DIVEST/INVEST:
From Criminalization to Thriving Communities

- created by -

FUNDERS FOR JUSTICE

- a program of -

NFG NEIGHBORHOOD FUNDERS GROUP
Connecting people, place and power
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INTRODUCTION

Funders for Justice created this website for funders because we believe that our collective investments in housing, education, health, transportation, food security, and jobs will fail if we do not also proactively work to divest this nation’s resources from criminalization. Our partners in the field are organizing for divestment from criminalization, and understand that as critical to the work of transforming communities to be truly safe and secure. This website is a toolkit for grantmakers, donors, and funder affinity groups, to help funders in confronting mass criminalization. We ask you to listen, learn, and take action.

“We keep each other safe. When governments, schools and the healthcare system fail communities — everyday people take action to create safety. It is my deepest desire to live in a world where safety can be realized without punishment. When we get to that world, the possibilities for transformation will become endless.”

–Charlene Carruthers | National Director BYP100 | FFJ Advisor
Our budget reflects our values.

**THIS YEAR...**

<table>
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<tr>
<th>Would You Rather?</th>
<th>Spend an extra $206 billion on police, prosecutors, courts, jails &amp; prisons?</th>
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<td>Create over one million new living-wage jobs ($114 billion)?</td>
<td>OR</td>
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<td>Create a universal pre-K system for all 3- and 4-year-olds that would be free for low-income families and affordable for middle-class families ($20 billion)?</td>
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<tr>
<td>Increase spending by 25% at every K-12 public school in the country ($159 billion)?</td>
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<tr>
<td>Spend an extra $206 billion on police, prosecutors, courts, jails &amp; prisons?</td>
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<td>Fund one million new social workers, psychologists, conflict mediators, mental health counselors, and drug treatment counselors ($67 billion)?</td>
<td>OR</td>
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<td>Provide healthcare for five million uninsured persons ($30 billion)?</td>
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<td>Buy a $200,000 house for one million families living in poverty ($200 billion)?</td>
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<tr>
<td>Increase the salary of every public school teacher in America by $10,000 ($31 billion)?</td>
<td>OR</td>
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<tr>
<td>Provide a quality afterschool program for every child living in poverty in the country ($60 billion)?</td>
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<tr>
<td>Provide a child care tax credit of up to $14,600 per year for every child ages 0-5 from a low-income or middle-class family ($40 billion)?</td>
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<tr>
<td>Create 400,000 summer and year-round jobs for youth from low-income families ($1.5 billion)?</td>
<td>OR</td>
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<tr>
<td>Provide every household living in poverty with an additional $10,000/year in income or tax credits ($87 billion)?</td>
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<td>Eliminate tuition at every public college and university in the country ($82 billion)?</td>
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**OVER THE NEXT 30 YEARS...**

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<th>Would You Rather?</th>
<th>Spend an extra $6.2 trillion on police, prosecutors, courts, jails &amp; prisons?</th>
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<tr>
<td>Create over 8 million living wage jobs ($1.6 trillion)?</td>
<td>OR</td>
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<td>Annually invest $1 billion in each of 100 low-income U.S. communities to implement a comprehensive community development plan ($3 trillion)?</td>
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<td>Transition 39 out of 50 states to 100% clean and renewable energy sources ($6 trillion)?</td>
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<tr>
<td>Provide every child living in poverty with an additional annual investment of $10,000 in their education and other wraparound supports ($4.7 trillion)?</td>
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Source: The $3.4 Trillion Mistake: The Cost of Mass Incarceration and Criminalization, and How Justice Reinvestment Can Build a Better Future for All
Brief history of the US Criminalization System

Watch [Slavery to Mass Incarceration](#), an animated short film by acclaimed artist Molly Crabapple, with narration by Bryan Stevenson, [Equal Justice Initiative](#).

From the Equal Justice Initiative:

The film illustrates facts about American slavery and the elaborate mythology of racial difference that was created to sustain it. Because that mythology persists today, slavery did not end in 1865; it evolved... Slavery to Mass Incarceration is part of EJI’s [Racial Justice](#) project, which explores racial history and uses innovative teaching tools to deepen our understanding of the legacy of racial injustice. By telling the truth about our past, EJI believes we can create a different, healthier discourse about race in America.
What is Divest/Invest?

Marbre Stahly-Butts, a co-director of Law for Black Lives and a Funders for Justice Field Advisor, provides an introduction on the concept of divest/invest in this video. Here is the full transcript of her introduction:

“I’m excited to talk about the invest/divest frame, both what it is, what it’s premised on, and why in this moment it’s such a key intervention in addressing not just the symptoms that need to be faced but the root causes of them.

So invest/divest is the idea that as we’re making reforms, as we’re pushing policy changes, as we’re overseeing shifts in practice, that we pay special attention to how money is being spent, and we demand a divestment from the systems that harm our communities, like the criminal legal system, like policing regimes, like the court system and demand that that money that’s currently being spent, that’s being poured into those systems with no accountability, be moved instead to community-based alternative systems that support out people, that feed our people, that ensure we have jobs, and housing – the things we need to take care of ourselves and our communities. Invest/divest is not a new idea by any means. It’s been called books not bars, there’s been campaigns for literally decades that have pushed this idea that there has to be a reinvestment from these institutions that harm us, into community-based systems that actually benefit us and build our viability, our strength, and our ability to thrive.

So invest/divest is premised on kind of two key principles:

One is the idea that budgets are value statements. So what we see in a recent report that CPD, and BYP100, and Law for Black Lives released, that across the country cities are spending 30 percent of their budgets on policing while abandoning housing and transportation needs. But we have to understand that as a budget priority, and a value statement. What they’re saying is that the surveillance, that the caging of Black or Brown people is more important than the care of those same people. And so if we understand budgets as value statements, we can ask real questions about how we’re spending money and why we’re spending them that way.

Secondly, invest/divest is based on the premise and the reality that police and cases and surveillance don’t actually make us safer. And I think it’s interesting that we know already that in many upper-class white neighborhoods, in the Hamptons, for instance, that folks there know that more police are not the answer to safety, that the answer to safety is actually more supportive systems, is homes, is folks having all their...
needs, whether it’s healthcare needs, or food needs or employment needs, met; that it’s actually what leads us to safety. And although we already know that, there’s also a number of studies that show us that – that show us that in a 20-year study that the fact that actually improves public safety is not more cops, it’s not more cages, it’s not the trillions of dollars that we spend on locking folks up – it’s actually real wages. It’s the ability of somebody to keep and maintain a job that feeds their family and themselves. So we know both from experience and also from data that it’s not actually cages and cops that keep us safe, that it’s actually investing in thriving in thriving social safety nets, education, housing programs, and employment programs, that ensures the safety of our communities in a meaningful way. And if that’s the case, we have to think about the reality for the last 30 or 40 years, we’ve had a government that literally has spent trillions of dollars every single year to police Black and Brown neighborhoods while tearing out and dismantling the social safety nets that actually are the key to keeping our communities safe.

And so in the last 30 years we’ve not only seen an exponential increase in the number of folks locked in cages, who are incarcerated. We’ve also seen a huge increase in federal and state spending on police, and on court systems, and on probation officers. At the same time, we’ve seen a steady divestment from educational spending, from mental health spending, from health care spending. So what we’re seen actually is the increase investment in the surveillance and caging of our people, and a simultaneous decrease in the social safety net that actually keeps us safe in the long run. And this has been fueled by the passage of nearly tens of thousands of new laws on the state, and the local, and the federal level, that have made things from sagging pants, to loitering, to sleeping on park benches illegal. So we’ve seen number one the criminalization of poverty and culture; that literally now sleeping outside when there’s no affordable housing becomes a crime that gets you locked up and put in a prison, that we then pour thousands upon thousands and millions of dollars to keep you in that prison. But we’ve also seen at the same time a real divestment from any of the resources or the safety net that keeps our people safe in meaningful ways. And so invest/divest is meant not just to address the symptoms of that, not just to address criminalization, or bail crisis or sentencing crisis, but instead to say ‘Actually, how do we start to really think about how we reallocate power and resources back to our safety, back to our health, in ways that help us thrive, and don’t criminalize or dehumanize us.’

So the work that’s happening across the country from the fight in local city budgets to get cops out of schools, for instance, and instead put counselors in those schools, to fights around reducing police forces and building out and expanding community-based programs that actually help folks with addiction and mental health crises and jobs, are really at the root, of a critique and understanding that what we choose to invest in reflects our values and that we choose to invest in the health, and the wealth, and the thriving of
Black and Brown life, and communities, that we choose to invest in the building up of the capacities, of the employment opportunities, of the education of our communities, that are now abandoned, and we choose not to criminalize them for those reasons, and that really at the heart of it is that what we feed will grow, and what we starve, will starve.

And so the last 30 years at least of starving the health, the employment, and the education of our people, and feeding the beast of mass incarceration has brought us to this moment. And so any long-term, sustainable change, will require that we start to not only change laws and policies, but divert resources away from these symptoms that harm us, and build up the infrastructure of our communities to actually hold ourselves, to build employment opportunities, to build housing that we can afford, to build transportation to take us to those employment opportunities, to build up our schools in meaningful ways. And so the campaigns surfacing across the country is a demand not only for resources that feed our communities in meaningful ways, but also a recognition that as long as we continue to feed the beast of mass incarceration and mass criminalization, our communities will not be safer and they will not thrive in meaningful ways.”

For more information, read Freedom to Thrive: Reimagining Safety & Security in Our Communities by Law for Black Lives, BYP100, and Center for Popular Democracy. The report gives budget numbers from a dozen cities and counties across the country, and features divest/invest campaigns in each of these places.
How might I consider the divest/invest frame when reviewing my grantmaking?

We ask you to consider funding the local, regional, and national campaigns that move public dollars out of policing, prisons, and immigrant detention centers, and directly into the public safety net and infrastructure that actually keep our communities safe: quality, affordable public education, housing, healthcare, infrastructure, childcare, etc. – and meaningful job opportunities that build the collective wealth and power of communities of color and low-income communities, rather than extracting the wealth and vitality and funneling it to corporations and the wealthy elites that own them. Read through the issue areas in the wheel, and check out examples of Community Safety & Justice in Practice on this site for examples, and then write to Funders for Justice to learn more and take action.

How do I know if a project might be considered “divest/invest”?

An initiative, project, or campaign is divest/invest if it:

1. **Divests from the systems that hurt and kill communities.** These projects move resources and people out of any of the criminal justice system bureaucracies – like police, prisons, detention centers, courts, bail bond companies, etc.

2. **Brings new ways of being into life.** These projects move resources into community-centered safety or justice, as visioned and implemented by communities most impacted by criminalization.
CRIMINALIZATION AFFECTS...

... In every Black, Brown, and Indigenous community.
CIVIC ENGAGEMENT

How Criminalization Impacts This

The control exerted by the criminal justice system over the day-to-day life of people in Black and Brown communities - and the indignities it doles out – creates a high barrier to civic engagement. Efforts by residents to work together to solve community problems and improve the quality of life are undermined by high rates of incarceration, probation and parole requirements, and the fines and costs the justice system extracts for traffic and public order offenses, and a heavy police presence.

Criminalization lessens civic engagement by limiting the right to vote. The single most significant structural barrier to full suffrage is felony disenfranchisement: at the time of the 2016 elections, a felony conviction barred 6.1 million people from being able to vote. Additionally, by counting prisoners as residents of the county where the prison is located, the U.S. Census gives disproportionate power to rural, largely white, counties that contain prisons.

Those in power have a history of using criminalization to actively discourage civic engagement, particularly when a community’s activism is focused on police misconduct or other ills of the criminal legal system. The FBI, for example, recently created the term “Black Identity Extremist” to intimidate people who are taking action against the police killings of Black people.

Divest/Invest Groups and Campaigns

A civic engagement process for divest/invest could be participatory budgeting, which directly engages residents in the allocation of public funds. In a participatory budgeting process, a pot of public money is set aside and residents, through committee, proposals, and direct voting, determine how to allocate those resources. The Movement for Black Lives included participatory budgeting in its policy platform. The Participatory Budgeting Project is working with partner organizations to democratize police and criminal justice budgets.

There are numerous, robust campaigns to restore the vote for people with criminal convictions. The Florida Rights Restoration Coalition is pushing a ballot initiative to restore the vote to over 1.5 million people. Efforts led by formerly incarcerated people in Alabama recently resulted in a limitation of crimes that disqualify a person from exercising his or her right to vote. California in 2016 passed legislation allowing those in county jails to vote while incarcerated, and Virginia Governor Terry McAuliffe responded to pressures to restore the vote by issuing an executive order automatically restoring voting rights those who have completed their sentence.

Funder Colleagues

- Funders Committee on Civic Participation
- Arca Foundation
COMMUNITY DEVELOPMENT

How Criminalization Impacts This

Criminalization and mass incarceration has had a devastating impact on Black and low-income neighborhoods across the country. When a large number of adults from a neighborhood move in and out of prison and jail, the disruptions weaken familial and social relationships, imposes severe material hardships on those imprisoned, and undercuts resilience by undermining the cultural fabric of a neighborhood. It has become clear that the high rate of incarceration, rather than protecting residents from harmful individuals, actually does the opposite, making a neighborhood less safe.

Million dollar blocks describe places where more than a million dollars a year are spent locking people up from a single city block. From the perspective of community development, it is clear that the money spent incarcerating people from the neighborhood would be far better spent on preschool, public education, housing subsidies, or programs to increase economic opportunities.

Additionally, when Black and low-income neighborhoods start to gentrify, newcomers use the police to create the kind of social order that is more appealing to the wealthier class of buyers. Arrests and prosecutions of Black and Brown people for minor offenses increase when neighborhoods undergo gentrification.

Divest/Invest Groups and Campaigns

Communities United is a grassroots organization founded in Chicago’s Albany Park to preserve affordable housing, increase access to healthcare, and increase youth employment. Its Re-Imagine Justice Illinois is a statewide campaign to shift taxpayer dollars away from incarceration, reallocating the savings to programs that address the root causes of crime and build healthier and safer communities.

In New York City, Queens Neighborhood United is a community-based organization seeking to “establish democratic control over land-use, policing, and immigration policies.” Part of QNU’s mission is to “build power to fight criminalization and displacement in our communities.”

Funder Colleagues

- NFG’s Democratizing Development Program
- Ford Foundation
- Surdna Foundation
CRIMINAL JUSTICE REFORM

How Criminalization Impacts This

The United States’ criminal legal system is made up of a vast, interconnected complex of prisons, jails, police departments, courts, probation, parole, and databases. Because it promises to deliver justice and keep us safe, we have been willing to pay over $300 billion a year to keep all the components of this system well funded.

Recognizing the harm done (particularly to communities of color), criminal justice reforms seek to make fixes to different parts of the criminal legal system. This includes efforts to reduce the incarceration rate, improve conditions of confinement in prisons and jails, end solitary confinement, end the death penalty, ensure quality indigent defense, reduce police misconduct, and ameliorate the impacts of persistent criminal records.

Unfortunately, many criminal justice reforms end up strengthening and enlarging the institution it is trying to reform. Reforms to prevent police abuses, for example, have resulted in tens of millions of tax dollars allocated for body-worn cameras, which have failed to change police behavior, while offering the police a powerful new platform for mass surveillance (when loaded with facial recognition). An increase in non-lethal weapons has increased market opportunities for makers of such devices, with little evidence of any decrease in deaths caused by police shooting guns. Similarly, prison reforms to improve conditions of confinement usually result in increased budgets, or new prisons being built, and ultimately create a financial incentive for filling beds.

Divest/Invest Groups and Campaigns

Divest/invest criminal justice reform campaigns avoid the problem of enlarging a harmful system by making the system’s diminishment an explicit, primary goal. Backed by the Ohio Organizing Collaborative and other organizations, a ballot initiative this November asks voters to pass the Neighborhood Safety, Drug Treatment and Rehabilitation Amendment, to shrink the prison population and reinvest the savings into treatment and support programs.

Experience shows how critical it is for funders to support community organizations that can ensure the dollars saved are reinvested in community programs. When California voters in 2014 passed Proposition 47 to reclassify certain felony crimes as misdemeanors and send state funds to counties for treatment and prevention, the divest/invest strategy was most successful where the Ella Baker Center, Communities United for Restorative Youth Justice, and other community organizations worked to ensure the treatment and prevention dollars were not absorbed by the local sheriff, and went instead to community groups and non-criminal justice agencies.

The member organizations that make up the FICPFM (Formerly Incarcerated or Convicted People and Families) Movement are led by those most impacted by mass criminalization. These organizations are engaged in a range of criminal justice reforms to expand employment, housing, and voting rights.
How Criminalization Impacts This

While the education system has long reflected and perpetuated the racial inequities of the surrounding community, schools serving predominantly Black and Brown children became sites of active criminalization in the mid-1990’s, when “zero tolerance” policies to keep guns out of schools were expanded to include drugs or alcohol, fights, threats, cursing, and defiance. These “offenses” led to a rapid increase in suspensions. Even a single suspension makes a student almost three times as likely to come into contact with the juvenile justice system within the year.

The overuse of suspensions for normal adolescent behavior did not make schools any safer, while harming students’ overall academic achievement. In addition, racial disparities have been glaring, with Black students three times more likely to be suspended or expelled than white students, even for the same offences.

In some districts, certain behaviors are automatically referred to the police when they occur on school property, resulting in arrests and convictions. Other policies engage students as presumptive criminals, subjecting them to searches, dogs, metal detectors, video surveillance, and “line-up” policies modeled on the movement of prisoners inside a prison. School police have become a normalized fixture on a school campus. School budgets consistently prioritize funding for school police over more positive supports such as nurses, mental health professionals, or counselors. Outside of schools, youths of color, particularly in Los Angeles and Chicago, are subject to gang injunctions and gang databases.
Divest/Invest Groups and Campaigns

Dignity in Schools’ Counselors Not Cops campaign calls on school districts to remove any law enforcement assigned to be present on a regular basis in schools. Youth in Chicago Education (VOYCE), Community Organizing and Family Issues (COFI), and Illinois Safe Schools Alliance did not remove all police, but did in 2013 have Chicago cut their school police budget in half.

Founded in 2005 to replace punitive school discipline with restorative approaches that actively engage families and communities to repair harm, Restorative Justice for Oakland Youth is using its successes in Oakland's schools to push for a larger societal shift away from punishment-based justice. Other grassroots organizations organizing in schools around divest/invest principles include Padres & Jovenes Unidos (Denver), Power U Center for Social Change (FL), Friends and Families of Louisiana’s Incarcerated Children, the RYSE Center (Richmond), and Racial Justice NOW (OH).

Funder Colleagues

- Executive Alliance for the Support of Boys & Men of Color
- Andrus Family Fund
- Daphne Foundation
- North Star Fund

ENVIRONMENTAL & CLIMATE JUSTICE

How Criminalization Impacts This

Prisons and jails are often constructed in ways and places that endanger the people they incarcerate and employ while increasing profits for the developers and related industries that advocate for their development. Usually built on a region's historically least desirable land, many prisons and jails are located near (or on) landfills, Superfund sites, coal ash dumps, smelters, mines, chemical plants, and other toxic sites. The prisons themselves sometimes become the source of raw sewage leaks.

Criminalization and climate change both disproportionately affect lower-income Black and Brown communities. The combined impact can be devastating, as it was after the levees failed in New Orleans post-Katrina. Wild rumors of murder and mayhem, including the District Attorney’s claim that “40 or 50” murders” had taken place inside the Superdome,” resulted in Mayor Nagin ordering the NOPD to stop search & rescue. Upwards of 900 people died waiting for rescues. The ten confirmed homicides in the period immediately following Katrina were all at the hands of the police.
In 2017, extreme weather in the U.S. displaced over a million people; climate migration will likely intensify in coming years. We anticipate no change in the distinct trends we have seen thus far: officials who prioritize the protection of property and profit over people rely on the police force to prevent “looting” during a natural disaster, and then again rely on the police force to protect gentrification - expensive new housing, businesses, and other development - after the storm. The dynamic will likely intensify as climate change increases the regularity of extreme weather.

Divest/Invest Groups and Campaigns

The Prison Ecology Project maps the intersections of mass incarceration and environmental degradation, and creates action plans to address the problems it finds. Its Campaign to Fight Toxic Prisons in 2017 brought together environmental groups, local residents, and anti-prison activists to stop the construction of a $444 million federal prison in Letcher County, KY.

An early connection between environmental justice and anti-criminalization organizing was made by Van Jones at the Ella Baker Center, proposing an infusion of “green economy jobs” as the best way to keep Oakland’s young people out of prison.

Divest/invest resonates with the principles of Just Transition. As redefined by the environmental justice movement, a Just Transition is one that moves us from an extractive economy to one that is regenerative, equitable, and just. This means, for example, divesting from fossil fuels and investing into alternatives that benefit low-income and communities of color. The Climate Justice Alliance’s Our Power Campaign has a goal of “10 million good, green, and family-supporting jobs are created for... workers formerly employed by extreme energy industries.”

Ironbound is fighting a prison that is located on a toxic release site; workers in the prison are sick.

Kentuckians for Common Ground and others are elevating the connection between private prison development and climate degradation.

Movement Generation connects capitalism, militarism, and climate degradation/ extractive economies. See their just transition frame: From Banks to Tanks to Cooperation and Caring.

Project South has been a leader in regional relief work for Hurricane Harvey and a just rebuild, which is just part of their larger movement-building work.

Gulf Coast Center for Law and Policy connects privatization of land/prison development, extractive industries, and the South.

The Center for Story-Based Strategy bridges narrative work, especially in climate and environmental spaces.

Funder Colleagues

- Surdna Foundation
- Nathan Cummings Foundation
- Solutions Project
DATA & SURVEILLANCE

How Criminalization Impacts This

Existing databases, changing norms, and new technology has the United States within a few years of the kind of mass surveillance imagined in George Orwell’s *Nineteen Eighty-Four* and Philip Dick’s *Minority Report*. Before 9/11, only wardens at maximum-security prisons publicly acknowledged their goal was to achieve persistent, panopticonic surveillance. Immediately after 9/11, however, it became acceptable to discuss – and try to impose – intense, pervasive surveillance of Muslim, Arab, and South Asian (MASA) communities. Special registration programs like the National Security Entry-Exit Registration System required people from certain countries to report for inspection. Soon thereafter, New York Police Department started using surveillance cameras, plainclothes officers, and informants to illegally spy on every mosque within 100 miles of New York City, creating secret police files on thousands of people.

Today, the prevalence of smartphones and spread of high-resolution cameras, combined with greatly expanded data streams and improved data analysis (including facial recognition and other AI assisted analysis) makes it possible to place large groups of people under real time surveillance. A recent poll shows that while Americans’ views of privacy are split, a majority of respondents have negative feelings about targeted surveillance of low-income communities. To overcome this skepticism, government officials and corporations building the apparatus of mass surveillance insist their efforts are necessary to prevent violent crime.

This claim does not hold up under scrutiny. Law enforcement officials are using surveillance tools primarily to collect fines through increased traffic enforcement, to extend the surveillance of people already “captured” in existing databases, and to track political protesters. All these uses are disproportionately concentrated in Black and Brown neighborhoods. In reaction to Black Lives Matter protests of police shootings, for example, the FBI in October 2017 issued a warning to local law enforcement that “Black Identity Extremists” are an emerging domestic terrorist threat. As detailed in an op-ed published by political newspaper The Hill, *Racial Surveillance has a Long History in the United States*.

Divest/Invest Groups and Campaigns

As governments (and private entities) increase their use of new technologies, risk assessment algorithms, and data-driven predictive policing, it is critical to support grassroots groups in the communities being subject to increased, intensive surveillance.

DIVEST/INVEST: CRIMINALIZATION
The Media Action Grassroots Network, a project of the Center for Media Justice, offers digital security training to activists, advocates, and organizers. South Asian Americans Leading Together (SAALT) and Desis Rising Up & Moving (DRUM) have long been at the forefront of organizing and defending heavily surveilled communities.

When the Los Angeles Police Department (LAPD) developed extensive gang databases during the War on Drugs, the Youth Justice Coalition successfully challenged the use of gang injunctions that relied on such databases. The Stop LAPD Spying Coalition challenges current - and future - efforts by the city of Los Angeles to expand their surveillance capabilities. In NYC, a grassroots coalition ReThink LinkNYC challenges the City’s use of the free WiFi kiosks to conduct surveillance.

Funder Colleagues

- Security and Rights Collaborative
- The Democracy Fund
- Ford Foundation
- Pillars Fund

FOOD JUSTICE

How Criminalization Impacts This

The United States’ food and prison system are closely related. Communities where farming, timber, and mining were in decline have actively sought out prisons as economic development. Pennsylvania in 1997 gifted 200 acres of farmland to the federal bureau of prisons for a dollar. Legislators from South Georgia and the Mississippi Delta, using outsized political power secured during the sharecropping era, “won” for their counties dozens of new prisons (including private prisons) during the 1990's building boom. In rural areas during this decade a prison opened every fifteen days. In urban areas, the Black and Brown communities that are the most over-policed also tend to be food deserts, and have the deepest health disparities caused by diet and nutrition.

Prison food is, by and large, meager and disgusting. In Alabama, where sheriffs are allowed by law to personally profit by cutting meal costs, the Morgan County Sheriff bought half of an 18 wheeler load of corn dogs for $500 and served them every meal for six months. Nearly $100,000 from his office’s food money account went directly into his own pocket. Many prisons and jails continue to use “the loaf” (a mash of cheap ingredients molded into a brick) to punish people.

Large agriculture companies have long looked to prisoners and probationers as a cheap, easily controllable labor force. Where the crackdown on hiring undocumented workers created labor shortages, companies were eager to use prison labor to harvest Vidalia onions and chickens in Georgia, tomatoes and watermelons in Arizona, and corn in Colorado.

DIVEST/INVEST: CRIMINALIZATION
Divest/Invest Groups and Campaigns

National Black Food and Justice Alliance connects land, food, prison.

Funder Colleagues

- Surdna Foundation
- Jessie Smith Noyes Foundation

GENDER JUSTICE

How Criminalization Impacts This

The impacts of criminalization on Black, Brown, and Native women and girls are often overlooked. Police violence against women of color is underreported, a deficiency that compelled Andrea Ritchie to write *Invisible No More* (2017). And as the overall rate of incarceration drops, there are places where the number of women incarcerated continues to climb at an alarming rate. Two-thirds of incarcerated women are mothers of minor children. An astounding percentage of these women are survivors of physical or sexual assault - the result of a pipeline that leads young survivors of abuse into criminalization and the juvenile system.

The racist narratives of Black female criminality impact girls, trans women, and mothers. Black girls are far more likely to be disciplined or suspended for minor infractions than their peers. As Monique W. Morris describes, “Black girls describe being labeled and suspended for being “disruptive” or “defiant” if they ask questions or otherwise engage in activities that adults consider affronts to their authority. Across the country, we see black girls being placed in handcuffs for having tantrums in kindergarten classrooms, thrown out of class for asking questions, sent home from school for arriving in shorts on a hot day, labeled as “truant” if they are being commercially sexually exploited, and labeled as “defiant” if they speak up in the face of what they identify to be injustice. We also see black girls criminalized (arrested on campus or referred to law enforcement) instead of engaged as children and teens whose mistakes could be addressed through non-punitive restorative approaches.”

In Atlanta, Black trans women report being profiled and sexually assaulted by police. And when Tanya McDowell, living in a van and homeless shelters, enrolled her son in a more affluent school district, she was arrested and convicted of “stealing education services.”

As we see in the report: “Who Pays? The True Cost of Incarceration on Families”, women, particularly women of color, often “do time” alongside their family members: they drive hundreds of miles for visitation, put money on a loved one’s books, and parent without a partner. Fighting to
maintain family and economic stability, these hidden costs of incarceration and criminalization are disproportionately borne by Black and Brown women.

**Divest/Invest Groups and Campaigns**

Powerful Black women leaders organizing from their own experience are upending how we understand safety and justice. Women on the Rise is launching a campaign to shut down Atlanta's city jail, repurpose the building, and reinvest the $32 million in annual operating costs to needed services.

In Los Angeles, Susan Burton's A New Way of Life serves and organizes women coming out of prison, believing that “public resources are better invested in opportunities for transformation than on prisons and punishment.” The Essie Justice Group is a community of women with incarcerated loved ones founded by Gina Clayton. Andrea James, director of Families for Justice as Healing, founded the National Council for Incarcerated and Formerly Incarcerated Women and Girls to end incarceration of women and girls.

Interrupting Criminalization: Research in Action is an initiative of the Barnard Center for Research on Women Social Justice Institute. It combines participatory research, data analysis, and systemic advocacy to partner with local campaigns and identify primary pathways, policing practices, charges, and points of intervention to address the growing criminalization and incarceration of women and LGBTQ people of color.

**Funder Colleagues**

- Novo Foundation / Grantmakers for Girls of Color
- Groundswell Fund / Groundswell's Liberation Fund
- Third Wave Fund
- Astraea Lesbian Foundation for Justice
- Ford Foundation

**HUMAN RIGHTS**

**How Criminalization Impacts This**

Human rights violations are prevalent inside prisons and jails. Overcrowding, combined with a culture of violence and secrecy, creates extraordinarily harsh conditions of confinement for incarcerated men and women.

The suffering that results from poor medical care (including mental health care) is particularly acute, and widespread. Because a person who is incarcerated is prevented from even walking to the corner store for a bottle of aspirin, the government is responsible for providing health care. It
regularly fails this basic responsibility. With little oversight and a profoundly disempowered patient population, long delays, denial of treatment, and substandard care are common.

Extended solitary confinement as it is practiced in U.S. prisons and jails is violative of human rights. Some legal scholars also believe that the length of sentences has reached a point where the sentence itself - thirty years for burglary, for example - violates human rights. Other human rights violations that persist in a prison’s closed environment include rape, extortion, and “gladiator” fights arranged by prison guards.

**Divest/Invest Groups and Campaigns**

The 2015 Safety Beyond Policing campaign in New York City did not stop the hiring of 1,000 new NYPD officers, but Black Alliance for Just Immigration, Black Lives Matter NYC, and other anchor groups are developing new campaigns to secure the human right of safety without reliance on policing. These campaigns are working to shift resources from the police force to more effective safety initiatives.

Puente Arizona, the Georgia Latino Alliance for Human Rights, the Border Network for Human Rights, the Congress of Day Laborers (New Orleans), and Juntos (Philadelphia) are all grassroots immigrant organizations that use a human rights frame to challenge the criminalization of their communities.

Human rights law firms sometimes litigate in a way that opens the door to divest/invest efforts. The Center for Constitutional Rights worked in coalition with community groups to leverage an old lawsuit against the NYPD into a broad-based campaign to end stop and frisk. Other human rights law firms attuned to the opportunity to turn litigation into divest/invest campaigns include the Southern Center for Human Rights, Civil Rights Corp, the Human Rights Defense Clinic, and The Advancement Project.

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**IMMIGRANT RIGHTS**

**How Criminalization Impacts This**

Those who want to decrease the number of immigrants in the United States have long used the fear of crime to achieve their goal. The criminalization of immigrants intensified in 1996, when Congress expanded the definition of what it means to be a “criminal alien” subject to detention and deportation. This resulted in a growing archipelago of private prisons enriching corporations that have, in turn, lobbied vigorously for even more enforcement. Programs like 287(g) and Secure Communities brought local law enforcement officers into immigration enforcement, a function that had traditionally been a federal civil matter. On the border (and increasingly in the interior), the shift from civil enforcement to criminal enforcement has resulted in nearly $7 billion in detention costs since 2005, despite there being no evidence of any deterrence effect.
The impacts of criminalization on immigrants are far-reaching. Within six months of a parent’s immigration-related arrest, detention, or deportation, families typically lose between 40 and 90 percent of their income. There are an estimated 5,000 U.S. citizen children in foster care because of a detained or deported parent.

For the nearly 6 million U.S. citizen children under the age of 18 who live with an undocumented parent, the fear that a simple traffic stop might result in deportation is a source of chronic stress that manifests as depression, anxiety, and sleeplessness. Deportation and the fear of deportation distract children from school, affecting academic performance. To avoid interacting with the local police, many immigrant families report they are extremely reluctant to call the police. As this becomes known, the family becomes a target for robberies and burglaries.

**Divest/Invest Groups and Campaigns**

Grassroots organizations with immigrant members that are actively working to move resources out of criminalization and into community safety include Mijente, Organized Communities Against Deportations, Puente Arizona, the Georgia Latino Alliance for Human Rights, the Border Network for Human Rights, the Congress of Day Laborers (New Orleans), Juntos (Philadelphia), the Black Alliance for Just Immigration, and Silicon Valley De-bug. These groups and others are involved in ongoing fights to reduce police surveillance and harassment, protect members from deportation, stop new immigration detention facilities and/or additional beds, and end the criminal prosecution of migrants.

On the U.S.-Mexico border, the 60+ organizations that make up the Southern Borders Communities Coalition work to “revitalize, not militarize” the border, recognizing that “schools, healthcare, and roads are better than agents, weapons, and drones.”

**Funder Colleagues**

- Four Freedoms Fund @ NEO Philanthropy
- Security and Rights Collaborative
- Grantmakers Concerned with Immigrants and Refugees (GCIR)

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**JUVENILE JUSTICE**

**How Criminalization Impacts This**

In theory, the principle that children who break the law should be treated differently from adults allows for the care and positive growth of young people in lieu of punishment. In fact, however, the first juvenile justice court was established in 1899 in Chicago. It was largely in response to the influx of Eastern European immigrants and Black families to U.S. cities, whose children were considered prone to deviant behavior. Concurrent with the “tough on crime” rhetoric of the 1980s, juvenile courts became more punitive, and in the 1990s many states passed mandatory sentencing laws and increased transfers to adult courts for certain crimes.
As advocates and litigation brought the violence of juvenile prisons into public view, a movement to close the worst prisons gained steam. When parents of the children were brought into the advocacy effort, they insisted that the resources expended to incarcerate their children must “follow the child.” That is, resources to address the child’s needs should follow the child out of the youth prison to support community-based services.

Strategic advocacy has produced extraordinary results, with the youth incarceration rate now half of what it was at the system’s peak in 1997. However, racial disparities are getting worse, with Black youth more than five times as likely to be detained or committed compared to white youth.

**Divest/Invest Groups and Campaigns**

The time is right for grassroots-led campaigns to close youth prisons: 61% of Californians support or strongly support the proposition that “we shouldn’t have youth prisons at all, and instead invest in holding young people accountable for wrong-doing in ways that don’t involve incarceration.” Nearly 90% prefer a restorative justice approach over punishment as a response to crimes committed by youths.

**Youth Justice Coalition** in Los Angeles has from its inception worked to dramatically reduce youth incarceration, and to “transfer public resources to community-based, owned and operated alternatives to arrest, court, detention and incarceration.” Its [LA for Youth campaign](https://www.lafortyouth.org/) demands the city establish a Youth Development Department, funded by diverting 5% of law enforcement resources.

In Oakland, **Communities United for Restorative Youth Justice (CURYJ)**’s “Close Youth Prisons, Build Youth Leaders” campaign is organizing young adults from Alameda County to imagine and build alternatives to youth incarceration. In Chicago, **Project NIA** is a grassroots organization founded in 2009 to end youth incarceration.

**Youth First** is a national campaign launched in 2016 to “close 80 of the oldest, largest, and most notorious institutions in 39 states.” Its current campaigns aim to close youth prisons in Connecticut ([Connecticut Juvenile Justice Alliance](https://www.cjjalliance.org/)), Kansas ([Kansans United for Youth Justice](https://www.youthjusticekansas.org/)), New Jersey ([Youth Justice New Jersey](https://www.youthjusticenj.org/)), Virginia ([Rise for Youth](https://www.riseforyouth.org/)), and Wisconsin ([Youth Justice Milwaukee](https://www.youthjustice Milwaukee.org/)).

The **Burns Institute** is host to the Community Justice Network for Youth, “comprised of 140 community-based programs, grassroots organizations, service-providing agencies, residential facilities and advocacy groups in 21 states” dedicated to promoting “effective and culturally-appropriate community-based interventions and alternatives to detention and incarceration.”

**Community Connections for Youth** works with Bronx grassroots faith and community organizations to develop effective, community-driven alternatives to incarceration for youth.

**Funder Colleagues**

- Annie E. Casey Foundation
- Public Welfare Foundation
RURAL COMMUNITIES

Coming Soon

Funders for Justice is working with NFG’s new Integrated Rural Strategies Group to develop content on how criminalization impacts rural communities, groups and campaigns that are working at the intersection of criminalization and rural organizing, and a list of funder colleagues supporting this issue.

In the meantime, we invite you to check out the information included in this toolkit under Food Justice and Environmental & Climate Justice for related content.

LABOR

How Criminalization Impacts This

The criminal justice system has a profound, depressive effect on the U.S. economy. With criminal background checks disqualifying large numbers of people - an astounding 65 million people in the U.S. have criminal records - men with a criminal conviction now make up over one-third of all non-working men ages 25-54. Arrests and detention, even short term, dramatically decrease the likelihood someone will graduate from high school or college. And once a person goes to prison, their lifetime earnings drop by 30 to 40 percent.

The impact on organized labor is as profound. From the beginning of the organized labor movement, prison labor has been used to stymy efforts to unionize. In southern states, convict leasing (a form of slavery permitted by a loophole in the 13th Amendment) made it nearly impossible for workers to organize – they could (and were) easily replaced by convict lease prisoners who worked without pay.

Prison labor today, whether on behalf of the state (making license plates, working in the kitchen, fighting wildfires) or private corporations, pay cents on the dollar, driving down free world wages and available jobs. Additionally, when the jobs of last resort offered by prisons and detention centers become the primary driver of a town's economy, better jobs are often pushed or kept out.
Divest/Invest Groups and Campaigns

The New Orleans Worker Center and other worker centers have launched or joined with anti-criminalization efforts to protect their members from aggressive policing, arrests, and detention. Traffic and misdemeanor courts are also a threat, issuing fines and fees that people have no way to pay. A clinic organized by Stand with Dignity cleared fines and fees averaging $8,000 for over 1,000 people, allowing members to drive again without the constant fear of arrest.

Recognizing exploitation of labor and criminalization as the two main themes defining Black people’s history in the U.S., the Workers Center for Racial Justice in Chicago has a campaign to secure job vouchers for formerly incarcerated people.

The AFL-CIO recently joined the fight against mass incarceration as “not only a civil rights issue, but an economics issue,” citing the fact that those who suffer the impacts of mass criminalization are union members and their families.

Funder Colleagues

- Unitarian Universalist Veatch Program at Shelter Rock
- Ford Foundation
- NFG’s Funders for a Just Economy

LGBTQ RIGHTS

How Criminalization Impacts This

Criminal laws are enforced in a discriminatory manner against LGBTQ people. As a result, while 3.8% of adults in the U.S. identify as LGBTQ, the number of lesbian, gay, or bisexual people incarcerated is double that percentage. LGBTQ youths are especially hard hit, with approximately 20% of young people in juvenile detention facilities identifying as LGBTQ or gender nonconforming. And since criminalization targets Black people and other people of color, those suffering mental illness or addiction, and low-income people, the LGBTQ people of these targeted groups are doubly (or triply) impacted. Black trans women engaged in survival sex work are particularly hard hit by criminalization. They are perhaps the most heavily policed group within the LGBT community, while simultaneously the most at risk of being victims of violent assault or murder.

LGBTQ groups have responded to this biased enforcement and harmful police practices with research, advocacy, and grassroots organizing. These efforts have been bolstered by the publication of Queer (In)Justice: The Criminalization of LGBT People in 2011 and, more recently, Unjust: How the Broken Criminal Justice System Fails LGBT People.
Since the early 1990s, a number of LGBT grassroots groups, many of them founded as anti-violence campaigns, have squarely confronted the criminalization of their members. These include the Community United Against Violence (CUAV), FIERCE, and the Audre Lorde Project’s Safe Outside the System program.

Solutions Not Punishment, led by Black trans women, formed in response to a proposal that people convicted of prostitution be banished from the city of Atlanta. SNaP’s organizing not only stopped the new criminal law from passing, but forced the city to create (and fund) instead a pre-arrest diversion program that avoids arrest altogether. In New Orleans, BreakOUT!’s We Deserve Better campaign won an anti-profiling policy from the police. Southerners on New Ground’s Black Mamas Bailout Action was instrumental in sparking public interest in bail reform.

Among the LGBTQ legal organizations, the Transgender Law Center and the Sylvia Rivera Law Project have been especially on point in understanding criminalization as a threat to LGBTQ people. TLC’s Detention Project provides individual support and seeks systemic policy changes on behalf of LGBTQ people who are incarcerated.

Funder Colleagues

- Astraea Lesbian Foundation for Justice
- Arcus Foundation
- Ford Foundation
- Elton John Foundation
- Wellspring Philanthropic Fund
- NoVo Foundation
- Borealis’s Trans Generations Fund
- Unitarian Universalist Veatch Program at Shelter Rock

PUBLIC HEALTH

How Criminalization Impacts This

Incarceration harms individual and public health. Chronic stress, poor nutrition, physical assaults by fellow prisoners and detention officers, sexual assaults, poor sleep hygiene, and increased exposure to communicable diseases are all part of daily prison life. Many of these health impacts are present for those on probation or parole, where fines, fees, and check-in requirements often increase stress and interfere with health care.

People with mental illness are especially hard hit. Many of the individuals locked up for public disorder offenses or other minor violations are arrested for behaviors stemming from unmet mental health needs. Once detained, their condition often worsens, increasing the likelihood they will be re-arrested for a new offense upon release. As a result, there are now ten times as many people with severe mental illnesses in prison and jails than there are in hospitals. This absurd and
inhumane situation can be readily remedied by shifting resources from the criminal justice system to high quality, community-based, outpatient mental health services.

Public health research about how inequity and experiences of racial discrimination impact mental and physical health confirm that criminalization has measurable and profound effects on individual health outcomes. These negative impacts, compounded by the scale of mass incarceration, makes criminalization a matter of public health.

**Divest/Invest Groups and Campaigns**

From a health-centered perspective, the goal of divest/invest is to replace prison beds with community-based mental health services.

Human Impact Partners have been leaders in examining how criminal justice practices negatively affect individual and public health. Through their Health Instead of Punishment initiative, HIP is partnering with grassroots groups “to build the capacity of public health agencies to engage in criminal justice reform.” In California, HIP’s Healthy and Safe Riverside County: Investing in What Works (2017) report started with the premise that “a budget is a moral document,” defining what a community believes in. The report presented public health approaches to safety, some embedded within the criminal justice system and others true alternatives outside the system.

The Katal Center for Health, Equity, and Justice uses a harm-reduction approach in its work to end mass incarceration. Alongside Just Leadership, Katal was an organizational leader in the #CloseRikers campaign.

**Funder Colleagues**

- Grantmakers in Health
- Langeloth Foundation
- The California Endowment
- California Wellness

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**TRANSPORTATION**

How Criminalization Impacts This

Both public and private modes of transportation are heavily impacted by criminalization. A number of lawsuits brought in the late 1990s established that police were engaged in racial profiling when deciding who to pull over in routine traffic stops. The phrase “driving while black” became shorthand for racial profiling, and was quickly expanded to include recognition of profiling of those “walking while black,” “biking while black,” “driving while brown,” and “walking while trans.”

The much criticized practice of Broken Windows policing strategies relies on a speculative (and in fact never established) link between low-level offenses like spitting on the sidewalk and crimes
like assault. This kind of policing occurs almost exclusively when someone in the targeted group is moving from one place to another, whether on foot, in a car, or on public transportation.

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**ART, DESIGN & PUBLIC SPACE**

How Criminalization Impacts This

*Design of public spaces* has been marked by racially inequitable practices and still rarely incorporates planning processes including the voices and perspectives of those communities most impacted. Closely related is the role of the arts in building community - whether through design of buildings and public space, or arts education, or passing of communities’ culture, traditions and people of a place over generations, or of arts as resistance - like public murals in gentrifying neighborhoods. When we understand that art is the currency through which our values are communicated, we can see that there is an opportunity to disrupt dominant thinking by investing in arts and artists who are elevating stories about the cost of mass incarceration on families, communities and individuals themselves.

Looking at the intersection of art, design and public space, we know that most public spaces are not designed with principles of restorative justice in mind; these same public spaces are often the same physical structures where communities are over-policed and subject to state violence. The sense of belonging in these spaces is varied for communities of color and poor communities. A city’s fundamental design functions to both welcome and exclude. Examples include housing developments, mass transit stations, parks, new business building developments, highways, etc. Communities of color congregating is increasingly seen as illegitimate and criminal, and laws are being created to explicitly criminalize.

The big picture challenge is a normalization of the frequency and impact of criminalization in the lives of communities of color and poor/low wealth communities, and in society overall.

**Divest/Invest Groups and Campaigns**

- [Designing Justice Designing Spaces](#) - see also the TED Talk by Deanna Van Buren, Co-Founder and Design Director: *"What a World Without Prisons Could Look Like"*.
- [People’s Paper Coop](#)
- [Performing Statistics (Project)](#)
- [Titus Kaphar “Jerome Project”](#)
- [Allied Media Projects (Detroit, MI)](#)
Youth arts organizations with connections to juvenile justice work (not an exhaustive list):

- Deep Center (Savannah, GA)
- Rethink (New Orleans, LA)
- AS220 (Providence, RI)
- Dreamyard (The Bronx, NY)
- Restorative Justice at Mural Arts (Philadelphia, PA)

Funder Colleagues

- Andrus Family Fund
- ArtPlace America
- Arts for Justice Fund
- Surdna Foundation
RECOMMENDATIONS FOR GRANTMAKERS

Please also visit The Crisis of Criminalization: A Call for a Comprehensive Philanthropic Response.

Unrestricted funding has been widely recognized as a best practice, by the National Committee for Responsive Philanthropy, the Center for Effective Philanthropy, Grantmakers for Effective Organizations, Neighborhood Funders Group, and others. The Ford Foundation recently announced it intends to double the total it gives in general operating support. This is welcome news for grantees - unrestricted general support allows the organization to decide how best to use a funder's support and significantly simplifies the necessary accounting. For family foundations, one practitioner argues that smaller grants especially should be unrestricted, to save organizations the headache of having to piece together grants for their work.

Successful campaigns often require research, planning, execution, and then implementation, a long process with staffing needs and costs that can be difficult to predict. Accordingly, funders should consider whenever possible making the general support a multi-year grant.

Training

A number of groups considering or engaged in divest/invest campaigns have requested tailored trainings on how state and local budgets work. Developing and making available such a training would be a useful item to fund.

Communications trainings can also be useful, for developing and delivering strong messages from the divest/invest frame. The Center for Story-based Strategy, Spin Academy, the Opportunity Agenda, and Lightbox Collective have trainers with relevant experience.

Leadership development is an important and often overlooked element of successful campaigns. Black Organizing for Leadership and Dignity (BOLD), Just Leadership’s Leading with Conviction training for formerly incarcerated people, Rockwood Leadership Institute, and generative somatics provide different models of leadership development.

Peer-To-Peer Learning & Support

Convenings can help give shape to the divest/invest field, giving organizers and advocates a chance to exchange learnings, strategize together, and build relationships. Funders are often drawn to convenings because they can be supported with a relatively small, one-time grant. When supporting convenings, consider including funding for administrative costs and facilitation, and allowing the convening to be a funder-free space.

Smaller organizations have requested funding for peer-to-peer learning exchanges, where key staff, members, and/or stakeholders travel together to visit a sister organization running a similar campaign or doing similar work. In some instances, organizations are willing to loan an organizer or other staff member to a campaign being run by another organization and/or in another city.
Flexible funding allows this to happen, as well as additional dollars to temporarily replace that person's role at their home organization.

**Narrative Shift**

The importance of Michele Alexander’s *The New Jim Crow* in changing the narrative around mass incarceration is obvious. While it is difficult to know which projects will “stick,” supporting thought leaders to write articles and books, create videos, or other similar projects is critical to the divest/invest movement. Especially needed is more support of projects seeking non-punitive responses to interpersonal violence and community-based safety measures. This can take the form of funding individual sabbaticals and writing retreats, supporting publishers like The New Press and the Marshall Project, supporting senior fellowship positions, and funding film, videos, blogs, and podcasts.

**Campaign Development and Implementation**

For divest/invest to be more than a good idea, community groups will have to mount and win campaigns that actually move government money away from harmful criminal justice systems and into community-based institutions for safety and justice. Funders can play a critical role by providing the financial support to win such campaigns.

Divest/invest campaigns take time and skill. From the outside, a campaign often looks like a spontaneous reaction to some unexpected event. In fact, almost all successful campaigns are the result of intensive research and consultation to determine the best goals and develop a winning strategy, a series of advances and setbacks on the way to winning, and after securing a policy change, staying close to the implementation process to ensure the change is made as intended. Funding a divest/invest campaign is a multi-year commitment.
VISIONS OF COMMUNITY-BASED SAFETY AND JUSTICE

The fundamental failure of the current punishment-based criminal justice system is how poorly it delivers safety and justice to Black and Brown communities. In the many instances where the criminal justice system is actually decreasing the safety of Black and Brown people, simply removing criminal justice impositions will increase community safety and justice. Campaigns to end money bail is one example - people who are not detained while awaiting trial are far better able to maintain their jobs, homes and families.

In considering this critical invest side of divest/invest, we are looking for policies, projects, institutions, and initiatives that make Black and Brown communities safer. It is also important to look for projects and models that are able to satisfy the need for accountability after someone is harmed. These include:

- Mothers Against Senseless Killings is a group of women who use tables of food and lawn chairs to take over and cool down a particularly “hot” street corner in southside Chicago.

- Pre-Arrest Diversion projects modelled after Seattle’s LEAD enhance community safety by diverting people to service providers in lieu of being arrested and charged with a crime. The programs created by the people targeted by police (Black trans women in Atlanta, for example) are most likely to result in true diversions and a change in police behavior.

- There has been a move toward restorative justice practices in schools, to replace punitive and harmful push-out policies. Fania Davis at Restorative Justice for Oakland Youth considers their experiences with individual restorative justice circles one element of a much larger, societal level truth and reconciliation process.

- There are few programs that are unambiguously diversionary in that they do not widen the net and increase the number of people who gets caught up in the system. Common Justice in Brooklyn is one, responding to violence by young men who would almost certainly otherwise be sentenced to prison.

- The Restorative Justice Project is partnering with local experts to institutionalize restorative justice alternatives to juvenile and adult incarceration and zero-tolerance school discipline policies in ten cities across the United States.
Seeking both personal accountability and the societal change necessary to child sexual abuse, the Bay Area Transformative Justice Collective is developing practices and systems for such change.

Divest/invest campaigns are most likely to improve community safety when the mental health, addiction, employment, and housing services being invested in do not perpetuate the punitive mindset of the criminal justice system. Community safety initiatives that are run by criminal justice system actors “in partnership” with a select group of residents are not divest/invest, in that the law enforcement agency remains in control of the program.

Watch Eric Wilkins, Antonio Maggittee, and Amina Henderson — members of grassroots organizing group Communities United — describe their own visions for increasing safety and justice in their communities.
RESOURCES

● The $3.4 Trillion Mistake: The Cost of Mass Incarceration and Criminalization, and How Justice Reinvestment Can Build a Better Future for All
  ○ Imagine if, back in 1982, our federal, state, and local policymakers had assembled the U.S. public and offered us a choice between two paths that we could take over the next 30 years. Path One would involve using our tax dollars to invest in the massive expansion of our justice system and a tripling of our incarcerated population, but would not substantially improve public safety. Path Two would make the same level of investment in providing tens of millions of youth with higher-quality educational and developmental opportunities, creating millions of living-wage jobs, dramatically expanding the availability of affordable housing and first-rate healthcare, and making meaningful advances in addressing the effects of environmental degradation, while keeping the justice system at the same size. Would anyone have chosen Path One?

● Freedom to Thrive: Reimagining Safety & Security in Our Communities
  ○ Over the last 30 years, at both the national and local levels, governments have dramatically increased their spending on criminalization, policing, and mass incarceration while drastically cutting investments in basic infrastructure and slowing investment in social safety net programs.

● The Crisis of Criminalization: A Call for a Comprehensive Philanthropic Response
  ○ This groundbreaking report calls for immediate, concerted, comprehensive, sustained, cross-sector, collaborative philanthropic response to the growing crisis of criminalization, and outlines strategies to more effectively tackle criminalization and mass incarceration, to stop the spread of surveillance and punishment, and to meet the challenges of the current political climate.
  ○ http://bcrw.barnard.edu/publications/the-crisis-of-criminalization/

● Who Pays? The True Cost of Incarceration on Families
  ○ Who Pays? The True Cost of Incarceration on Families proves that the costs of locking up millions of people is much deeper than we think. Locking up individuals also breaks apart their families and communities, saddles them with overwhelming debt, and leads to mental and physical ailments. The situation is dire, but a better approach is possible.
  ○ http://whopaysreport.org/

● Black Girls Matter: Pushed Out, Overpoliced, and Underprotected
○ Crenshaw, a leading authority in how law and society are shaped by race and gender, argues that an intersectional approach encompassing how related identity categories such as race, gender, and class overlap to create inequality on multiple levels is necessary to address the issue of school discipline and the school-to-prison pipeline.


● How to Creatively Fund Social Movements
○ Neighborhood Funders Group and the National Committee for Responsive Philanthropy (NCRP) co-hosted “How to Creatively Fund Social Movements,” a webinar that explored how foundations can be more flexible in supporting grassroots groups and leaders. Experienced grantmakers and organizers shared strategies for responding to this movement moment’s critical need for resources to front line social change actors.

○ http://www.nfg.org/feb_15_webinar_how_to_creatively_fund_social_movements

● Plague of Prisons: the Epidemiology of Mass Incarceration in America
○ “A towering achievement, A Plague of Prisons does something rare and valuable: it provides a new way of looking at, thinking about, and analyzing old and familiar data, thereby creating fresh insights into and understanding of a social catastrophe.” -Ira Classer, former Executive Director of the ACLU

○ http://www.plagueofprisons.com/

● Grantmakers for Girls of Color
○ Girls and young women of color live at the intersections of sexism, racism, and other forms of oppression that prevent their full participation in our country’s future. Yet new research is helping us to better understand the barriers they face, while opening up new pathways for partnership and shared progress.

○ https://www.grantmakersforgirlsofcolor.org/resources/

● The $746 Million a Year School-to-Prison Pipeline
○ This report, released by the Center for Popular Democracy and Urban Youth Collaborative, reveals the staggering yearly economic impact of the school-to-prison pipeline in New York City, $746.8 million. In addition, it presents a bold “Young People’s School Justice Agenda,” which calls on the City to divest from over-policing young people, and invest in supportive programs and opportunities for students to thrive. New evidence of the astronomical fiscal and social costs of New York’s school-to-prison pipeline demand urgent action by policymakers. The young people who are most at risk of harm due to harsh policing and disciplinary policies are uniquely situated to lead the dialogue about developing truly safe and equitable learning environments. This report highlights the vision for safe, supportive, and inclusive schools developed by these youth leaders.

- **Policy Statement on Discipline and the School to Prison Pipeline**
  - At the 2015 Representative Assembly, NEA adopted NBI-B, which recognized the role that Institutional Racism plays in our society including in our schools and directed NEA both to spotlight systemic patterns of racism and educational injustice that impact students and to take action to enhance access and opportunity by demanding changes to policies, programs, and practices that condone or ignore unequal treatment and hinder student success. As part of the action required by NBI-B, NEA Governance formed a committee to address discipline in schools and the school-to-prison pipeline.

- **School to Prison Pipeline Explained**
  - Juvenile crime rates are plummeting, and the number of Americans in juvenile detention has dropped. One report shows the juvenile incarceration rate dropped 41 percent between 1995 and 2010. But school discipline policies are moving in the opposite direction: out-of-school suspensions have increased about 10 percent since 2000. They have more than doubled since the 1970s.

- **Burning Down the House: The End of Juvenile Prison**
  - In what the San Francisco Chronicle called “an epic work of investigative journalism that lays bare our nation’s brutal and counterproductive juvenile prisons and is a clarion call to bring our children home,” Nell Bernstein eloquently argues that there is no good way to lock up a child. Making the radical argument that state-run detention centers should be abolished completely, her “passionate and convincing” (Kirkus Reviews) book points out that our system of juvenile justice flies in the face of everything we know about what motivates young people to change.
  - [http://thenewpress.com/books/burning-down-house](http://thenewpress.com/books/burning-down-house)

- **The Sexual Abuse to Prison Pipeline: The Girls' Story**
  - This report exposes the ways in which we criminalize girls — especially girls of color — who have been sexually and physically abused, and it offers policy recommendations to dismantle the abuse to prison pipeline. It illustrates the pipeline with examples, including the detention of girls who are victims of sex trafficking, girls who run away or become truant because of abuse they experience, and girls who cross into juvenile justice from the child welfare system. By illuminating both the problem and potential solutions, we hope to make the first step toward ending the cycle of victimization-to-imprisonment for marginalized girls.
• **Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse**
  ○ Demonstrating that the current incarceration policy in urban America does more harm than good, from increasing crime to widening racial disparities and diminished life chances for youths, Todd Clear argues that we cannot overcome the problem of mass incarceration concentrated in poor places without incorporating an idea of community justice into our failing correctional and criminal justice systems.

• **The Black Girl Pushout**
  ○ Monique W. Morris, the co-founder of the National Black Women's Justice Institute, offers tactics to work against damaging stigmas about black girls and women.

• **The Crisis of Criminalization: A Call for a Comprehensive Philanthropic Response**
  ○ This report is an urgent call for a comprehensive philanthropic response to the growing crisis of criminalization. Over the past decade mass incarceration – the reality that over 2.2 million people are locked up in the nation’s prisons and jails, and 60% are people of color – has emerged as a central social justice issue of our time. Advocates, organizers, and philanthropic partners have confronted this crisis by working to reduce both racial disparities and the overall population of incarcerated people, and to mitigate the collateral consequences of criminal convictions.

• **Endowment Divestment**
  ○ In February 2017, the Austin City Council voted to [not do business with any company involved in the border wall](http://bcrw.barnard.edu/publications/the-crisis-of-criminalization/).
  ○ In June 2017, the NYC Pension Fund announced its [divestment from private prison companies](http://bcrw.barnard.edu/publications/the-crisis-of-criminalization/) GEO Group Inc., CoreCivic Inc. and G4S Plc.
  ○ Learn more about how [private companies profit from almost every function of America’s criminal justice system](http://bcrw.barnard.edu/publications/the-crisis-of-criminalization/) with infographics from In the Public Interest.
ORGANIZATIONS TO CONSIDER

Organizations mentioned in this toolkit:

- **Ohio Organizing Collaborative.** A ballot initiative this November asks voters to pass the Neighborhood Safety, Drug Treatment and Rehabilitation Amendment, to shrink the prison population and reinvest the savings into treatment and support programs.

- After the passage of Prop 47 in California, **The Ella Baker Center, Communities United for Restorative Youth Justice**, and other community organizations worked to ensure the treatment and prevention dollars were not absorbed by the local sheriff, and went instead to community groups and non-criminal justice agencies.

- The **Participatory Budgeting Project** is looking to partner with The Movement for Black Lives to democratize police and criminal justice budgets.

- The **Florida Rights Restoration Coalition** is pushing a ballot initiative to restore the vote to over 1.5 million people.

- Efforts led by **formerly incarcerated people in Alabama** recently resulted in a limitation of crimes that disqualify a person from exercising his or her right to vote.

- Grassroots organizations with immigrant members that are actively working to move resources out of criminalization and into community safety include **Mijente, Organized Communities Against Deportations, Puente Arizona, the Georgia Latino Alliance for Human Rights, the Border Network for Human Rights, the Congress of Day Laborers (New Orleans), Juntos (Philadelphia), the Black Alliance for Just Immigration, and Silicon Valley De-bug**. These groups and others are involved in ongoing fights to reduce police surveillance and harassment, protect members from deportation, stop new immigration detention facilities and/or additional beds, and end the criminal prosecution of migrants.

- On the U.S.-Mexico border, the 60+ organizations that make up the **Southern Borders Communities Coalition** work to “revitalize, not militarize” the border, recognizing that “schools, healthcare, and roads are better than agents, weapons, and drones.”

- The **New Orleans Worker Center** and other worker centers have launched or joined with anti-criminalization efforts to protect their members from aggressive policing.

- A clinic organized by **Stand with Dignity cleared fines and fees** averaging $8,000 for over 1000 people, allowing members to drive again without the constant fear of arrest.
Recognizing exploitation of labor and criminalization as the two main themes defining Black people's history in the U.S., the Workers Center for Racial Justice in Chicago has a campaign to secure job vouchers for formerly incarcerated people.

The AFL-CIO recently joined the fight against mass incarceration as “not only a civil rights issue, but an economics issue,” citing the fact that those who suffer the impacts of mass criminalization are union members and their families,

Through their Health Instead of Punishment initiative, Human Impact Partners is partnering with grassroots groups “to build the capacity of public health agencies to engage in criminal justice reform.”

The Katal Center for Health, Equity, and Justice uses a harm-reduction approach in its work to end mass incarceration. Alongside Just Leadership, Katal was an organizational leader in the #CloseRikers campaign.

Powerful Black women leaders organizing from their own experience are upending how we understand safety and justice. Women on the Rise is launching a campaign to shut down Atlanta's city jail, repurpose the building, and reinvest the $32 million in annual operating costs to needed services.

A New Way of Life serves and organizes women coming out of prison, believing that “public resources are better invested in opportunities for transformation than on prisons and punishment.”

The Essie Justice Group is a community of women with incarcerated loved ones.

Families for Justice as Healing is an organization by and for incarcerated and formerly incarcerated women and girls, working to end the incarceration of women. Their members advocate for community wellness and we reject state and national policies that prioritize criminalization and incarceration.

The National Council for Incarcerated and Formerly Incarcerated Women and Girls seeks to end incarceration of women and girls.

Dignity in Schools' Counselors Not Cops campaign calls on school districts to remove any law enforcement assigned to be present on a regular basis in schools. Youth in Chicago Education (VOYCE), Community Organizing and Family Issues (COFI), and Illinois Safe Schools Alliance did not remove all police, but did in 2013 have Chicago cut their school police budget in half.

Restorative Justice for Oakland Youth is using its successes in Oakland’s schools to push for a larger societal shift away from punishment based justice.
• Grassroots organizations organizing in schools around divest/invest principles include Padres & Jovenes Unidos (Denver), Power U Center for Social Change (FL), Friends and Families of Louisiana's Incarcerated Children, and Racial Justice NOW (OH).

• The RYSE Center in Richmond, CA, creates safe spaces grounded in social justice for young people to love, learn, educate, heal, and transform lives and communities.

• Youth Justice Coalition in Los Angeles has from its inception worked to reduce youth incarceration, and to “transfer public resources to community-based, owned and operated alternatives to arrest, court, detention and incarceration.” Its LA for Youth campaign demands the city establish a Youth Development Department, funded by diverting 5% of law enforcement resources.

• In Oakland, Communities United for Restorative Youth Justice (CURY)’s “Close Youth Prisons, Build Youth Leaders” campaign is organizing young adults from Alameda County to imagine and build alternatives to youth incarceration.

• In Chicago, Project NIA is a grassroots organization founded in 2009 to end youth incarceration.

• Youth First is a national campaign launched in 2016 to “close 80 of the oldest, largest, and most notorious institutions in 39 states.” Its current campaigns aim to close youth prisons in Connecticut (Connecticut Juvenile Justice Alliance), Kansas (Kansans United for Youth Justice), New Jersey (Youth Justice New Jersey), Virginia (Rise for Youth), and Wisconsin (Youth Justice Milwaukee).

• The Burns Institute is host to a network of 40 community-based programs, grassroots organizations, service providers, and residential facilities dedicated to promoting “effective and culturally-appropriate community-based interventions and alternatives to detention and incarceration.”

• Community Connections for Youth works with Bronx grassroots faith and community organizations to develop effective community-driven alternatives to incarceration for youth.

• The 2015 Safety Beyond Policing campaign in New York City did not stop the hiring of 1,000 new NYPD officers, but Black Alliance for Just Immigration, Black Lives Matter NYC, and other anchor groups are developing new campaigns to secure the human right of safety without reliance on policing. These campaigns are working to shift resources from the police force to more effective safety initiatives.

• Puente Arizona, the Georgia Latino Alliance for Human Rights, the Border Network for Human Rights, the Congress of Day Laborers (New Orleans), and Juntos (Philadelphia) are all
grassroots immigrant organizations that use a human rights frame to challenge the 
criminalization of their communities.

- Human rights law firms sometimes litigate in a way that opens the door to divest/invest 
efforts. The Center for Constitutional Rights worked in coalition with community groups to 
leverage an old lawsuit against the NYPD into a broad-based campaign to end 
stop-and-frisk. Other human rights law firms attuned to the opportunity to turn litigation 
into divest/invest campaigns include the Southern Center for Human Rights, Civil Rights 
Corp, the Human Rights Defense Clinic, and The Advancement Project.

- The Prison Ecology Project maps the intersections of mass incarceration and environmental 
degradation, and creates action plans to address the problems it finds. Its Campaign to 
Fight Toxic Prisons in 2017 brought together environmental groups, local residents, and 
anti-prison activists to stop the construction of a $444-million federal prison in Letcher 
County, KY.

- An early connection between environmental justice and anti-criminalization organizing was 
made by Van Jones at the Ella Baker Center, proposing an infusion of “green economy jobs” 
as the best way to keep Oakland’s young people out of prison.

- The Climate Justice Alliance’s Our Power Campaign has a goal of “10 million good, green, 
and family-supporting jobs are created for...workers formerly employed by extreme energy 
industries.”
ABOUT FUNDERS FOR JUSTICE

We're a national network of funders increasing resources to grassroots organizations addressing the intersection of racial justice, gender justice, community safety, and policing.

FFJ is a part of Neighborhood Funders Group, a network of Funders that believes in the power of people to transform societies. Neighborhood Funders Group (NFG) is a membership association of grantmaking institutions. Our mission is to build the capacity of philanthropy to advance social justice and community change. NFG organizes the field, develops leaders, and cultivates thought leadership among its national base of members and encourages the support of policies and practices that advance economic, racial, and social justice.

FFJ created this toolkit for funders because we believe that our collective funding strategies in housing, education, health, and jobs, will fail if we do not also divest this nation's resources from criminalization. Our partners in the field see divesting from criminalization as critical to the work of transforming communities to be safe and secure.

Get in touch with Funders for Justice. Please send inquiries to fundersforjustice@nfg.org.

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