

Criminal justice reform is a verb more than it is a noun.

When the people of a given community become so tired of injustice, both systemic and personal, they begin rattling the bars of their cages. It is a noise that law enforcement, the politicians, institutional stakeholders and civic-minded foundations can hear loud and clear.

More often than not, foundations are the first stakeholders in the community to step forward with a very simple question: “How can we help?”

But before any action can be taken, there should be a period of deep listening and constructive community dialogue about what it will take to jump-start meaningful change, especially during politically polarized times.

It is during this period of community engagement that those most desperate for change and the philanthropic communities that want to help bring it about can reach a mutually beneficial epiphany: We’re all in this together.

RATTLING CAGES

As calls for criminal justice reform continue to grow across the country, the MacArthur, Joyce and Ford foundations are leaders among philanthropies responding with both thoughtful analysis and bold action. In describing the foundations’ reform work, their presidents explain why the status quo must change.
by Tony Norman

America has an incarceration problem. It also has a gun violence problem. Some argue that the two are merely different points on the same continuum. They may be related, but it is obvious that each requires a different approach.

Three foundations, in consultation with the people most affected by incarceration and gun violence, are stepping into the breach with grants and other resources that could transform civic life in America for the better.

Chicago is home to both the MacArthur Foundation and the Joyce Foundation, two philanthropies that have embraced criminal justice reform at a time when many people of color feel that institutions connected to law enforcement have actively betrayed them for generations. The New York–based Ford Foundation has also embarked on an ambitious project under the rubric of criminal justice reform.

All three have distinct approaches to this major societal undertaking. What follows is a brief introduction to each foundation and its response to the challenge of rattling cages.



John Palfrey of the MacArthur Foundation

John Palfrey has been president of the John D. and Catherine T. MacArthur Foundation for less than four months, but he already has the bearing of someone who has been at the helm of that world-spanning philanthropic enterprise for years.

A tall man who projects modest informality and kindness in equal measures, Mr. Palfrey puts visitors at ease with gestures of hospitality top executives of much smaller companies have long forgotten.

If Mr. Palfrey can be said to be hard-nosed about anything, it is most evident in his passion for addressing the problems in the criminal justice system. As the recently installed president of the MacArthur Foundation, Mr. Palfrey has landed at the right place at the right time.

The MacArthur Foundation's commitment to juvenile justice reform stretches back to the 1990s, but the organized and systematic approach it now favors for criminal justice reform in general began in 2013.

For the last six years, the MacArthur Foundation has given \$184.2 million in criminal justice grants to 101 organizations with programs that complement the foundation's holistic approach to criminal justice reform, especially those strategies that seek to reduce the racial and ethnic disparities in the jail population.

The MacArthur Foundation's playbook for making a difference in a nation that leans too heavily on mass incarceration to solve society's problems can be best characterized by its \$100 million Safety and Justice Challenge.

Every year, the foundation gives millions in grants specifically designed to "help jurisdictions across the country create fairer, more effective local justice systems."

The grants range from \$50,000 for a narrow, specifically focused project that addresses the misuse and overuse of jails that compound racial and ethnic disparities to larger grants like the \$2.1 million given to Philadelphia, once it committed to full implementation of comprehensive systems reform.

John Palfrey

President

John D. and Catherine T. MacArthur Foundation

MISSION

The MacArthur Foundation supports creative people, effective institutions, and influential networks building a more just, verdant and peaceful world. Its investments address some of the world's most pressing social challenges, including advancing global climate solutions, decreasing nuclear risk, promoting local justice reform in the U.S. and reducing corruption in Africa's most populous country, Nigeria.

BIOGRAPHY

John Palfrey is an educator, author, legal scholar and innovator with expertise in how new media is changing learning, education and other institutions. Prior to joining the MacArthur Foundation, he served as head of school at Phillips Academy, Andover. He also previously served as the Henry N. Ess III Professor of Law and vice dean for library and information resources at Harvard Law School, and as executive director of the Berkman Klein Center for Internet & Society, which seeks to explore and understand cyberspace.

Since MacArthur began partnering with Philadelphia in 2015, that city has seen its jail population reduced by a third. That's impressive and encouraging, especially when the data confirms that a less punitive approach to criminal justice has quick and tangible results.

"There are a number of strategic approaches we use to accomplish these goals," Mr. Palfrey said. "They change all the time, depending on reports back from the field. We have 52 sites in 32 states. All the jurisdictions are selected through a competitive application process."

Last year, Allegheny County was awarded \$2 million "to implement strategies that address the main drivers of the local jail population in the area, including unfair and ineffective practices that take a particularly heavy toll on people of color, low-income communities, and people with mental health and substance abuse issues," according to the website SafetyandJusticeChallenge.org.

The grant, which is one of the MacArthur Foundation's largest, incentivizes all the stakeholders across the local justice system, from the district attorney's office to law enforcement officials, to share data and work diligently toward reducing the jail

population from its current average of 2,321 by 20% over two years. Once all the data is crunched, both Allegheny County and the MacArthur Foundation will know whether a reform effort that works in Philly also works in Allegheny County.

"All the system actors had to agree to share their data," Mr. Palfrey said. "They had to make a commitment to look at the drivers of their jail population through a racial equity lens and adopt specific strategies to reduce their jails' population by a specific target that we gave them."

Laura Garduque, director of the MacArthur Foundation's criminal justice program, described how reform starts at the local level.

"Arguably, jail is the gateway into going deeper into the criminal justice system," she said. "It's where people are brought when they're first arrested. Most of the people who are in jail—two-thirds of the population—are being held pre-trial. Seventy-five% are there for low-level, non-violent offenses. Many are there because of their inability to make [cash] bail. Many are there because they've committed crimes of poverty or they're homeless or suffering mental health or substance abuse disorders."

Mr. Palfrey explained that the Safety and Justice Challenge approach differs from others in its effort to "get all of these people in the room and seek, where possible, to work as a system toward a common goal."

"It's not without lots of dynamic tension. However, it is also the case that Laura and her team have been successful in bringing together people who do run these large systems. In jurisdiction after jurisdiction, they have been successful at reducing the jail population. It's been harder to do the racial disparity piece, but there has been some progress and some areas where that is successful."

The MacArthur Foundation is also working closely with its crosstown colleagues at the Joyce Foundation on gun violence reduction strategies, a long-standing priority for both philanthropies.

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Ellen Alberding

President

The Joyce Foundation

MISSION

The Joyce Foundation is a nonpartisan private foundation that invests in public policies and strategies to advance racial equity and economic mobility for the next generation in the Great Lakes region. It supports policy research, development and advocacy in five areas: Education & Economic Mobility, Environment, Gun Violence Prevention & Justice Reform, Democracy, and Culture.

BIOGRAPHY

Ellen Alberding is one of the founders of the Partnership for Safe and Peaceful Communities, a funder collaborative investing in community-based strategies to reduce gun violence in Chicago. She also is a founding board member of Advance Illinois, which advocates for public education reform. Ms. Alberding is frequently invited to speak on a range of issues, including the impact of public policy, the role of foundations in addressing the nation's challenges, and philanthropic accountability and governance.



Ellen S. Alberding of the Joyce Foundation

Ellen S. Alberding, president of the Joyce Foundation, occupies a sun-drenched office with a view of the Chicago skyline that is as dizzying as it is beautiful.

As the foundation's leader, she oversees \$50 million in annual grantmaking on assets of approximately \$1 billion for a foundation that has made the Great Lakes region, with its myriad challenges and opportunities, the primary recipient of its ongoing largesse.

Like her colleagues at the MacArthur and Ford foundations, Ms. Alberding directs a significant portion of the Joyce Foundation's resources to criminal justice reform, a board priority that predated her appointment as president in 2002.

To that end, the Joyce Foundation has as its central focus, according to its website, "gun violence prevention and investing in policies to advance racial equity and economic mobility for the next generation." Ms. Alberding is more than happy to explain the connections with criminal justice reform.

"When you think about gun policy and the criminal justice intersection, it's the young kid with the gun who is being held accountable for either carrying the gun or committing a crime with the gun," she said, assuming that such unfairness would resonate without having to spell it out.

"What about further upstream? Who's holding the distributor, the manufacturer and the state that makes it easy to get a gun [responsible]? Who's holding everyone else accountable for the fact that this 17-year-old, 18-year-old or 21-year-old has easy access to a gun?"

She allows the weight of the words to linger so that the absurdity of seeing a gun-toting young person in isolation from the rest of society sinks in.

Then she notes that those horrified by the mere presence of the gun rarely ask why young people feel compelled to carry them in the first place. Often the reason is that too many carry guns because they desperately want to avoid becoming victims themselves.

Identifying and working with civic, community and law enforcement stakeholders to come up with creative alternatives to punishment for minor and non-violent crimes is a big part of the Joyce Foundation's mission.

They're not interested in adding to the escalating statistics of gun violence, but they feel trapped by society's low expectations of them and the failure of their schools, law enforcement and even their own families to provide viable alternatives to fear and violence. They can see that every institution set up to protect them is failing them.

"It's easy to make laws that include mandatory minimums for the young person who gets caught with the gun," she said. "But let's talk about the whole chain of events that gets the gun in the kid's hand [in the first place]."

The Joyce Foundation's approach to criminal justice does this with data-driven analytics and solutions that address the crisis holistically.

"The intersection of gun violence, policing and the criminal justice system seemed like a really good way for [the Joyce Foundation] to have an additive voice to the efforts of other folks who've been working in the criminal justice field for a long time," Ms. Alberding said.

"What we know, probably more than many, is the role of guns and gun violence,

and the interactions between police and community and gun-violence challenges that exist in our city and many other cities."

The Joyce Foundation observed that the traditional justice system response to guns and violence was negatively impacting communities that were already hurt by guns. For instance, people of color are disproportionately stopped, frisked and arrested at higher rates than whites because of racially biased stop-and-frisk laws.

For Ms. Alberding, criminal justice reform is an outgrowth of the gun violence prevention work of the Joyce Foundation.

"It's about making communities safer and reducing harm," she said.

She also points to "constitutional policing and community engagement" as major factors in the reduction of gun violence.

"It's respecting the rights of the individuals in the community and respecting the role of law enforcement," she said. "The third leg is reducing the over reliance on incarceration."

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In Minneapolis, an example of the kind of effort the foundation is funding is a group called MicroGrants that partners with auto repair shops. When police pull someone over for busted tail lights, instead of giving them a ticket, they hand over a voucher to have it repaired at one of the participating body shops. It's wildly successful and has shifted the climate of mutual suspicion a bit.

Joyce is now funding a neighborhood policing initiative in Chicago that gets officers out of their cars and walking through communities introducing themselves. The idea is to encourage the officers and the communities to get to know each other before there's a crisis.

"Right now, you have a very difficult relationship in communities that feel over-policed, yet they have terrible gun violence," Ms. Alberding said. "It's not a healthy relationship, and everybody realizes that. There's no way they're going to improve their ability to solve crime if they don't have a relationship with people in the community."

There has to be community buy-in at every level, from the cops to the prosecutors, for a holistic approach to criminal justice reform to work, she insists, adding that she sees encouraging signs in cities across the nation that this is beginning to happen.

"There's a whole group of progressive prosecutors, and we are actively working with them," she said. "They have an association that we financially support. They develop white papers and practice manuals. They're fantastic."



Darren Walker

President
Ford Foundation

MISSION

The Ford Foundation's mission is to reduce poverty and injustice, strengthen democratic values, promote international cooperation, and advance human achievement. Investments in individual leadership, strong institutions, and innovative, often high-risk ideas have been the touchstones of everything the foundation does and are central to its theory of how change happens in the world.

BIOGRAPHY

Darren Walker's extensive philanthropic experience includes chairing the philanthropy committee that brought a resolution to the city of Detroit's historic bankruptcy; serving as co-founder and chair of the U.S. Impact Investing Alliance, and co-founding the Presidents' Council on Disability Inclusion in Philanthropy. Mr. Walker serves on a number of boards and commissions, including the Commission on the Future of Rikers Island Correctional Institution and the UN International Labor Organization Commission on the Future of Work.

Darren Walker of the Ford Foundation

When it comes to criminal justice reform, the two words Darren Walker, president of the Ford Foundation, uses most in speeches and interviews about the issue are “dignity” and “redemption.”

For the seven years Mr. Walker has helmed the Ford Foundation, with its \$13 billion endowment and \$600 million in annual grantmaking, the international social justice philanthropy has only increased its mission—one that predates Mr. Walker's stewardship—to dramatically shrink the rate of mass incarceration in America.

To that end, the foundation devotes between \$15 million and \$20 million annually to reducing mass incarceration and narrowing the footprint of the criminal justice system.

As part of this effort, Ford has been an invaluable partner in the recently approved plan to de-commission Rikers Island—the notorious prison that has broken the minds, bodies and spirits of the guilty and the innocent alike for nearly 90 years—and replace it with four smaller, more humane facilities to be located around New York City boroughs.

These smaller facilities will provide rehabilitative services, educational opportunities and spaces for the encouragement

of the kind of restorative justice that would affirm the dignity of the victims and the incarcerated who agree to participate in that model of mediation. It is a radical departure from the current American model of justice, which posits that the incarcerated are mostly irredeemable, incorrigible and recidivistic.

“I am motivated by our mission, which includes the very fundamental idea that every person deserves to live a life with dignity,” said Mr. Walker who, as a member of the Commission on the Future of Rikers Island Correctional Institution, helped write the report that persuaded all the major stakeholders to get onboard with a plan once considered unthinkable only a few years ago.

“And the idea of dignity extends to everyone, even those who are convicted of a crime, and especially those who are wrongfully convicted—people who are incarcerated because of their race or class or their status in society,” he added.

While the headline value of closing Rikers Island by 2026 has enormous symbolic value, it is also emblematic of the Ford Foundation's ambition to end mass incarceration and make its criminal justice reform agenda tangible in communities across the nation.

“Criminal justice is a complex system,” said Tanya Coke, the director of the Ford Foundation’s Gender, Racial and Ethnic Justice team. “It’s actually made up of 50 state systems and then innumerable county and local systems, all with discretion over how to respond to crime and disorder.”

Ms. Coke agrees with Mr. Walker that America’s approach to crime is “highly punitive almost wherever you go” and is “structurally designed as a system of racial social control” that everyone takes for granted.

“So, at Ford we approach criminal justice as an issue of racial equity and as an issue of structural reform,” Ms. Coke said. “So rather than fund services that provide, for example, rehabilitation or diversion from the criminal justice system for at-risk youth, we are promoting changes to laws and policies that will redirect government investment from prisons and jails to those kinds of rehabilitative alternatives to incarceration.”

Though the Ford Foundation has been funding various efforts to this end for the last seven years, Ms. Coke insists that the movement is being led by the formerly incarcerated and others at the grassroots level and not by the funders.

For example, the foundation has supported JustLeadershipUSA since its inception in 2014. The organization is dedicated to cutting the U.S. prison population in half by 2030.

JustLeadershipUSA is based in New York and is led by formerly incarcerated people. It is the organization that put into motion the movement to close Rikers Island.

The effort to close and defeat the building of new jails in California is also led by formerly incarcerated people and funded partially by the Ford Foundation. In Louisiana, there’s an organization called VOTE—Voices of the Experienced—that has contributed to major reforms in that state and has dislodged Louisiana from being the number one incarcerating state in the world. It is now second.

To that end, the foundation devotes between \$15 million and \$20 million annually to reducing mass incarceration and narrowing the footprint of the criminal justice system.

The Ford Foundation is particularly proud of funding the work of Florida grantee Desmond Meade, a formerly incarcerated lawyer who led a major ballot initiative that voters in that state supported last November to re-enfranchise 1.4 million people with felony convictions. It was a bipartisan effort in a polarized election.

“I think we have a challenge in this country that the idea that everyone deserves to live with dignity has become a contested idea because of the punitive nature of our criminal justice system,” Mr. Walker said.

“The idea has actually become that any person who is incarcerated or ... is ensnared in the criminal justice system should be stripped of their dignity—and should be treated punitively and forever stripped of their rights as citizens [and] stripped of their capacity to contribute to society or improve their own personal lot in life and their communities.”

Because the Ford Foundation has been relentless in pursuing the goal of reducing mass incarceration, Mr. Walker is optimistic that the goal is no longer quixotic, especially with a grassroots army of formerly incarcerated reformers lobbying and agitating for structural change at the prisons in their communities and for the restoration of their rights as citizens. Foundation officials are encouraged by the growing bipartisan consensus in Congress to shrink the growth of the prison industrial complex.

The reason that the sole focus of Ford’s criminal justice program is ending mass incarceration also is because foundation officials view it as the scourge that has led the U.S. to become the world’s largest jailer, decimating scores of families by separating them unnecessarily and wrecking the prospects of those who come home from prison to support themselves and their families.

Though there is momentum around criminal justice reform at both the state and the federal levels, it is estimated that it will take another 75 years to reduce the jail and prison population to levels that prevailed in the early 1970s, when the incarceration rate was 161 per 100,000 of the population compared to the current rate of around 698 per 100,000.

“Even if you believe in [punishment], there is penitence and after that there is redemption,” Mr. Walker said. “And we have given up on the idea of redemption, the idea that a person’s value can be redeemed and that their life is worth something.”

The work of the Ford Foundation is an attempt to reassert the dignity of the guilty and the innocent alike. **h**