

GRANTMAKING:

*A Statewide Strategy to Address Racial and
Ethnic Disparities in the Criminal Legal System*

June 2022



INTRODUCTION

County, state and federal governments play an important role in funding programs and services that support the well-being of community members. Counties invest almost \$107 billion annually in justice and public safety services, including law enforcement, courts, corrections, fire services and more.¹ In addition, states administer about \$2.5 billion per year in federal formula justice assistance grants to support criminal justice programs.²

These investments support community safety but must work in tandem with other social systems and organizations to meet diverse needs and help residents have an equal opportunity to thrive.

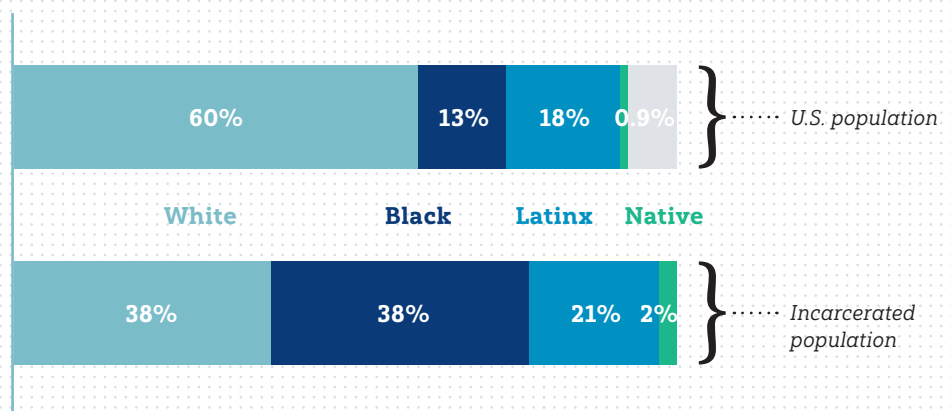
To take a more holistic approach to safety, some counties and State Administering Agencies (SAAs) fund community-led organizations that are "by and for" the neighbors they serve. These organizations are deeply embedded in the community and provide services to improve the social fabric of neighborhoods underserved by social service systems and overrepresented in the legal system. They aim to reduce legal

system involvement on the front end and support residents returning home from jail or prison.

Investing in community-led organizations is a key strategy for identifying and eliminating racial and ethnic disparities present in the criminal legal system. Nationwide, Black, Latinx and Native American residents are overrepresented in the criminal legal system.³ For example, Black youth are five times more likely to be incarcerated than their white peers.⁴ These disparities stem from historic disinvestment and underinvestment in social systems in communities of color and policies that often prioritize criminal justice responses over meaningful community supports that address socioeconomic and public health needs. As a result, people of color are more likely to be arrested, convicted and sentenced to a lengthy stay in a correctional facility or under supervision.⁵ Further, children of incarcerated parents are six times more likely to be incarcerated themselves, creating a multi-generational cycle of legal system involvement.⁶

Racial and ethnic disparities in correctional facilities

White people are underrepresented in prisons and jails while Black, Native and Latinx people are overrepresented.



Source: Wendy Sawyer and Peter Wagner, "Mass Incarceration: The Whole Pie 2022," (March 14, 2022) available at <https://www.prisonpolicy.org/reports/pie2022.html#slideshows/slideshow6/2>



Recognizing the disparate outcomes and detrimental impact of legal system involvement, counties and SAAs are reimagining this system and investments into the community. Investments in community-led organizations can help reduce these disparities by bridging the gaps in services and supports to help individuals, families and communities thrive. Increasing the number of community-led organizations focused on community life can also improve public safety through reduced violence and property crime.⁷

County and SAA leaders can use budgetary and administrative powers to create meaningful and accessible partnerships and investments in these organizations that will help eliminate disparities, improve outcomes and increase public safety – an opportunity that is overwhelmingly supported by the majority of Americans.⁸

The National Association of Counties and the National Criminal Justice Association, with support from the U.S. Department of Justice's Bureau of Justice Assistance, convened a working group of county stakeholders, SAA representatives and community-led organization leaders to develop

principles, strategies and practices for equitable grantmaking. **These principles, applicable across funding areas, can help ensure that community-led organizations are equitably resourced as part of the broader continuum of community safety.** They reflect both cultural and operational shifts, many of which can be undertaken with little to no cost. Underpinning each principle is the working group's definitions of equity and community.

Equity: *A process of identifying and eliminating disparities, shifting of power and removing barriers that perpetuate inequity. It is the intentional practice of change to actualize fair treatment, advancement, access and opportunity for all to thrive.**

Community: *Those impacted by racial and ethnic disparities and harm, and the organizations or agencies that support them.*

This report outlines the eight guiding principles to enhance equity in grantmaking that the working group developed and provides strategies, practical solutions and county examples aligned with each principle.

** The National Association of Counties' (NACo) definition of equity is "the process of identifying and removing the barriers that create disparities in the access to resources and means, and the achievement of fair treatment and equal opportunities to thrive." The working group expanded on NACo's definition to reflect the group's experiences and discussions.*



KEY TAKEAWAYS

States and counties considering opportunities to reduce racial and ethnic disparities in the criminal legal system may choose to partner with and invest in community-led organizations. To help guide this investment, states and counties may choose to guide their decision making with:



TRUST



TRANSPARENCY



JOINT ACCOUNTABILITY



FAIRNESS



INTENTIONAL ACCESS & INCLUSION



SUPPORT



CREATIVITY



COMMUNITY

PRINCIPLES

TRUST



Trusting partnerships can open lines of communication, encourage a willingness to innovate and strengthen opportunities for mutual respect. **Investing in the capacity and expertise of community leadership** helps shift power to the people doing work and retire the risk averse mindset often associated with grantmaking. During a project, a grantee may struggle to meet all funding requirements, but these challenges should not diminish the strengths a grantee brings to the work or their potential while learning how to comply with such conditions. **Anchoring the relationship in a common goal** that all parties strive to achieve can serve as a guidepost during implementation challenges. **Rejecting the funder/recipient power dynamic that can stifle relationships** helps to see one another as partners. **Learning from and listening to one another as partners** increases the understanding of what works in the community and what barriers remain. As experts in their communities, community-led organizations are closest to the solutions.

PRACTICES TO STRENGTHEN TRUST INCLUDE:

- piloting initiatives
- hosting meetings focused on relationship building
- setting clear expectations, roles and responsibilities, and
- developing partnerships between State Administering Agencies (SAAs) and county officials, neighboring counties and towns, as well as philanthropic entities, to streamline funding and share best practices.

Lucas County, Ohio (Pop. 431,279)

commissioners dedicated \$100,000 to community-led organizations engaging in criminal justice reform efforts and addressing racial disparities.⁹ The [grant fund](#) provides up to \$10,000 awards to grassroots organizations working in four zip codes. The county Criminal Justice Coordinating Council (CJCC) also administers federal criminal and juvenile justice funds on behalf of the state to allow for greater flexibility while continuing to provide oversight and technical assistance.¹⁰

The Illinois Criminal Justice Information Authority (Illinois, Pop.

12,785,000) has created an innovation institute to help increase access and success for organizations trying to secure federal and state funds.¹² ICJIA's Institute 2 Innovate (i2i) develops and enhances a relationship between the agency and potential awardees discussing in detail how organizations can successfully write, apply, and administer a grant. Organizations who have either been denied previously or have never applied for funding due to capacity issues is connected with an agency staff member who serves as a grant coach. The grant coach provides intensive technical assistance to assist in capacity building so that the organization can be more competitive when applying for future funds.

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We need to facilitate more discussion for a process that includes the community to think about how we reform our legal system. We think that supporting community organizations is a step in building trust and incorporating more people in the process to improve our justice system.

Gary L. Byers, Commissioner, Lucas County, Ohio¹¹

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TRANSPARENCY



Publishing and sharing materials and decisions often contributes to increased buy-in, accountability and mutual understanding.

Prioritizing an open and ongoing commitment to share information in a timely and helpful manner can help both parties understand the purpose of certain activities and why some information cannot be shared, as well as manage expectations. **Announcing the process surrounding decision making and personnel/advisors involved** helps community-led organizations understand the decision-making process and how the proposals will be scored. **Communicating the purpose of data-collection efforts and results** of the programs helps community-led organizations tailor the data they collect.

PRACTICES TO ENHANCE TRANSPARENCY INCLUDE:

- requesting only essential paperwork at the application stage
- providing comprehensive feedback on unsuccessful applications
- sharing information regarding the availability of advances and/or cost reimbursement timeframes
- posting a timeline of key decision points, application steps, scoring criteria and grant monitoring requirements in user-friendly formats to reduce or eliminate surprises, and
- sharing outcomes of funded projects publicly.

Via working group recommendations in **Dane County, Wis.** (Pop. 561,504), county leaders piloted an initiative and continued the funding through the [Partners in Equity Grant Program](#) to fund grassroots organizations that aim to reduce legal system involvement and address systemic racial inequities. Organizations can apply for up to \$15,000 in funding. Additionally, the county requested an external evaluation of grantmaking policies and practices to enhance racial and social equity across departments.¹³

The District of Columbia (Pop. 689,545)

Office of Victim Services and Justice Grants employs several strategies to administer funds equitably. To better understand the impact of the resources, grant managers are required to attend grantee events outside of grant monitoring. In addition, the agency provides a host of grant management resources for organizations and often matches grant managers to grantees based on capacity to provide relevant assistance.¹⁴ Receiving both local and federal funds, the agency capitalizes on the flexibility of local funding for certain projects. Additionally, grantees may request advance payments to facilitate meeting the goals and objectives of their grant. To support new grant applicants, the agency may conduct a pre-decision site visit to learn more about the program and understand how government resources could assist. Recognizing the importance of engaging the community and valuing their time and expertise, community members are paid to serve as proposal reviewers.

COMMUNITY



Investing in community-led organizations helps fund programs and services most needed in neighborhoods. **Supporting “by and for” organizations** prioritizes grassroots organizations deeply embedded in the communities they serve. **Including community member voices in the decision-making process** can open the avenue for direct input on funding needs and priorities. **Proactively engaging community representation** helps to identify, involve and uplift the community members and organizations beyond those who are often well-established or well-known.

PRACTICES TO INVEST IN COMMUNITY INCLUDE:

- utilizing an equity scorecard to prioritize organizations within certain neighborhoods that may receive an outsized benefit from the resources
- providing an honorarium to residents who serve on application review panels or task forces
- reserving a seat on the local criminal justice coordinating council for community members/ people with lived experience
- hosting listening sessions in different communities at different times, including weekends, to accommodate work schedules, and
- offering support services such as transportation or child care during community meetings.

Through the [Community-Based Violence Prevention Partnership](#), **Indianapolis-Marion County, Ind.** (Pop. 977,203) invests \$300,000 annually in community-led organizations that offer evidence-based violence prevention services in neighborhoods with violent crime rates that exceed the city-wide average. The proposal review panel conducts site visits and/or interviews to learn about each applicant’s work. In addition, a community-based intermediary administers funding for the [Violent Crime Prevention Grants Program](#) that prioritizes neighborhood-based, resident-driven organizations working to prevent or reduce crime. Communities associated with higher violent crime rates receive more resources.¹⁵ Grants range from \$500 to \$40,000 to provide manageable awards and reach organizations that may not have been previously eligible for funding.¹⁶

The Virginia Department of Criminal Justice Services (Virginia, Pop. 8,626,210) invested in engaging the community in intentional ways through hiring staff with lived experiences to serve as credible messengers within the VA communities. The agency staff establish relationships with communities of color and those who are underrepresented and under-resourced. The credible messengers specifically identify grassroots organizations and work with them to explain the role and services that VDCJS provides and validate the agency’s interest in supporting the organizations through grant opportunities. The second intended phase would focus on providing guidance for the community led organizations to obtain nonprofit status. This program helps smaller nonprofits build capacity to receive and sustain both federal and state funding streams.

FAIRNESS



Implementing new processes to enhance fairness in the types of organizations funded and how these funds are administered will help improve access and equity. **Training staff to recognize, reflect and address personal and organizational bias** can support those who may serve as proposal reviewers or write Request for Proposals. Understanding and addressing biases can help to shift perceptions of grantees to view them as experts in their communities with the capacity to use state and county resources wisely. Education and training can also help embed equity within state and county cultural norms to enhance ongoing work and sustainability. **Promoting practices that allow grantees to contribute to the grantmaking process** can enhance continued and active engagement from prospective applicants and current or previous grantees. **Raising up champions** can help spotlight state and county staff and grantees as leaders and experts to support sustainability. **Not lowering the bar but raising the platform** finds avenues to increase access, inclusion, support, capacity building efforts and equity without diminishing service delivery or grantee performance standards. For example, revising processes to open funding opportunities and offer technical assistance can help build community-led organizations' capacity and capability to receive and effectively use grant funds.

PRACTICES TO BOLSTER FAIRNESS INCLUDE:

- offering bias education and training for employees that focus on the narrative and messaging of equity
- regularly reviewing the funding process
- soliciting community and staff input through intentional outreach, online forms and listening sessions
- sharing resources and lessons learned among stakeholders to leverage existing work, and
- rightsizing grant requirements to community needs.



Leaders in **Multnomah County, Ore.**

(Pop. 815,428) evaluated county investments to fund programs that address the underlying drivers of harmful behavior and uplift communities of color.¹⁸ The county expanded the [Community Healing Initiative](#) that invests resources in community-based partnerships to support youth and families. The program deploys culturally-specific services and provides direct relief such as rent, utilities and internet access. To support smaller and emerging organizations, the county is piloting an initiative to provide 13 months of funding for year-long projects to jumpstart their programming with resources.

INTENTIONAL ACCESS & INCLUSION



Aligning resources with equity goals and removing barriers to participation and use of funding will expand and diversify grantee opportunities and potential relationships. To this end, refining grant requirements to enhance practicality will support access and inclusion for all potential grantees.

Considering the structure and level of funding helps smaller organizations and/or those newer to government funding. Similarly, **allowing for various entry points** can diversify the grantee pool by funding organizations implementing new programs and building their capacity. **Evaluating needed changes in the application process and components** can open the primary entry point into a state or county's grant pipeline. **Measuring and broadening success** can help shape how outcomes are determined and develop a realistic and appropriate infrastructure for data reporting to support programmatic success that often begets more grant funding. It is helpful for county funders to view grants as long-term investments that demonstrate meaningful results several years after implementation.

PRACTICES TO EXPAND INTENTIONAL ACCESS AND INCLUSION MAY REFLECT:

- providing advance payments and/or quicker payment
- awarding multi-year funding and/or general operating resources
- allowing video submissions or meetings in lieu of a formal written proposal
- requiring only the materials that are necessary during the proposal stage
- setting realistic timelines for outcome reporting
- selecting key data points (outputs and outcomes) that are relevant for funders and organizations
- tailoring metrics to organizational capability and focus
- offering tiered funding streams so similarly situated organizations apply within a funding bracket
- scaling programs, and
- offering grants that are manageable for an organization's capacity.

The Criminal Justice Commission of Oregon

(Pop. 4,250,000) works to ensure intentional access and inclusion by developing separate categories within the solicitation for community-based organizations of varying sizes. The goal of this practice is to compare agencies that are smaller and applying with less support and resources against similar resourced agencies when evaluating the merits of grant applications. This also assists the agency once funding has been awarded as they are already aware of subawards who may require additional support within their reporting.

The Criminal Justice Microgrant Fund in

Philadelphia, Pa. (Pop. 1,603,797) provides resources to community-led organizations engaged in innovative criminal justice reform efforts. Funding can be used to support communities disproportionately impacted by the criminal legal system or provide services to residents who are involved in the system. Organizations led by people of color may also seek general operating support.



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The District Attorney's Office and City of Philadelphia's efforts to reform the criminal legal system can only be successful if local organizations that know their communities best are empowered to realize long-held visions for safety, inclusion, and justice.

Larry Krasner, District Attorney, Philadelphia, Pa.¹⁹

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SUPPORT



Providing an infrastructure of support and resources for community-led organizations, particularly those new to applying for and/or receiving government funding, can help successfully manage funds. **Providing culturally and socially responsive training, technical assistance and coaching** offers support “beyond the paycheck” that can assist with the financial, technical and operational pieces of grant management. This support can help build an organization’s ability to successfully manage and secure additional funding. **Investing in funder internal capacity** helps build infrastructure to enhance funding and technical assistance available to community-led organizations. **Engaging intermediaries** leverages their experience and expertise to provide “back end” support. Intermediary organizations can lead the grantmaking process to free up government agency resources as well as provide leadership, infrastructure (data tracking and fiscal systems), technical assistance, capacity building, resources and coordination to grantees. For example, the Latino Coalition for Community Leadership (LCCL) serves as the intermediary for a program investing in community-led organizations providing reentry services and has successfully enhanced grantees’ service provision and capacity.²⁰

PRACTICES TO IMPROVE SUPPORT INCLUDE:

- offering presentations and workshops before application submission and during implementation, as well as one-on-one technical assistance, and pre-decision site visits
- partnering with an intermediary, and
- hiring a grants administrator to help disseminate grant opportunities, provide guidance and secure outside resources.

Milwaukee County’s (Wis.) (Pop. 939,489)

Community Justice Council is providing four grassroots organizations working to reduce or prevent criminal legal system involvement, promote racial equity and engage the community with \$34,500 each.²¹ To support applications, the Community Justice Council sponsored a community grant writing training, hosted an optional information session prior to the submission deadline and published the scoring rubric. During the grant period, grantees are required to attend a new grantee orientation and meetings to discuss expectations, support grant administration and offer connections among the group. A local university serves as the fiscal agent to help grantees meet reporting requirements and disperse funds more quickly.

The Board of State and Community

Corrections (California) (Pop. 39,185,605) conducts a

Byrne JAG Request for Proposals (RFP) Bidder’s Conference after release of the tri-annual RFP for those organizations and counties statewide interested in applying for federal funds.²² The Bidder’s Conference provides clarity on the RFP instructions as well as provides a platform for the agency staff to respond to technical questions about the application process. While the BSCC staff cannot provide assistance or advice on the preparation of a specific proposal at this meeting, this event serves as an opportunity for an open dialogue between the community and BSCC to ensure applicants have clear and direct guidance on the application process, preventing incomplete or disqualified applications. Board meetings and public comment periods also serve as additional stakeholder engagement to provide the agency staff with insight into community priorities while they are creating the RFP.

CREATIVITY



While working within the confines of funding rules and requirements may pose challenges, it can be beneficial to evaluate and revise processes. Honoring and uplifting creativity and innovation can help to challenge and expand standard practices to work for both sides of the grantmaking equation more effectively. **Learning, sharing and evolving beyond the status quo** aids in state and county growth and alignment with community needs by reflecting on the current processes and exploring ways for improvement. **Utilizing the tools, discretion and flexibility available to the government** can help to understand the available resources that allow for more effective grants management.

PRACTICES TO FOSTER CREATIVITY MAY INCLUDE:

- conducting [self-assessments](#)*
- seeking community input on the grantmaking process
- revisiting invoice procedures to ensure prompt payment, and
- revising reporting requirements.

**Justice Funders offers a tool to align grantmaking practices within an equity framework. A full overview of the guide can be found here: <http://justicefunders.org/choir-book/>*

Residents in **Los Angeles County, Calif.**

(Pop. 10,014,009) approved [Measure J](#) in 2020 to dedicate no less than 10 percent of the county's locally generated, unrestricted funding to community investments that address the disproportionate impact of racial injustice. The county established a 24-member committee that can garner community input and project recommendations through an online form, in both English and Spanish. A community-based, third-party administrator and a community engagement consultant ensure diverse community voices are elevated and incorporated into the decision-making process.

The Pennsylvania Commission on Crime and Delinquency (Pennsylvania, Pop. 12,091,000) have created an adult racial and ethnic disparity committee to compliment the juvenile committee they had already formed. This committee met for three facilitated sessions using an outside facilitator to determine the scope and goal of the committee, recognizing that they needed to bring in additional voices. Members of the committee include justice involved individuals, community members of color, probation professionals, law enforcement, a defense attorney, a district attorney, and members to represent the different geographic regions of the state. The committee will meet quarterly to ensure they are prioritizing current needs of the community when making funding decisions.

County and State Administering Agency (SAA) Partnerships

Partnerships between counties and SAAs, such as the one between Cook County, Ill. and the Illinois Criminal Justice Information Authority, help enhance trust by creating opportunities to learn from each other. Through developing open lines of communication and spaces to collaborate, these groups discuss challenges in grantmaking, brainstorm appropriate solutions and share innovations. For example, Cook County and the Illinois SAA have shared best practices regarding advance payment policies, the application process and engaging with community members to improve their grantmaking. This collaboration helps both entities learn from one another and reflect on the opportunities to address community needs by building upon previous activities, rather than reinventing the process.

JOINT ACCOUNTABILITY



As stewards of public dollars, government funders and community-led organizations play a critical role in responding to and serving community members' needs. **Prioritizing intentional investments in communities traditionally left out of the funding process** can help government funders be more responsive to local needs. **Communicating funder expectations** can help community-led organizations respond to local needs and effectively deliver services while developing systems for community-led organizations to be good stewards of state and county resources. **Committing to sharing data** on both sides of the funding equation can help reinforce the goal of the investment and align resources as needs evolve. **Building a working relationship with continued communication and support** can provide opportunities to enhance trust and target funding to amplify impact.

PRACTICES TO SUPPORT JOINT ACCOUNTABILITY

MAY INCLUDE:

- meetings to learn how community-led organizations are directing resources
- learning about the intermediary impacts of the funding, and
- taking intentional steps to diversify the grantee pool, open application entry points and focus resources on community needs.

Cook County, Ill. (Pop. 5,275,541) launched a 50-member taskforce to advise on the county's strategic investments.²⁴ One of the [grant programs](#) invests in community-led organizations that serve areas with disproportionately high rates of gun violence. Tiered funding tracks with staggered deadlines provide organizations that may have smaller budgets and/or grant writing capacity with time to submit strong applications and be evaluated among similarly situated organizations.²⁵ The grant funding is provided on a quarterly basis, rather than a reimbursement, and grantees may request a funding advance. Organizations that are led by, support or employ community members with criminal convictions are not barred from applying on that basis.



CONCLUSION

Capitalizing on national momentum to address and reduce racial and ethnic disparities in the criminal legal system, states and counties have an opportunity to reflect on grantmaking processes to administer funds more equitably and for greater impact. Community-led organizations are critical partners and trustees in this work. Through aligning resources with practices that prioritize trust, transparency, community, fairness, intentional access and inclusion, support, creativity and joint accountability, counties can better serve residents and create vibrant communities.

ENDNOTES

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Working Group Members

DELRICE ADAMS

Director, Illinois Criminal Justice Information Authority

LANETTA HAYNES TURNER

Chief of Staff, President Toni Preckwinkle, Cook County, Ill.

GREG JONES

Office of Equity and Inclusion Advisory Chair, Dane County, Wis.

HON. DEBORAH KAFOURY

County Chair, Multnomah County, Ore.

RYAN KECK

Programs Director, Oregon Criminal Justice Commission

HOLLY MATTHEWS

Executive Director, Criminal Justice Coordinating Council, Lucas County, Ohio

DEVON MCDONALD

Executive Director, Indiana Criminal Justice Institute

KIM MELTON

Chief of Staff, Chair Deborah Kafoury, Multnomah County, Ore.

RICHARD MORALES

Deputy Executive Director, Latino Coalition for Community Leadership

JOHN PRINCE

Deputy Director, California Board of State and Community Corrections

KEN SANCHAGRIN

Director, Oregon Criminal Justice Commission

HON. VANCE STUEHRENBERG

District 2 Commissioner, Blue Earth County, Minn.

HELENE ZENTNER

Field Representative, California Board of State and Community Corrections

Invited Speakers

MICHELLE GARCIA

Director, District of Columbia Office of Victim Services and Justice Grants

ELIZABETH JONES VALDERRAMA

Executive Director, OAR of Arlington, Alexandria and Falls Church

HASSAN LATIF

Founder, Second Chance Center

ANNE MARKS

Executive Director, Youth ALIVE!

ASHLEY MCSWAIN

Executive Director, Community Family Life Service

Project Facilitators

LATRINA KELLY-JAMES

Principal, Oya Strategies

HEATHER WARNKEN

Executive Director, Center for Criminal Justice Reform, University of Baltimore School of Law

ABOUT NCJA

Based in Washington, D.C., the NCJA is a national voice in shaping and implementing criminal justice policy. As the representative of state, tribal and local criminal and juvenile justice practitioners, the NCJA works to promote a balanced approach to communities' complex public safety, criminal and juvenile justice system problems. Its members represent all facets of the criminal and juvenile justice community, from law enforcement, corrections, prosecution, defense, courts, victim-witness services and educational institutions to federal, state and local elected officials. To learn more or for membership information visit www.ncja.org.

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