Criminal Justice Initiative

Learning, Giving & Building a Movement

A report by the Funding Exchange
“State-sanctioned violence and incarceration have always been used to demoralize, silence, control and exploit poor people and people of color in the United States. We are now living in a time when government use of such repressive tactics has reached new heights here on U.S. soil as well as overseas. It is imperative that our fight against the U.S. prison-industrial complex and all that it represents be powerful and visible.”

— Ellen Barry, Criminal Justice Activist
Where do we go from here?

The Criminal Justice Initiative could not be complete without convening our grantee organizations to analyze the ongoing needs of local communities. During a focus group of grantees held in the spring of 2005, grantees identified the following needs and defined the next phase of activities for their organizations:

Grantmaking and movement building goals:

1. Sharpen skills in fundraising and improving organizational capacity to maximize impact.
2. Encourage greater collaboration between regional coalitions and local groups to address critical issues.
3. Strengthen educational systems and support alternatives to incarceration, particularly for women with children.
4. Lessen the divide and build partnership between the grassroots movement and those lobbying for prison reform.

Strengthen the Structure for the Criminal Justice Circle:

1. Create a more stable and long-term plan for the Initiative, with multi-year donor commitments.
2. Expand on donor education activities to allow for greater input from the grantee and activist community.
3. Increase circle participants and grantmaking funds.
4. Consider multi-year funding for grantees.

As we evaluate our process and take stock in our work, we are reminded of the need to celebrate our achievement, the creation of a new source of support for existing progressive organizations and emerging projects that ultimately strengthens civil and human rights for us all. With the upcoming cycle of grantmaking, the Criminal Justice Initiative will have raised and distributed more than half a million dollars in grants. What may not be reflected in the level of grant dollars is the defining of a grantmaking process that involves activists at many levels, from providing political education to full participation in grant decisions. We place special value on the honest exchange that has developed between grantees and donors within the grantmaking circle. Any dialogue that cuts across the lines of race and class is challenging. This conversation has been difficult, at times, but also probing, energizing and transformative.
In 2001, with leadership from a core group of donors, the Funding Exchange launched the **Criminal Justice Initiative**, a special multi-year effort that was created and developed by Funding Exchange donors and activists from across the country who are concerned with prison expansion and its disproportionate impact on low-income communities, women, people of color and other disenfranchised populations. Working as a team, donors and activists solicited and screened proposals from grantees doing progressive work to change the criminal justice system. The **Criminal Justice Initiative** has given $417,000 in three cycles of grantmaking and organized three convenings to gather feedback and input from grantees. In 2006, inspired by a shared political education process, the circle supported organizations that are led by and employ people who have been incarcerated. Over the course of the next three years, the CJI circle will actively support efforts that create awareness of how punishment is extended through discriminatory employment, education, voting and other policies, long after release from prison.

This report summarizes the work of the FEX Criminal Justice Initiative and its lessons learned. We analyze our giving pattern and present noteworthy findings in the issue-specific sections of this paper. Overall, we have found that our funding has consistently supported groups working with women and girls, Southern communities and youth. An examination of the organizing scope of our grantees reveals that the CJI circle has funded a combination of local and national/regional organizations, allocating 76.6 percent of grant money to local groups and 33.4 percent to organizations with memberships and activities that span multiple states. (some groups are in both categories) As our process developed, the CJI circle began funding in one new issue area, immigration, and in one new structural area, organizations that foster leadership skills of, and are led by, formerly incarcerated people. These two focuses represent the two opposite edges of this struggle—the harshness of new policies that criminalize new communities of people, and the response from leading grassroots organizations that are reinvigorating the progressive movement with new urgency.

Finally, this report devotes special attention to the future path for the Criminal Justice Initiative, especially to the effort to identify additional individual donors compelled by these issues and other funders willing to invest.

**WHY THE NEED FOR PROGRESSIVE ORGANIZING ON CRIME AND PRISON ISSUES?**

The general attitude in the broader funding arena is often that “prisoners are a lost cause.” Many grantmakers believe that it is more effective to focus on change where there is hope of new possibilities for the future. A strong argument can be made, however, for the need to fund activism that focuses on the prison and criminal justice systems precisely because the heart of the issue is poverty and racism. Real social change cannot succeed without addressing these systemic problems and, in order to fight racism and poverty, we must tackle the challenges of the criminal justice system. However, for a wide variety of reasons, historically this arena has been drastically underfunded. Just as most formerly imprisoned people and those at risk of imprisonment are brutalized and suffer racial and class injustices, organizations that work with formerly incarcerated people will continue to be similarly marginalized by the philanthropic community — except when donors and activists have the courage to come forward and make this issue a priority.
HISTORY OF THE CRIMINAL JUSTICE INITIATIVE

“In the corporate-initiated race to the bottom, in the U.S., prison slave labor is the ‘bottom.’ What happens to this extremely marginalized population affects others—low-wage workers, families, youth. This kind of funding is timely right now: these issues and policies are changing rapidly, and the conditions are right for a movement to coalesce.”


With these words calling donors and activists to action, the Funding Exchange organized the Criminal Justice Initiative. In March 2001, we convened a group of activist donors and grassroots leaders to attend the Critical Resistance East Coast Regional conference as part of a shared political education process. Whether donor or activist or both, each member of the criminal justice circle had supported criminal justice reform in his or her own way and shared a deep interest in finding new strategies to effect change. After the weekend, the group arrived at a decision to shape their philanthropic and activist agendas in partnership with one another, and with those most affected by the criminal justice system. It was agreed that grant decision-making would rest in the hands of both activists and donors. Together, the CJF Circle developed fundraising goals and program priorities for an initiative that would address the problems contributing to the injustices in the criminal justice system. Over three cycles, the circle has raised and given away more than $417,000, with a minimum donation of $5,000 from each donor member.

The Criminal Justice Initiative began with five donors and five activists at the table.[1] Today, the circle of donors has grown to ten donors who take part in political education and grantmaking activities. Among the group of participating donors, there are a number who have direct activist experience in criminal justice. The current circle also includes six activists who bring a range of organizing experience and come from a diverse geographic spread. In addition to these six activists, who are partners in the circle’s decision-making, a larger number of activists are involved in providing political education and feedback. The circle has also actively gathered the input of grantees. Since 2001, the circle has organized two convenings with representatives of grantee organizations to learn of changes in the field, assess needs and hear feedback on our grantmaking process.

The idea of forming collectives to donate for a cause is not a new one. There are more than 220 known giving circles[1] throughout the country and they have raised millions of dollars. The unique aspect of the criminal justice circle is in the donor-activist partnership and the mutual willingness to share knowledge, experience and resources.

The circle meets twice per year. Staff from the Funding Exchange plays a key role in coordinating meetings, providing education resources, fundraising and marketing for the circle. Through these meetings, the circle came to understand the extent to which criminal justice is not just about people in prison, but about their children, families and communities as well. For three years, the circle participated in a joint decision-making process to award grants. The process included developing the criteria for the Requests for Proposals (RFPs), reviewing and assessing applications, and making funding decisions. Participants commended the process as politically informative for donors and educational for activists regarding grantmaking and fundraising practices. Some donors acknowledged a tendency to support larger, more known organizations with established infrastructures. They learned

[1] Since the beginning, the Criminal Justice Initiative has also been supported by three to five additional donors who recognize the importance of funding in this area but have elected not to take a seat in the grantmaking circle.

how much small organizations can accomplish with a creative and impassioned volunteer base drawn largely from those directly impacted by the criminal justice system. Members of the Initiative believe that this joint educational process results in RFPs that accurately reflect the needs of the grassroots community, and a cross-section of grantees that represent both rural and urban organizations with various experiences in the criminal justice arena.

Through the shared political education and proposal review processes the group acknowledged several undeniable patterns: first of all, the group realized that, although most programs in the field had access to relatively meager resources, programs for women and girls were the most under-resourced. Secondly, the group noted that the hyper-incarceration of youth, particularly in black and brown communities, is dramatically on the rise. Third, the group identified that, while prison construction is growing throughout the nation, the issue of mass incarceration is particularly prevalent in Southern states, where entrenched racism continues to maintain a stranglehold on men, women and children in black and brown communities. These factors shaped the Initiative throughout the grantmaking process.

Within the above parameters the circle chose to focus its first two years of funding on projects that would enhance dialogue among the communities most affected by the system. A total of nine organizations received Community Dialogue grants in year one. The grants afforded these grassroots organizations the opportunity to reach new constituents, build coalitions and change policies. In year two, the Media, Messaging and Audience Development grant supported a small number of organizations and new coalitions to use a combination of media and organizing strategies to craft messages and expand their audiences to promote a vision for change.

Since 2001, thirteen organizations have received funding from the Criminal Justice Initiative. Our grants ranged between $12,125 and $35,000. In the first two grants cycles, all funded organizations received the same grant amount of $20,000 and $12,125, respectively. In the third grantmaking cycle, the circle awarded grants between $15,000 and $35,000. The average operating budget of funded groups was $237,000. Most funded organizations had fewer than three full-time staff members.

In 2006 the expanded GJI Circle convened in New York. Our weekend together included extensive shared political education and culminated with a decision on our next grantmaking focus.

In keeping with the goals set by our grantees in 2005, the political education focused on the needs of incarcerated women, children of incarcerated people, and other highly impacted communities. Tina Reynolds of WORTH (Woman on the Rise Telling her Story) and Kareem Sharperson of the New York City Initiative for Children with Parents in Prison presented on the Children’s Bill of Rights. The bill was created to foster organizing and lobbying in support of children’s and parents’ rights to maintain a relationship throughout incarceration.

Mariah Lopez spoke about how family dynamics often lead to expulsion of transgender children and how homophobia and transphobia within children’s services/foster care systems can leave children homeless, vulnerable to abuse and with few survival alternatives outside of criminalized behavior.

The group also went on a site visit to the Incarcerated Mothers program in East Harlem. Speakers from the program told their stories illustrating how the legal system criminalizes women for defending their lives from abusive partners. The group engaged in a powerful and eye-opening conversation about the
INTRODUCTION

The horrors of life “inside,” where guards and fellow inmates collude in constant, brutal violence. They shared poignantly about dealing with family members, children, and loved ones who were also affected by their incarceration. The women outlined the traumas of re-entry, as well as the extensive barriers to housing, employment and education that lead to increased recidivism.

Based on their shared experience over the weekend, the Circle decided on a grantmaking focus that would provide opportunities to incarcerated and formerly incarcerated people to lead in the movement to protect their human rights. The grantmaking targeted constituency-led organizing on the issues previously chosen by grantees and circle members. The RFP was designed, however, to specifically counter barriers to employment of imprisoned people by valuing their leadership and expertise in the movement for criminal justice transformation. 2007 funding will:

1. Address employment discrimination of formerly incarcerated people
2. Promote social action research by incarcerated and formerly incarcerated people
3. Provide clear leadership opportunities
4. Be usable for living wages and upgrades in benefits and training
5. Prioritize multi-year commitments
6. Amplify the voices of people on the inside

In order to meet our goal of multi-year funding to our grantees, the vast majority of our donors agreed to support the initiative for the next three years. The Circle also made a commitment to share our unique model with the larger funding community though a session at the National Network of Grantmakers conference in Chicago in October, 2006. Despite stiff competition, our session, entitled Marginalized Communities Make a Case for Ending Punishment, was selected with the unanimous support of the planning committee, due to the inclusion of diverse voices from affected communities.

We look forward to the coming year of making grants and learning together.
GRANTEE HIGHLIGHTS

WOMEN AND THE CRIMINAL JUSTICE SYSTEM

As a result of mandatory sentencing laws, our prisons are overcrowded with people who were convicted of non-violent first-time offenses. Three-fourths of incarcerated women are serving time for non-violent offenses and over half for low-level drug offenses.\(^4\)

Between 1980 and 2000, the number of women in state and federal prisons has increased 754%.

— The Sentencing Project

CJI grantees are committed to addressing the needs of incarcerated women. All grantees agreed in the CJI survey that women continue to be an important group that would benefit from grantee activities. One hundred percent of the organizations that received grant awards from this initiative identified women among their key constituents.

Incite! Women of Color against Violence is dedicated to end violence against women of color. The Santa Cruz, California-based organization used their CJI grant to facilitate conversations between victims of domestic violence and sexual assault and members of the grassroots criminal justice movement. Through this grant, Incite! has built coalitions within the criminal justice movement to address issues of racism and poverty. Sister Outsider, an organization located in Brooklyn, New York, participated in one such coalition. Through its “Beyond” program, Sister Outsider works with formerly incarcerated women to examine the cycles of poverty and incarceration. Rising poverty rates often result in high dropout rates as students are forced to leave school to find employment and help sustain their households. Sister Outsider has found that young women are six times more likely than young men to drop out of school to provide for their families. Latinas and African American women are the two demographic groups which receive the lowest hourly wage in the country. These low wages, combined with the prevalence of criminalized trades, discriminatory policing, and prosecutorial and judicial bias in their communities, contribute to high rates of arrests and incarceration. Clearly, alternatives must be put in place to address the dismal economic and labor realities facing these women. Incite! and Sister Outsider are committed to finding alternatives to the high incarceration rate of women and girls of color.

An estimated 55% of incarcerated adults are parents of minor children—65% of all women incarcerated are mothers.

— The Sentencing Project, Fact Sheet, Women in Prison

Young women face this harsh and punitive reality across the country. Beyondmedia Education, located in Chicago, Illinois, develops programming and materials to educate young girls and other audiences on the prison experience. Beyondmedia Education used its funding to sponsor formerly incarcerated women to go into communities to share their stories and encourage girls to stay in school. The award-winning video, “What We Leave Behind,” documents the individual stories of women and the effects of prison on their children and families. Girl Talk, also located in Chicago, works with BeyondMedia Education and connects formerly imprisoned women with young girls to share with them the workings of the criminal justice system and the realities of prison life and violence.
**SOUTHERN INITIATIVES**

Individual stories are powerful. Several of the CJI grantees knew that by sharing stories of the prison experience, formerly incarcerated people and their advocates could change perceptions and lives. The criminal justice experiences of people who were imprisoned across the nation are as different as the regions of the United States.

**12 states have lifetime bans on voting for some or all people convicted of crimes.**

*Legal Action Center 2004 report "After Prison, Roadblocks to Reentry"

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In 2001, the U.S. South imprisoned 1 out of 11 of the world's incarcerated people. The annual "Freedomwalk," a 90-mile walk through six Georgia communities sponsored by the *Prison & Jail Project*, calls attention to this stark reality and to shameful conditions inside U.S. prisons. The walk opens communication between the community and policy-makers. With funding from the CJI, the organization was able to not only sponsor the Walk but also expand their programming to two southwest Georgia communities. Prison & Jail Project also trained disenfranchised residents of Smithville and Blakely, Georgia, to monitor courtroom activities. Volunteers worked to assist prisoners and their families with negotiating the criminal justice system. They also monitored the conditions of several prisons, work which resulted in the United States Department of Justice investigating a Dawson County prison.

**Critical Resistance South** used their grant to organize a conference to highlight the expansion of the prison industrial complex and the ways in which this expansion has further deepened the social, political and economic problems of the South. Through organizing former prisoners and family members, CR-South was able to hold several events including a two-day regional roundtable forum to bring together members of grassroots organizations from eleven Southern states to network and build coalitions. In April 2003, CR-South organized a regional conference and strategy session to build skills and to document the experience of persons affected by the prison systems and criminal justice policies. Hundreds of people attended the three-day conference. As a result of the CJI grant, the staff members and organizers of Critical Resistance South feel that they have been able to solidify a regional movement for criminal justice throughout the South.

Several grantees used grant funds to document the effects of prisons on families and communities. **NationCorps' Alabama Justice Initiative** worked with local communities to organize a series of town hall meetings. Alabama continues to be one of a few states that does not have a statewide public defender system. The indigent accused are often left without adequate representation, resulting in unjustifiably longer jail sentences or even death sentences.

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LEADERSHIP BY FORMER PRISONERS

“After serving time in torturous conditions, we were met at the gate with prejudice and discrimination that made our re-entry into society difficult and in some cases impossible. Many of us recognize that our prison sentence never ends as long as the discrimination against us continues.”
—All of Us or None

Incarcerated and formerly incarcerated people must be fundamentally involved in setting the agenda and articulating the vision of the criminal justice movement. As with any movement, constituency leadership ensures integrity through ongoing accountability to the community being served. In the criminal justice movement, ex-prisoner leadership helps ground our work in the fight for civil and human rights, rather than allowing these broader struggles to be lost in individual fights for improved conditions and treatment. It also helps to bring evidence of violence and discrimination perpetrated against prisoners by staff and guards into the public arena.

All of Us or None is a national organizing initiative of prisoners, currently and formerly imprisoned people, working to combat the many forms of discrimination they face as the result of felony convictions. They challenge discrimination against formerly incarcerated people seeking employment, public benefits and housing, asserting that such policies increase the likelihood of recidivism and undermine families and communities. Their campaign to end the lifetime ban on welfare and Food Stamps addresses a discriminatory practice of 17 states including California, where All of Us or None is located. Between the years 1996 and 1999 the ban resulted in 37,825 California women becoming ineligible for welfare benefits for the rest of their lives.

Nationally, more than 1.4 million Black men—a full 13% of the Black male population and a rate 7 times the average—are denied the right to vote.
—The Sentencing Project, Fact Sheet on Felony Disenfranchisement Laws in the United States

The National Network of Women in Prison works closely with All of Us or None and other California initiatives to ensure that the voices of formerly incarcerated women are included in efforts to shape policy and educate the public on such critical issues. The National Network Board is made up equally of women who were formerly incarcerated and their allies. Over the past 20 years, the Network has sponsored 11 National Roundtables on Women in Prison, national gatherings of formerly incarcerated women and their allies during which thousands of activists have come together to develop strategies on behalf of imprisoned women and their children. In addition, the NNWP has developed a Leadership Training Institute for formerly incarcerated women, and is using its grant funding to conduct additional trainings and to update and modify its curriculum. The National Network also addresses prison expansion and the increased incarceration of women and girls.
IMMIGRATION AND THE CRIMINAL JUSTICE SYSTEM

The criminal justice system doesn’t just eat up black and brown people from our communities. If you are an immigrant, it spits you out to another country you may have never known.

— Families for Freedom

In 1996 the U.S. Congress passed new immigration laws mandating that the majority of immigrants facing deportation proceedings could not be released from jail or prison, even if they did not pose a threat to society. The legislation caused the population of incarcerated immigrants to soar to over 21,000 by fiscal year 2000, making immigrant detainees the fastest growing portion of the U.S. prison population. Since September 11, 2001, laws developed to provide “homeland security” have resulted in the incarceration and deportation of yet more immigrants, regardless of the original circumstances that induced their arrival or whether or not they have American-born children.

The increased incarceration of immigrants—primarily immigrants of color—highlights the racist mistreatment that underlies both immigration and criminal justice policies and practices in the United States. As the numbers increase, it is important for activist communities to join forces in their organizing efforts. Founded in September 2002, Families for Freedom seeks to build broad-based campaigns that link deportation with other issues that affect immigrants and people of color, including the criminal justice system. The organization is one of New York’s only anti-deportation groups that works with immigrants being deported for past criminal convictions. Families for Freedom reports that because people facing deportation have no legal right to an attorney, in some areas as many as 90% of immigrant prisoners attend their deportation hearings without counsel. Policies such as these have increased the vulnerability and fragility of immigrant communities, separated families, and silenced many voices for fear of being deported. Families for Freedom organizes campaigns which combine community mobilization, legal advocacy, media work, and Congressional outreach to build support and awareness.

Based on current rates of first incarceration, an estimated 32% of black males will enter State or Federal prison during their lifetime, compared to 17% of Hispanic males and 5.9% of white males.

— US Department of Justice Office of Justice Programs, Criminal Offender Statistics
INCARCERATED YOUTH

Youth are dramatically affected by current criminal justice policies. A growing concern of our grantees is the increasing rate of suspensions and expulsions in our school systems. According to the Center for Community Alternatives, although school violence has decreased, suspensions are at the highest rate in 25 years, which increases the dropout rate and vulnerability to involvement in the criminal justice system.

"An eligibility restriction provided by the 1998 re-authorization of the Higher Education Act prevents formerly incarcerated people with drug-related convictions from obtaining Pell Grants or student loans."
— The Center for Law and Social Policy

"More than 43,000 college students face possible denial of federal aid" in 2001 as a result of the ban
— The New York Times

CJI grantee, Citizens for Quality Education, Inc., located in Lexington, MS, used their grant for the development of the “Schoolhouse 2 Jailhouse” program to address the increasing dropout rate in local schools. In the two years that they have received funding, Citizens for Quality Education has changed the lives of children and their families by organizing a program that integrates after-school activities, voter registration, community forums and a parent education initiative to increase student graduation rates.

Research shows that 70 percent of children of incarcerated parents will themselves at some point be incarcerated.
— Big Brother Big Sister

Families and Friends of Louisiana’s Incarcerated Children (FFLIC) in New Orleans, LA, is an organization that is tapping the power of community by organizing families and youth who have been involved in the juvenile justice system. They know that detention is not the answer if we want to change the future for our children. FFLIC has educated local and state officials to the reality that the economic opportunity brought by prison construction is greatly outweighed by the damage that it does to incarcerated people, their children and their communities. The organization used their grant to organize incarcerated children and their families to educate communities about the brutality of the guards against children and the lack of services at the Tallulah Juvenile Prison. Through the creation of a diverse coalition, FFLIC was instrumental in closing the Tallulah facility, which did not provide young people a rehabilitative environment nor the services that would allow them to reunite with their families and communities. The organization was also successful in educating policy-makers on the state level that economic investment should not be focused on the construction of juvenile prison complexes, but rather on community programs that would prevent youth from becoming involved in the criminal justice system to begin with.