufficiently compelling to permit the Supreme Court justices to revisit *Citizens United* and the factual assumptions underlying it.

Voting & Elections

The Shelby Response Fund released a report in April reflecting on the field's work one year after the Supreme Court's decision removed major federal supports for voting rights. Entitled *Voting Rights in a Post-Shelby World: Mapping the Course for 2015 and Beyond*, the analysis highlights an “exploding” need for voting rights litigation; the need for local and state advocates to increase their capacity to fully identify discriminatory election changes; the importance of communications and messaging strategies; and the connections to the broader movement for democracy and racial and social justice.

Drone Strikes

The U.S. acknowledged that a [January drone strike](#) in Pakistan killed two al Qaeda hostages (an American and an Italian) and President Obama made a public apology. This is providing an opening to [renew questions](#) about compensation for other civilian victims of drone strikes and demand greater transparency and debate on the issue, both goals of the OSF Shared Framework on Lethal Drones and Targeted Killing. Following approval by the sub-committee of the Global Board of a refined set of shared framework goals on drones, US Programs is focused on securing greater transparency, supporting investigations and compensation for strikes where appropriate, and coordinating to strengthen advocacy outside of the U.S. we believe can serve as a restraint on U.S. action. This USP drones portfolio will be supported in part by an allocation (decision pending) from a \$2.5 million shared framework budget for 2015.

Surveillance

National Security and Human Rights grantee the Electronic Frontier Foundation has filed a lawsuit on behalf of Human Rights Watch challenging a secret Drug Enforcement Administration program that began tracking international phone calls and collecting consumer data in 1992. A recent [USA Today investigation](#) revealed that the secret program, USTO, had been suspended in 2013. To keep the program under wraps, the DEA did not use the information it collected in criminal prosecutions, but instead passed the data to field agents as tips to focus investigations. The DEA program is strikingly similar to the National Security Administration's data collection program revealed by Edward Snowden.

2. A Fair Criminal Justice System

Death Penalty

Capital punishment has come under greater national scrutiny since 2014, when the preponderance of botched executions resulting from the shady compounding of lethal injection drugs was brought to the fore in national media. Supplies of the drugs traditionally used in executions have been running out, as more and more European pharmaceutical companies refuse to provide them for use in carrying out the death penalty, which they oppose. Some states, notably Pennsylvania and Oregon, have issued moratoria on capital punishment. The 8th Amendment Project, a targeted death penalty abolition campaign whose establishment and ongoing operations the Justice Fund supports, has played a significant role in encouraging these bans on the death penalty at the state level; moratoria factor significantly into the Project's strategy of using evidence of diminished use of the death penalty to lay the foundation for national abolition.

Policing

In response to the growing call for Body Worn Cameras to be widely deployed to strengthen trust between law enforcement and the communities they serve, digital rights and civil rights organizations are collaborating on principles to ensure the cameras are used to enhance civil rights. There are concerns that police-operated cameras could be used to intensify disproportionate surveillance and enforcement in heavily policed communities of color. Without carefully crafted policy safeguards in place, there is a real risk that these new devices could become instruments of injustice, rather than tools for accountability. This coalition includes technology policy experts who are wary of Body Worn Cameras as well as civil rights advocates who are broadly supportive of the technology, so it will need to carefully navigate these sometimes opposing views to maintain strategic alignment.

In March, USP grantee Color of Change released a report on the accuracy of local crime reporting by New York City media. According to the report, local stations “unfairly and disproportionately focus their crime reporting on Black suspects, and inaccurately exaggerating the proportion of Black people involved in crime.”

Youth Justice

The Supreme Court agreed to hear a case that could set a precedent on whether its 2012 ruling in *Miller v. Alabama*, which made mandatory life without parole sentences unconstitutional for young people convicted of homicides, should apply retroactively. The case, *Montgomery v. Louisiana*, is expected to be heard in fall 2015; a decision from SCOTUS that *Miller* should indeed apply retroactively would lead to resentencing hearings for some 2,100 individuals currently serving life sentences for crimes committed in their youth. Advocates in the field are cautiously optimistic about a ruling in favor of retroactivity.

Florida recently became the 10th state whose Supreme Court ruled *Miller* retroactive, while courts in 5 states – states in which high numbers of individuals serving LWOP for crimes committed as children are currently incarcerated -- have ruled to the contrary. The United States remains the only country in the world that sentences youth to die in prison; the U.N. Special Rapporteur on torture, Juan E. Méndez, condemned the practice of sentencing youth to life without parole in a [March report to the U.N. General Assembly on children deprived of their liberty](#).

Drug Policy

In March 2015, the Justice Fund’s Drug Policy Project (DPP) facilitated a site visit and convening in Chicago, Illinois, in partnership with grantee Treatment Alternatives for Safe Communities (TASC, Inc). TASC and DPP staff convened a group of executive-level administrators in corrections, health care services, and substance use disorder services from eight counties across the country, all of whom represented states that have accepted Medicaid expansion. The purpose of the site visit and convening was two-fold: 1) for this consortium to observe how Chicago’s Cook County Jail, through a DPP-funded partnership with TASC, implemented a program for justice-involved populations to be screened for Medicaid eligibility while incarcerated, and for willing and eligible candidates to apply for enrollment and to have access to more services upon discharge from jail; and 2) for participants to exchange ideas and shared challenges, stemming from the implementation of the Affordable Care Act, to better care for and manage justice-involved populations.

Several participants committed to developing stronger discharge planning in their county jails, some expressed interest in developing or refining pre-arrest diversion programs in their jurisdictions, and others committed to following Cook County's lead in implementing Medicaid screening and enrollment mechanisms within their county jails – all of which are aligned with and advance the Drug Policy Project's strategy. Moving forward, the DPP will continue its investment in and partnership with TASC, and plans to fund Medicaid enrollment in jails in up to three other jurisdictions across the country.

OSI-Baltimore

OSI-Baltimore grantee Justice Policy Institute released a new report *The Right Investment?: Corrections Spending in Baltimore City*. Using data required under Maryland's recent "No Representation Without Population Act," the report shows for the first time where people incarcerated in Maryland are from, and how much Maryland taxpayers spend on their incarceration, with a focus on neighborhoods in Baltimore City that have the highest incarceration rates in the state. The report highlights the diminishing returns on corrections spending and makes recommendations for how tax dollars can be better spent on prevention and interventions that do not include incarceration. OSI-Baltimore sponsored a public forum to publicize the report, which attracted significant media attention.

Scott Nolen, director of Drug Addiction Treatment Program, is serving on the Maryland Department of Health Overdose Steering Committee and on Mayor Stephanie Rawlings-Blake's Task Force on Heroin Treatment and Prevention. Both have been created as the city and state has witnessed an alarming increase in heroin overdose deaths. OSI-Baltimore has led the way in developing a partnership across multiple state and local agencies to launch a pilot project to give 500 Baltimore police officers the tools and knowledge to reverse an opioid overdose and save lives. It is anticipated that all Baltimore City police officers (who do not have desk jobs) will receive the training by the end of this year.

The Baltimore Community Fellows continue to do innovative work in Baltimore. In the wake of a series of publicized police shootings of unarmed African American men, 1999 Fellow David Miller has received national attention for his infographic, "[10 Rules of Survival if Stopped by the Police](#)," which has been featured on CNN and in The Root, Mic, and the Huffington Post, among other outlets. 2014 Fellow Zina Makar received a fellowship to partner with the Baltimore City Office of the Public Defender to establish Pipeline to Habeas, an initiative that ensures that indigent defendants denied due process at the time of their bail hearings have equal access to justice. She held her first habeas hearing to challenge a wrongful bail determination in March.

3. Full Political, Economic and Civic Participation of Communities of Color and Immigrants

School Discipline

On March 3, 2015, the Equality Fund together with OSPC and Atlantic Philanthropies and the Hazen Foundation hosted a Capitol Hill briefing – *From the Police Precinct to the Principal's Office: The Challenges Facing School Districts One Year After the Release of [Federal School Discipline Guidance](#)*. The

briefing was about the discipline policy reform victories since release of the joint discipline guidance in January 2014 and the challenges of implementation of those reforms at the building and classroom level. The briefing featured U.S. Rep. Bobby Scott and Randi Weingarten (American Federation of Teachers). Grantees met with representatives from federal agencies to share the local implications of the joint guidance and the need for additional federal support to ensure proper implementation.

OSI-Baltimore

OSI-Baltimore's Education and Youth Development Program partnered with grantee Wide Angle Youth Media in producing *Second Chances*, a film exploring the various methods Maryland educators are using to reduce the numbers of out-of-school suspensions—such as conflict resolution, restorative justice practices and reflection on the behaviors that lead to suspension. Support from the USP Opportunities Fund is helping to underwrite start-up costs associated with opening a Bard Early College High School in Baltimore. This is part of OSI-Baltimore's High Value High Schools Initiative, which aims to establish four academically rigorous high schools or programs in Baltimore City Public Schools to help students graduate with a comprehensive plan for college and career. The Bard School will provide an opportunity for Baltimore City Public Schools students to take a two-year college course of study, culminating in a tuition-free Associate in Arts degree, during the four years of high school. Of the approximately 165 students Bard hoped to recruit for the Fall 2015 school year, it has already admitted 100 students.

Combating Discrimination

In February's Board book, we referenced a state fight in Georgia to defeat a right-wing "Religious Freedom" act that would essentially allow businesses to discriminate against LGBTQ patrons. Both Arkansas and Indiana have since passed similar legislation – with Indiana garnering national attention and considerable Republican and corporate opposition to the legislation (it passed regardless). In Georgia, also with a conservative legislature and governor, there was a different result. While the bill passed in the State Senate and would have been signed into law by the conservative governor, corporate pressure from Coca Cola, [strong communications work](#) from USP grantee [Faith in Public Life](#), and good in-state organizing of clergy and others led to [the bill not coming up for a vote](#) in the state House of Representatives prior to the legislative session's end. It is likely to return in the future, conservatives will continue the push, but, for now, the legislation is dead.

Reproductive Rights

North Carolina has one of the nation's most restrictive mandatory ultrasound laws in the nation, a law that was passed by its General Assembly in 2011 over the veto of then-Gov. Bev Perdue. The law requires health providers to place ultrasound images in front of women patients and describe them in detail, even over the patient's objections. The law makes no exceptions for rape, incest, or serious health risks, nor if the woman does not want to see the ultrasound. Thanks to a lawsuit filed on behalf of North Carolina health providers by the ACLU, Center for Reproductive Rights, and Planned Parenthood (all three USP grantees), the state law was blocked in a unanimous decision in December, 2014. The law has now been blocked by both district and federal appeals courts, with the U.S. Court of Appeals for the Fourth Circuit affirming that it violates the First Amendment rights of physicians by forcing them to deliver politically motivated communications, even over the

patient's objections. The state of North Carolina recently asked the U.S. Supreme Court to review the law.

4. Economic Advancement

Housing and Financial Services

On March 26th, the [Consumer Financial Protection Bureau \(CFPB\)](#) announced proposed new guidelines to end abuses in the payday, car title, and high-cost installment lending industries at a field hearing in Richmond, VA. On the same day, [President Obama discussed payday lending](#) at Lawson State Community College in Birmingham, Alabama and underscored the importance of stronger consumer protections and increased transparency. This is just the first step towards national reform of high-cost payday and car title loans. USP grantees such as the Center for Responsible Lending (CRL) have been working to generate a tough, comprehensive national rule, continuing on more than a decade of policy and research attacking the payday business model while calling attention to the plight of troubled borrowers. In addition, with the help of Opportunities Fund dollars in 2014, National People's Action's (NPA) created a well-resourced campaign that brought grassroots and other pressure to bear in support of a strong rule. Our investments in groups like CRL and NPA have helped advance this historic milestone.

Income Inequality

Income inequality has continued to be on the forefront of the national conversation with presidential candidates from both parties discussing economic advancement for low-income Americans. From the [criminalization of poverty](#) to the [role of government tax policy](#) in increasing economic inequality to [low wages for child care workers](#), there is almost a daily drumbeat of news and reports on the causes and consequences of economic inequality in the US. To take advantage of this moment, on April 29th, grantees Center for Community Change and the Leadership Conference on Civil and Human Rights, along with the Center for Popular Democracy, Jobs With Justice, and the Working Families Organization, launched the Putting Families First: Good Jobs for All campaign. The campaign, which launched with the participation of Senators Sherrod Brown and Elizabeth Warren, seeks to change the national discourse around inequality, connect local and state campaigns to a boarder national movement, and promote policies that create good jobs and investment in low-income communities. Grantee Center for Popular Democracy's Fed Up project also continued its campaign to encourage the Federal Reserve to adopt monetary policy that will result in full employment and higher wages. The campaign held actions in eight different cities around the country to highlight the impact of Federal Reserve policy on wages. In a positive development for the campaign and its allies, the debate among media and policy elites is increasingly focused on stagnant wages, including this March [editorial](#) from the NY Times, as the unemployment rate has fallen.

Since 1979, the U.S. has had 149% growth in real GDP and 64% in net productivity. Wages, on the other hand, have stagnated or declined for a vast majority of U.S. workers. A March [report](#) from the [Economic Policy Institute](#), a longtime USP grantee, recommended specific policies to raise long-stagnant wages, including updating overtime protections, raising the minimum wage, and strengthening collective bargaining. Jim Tankersley of *The Washington Post* [deemed](#) the agenda "the liberal plan to save the middle class." EPI also placed an [op-ed dissecting federal tax plans](#) in The New York Times.

Paid Sick Days and Equal Pay for Women

A newer grantee, the Center for Working Families, drew attention for its work to push [paid sick days for workers in New Jersey](#) and [equal pay for women in Maryland](#). Its New Jersey operation is led by Analilia Mejia, who recently was named a White House “Champion of Change.” Mejia has led winning campaigns to pass nine municipal laws for paid sick days and is now taking on Gov. Chris Christie at the state level. Maryland Working Families released a report with the National Women’s Law Center that illustrated gender-based pay discrimination in the state. The good news is that Maryland has the second smallest pay equity gap in the nation. The bad news is that Maryland women still only earn 86 cents for every dollar a man earns, even less for African American women and Latinas.

Genius Grants

The Roosevelt Institute’s Campus Network, the nation’s largest network of campus-based student think tanks and a long-time USP grantee, recently received the [MacArthur Award for Creative and Effective Institutions](#). Nine organizations nationwide were recognized for their outstanding creativity and effectiveness. Each will receive a one-time grant of \$750,000.

The Future of Work Final Convening

In April, the Future of Work learning inquiry brought 50 USP Board members, staff, academics, advocates, technologists, and corporate, governmental, grantee, and labor leaders to New York for the inquiry’s final convening, a probe of emerging technology and the future of work. The event featured a debate between [Andrew McAfee](#) of MIT, a co-author of *The Second Machine Age*, who believes that technology will catalyze mass displacement of jobs in the future, and [Dean Baker](#), economist and co-director of the Center on Economic and Policy Research, who believes that technology is one factor among many, including macroeconomics, regulation, and a declining labor movement. The event received strong reviews and continued our mission to bring technologists together with social justice advocates and grantees to grapple with tough topics.

The Sharing Economy

The Future of Work inquiry organized a program for a March cross-division briefing at the U.S. Department of Labor on Uber and the sharing economy. Invited by high-ranking appointees at DOL, the briefing discussed the sharing economy, regulation, worker displacement, and policy recommendations. Other meetings at DOL included conversations with the heads of the Bureau of Labor Statistics and the 1,700 person wage and hour division. Guest speakers were [Denise Cheng](#), an MIT affiliated researcher, and [Jon Liss](#), a community organizer from Alexandria, Virginia, and both are commissioned researchers for the Future of Work inquiry. Cheng was recently contacted by the Federal Trade Commission, where a policy staffer read her paper for OSF, and the FTC wants to discuss with her the competition and consumer protection issues that are arising in internet peer-to-peer marketplaces. Liss had an article, taken from his OSF commissioned paper, published in [The Nation](#). (Other commissioned researchers have been featured in [The Guardian](#) and contributed to articles in [Harpers](#) and [The New York Times](#).)

Open Places Initiative Update

The Open Places Initiative sites benefited from the interactions they had with USP Board members and from the all-site convening in Puerto Rico in February. OSF staff are now arranging for individual speakers from that convening and site team members to meet with each other for more intensive work. All three sites reported that they found the dialogue with the board members valuable to developing their civic capacities and substantive campaigns.

Shortly after the board meeting, the OSF-Open Places team held a two day planning meeting in New York to reflect on the first year of the Initiative and to plan for the year ahead. Out of this meeting, the team defined the essential components of the Open Places Initiative. [The four essential components](#) – civic capacity, systemic change, learning, and sustainability – grew out of our shared learning during the first year of the Open Places Initiative. We have defined these components as “essential” because we see them as the most critical ingredients of the Open Places Initiative, regardless of the substantive issues the site takes on or the civic capacities the site chooses to build.

In April, the Open Places Initiative team conducted two-day site visits in each place. The site visits focused on discussing the essential components, ways in which the sites are defining and measuring success, and progress in strengthening their leadership, governance and collaborative relationships. During these visits, we also gained greater understanding and clarity on the status of the sites’ civic capacity and substantive campaigns. Each Open Places site faces different opportunities and challenges and we discussed site-specific goals for year two of the Open Places Initiative, including expansion and diversification of the board to increase expertise and oversight and reduce conflicts of interest. We now turn to working with each site on their assessment and technical assistance needs.

MINUTES OF THE MEETING OF THE U.S. PROGRAMS BOARD OF THE OPEN SOCIETY INSTITUTE

February 20-22, 2015

A meeting of the U.S. Programs (“USP”) Board (the “Board”) of the Open Society Institute (“OSI”) was held at the Condado Vanderbilt Hotel in San Juan, Puerto Rico on February 20-22, 2015. There were present Board members: Yochai Benkler, Deepak Bhargava, Leon Botstein, Rosa Brooks, Geoffrey Canada (via phone), Eli Pariser, Andy Stern, Bryan Stevenson (via phone) and Christopher Stone.

Attending portions of the meeting by invitation were: Pedro Abromovay (via videoconference), Ana Maria Garcia Blanco, Allison Brown, Nic Campbell, Bill Clarke, Veronica Cool, Leslie Gross-Davis, Saul Greene, Eric Halperin, Franchelle Hart, Damon Hewitt, Laleh Ispahani, Suzanne James, Paul Lee, Diana Morris, Lenny Noisette, Nuria Ortiz, Iris Roley, Andrea Batista Schlesinger, Oscar Serrano, Charis Shafer, Alexander Soros, Herbert Sturz, Jane Sundius, Nick Turner, Bill Vandenberg, Tom Watson, Chancellor Williams, Jon Wool, and Ken Zimmerman. Guests invited to present were: Ian Mance, Sergio Marxuach, Anthony Romero (via videoconference), Efren Collado-Schwarz, Oscar Serrano, Mike Soto, Joseph Stiglitz, Jennifer Turner, David Robinson, Mabel Roman, and Linda Usdin.

Andy Stern welcomed the Board members and reflected on the Board’s appreciation of Steve Coll and announced that Geoffrey Canada would serve as Board Chair in Steve Coll’s absence, which will begin after the May 2015 board meeting. He introduced and gave context to the idea of place and space as an enduring issue at the Open Society Foundations.

Executive Director Ken Zimmerman reported on the state of US Programs discussing two central areas of work: places and 2020. He gave specific reference to work around open internet and to considerations around spin-offs, such as the Campaign for Black Male Achievement, to the building out of the fellowship program, the future of work, and the ongoing question of anchor grantees. He thanked members of the Open Society Institute Baltimore (“OSI Baltimore”) Board for attending and the US Programs staff for their work putting together the meeting. He discussed operational strides forward in grantmaking practices and delved into upcoming issues in US Programs. At this time, the minutes from the previous US Programs Board meeting were approved by unanimous consent.

Andy Stern welcomed the guest speakers invited to discuss Puerto Rico and its challenges. Mike Soto, President of the Center for the New Economy, introduced the panelists. Joseph Stiglitz, University Professor Co-Chair, Columbia University Committee on Global Thought, discussed the economy of Puerto Rico, comparing its economic issues and debt to that of Greece. Efren Rivera-Ramos, Law Professor at the University of Puerto Rico, School of Law, highlighted four basic challenges Puerto Rico faces: poverty, collapse of the education system, net negative migration, and a distortion of democracy. Angel Collado-Schwarz, President of the Carlos Albizu University and former CEO of Saatchi in Latin America, noted the political and economic consequences of Puerto Rico being both part and, in many ways, distinctly not part of the United States. Joseph Stiglitz also discussed the difficulty created from Puerto Rico not being allowed to restructure its debt or to

develop an overall strategy to solve constraints and relieve dependency. Sergio Marxuach, Policy Director at the Center for New Economy, also cited how new ownership of Puerto Rico's electrical company could create further a further burden by raising rates. The Board questioned the panel on structural barriers to change and what could foster change in civil society. The panel noted the current economic crisis and growing grassroots movements as harbingers of change. The meeting adjourned for the day.

On day two, Andy Stern introduced Geoffrey Canada. Ken Zimmerman gave introductory remarks concerning the issue of place while Andy Stern and Eli Pariser engaged in a point-counterpoint discussion on the value of engaging in place-based work to advance U.S. Program's strategies. Eli questioned the overall utility of place-based efforts to our ability to advance national reform, asking whether we are engaged in activities that could be scaleable in order to have greater impact. Andy Stern reflected on the importance of coalitions in place-based initiatives, especially unions, and the importance of place-based organizing strategies as a way to identify new ideas and talent. Geoffrey Canada talked about the state of place-based activities nationally, especially as relates to the federal government, and how our participation could be leveraged. Drawing from the Baltimore experience, Veronica Cool, Advisory Board Member, OSI Baltimore Advisory Board, talked about the potential in impact at a local level when foundations work in partnership with actors on the ground.

Next Lenny Noisette, Director, US Programs Justice Fund, introduced Nick Turner, President and Director, Vera Institute of Justice, who in turn introduced the place-based work of the Vera Institute of Justice in New Orleans. Jon Wool, Director, Vera New Orleans, discussed in depth the criminal justice work of Vera New Orleans. Iris Roley, Project Manager, Cincinnati Black United Front, relayed the history of recent criminal justice organizing in Cincinnati. Saul Green, Senior Counsel, Miller Canfield; Public Interest/Public Service Fellow Lecturer, University of Michigan School of Law, also discussed the criminal justice reform work done in Cincinnati. George Soros noted the self-sustaining nature of the court in New Orleans which was paid according to the number of those in prison and the panel confirmed that this practice has changed. The Board questioned the panel on scalability, cultural change, and the economics of current practices.

After the break, Chris Stone framed the topic of policing reform in a national and international context. Jennifer Turner, Human Rights Researcher, American Civil Liberties Union, discussed her research on police abuse in Puerto Rico especially against Dominican immigrants, in the areas of sexual- and gender-based violence and of the failure of police departments to hold police accountable. Pedro Abromovay, Director of the Latin America Program, Open Society Foundations, discussed violence in Latin America. Bryan Stevenson discussed the possibility of police reform in the United States and reported out on President Obama's national policing task force. The Board examined the issue considering factors such as history, drug use, alienation, and local infrastructure.

During the lunch discussion, Diana Morris, Director, OSI Baltimore and the Open Places Initiative, introduced the Open Places Initiative leaders. She noted that the Open Places Initiative was created to bring about change and engage a wider community. Nuria Ortiz, Acting Executive Director of Espacios Abiertos, the OPI organization in Puerto Rico, expressed her certainty that the time is right for change and noted the creation of a justice coalition and a legal resources web portal. Paul Lee, Executive Director, Open Places Initiative San Diego, discussed his work with low-wage

workers and with criminal justice reform. Franchelle Hart, Executive Director, Open Places Initiative Buffalo, discussed her restorative justice and racial equity work.

Next Ken Zimmerman introduced Allison Brown, Program Officer, US Programs Equality Fund, and the portfolio review on Reforming School Discipline Policies and Practices. Jane Sundius, Director, Education and Youth Development Program, OSI Baltimore, discussed their work around school suspension rates. Board discussants included Leon Botstein and Rosa Brooks. The Board questioned the role of school privatization, influence of other factors such as graduation rates, and what could possibly be accomplished moving forward.

The final morning, Andy Stern welcomed the group. Ken Zimmerman introduced Leslie Gross-Davis, Director, Equality Fund, US Programs, who discussed the recent developments in the implementation of the President's executive actions on immigration and our evolving strategy to respond. The Board discussed the sustainability of the field, foundational trends, and how best to employ data systems.

Laleh Ispahani, Director, Democracy Fund, US Programs, then introduced the topic of transparency. Linda Usdin, formerly of the New Orleans Coalition for Open Governance, described the catalytic role that local, OSF-funded investigative journalism played in her group's success. Ian Mance, Soros Justice Fellow, Southern Coalition for Social Justice, described how his organization has used public data about traffic stops to instigate policing reforms in North Carolina. Oscar Serrano, co-Director, Centro de Periodismo Investigativo, explained how the lack of a freedom of information law forces journalists to go to court for key documents. David Robinson, Robinson + Yu, explored how transparency connects to advocacy efforts. The Board questioned why the transparency work in North Carolina happened years after the relevant data became available, drew a distinction between data that is easy to understand versus requiring expertise to understand, and briefly considered what capacity building could be done so that data would be used more effectively. The Board also discussed how this work relates to surveillance issues, and how the work might be scaled up in the future.

Yochai Benkler then introduced the Opportunities Fund conversation by discussing net neutrality and the Federal Communication Commissions. George Soros discussed his interest in issues emerging in Silicon Valley and the Board discussed the effect of public organizing on regulation. Andrea Batista Schlesinger gave a brief overview on the thinking around the Opportunities Fund including issues on minimum wage, racial justice, police violence reduction, the Pope's visit, and overtime for domestic workers. The Board brought up issues around drones, global governance, early education and racial justice, wages for childcare workers, and the elections of 2016. Eric Halperin and Herbert Sturz discussed PRIs as a way to link cities in the Open Places Initiative. George Soros commended the INET conference for interesting output related to the future of work.

Andy Stern adjourned the meeting and the Executive Session commenced.

