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A room full of inmates are seen in their bunk beds at Southeastern Correctional Institution Wednesday, April 22, 2009 in Lancaster, Ohio. Ohio's prisons are at 132 percent capacity and space is squeezing tighter by the day, says prisons director Terry Collins. (AP Photo/Kiichiro Sato)



Advancing Justice to Build Better Communities: Why More Foundations Should Fund Criminal Justice Reform

Many foundations are engaged in important mission-driven work to reform public education and engage young people, alleviate poverty and homelessness, improve public health and challenge inequality. Because these social challenges are deeply con-

nected to America's epidemic of mass incarceration, it makes sense for foundations to invest in criminal justice reform as part of a unified strategy to improve communities and expand opportunity.

The United States is a global leader in incarceration and punishment. Although the country accounts for roughly 5 percent of the world's population, about 25 percent of the people incarcerated worldwide are locked up in the U.S. With about 2.4 million people in its jails and prisons today, the U.S. incarcerates approximately 1 in

By Ann Beeson¹

100 of its adult population. More than seven million Americans (or 1 in 31 adults) are now under some form of correctional supervision. And the U.S. now spends a whopping \$212 billion annually on the criminal justice system and employs more than 2.4 million people, more than Wal-Mart and McDonald's combined.

America did not always lock up so many people. State and federal prison populations skyrocketed from 196,000 in 1973 to 1,410,000 by 2004, an increase of 600 percent. The rise can be attributed (continued on page 11)



challenging grantmakers
to strengthen communities

Funding Criminal Justice Reform *(continued from page 1)*

largely to “get tough” crime policies, including the proliferation of punishable offenses and harsh mandatory sentencing schemes that dramatically increased sentence lengths. Despite the fact that crime rates are down, the number of people caught up in the criminal justice system continues to grow.

Most people in prison are low-income people of color, and a majority was convicted for nonviolent offenses. Roughly half of today’s prison inmates are functionally illiterate, and four out of five criminal defendants qualify as indigent. One out of every six African American men has spent time in prison, one out of every eleven Latinos. Significant numbers of people in prison suffer from drug addiction or mental illness and many are chronically homeless, cycling from shelters to jails and eventually to prison. After they leave prison, people with criminal records face unreasonable barriers to viable employment and housing, and many have permanently lost the right to vote.

Incarcerating so many people is expensive. America’s imprisonment binge has diverted billions of public dollars from education, housing, health and mental health care and other resources that ensure public safety by making individuals, families and neighborhoods healthy and sustainable. The consequences of this disinvestment are starkest in high-incarceration neighborhoods that include “million dollar blocks,” single city blocks on which states spend \$1 million or more each year to incarcerate residents. These neighborhoods suffer from high rates of asthma and infant mortality, failing schools and extreme poverty. The large numbers of people returning to these neighborhoods from prison, coupled with the many obstacles to a real second chance, fuel a grinding cycle of disinvestment and reincarceration that

undermines efforts to improve the lives of people who live there.

Just as foundations encourage grantees to leverage their efforts by connecting with organizations and issues in related fields, foundations themselves can maximize impact and advance their missions by broadening their funding strategies. Foundations that recognize the connections between the social problem they are trying to remedy and other systems that perpetuate poverty and exclusion can help communities work together to expand opportunity and reform broken systems.

ENSURING QUALITY PUBLIC EDUCATION AND ENGAGING YOUNG PEOPLE

Organizations working to dismantle the school-to-prison pipeline offer a strategic investment opportunity for foundations working to reform the education system. Schools need good teachers and inspiring classes, but they also need to abandon zero tolerance disciplinary codes that treat childish behavior as criminal and shift schools from places focused on learning to places of social control. Getting good teachers into classrooms should go hand in hand with getting the police



PHOTO BY XAVIER MARCHANT

Efforts to address poverty, homelessness, high unemployment, drug use and other social challenges are connected with the growing epidemic of mass incarceration. It will take a unified strategy to improve, strengthen and provide opportunities to diverse communities.

out. The drive toward higher test scores has created an unintended incentive for schools to drive out low-performing students, which leaves kids on the streets with few alternatives. If foundations working on education reform also support organizations dedicated to reforming school discipline and push-out practices, they can build better schools and keep kids out of the criminal justice system.

The **Advancement Project** has worked for more than a decade to define, analyze and dismantle the school-to-prison pipeline. It provides comprehensive research and advocacy strategies in direct partnership with community-based organizations and education advocates to reduce the suspension, expulsion and school-based arrest rates in several communities including Baltimore, Denver, New Orleans and Chicago. The Advancement Project currently is working closely with the **National Center for Fair and Open Testing**, the **Forum for Education and Democracy**, the **Education Law Center**, the **Juvenile Law Center**, the **NAACP Legal Defense and Education Fund** and other groups to raise awareness about the need to reform the Education and Secondary Education Act to ensure that testing and accountability requirements do not provide incentives for schools to push out low performing students and perpetuate the school-to-prison pipeline.

Other foundations are working to expand opportunities for young people outside the classroom. When these foundations work hand in hand with juvenile and criminal justice system reformers, they broaden constituencies for both efforts. OSI-Baltimore partnered with a local community organization and the Advancement Project to work with the Baltimore City School System to rewrite its code of conduct. As a result, the schools now have clear and fair rules governing school suspension.

They also have guidelines directing them to use other programs and techniques to prevent future misbehavior. The outcome of these efforts has been a more than 50 percent drop in school suspensions over a four year period.

ALLEVIATING POVERTY AND HOMELESSNESS

The high cost of incarceration and the nearly insurmountable barriers to successful reentry faced by people with criminal convictions perpetuate poverty. Foundations working to alleviate poverty and homelessness can invest in efforts to shift resources away from incarceration and toward community revitalization. Looming state budget crises create new windows of opportunity to promote a more sensible allocation of public resources.

The pragmatic criminal justice reform strategy referred to as “Justice Reinvestment” has attracted widespread and bipartisan support in states across

the country. Under the direction of the **Council of State Governments Justice Center**, the Justice Reinvestment Initiative is modeling strategies and developing policies and programs in Connecticut, Vermont, New Hampshire, Rhode Island, Wisconsin, Michigan, Ohio, Pennsylvania, Nevada, Arizona, Kansas and Texas to help states safely reduce prison, parole and probation populations at a sufficient scale to generate savings for reinvestment in the infrastructure and institutions of high incarceration communities. The state of Kansas adopted a plan to save \$80.2 million in prison construction and operating costs over five years and to dedicate \$6.9 million for reinvestment in community-based programs.

Directed by the **Corps Network**, the **Civic Justice Corps (CJC)** is a national service model for reversing divestment in high incarceration neighborhoods. By engaging formerly incarcerated young people and adults in visible and valuable neighborhood improvement projects, the CJC provides a civic pathway to successful reentry and responsible citizenship and builds public support for smarter community investments. CJC’s approach reverses the stigma and alienation associated with incarceration and helps people returning from prison become valuable resources for their communities. CJC’s focus on green service-learning projects in high incarceration communities prepares corps members for careers in the emerging green economy and builds healthier communities. There currently are 17 local Civic Justice Corps demonstration projects across the country, including the Sacramento Local Conservation Corps in California, Mile High Youth Corps in Denver, Greater Miami Service Corps, Quilter Conservation Corps in Fremont, Ohio, and Operation Fresh Start in Madison, Wisconsin.

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ineffective temporary housing “solution” for many people. Access to affordable and publicly subsidized housing is scarce for populations facing severe barriers to housing and economic stability, especially people with criminal records. Federal Housing and Urban Development guidelines continue to allow people with felony convictions to be banned from returning to subsidized homes. The result often is the unnecessary and wasteful introduction into the criminal justice system of people whose only crime is not having safe, reliable shelter. The **Corporation for Supportive Housing** is working in cities across the country to facilitate collaboration across criminal justice, human services and housing sectors to develop flexible, integrated funding streams for the creation and operation of affordable reentry housing linked to supportive services for people returning from jail or prison.

EXPANDING TREATMENT FOR DRUG ADDICTION AND MENTAL ILLNESS

The country’s failure to invest adequate resources in treatment for drug addiction and mental illness also has fueled over-incarceration. Public health and social justice funders can work together to support partnerships between criminal justice advocates and organizations promoting expanded drug treatment and mental health services to divert people from prison to treatment programs.

Drug war sentencing policies have spurred a dramatic growth in incarceration for drug offenses. About half of the people incarcerated in federal prisons are there for drug offenses, and the number of people in state prisons has increased thirteen-fold since 1980. Federal, state and local governments spend more than \$40 billion each year in hopes of realizing an unrealistic “drug-free” America. Yet, many street drugs are cheaper and more available



PHOTO BY STEVE ISS/AMERICANPOVERTY.ORG

Alejandro, a 10-year-old boy charged with possession of marijuana, stands on a milk crate to be fingerprinted.

than ever before, and unacceptably high rates of drug-related death, disease and crime persist. Organizations like the **Drug Policy Alliance**, the **Harm Reduction Coalition**, the **North American Syringe Exchange Network**, **Faces and Voices of Recovery** and the **Legal Action Center** are working to shift U.S. drug policy from its focus on international interdiction and domestic law enforcement to a public health model that aims to reduce the harms associated with drug use and make treatment available on a voluntary basis to people who need it.

Although mental illness affects a significant percentage of Americans, mental health treatment is unavailable to many who need it. As a result, many Americans with mental illnesses – particularly poor people and people of color – live on the margins of society and are at enormous risk of repeated arrest and incarceration. According to the Bureau of Justice Statistics, more than half of all prison and jail

inmates have suffered from mental illness. The **Judge David L. Bazelon Center for Mental Health Law** is engaging in impact litigation, policy advocacy and public education to end the criminalization of people with mental disabilities. The center also provides technical assistance to community-based mental health organizations for programs that reduce the criminal justice involvement of people with serious mental illness.

In Maryland, a reentry policy team has developed a Maryland Opportunity Compact proposal that seeks to improve long-term outcomes for formerly incarcerated people by providing addiction and intense case management both before and after release from prison. The program aims to reduce prison costs by returning people with substance dependence safely from prison to the community. While foundation grants will pay for the initial cohort, the Department of Corrections will use the savings from shortened prison terms for future cohorts.

CHALLENGING INEQUALITY

Just as the U.S. struggles to close the education achievement gap and end residential segregation, the criminal justice system perpetuates the country’s history of inequality by disproportionately targeting people of color. Foundations working to advance equality and level the playing field have a range of opportunities to support criminal justice reform along with other civil rights advocacy. Some of the country’s preeminent civil rights organizations support criminal justice reform in tandem with other civil rights priorities. The **NAACP** is broadening its work on criminal justice. The **Leadership Conference on Civil Rights** continues to be a key player in sentencing reform efforts. Think tanks like the **Applied Research Center** and the **Aspen Institute’s Roundtable on Community Change** are

documenting racial profiling and linking disparities in criminal justice to education, employment, housing and child welfare. Online racial justice networks like **Color of Change** are drawing international attention to specific cases like the Jena Six and the Oscar Grant shooting by Oakland police. Last year, Color of Change organized opposition to the crack/powder sentencing disparity and produced a video with the **Brennan Center for Justice** at New York University School of Law called "My First Vote," which documents the disenfranchisement of people with criminal records.

OPPORTUNITIES FOR PARTNERSHIP

Although criminal justice reform remains woefully under-resourced, there are promising signs that more foundations

are recognizing the connection between entrenched poverty and inequality and the over-incarceration epidemic. A newly organized Criminal Justice Funders Network aims to expand support for organizations working to reform the criminal justice system. In addition to the Open Society Institute, the group includes the Ford Foundation, Public Welfare Foundation, The California Endowment, the Fund for Non-Violence, The Omnia Foundation, The Peace Development Fund, The Rosenberg Foundation, The U.S. Human Rights Fund, The Women Donors Network, The Women's Foundation of California, and the Race Gender Human Rights Fund. The Foundation Center's 2009 Report, Social Justice Grantmaking II, identifies a growing optimism and new strategies for foundations to work together to support

a range of much-needed reforms. By reforming bad policies and shifting resources away from incarceration and toward education, housing and public health, organizations supported by a range of foundations can work together to build healthy, sustainable communities. ■

Ann Beeson is the executive director of U.S. Programs at the Open Society Institute.

Notes

1. I am grateful for the research and drafting assistance of William Johnston, program officer, Criminal Justice Fund, U.S. Programs, Open Society Institute.

PULSE EVENTS

An exclusive webinar series for NCRP members and donors

Every month, NCRP will hold candid conversations about issues at the heart of responsive philanthropy.

Tune in to:

- > Connect with NCRP, other terrific voices in the field, and one another;
- > Discover new resources and tools; and,
- > Build the movement to transform philanthropy.

FORTHCOMING PULSE EVENT

Organizing for Impact

May 19, 2010, 12:00 - 1:00 PM

Speakers

Aaron Dorfman, NCRP Executive Director; and **Marjorie Fine**, Linchpin Campaign at the Center for Community Change

Nonprofit organizing, advocacy, and civic engagement have demonstrated impact in improving the lives of millions in communities around the world. More and more foundations are taking another look at these strategies. What role do these social change strategies play at your foundation or in the foundations with which you work? What role could they have? How can those interested in social justice work make the case within and to these institutions to encourage greater investment?

For more information or to register, visit www.ncrp.org/partners-members/pulse-events or contact Kevin Laskowski at klaskowski@ncrp.org.