

Open Society Foundations' Criminal Justice Fund

Proposal Title Page
Please complete and attach to the front of your proposal

Formal organization name as stated on IRS letter of tax determination:

The National Council on Crime and Delinquency

One-sentence description of the proposed initiative:

The purpose of this project is to... The National Council on Crime and Delinquency (NCCD) will provide research, technical support, and analysis of data to support the work of the San Francisco Sentencing Commission.

Amount Requested: \$ 250,000 **Project Budget:** \$ 250,000 **Organization Budget:** \$ 20,149,288

Proposed Grant Period: From: 1/1/13 (Month/DayYear) To: 6/30/15 (Month/Day/Year)

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Date Letter of tax determination issued: 1948

A handwritten signature in black ink, appearing to be the letters 'R' or 'D' with a stylized flourish.

Signature of Proposal Contact

11/26/12

Date

ORGANIZATION

Proposal to the Open Society Foundations' Criminal Justice Fund

I. Project Summary (1-3 paragraphs)

The project summary should provide an at-a-glance overview of the funding request and the main project objectives and activities. Please use the following as a guide:

The National Council on Crime and Delinquency (NCCD) is requesting \$250,000 from the Open Society Foundation (OSF) to support the work of the San Francisco Sentencing Commission, an initiative of the District Attorney's office. The commission's goals include establishing and maintaining an effective, fair, and efficient sentencing system for San Francisco that enhances public safety and creates a livable San Francisco. This will be accomplished by developing a sentencing reform model that embodies and retains meaningful judicial discretion, avoids unwarranted disparity, utilizes correctional resources efficiently and effectively, and provides a meaningful array of sentencing options. To this end, the commission will evaluate effective and appropriate sentences for offenders, explore opportunities for drug law reform, examine inconsistencies in penal code related to realignment sentencing, and identify and define the most important factors that reduce recidivism.

A thorough collection, analysis, and review of various forms of data, including systems and decision-point data, is paramount to this effort; OSF funding will enable NCCD to support the commission by completing these tasks. NCCD will provide technical support and conduct research and data analysis. This includes performing quantitative and qualitative research that builds on and supplements existing data reports and analyses conducted by the state, other jurisdictions, and/or organizations. NCCD will also conduct an in-depth literature review, examining critical documents and analyzing relevant research and data to (a) determine the specific strategies employed by other jurisdictions and states to reduce unnecessary incarceration, (b) highlight relevant models for alternatives to incarceration, and (c) determine and report on successful strategies. We will examine and present examples of other jurisdictional approaches to criminal justice realignment. In addition, we will research and identify best and promising practices for consideration by the commission (e.g., information on collaborative courts and the use and utility of risk and needs assessment in the courts).

Again, the aforementioned tasks—analysis of data and assessment and review of documents and literature—are essential components of this project. These are the primary means for commission members to receive the data and materials needed to fulfill their charge.

II. Organization Description and History (3-5 paragraphs)

In this section, please provide a brief description and history of the organization seeking funding. Organizations or programs working with a fiscal sponsor must also include a brief organization and history description of the fiscal sponsor. Please include:

- The organization's history and mission;
- The organization's primary initiatives, projects, and/or issue areas;
- The strategies the organization employs to carry out its mission; and
- Major recent accomplishments, including dates.

NCCD was founded in 1907 to help reform the juvenile court movement as a means to keep children out of the criminal justice system. Today, NCCD's mission is to promote just and equitable social systems for individuals, families, and communities through research, public policy, and practice. Our breadth extends to child welfare, adult corrections, juvenile justice, adult protective services, LGBT and gender-specific issues, economic support programs, data monitoring, and education. We operate two centers: The Children's Research Center (CRC) was established to help state and child welfare agencies

reduce child abuse and neglect by developing decision-support systems and conducting research to improve service delivery to clients; the Center for Girls and Young Women focuses on advocacy, research, assessment, training, and evaluation to help juvenile justice and child welfare systems meet the needs of girls and young women.

NCCD works with states, counties, legislators, law enforcement, and public and private organizations to demonstrate, test, and evaluate innovative alternatives to ineffective and costly adult criminal justice practices. We also collaborate with community, state, and federal partners as well as local and national foundations to develop and conduct program evaluation, risk assessments, planning studies, analyses of disparities, and topic-specific research. By employing research and development, advocacy, technical assistance, and training, NCCD pioneers examinations of issues such as disparate pre-trial lengths of stay, sentences, and terms of probation. These efforts have already yielded significant benefits by critically analyzing theories of violence, gathering data on these topics, offering recommendations for change, and working with communities to implement reforms. We collaborate with community, state, and federal partners as well as local and national foundations to develop and conduct program evaluation, risk assessments, planning studies, analyses of disparities, and topic-specific research.

NCCD has worked for juvenile and criminal justice system reform for a century, and that passion continues today. We are training institutions on restorative justice, which brings offenders and victims together to engage in reconciliation and repair. Numerous studies show increased victim satisfaction, reductions in recidivism, and higher levels of plan completion. In addition, an NCCD study on future bed-space needs for youth detained in Baltimore's criminal justice system halted plans for construction of a new juvenile facility there. We also developed the National Resource Center for the Elimination of Prison Rape to assist adult and juvenile corrections, detention, and law enforcement professionals in eliminating sexual assault in confinement. In California, we are supporting sustainable, long-term criminal justice reform through our Realignment Partnerships Program. The program will provide research-based technical assistance to the state's counties so that low-risk offenders can be handled effectively and safely through diversion and other alternatives.

NCCD's broad range of research capabilities and expertise offers many ways to assist the San Francisco Sentencing Commission in reaching its goals. We have worked extensively in the adult corrections and juvenile justice systems and are currently working with jurisdictions to modify sentencing laws and correctional practices. Our research examines alternatives to incarceration and considers ways in which incarcerated individuals can be placed in less secure settings without decreasing public safety. NCCD also examines the availability of community-based correctional programs, develops blueprints for the most appropriate programs, and determines costs. In addition, NCCD:

- Has extensive experience and expertise conducting analyses of data that will be key to developing an overview of the population of interest (or population included in the Public Safety Realignment Act). Using extracts of data, we have conducted analyses of local data to characterize a specific population, e.g., by examining risk assessment scores for those who were arrested to determine the needed number of drug treatment services, anger management services, or other interventions. NCCD has conducted detention projection studies that use data from administrative databases to clarify how many bed spaces were needed under various scenarios when the agency was planning a new building. NCCD used data from an earlier period to estimate future workloads, provided recommendations to adopt "best practice" standards in order to improve public safety and the rehabilitation of juvenile and adult correctional clients, and routinely calculates recidivism rates during evaluation studies.
- Facilitated a collaboration of seven Bay Area counties interested in monitoring changes in their probation populations under AB109. NCCD will compile individual level data from each of these counties and complete a data profile that includes information about the flow of prisoners from the state prison system onto probation caseloads. NCCD will also look at sentencing inconsistencies by the courts.

- Is working with the Santa Clara County Re-Entry Network to develop a reentry plan that incorporates best practices in risk and needs assessment. NCCD also has a contract with the Santa Clara County Probation Department and Sheriff’s Office to provide the Criminal Assessment and Intervention System™ (CAIS), a risk and needs assessment tool that will be used to shape probation recommendations and case management of prisoners and probationers.
- Has worked with Santa Cruz County to provide technical assistance around the implementation of risk and needs assessments and system change under the Public Safety Realignment Act. This work included providing guidance on the development of a probation violation response grid intended to de-accelerate probation responses to technical violations.

III. Project Overview/Background (1-2 pages)

In this section, please describe the overall project, making sure to address the following, at minimum:

- The specific issue(s) and long-term goal(s) that the proposed project seeks to advance;
- The project’s main objectives (defined, measurable, and achievable, plans of action that, if achieved, move a project toward meeting its long-term goal), including relevant strategy/ies (e.g., Policy analysis/research, public education, Policy advocacy, community organizing/mobilization, coalition-building, impact litigation) and target audience(s) and/or decision maker(s); and
- The constituency served and/or mobilized by the project.
- [If this is a request for renewal project funding, please include a description of the activities undertaken during your previous OSF grant, and explain how the proposed project will build on the project’s previous work and benefit from lessons learned.]

California has a system described by some as “justice by geography,” whereby the location of arrest rather than the actual offense committed has been the strongest indicator of criminal justice system involvement. We know crime rates in California have been plummeting since the 1990s, yet the state’s inmate population has continued to escalate to our current state of mass incarceration.¹ Most pundits agree that the increasing crime rates were not the driver for the state’s current system of mass incarceration and rise in the state’s prison and jail populations. What many do believe to be a significant contributor to this condition is California’s capricious sentencing system. During the past three decades, more than 1,000 sentencing laws have been added to the California Penal Code. These laws have exacerbated the prison and jail crisis, resulting in a disparate system.²

The passage of the Public Safety Realignment Act of 2011 (AB109) is a first step toward reducing California’s over-reliance on incarceration. This legislation, which took effect October 1, 2011, requires San Francisco and all other California counties to take responsibility for a variety of offenders who previously would have been supervised by state parole and sentenced to state facilities and custody. Individuals serving time in state prisons for low-level felony offenses that are non-serious, non-violent, and non-sex-related are now placed on post-release (county-level) community supervision; they are supervised locally through probation departments. In addition, those convicted of certain felony offenses are no longer eligible to serve their sentences in state prisons. This legislation will in effect reduce the numbers of low-level offenders sentenced to state prison; however, it falls short. Realignment alone will not achieve the overhaul required to build a more uniform and equitable justice system in California. A crucial aspect leading to true reform will require an analysis and review of current sentencing practices.

Another pressing issue of specific importance to San Francisco is the troubling data trend for its current criminal justice population. Data indicate that prior to the passage of AB109, the city already had serious issues with its criminal justice population. The majority of offenders recidivate after release from state prison, including 77% of those released from state prison for the first time and 78% of re-paroles.

¹ Center for Juvenile and Criminal Justice

² Center for Juvenile and Criminal Justice

The city is also dealing with a disturbing pattern of disparity in incarceration rates for African Americans. Despite comprising a small percentage (7%) of the general population, African Americans represent a majority (60%) of the incarcerated population.

Through the leadership of District Attorney George Gascón, and in partnership with the San Francisco Board of Supervisors, The City and County of San Francisco (CCSF) is working to alter these troubling trends. Gascón spearheaded the first-of-its-kind local sentencing commission. The goals of the San Francisco Sentencing Commission include establishing and maintaining an effective, fair, and efficient sentencing system for San Francisco that enhances public safety and creates a livable San Francisco. This will be accomplished by developing a sentencing reform model that showcases a system that retains meaningful judicial discretion, avoids unwarranted disparity, utilizes correctional resources efficiently and effectively, and provides a meaningful array of sentencing options.

The commission will evaluate effective and appropriate sentences for offenders, explore opportunities for drug law reform, examine inconsistencies in penal code related to realignment sentencing, and identify and define the most important factors that reduce recidivism. Although some US states have established sentencing commissions to assist in the development and administration of a fair justice system, statewide efforts to do so in California have failed. This is another reason why the work of the San Francisco Sentencing Commission is so important. It will serve as a model for other counties seeking to achieve sentencing reform by implementing policies and strategies that prioritize evidence-based practice, use correctional resources efficiently, reduce unnecessary incarceration, avoid unnecessary racial disparities, and increase public safety. A thorough collection, analysis, and review of various forms of data, including systems and decision-point data, is paramount to this effort and the driving force in the decision to partner with NCCD.

Commission members represent a broad array of voices, practitioners, researchers, law enforcement representatives, and advocates. District Attorney Gascón is joined by the following representatives of the community of San Francisco: Public Defender Jeff Adachi; Juvenile Probation Chief Bill Sifferman; Sheriff Vickie Hennessy; Police Chief Greg Suhr; Public Health Director Barbara Garcia; Karen Roye, Department of Child Support Services; Minouche Kandel, Bay Area Legal Aid; Catherine McCracken, Center on Juvenile and Criminal Justice; Theshia Naidoo, Drug Policy Alliance; and Steven Rafael, Professor, Goldman School of Public Policy, University of California, Berkeley. The commission's primary charge is to produce recommendations that affect local and statewide sentencing practices. The commission, which will report directly to the Board of Supervisors and the Mayor's office, will be a significant resource for the county's criminal justice system.

IV. Activities for Which OSF Funds Are Sought (1-2 pages)

In this section, please outline the specific activities (as concretely and fully as possible) that advance the project objectives discussed in the previous section and that OSF funding will enable your organization to undertake. Include a concrete and full description of any tangible outcomes (e.g., reports, issue briefs, opeds, convenings, etc.) that would result directly from these activities.

Objective: The San Francisco Sentencing Commission will promote the development of criminal sentencing strategies that reduce recidivism, prioritize public safety and victims' protection, emphasize fairness and employ evidence-based best practices, and efficiently utilize San Francisco's criminal justice resources. In support of this objective, NCCD will provide various forms of technical assistance, research, and data analysis. In addition, NCCD will perform and/or assist the commission in the following activities:

- Activity 1: Review and assess sentencing approaches locally and in other jurisdictions.
- Activity 2: Conduct quantitative and qualitative research that builds on and supplements existing data reports and analyses. This includes disaggregating and analyzing CCSF's systems data by offense, disposition, gender, and race and ethnicity.

- Activity 3: Review and assess the city’s capacity and utilization of services and alternatives to incarceration throughout the criminal justice continuum, including pre-adjudication and post-release.
- Activity 4: Examine inconsistencies in penal code related to realignment sentencing.
- Activity 5: Assist with the development of data-collection standards and recidivism and reporting standards, with the goal of ensuring that critical variables and components are captured.
- Activity 6: Conduct in-depth reviews of literature, which will include examining critical documents and analyzing relevant research and data to (a) determine the specific strategies employed by other jurisdictions and states to reduce unnecessary incarceration, (b) highlight relevant models for alternatives to incarceration, and (c) determine and report on successful strategies. We will also examine and present examples of other jurisdictional approaches to realignment.
- Activity 7: Review and assess the Justice Reinvestment Initiative recommendation to invest in best practices to reduce recidivism.
- Activity 8: Identify best and promising practices for consideration by the commission (e.g., information on collaborative courts and the use and utility of risk and needs assessment in the courts). The commission will review and determine the specific practices to be shared among other criminal justice agencies, and NCCD will conduct the training.
- Activity 9: Facilitate trainings on best practices in sentencing for various criminal justice agencies.

V. Project Work Plan/Timeline (1-2 pages)

San Francisco Sentencing Commission Task Timeline	Due Date									
	Yea 2013				Yea 2014				Year 2015	
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Finalize a task-specific scope of work with DA's Office	X									
Communicate and meet with DA's Office staff	X	X	X	X	X	X	X	X	X	X
Review of a sample of sentencing approaches for select jurisdictions		X								
Request data extract from the DA's office, courts, and other specified agencies	X									
Generate baseline sentencing data summary		X								
Complete risk assessment literature review				X						
Exam key documents				X						
Attend commission meetings	X		X	X	X		X	X	X	X
Collect and review existing data and research reports				X						
Complete recidivism reduction analysis								X		
Develop protocol and definitions for utilization of services and alternatives to incarceration report								X		
Develop recommendations for recidivism reporting standards								X		
Present models and examples of best and promising practice									X	
Updates to the Sentencing Commission		X		X		X		X	X	X
Participate in best-practices training										X

VI. Attachments

- Attachment A: Project Budget
- Attachment B: Organizational Budget
- Attachment C: Financial Statement
- Attachment D: Staff Biographies
- Attachment E: 501c3 Letter
- Attachment F: Banking Information

Note: NCCD does not have an annual report

VII. Bank information

See Attachment F