

6

years of
bipartisan advocacy



DUE PROCESS
INSTITUTE

2023 **Impact Report**

4

years of
*non partisan public
education + research*



CLAUSE 40
FOUNDATION



JUSTICE

About Us



OUR MISSION AT DUE PROCESS INSTITUTE

As a 501(c)(4), we create and support achievable bipartisan solutions for challenging criminal legal policy concerns. Procedural due process rights and concerns over public safety transcend political labels; therefore, we focus on the core principles and values that are shared by all Americans.



OUR MISSION AT CLAUSE 40 FOUNDATION

This nonpartisan tax exempt 501(c)(3) was founded on the belief that the constitutional promise of justice for all is yet unfulfilled in our modern society and that failure is preventing the advancement of this country and its people. Through public education, research, and litigation, we believe that honoring procedural due process rights will move us toward justice.

These sibling organizations work together to achieve one main goal: a more just criminal legal system. We combine robust legislative advocacy at Due Process Institute with public education, events, and research at Clause 40 Foundation to achieve our vision for a safer and more just America.



Our Impact



42
reform
bills
advanced



78
court
briefs
filed



4,049
people
educated

Our collective organizational impact demonstrates our commitment to the motto:

Res, non verba.
Deeds, not words.



Legislation

Federal legislative advocacy is our priority at Due Process Institute. Despite a dysfunctional Congress engaged in historically low lawmaking, we've played a major role in passing these crucial reforms into law:

➤ ***First Step Act***

reduced certain unnecessarily long federal sentences and improved conditions in federal prison

➤ ***Clyde-Hirsch-Sowers RESPECT Act***

prevented unfair prosecutions under structuring laws and increased due process protections in forfeiture proceedings

➤ ***CARES Act Pandemic Relief***

released over 13,000 non-violent, aging, and health-compromised people from federal prisons to home confinement

➤ ***Pell Grant Restoration***

lifted 26-year ban on Pell Grant eligibility for all incarcerated students

➤ ***Fair Chance Act***

encourages federal employers to make conditional offers despite an applicant's criminal history

➤ ***Just and Reasonable Communications Costs Act***

requires the FCC to ensure charges for audio and video phone services in federal prisons are fair

➤ ***Executive Clemency***

thousands of people have been pardoned or had their sentences commuted since our founding

Our State Efforts

While our main focus is on the federal level, Due Process Institute is also active in certain state efforts to reform the criminal legal system. For example, we were instrumental in passing discovery reform in Virginia, eliminating juvenile court fees in Colorado and Oregon, and fixing unreasonable felony thresholds in Kentucky.



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, WEDNESDAY, DECEMBER 19, 2018

No. 200

Senate

FIRST STEP ACT

2023 Marks 5th Anniversary of the First Step Act

The First Step Act, signed into law in December 2018, remains the most significant, successful, and effective criminal legal reform legislation passed in the last decade. Due Process Institute played a key role in creating and passing these much-needed reforms into law. Five years later, the positive impact of the First Step Act is undeniable.

30,000 people

have been released from federal prison under the First Step Act.

Their recidivism rate is 12.4%

while overall recidivism rate in the Bureau of Prisons is around 43%.

58% of people released were

originally sentenced for a drug offense.

Half of all beneficiaries were

serving a sentence under 5 years.



Priorities

In addition to the laws we've successfully helped to pass, we continue to advocate for these necessary and urgent reforms:

- *reigning in warrantless surveillance*
- *ending acquitted conduct sentencing*
- *achieving prosecutorial accountability*
- *funding public defenders*
- *reforming criminal and civil asset forfeiture*
- *passing "second chance" initiatives*
- *implementing prison oversight*



Advocacy in the Courts

Since our founding, we've filed successful amicus, or "friends of the court," briefs at the Supreme Court and nationwide on these, and many other, important issues:

- ▶ **impartial jury trials**
- ▶ **unconstitutional bail schemes**
- ▶ **reforming terms of probation**
- ▶ **voter disenfranchisement of formerly incarcerated persons**
- ▶ **unreasonable searches and seizures**
- ▶ **overreaching laws and regulations**
- ▶ **minors sentenced to life without parole**
- ▶ **qualified immunity for police officer misconduct**
- ▶ **failures to provide the right to a fair trial**
- ▶ **unfair federal sentencing practices**
- ▶ **non disclosure of information to the defense**
- ▶ **lack of fair notice**
- ▶ **problems with federal *habeas* review**
- ▶ **ineffective assistance of counsel**
- ▶ **grand jury irregularities**
- ▶ **confrontation clause violations**
- ▶ **prosecutorial misconduct**



Hosting DC's Best SCOTUS Event

Every year, Due Process Institute and its sibling organization Clause 40 Foundation host *Two Views: An Exploration of SCOTUS' Criminal Law Docket* at the historic Willard Hotel in downtown Washington. This one-of-a-kind event features the only balanced and bipartisan examination of the Supreme Court's criminal law docket.

Over the past five events, we've provided hundreds of attendees, including lawyers, judges, policy advocates, and Hill staff, with the highest level of constitutional law discussion, free of charge.





Coalition Leadership



The staff at Due Process Institute is made up of experts in the field and highly regarded public speakers who lead various criminal justice coalitions throughout the year. Our latest engagement was at the United Justice Coalition Summit in New York City, which brought together over 3,500 members of the general public to help advance criminal legal reform.



Jason Pye, Director of Rule of Law Initiatives, headlined a panel on alternatives to sentencing with CNN Anchor Laura Coates, Durham DA Satana DeBerry, Judge Karen Friedman, and Campaign for the Fair Sentencing of Youth Executive Director Xavier McElrath-Bey.

Clause 40 Foundation— Educating The Public

Clause 40 Foundation's first priority is to educate the public about criminal legal reform. We recently partnered with PBS and Investigative Lens to host an 8-part educational web series that consisted of advanced screenings of the award-winning docuseries *Philly D.A.* accompanied by panel discussions featuring nationally recognized criminal justice experts on how to transform our legal system from the inside out to better serve society.

The panels included current prosecutors, returning citizens, public defenders, policy advocates, law professors, and many others from across the ideological spectrum to discuss and explore how we can transform the prosecutorial function.



The prosecutorial function and culture.



Incarceration. Supported communities. Racial justice.



Police misconduct and brutality. Safe communities.



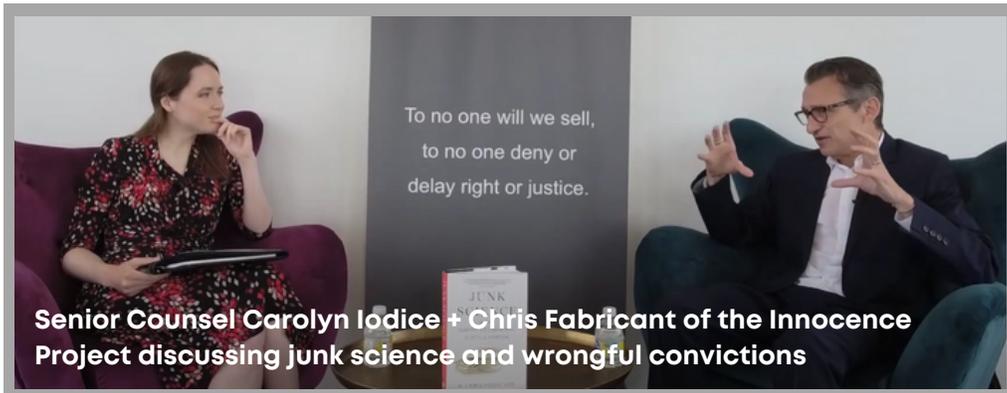
Economic inequity. Juvenile justice. Survivors of crime.



Clause 40 Foundation— Emphasizing Scholarship

Conversations on Emerging Scholarship in Criminal Law and Policy

Clause 40 Foundation's discussion series features top scholars in criminal law and policy providing public education on criminal legal topics such as the harms of a system over-reliant on plea bargaining and the prevalence of junk science in America's courtrooms. With over 1,000 in-person and online viewers already, Clause 40 is supporting emerging scholarship and increasing public awareness about our country's criminal legal system.



Senior Counsel Carolyn Iodice + Chris Fabricant of the Innocence Project discussing junk science and wrongful convictions

Dr. Jim Farha Memorial Internship Program

The Dr. Jim Farha Memorial Internship Program is hosted by Clause 40 Foundation every summer at our headquarters in Washington. Our law school interns conduct legal research for our amicus work, policy publications, and our annual deep-dive into the Supreme Court's criminal law docket.

Summer 2022



Meanna Gray



Betsy Sheppard

Summer 2021



Chloe Koon

Summer 2020



Melissa Rodriguez



Kevin Kolar

**Take action to
create a more
just criminal legal
system.**



Support our work today.

Donate

idueprocess.org/support

Due to our work pursuing legislative change, contributions to Due Process Institute, a 501(c)(4), are not tax deductible.

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clause40.networkforgood.com

Contributions to Clause 40 Foundation, a 501(c)(3), are tax deductible!

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