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I am very pleased to present the Northern California Innocence Project’s Strategic Plan — covering a five-year period from 2014–2019.

This Plan is the result of extensive input: one-on-one interviews with twenty-five stakeholders, two all-day staff retreats, multiple meetings of staff workgroups, and meetings with the Santa Clara Law leadership and NCIP advisory board.

One of the wonderful things about the process was how much agreement there was about the tremendous opportunities NCIP has in the coming years and how to best take advantage of them — as well as consensus about the challenges NCIP faces and how to best overcome them.

This plan will provide a framework to guide NCIP’s work for the next five years. It will help NCIP stay focused on its core mission and help guide the path for new areas within this mission going forward.

In addition to this high-level five-year Strategic Plan, an annual Operating Plan has been developed with measurable objectives, as well as a process to review these objectives on a quarterly basis.

I am extremely grateful to all who put so much time into this Plan: NCIP staff, the twenty-five stakeholders interviewed, NCIP advisory board members, and Dean Lisa Kloppenberg and her leadership team. I would also like to thank Frank and Denise Quattrone for providing the funding for the strategic planning process. And a special acknowledgement goes to Georgiana Hernandez, strategic planner extraordinaire, who helped guide this plan from start to finish.

David Onek
Executive Director
The first phase of Northern California Innocence Project’s strategic planning process—which spanned May through November 2013—was an assessment of the organization’s external environment and internal operations. A detailed PowerPoint presentation was developed based on this assessment. The key findings from the assessment are summarized below.

**Methodology**

A team from Hernandez & Associates began the assessment by reviewing a wide range of current and historical organizational documents, such as advisory board meeting minutes, drafts of strategic planning documents produced in prior years, results from an online survey of stakeholders conducted several years earlier by a consulting group, financial documents, internal memos, and funding proposals produced within the last few years. These documents helped to illuminate many of the opportunities and challenges facing the organization and offered some preliminary insights about strategies NCIP’s leadership hoped to pursue.

The team also developed several iterations of an organizational logic model to document the relationship between NCIP’s mission and the resources and strategies employed to achieve the organization’s desired impact. This proved particularly useful in teasing out some of the underlying assumptions associated with teaching an innocence clinic and processing wrongful conviction cases.

To gather in-depth information from internal and external stakeholders, NCIP’s Executive Director and staff identified a broad spectrum of individuals who they thought could provide valuable input about NCIP through one-on-one interviews. Targeted interviewees included NCIP advisory board members, Santa Clara University administrators, criminal justice reform advocates, directors of other innocence projects within the national network, local law enforcement, and faculty from other universities with expertise in clinical education. Extensive input was also gathered from staff through two staff retreats and numerous workgroup sessions to delve into the priority issue areas that were identified at the first retreat.
Findings

The Northern California Innocence Project was founded in 2001 as a program within the Santa Clara University School of Law. The program is managed by an Executive Director, who reports to the Law School Dean. The annual operating budget has fluctuated between $1,007,813 and $1,609,723 over the past three years. Staffing levels have also fluctuated fairly significantly in relation to levels of government-funded projects and levels of support provided by individual donors. In April 2013, NCIP experienced its first change in executive leadership as the founding Executive Director stepped down and the Santa Clara University School of Law named a new Executive Director.

NCIP’s core activities include operating an Innocence Project Clinic, investigating and processing wrongful conviction cases, and effecting change through policy reform. NCIP’s wrongful conviction casework and policy reform work are closely linked. The casework, which focuses on the individual exonerations, grounds the policy work by exposing the real-life consequences of wrongful conviction. The policy work, in turn, seeks to alleviate the trauma to individuals by advancing reforms that prevent wrongful conviction or secure post release compensation for exonerees. The Clinic that NCIP operates offers a longer-term strategy for policy reform in that it raises the consciousness and skill levels of would-be policymakers, judges, litigators, etc.

Strengths

• Stakeholders pointed to NCIP’s solid track record of exonerations—17 since the organization’s founding—as evidence of NCIP’s ability to impact the issue of wrongful convictions. The legal expertise and success in winning cases has helped NCIP to gain a solid reputation as a leader within the innocence field.

  “I think they are—they’re clearly one of the earliest, strongest of the network projects. They have, in my estimation, done some of the best legal work.”
  — Stakeholder

• Another key strength identified by stakeholders was NCIP’s new Executive Director, who was widely described as bringing the right combination of talent, leadership and connections needed to lead NCIP through an admittedly difficult turnaround given the organization’s precarious financial situation.

  “I think David’s great for this role. [...] and I think his relationships are really important ... he’s in a unique position to build the stature of the organization...”
  — Stakeholder

• Nearly all stakeholders identified NCIP staff’s commitment and talents as a key strength of the organization. Staff was consistently praised for their deep knowledge of wrongful conviction case work and for their diligence in attending to the needs of exonerees, despite limited resources.
**Priority Issues to Address**

- There was wide consensus among internal stakeholders that the most pressing issue for NCIP to address is its financial sustainability. NCIP has experienced significant budget shortfalls for three consecutive years. In fiscal year 2011-2012 the budget deficit exceeded $300,000, requiring the organization to tap into NCIP’s limited quasi-endowment funds to cover the shortfall. To control expenses and bring them in line with more realistic revenue projections, NCIP made significant staff cuts in August 2012, but still experienced a deficit of over $100,000 in fiscal year 2012-2013, which necessitated an additional draw down from the quasi-endowment.

- A related problem facing NCIP is the fact that the majority of its budget is contributed revenue but the organization has no Development Director position on staff. This situation is exacerbated by the fact that NCIP has relied heavily on a single advisory board member to raise funds for the organization, and that individual left the advisory board in January 2013. In addition, NCIP has become overly reliant on one big fundraising event, the Justice for All dinner, which demands a tremendous amount of time from staff, and if not successful, jeopardizes NCIP’s financial position in any given year.

**Challenges**

- Since its inception, NCIP has received financial and in-kind institutional support from the Santa Clara University School of Law, as well as Santa Clara University. One of the biggest challenges currently facing the School of Law and many other law schools throughout the nation is a sharp decline in enrollments, seriously impacting those law schools that are largely tuition dependent. The probability of NCIP receiving additional financial support from the School of Law in the foreseeable future is thus limited.

- As a program of Santa Clara University’s School of Law, NCIP must coordinate its fundraising activities with those of the University and Law School. This lack of total autonomy poses some constraints that have led NCIP to consider becoming an independent, nonprofit organization. The effort to become a 501(c)(3), however, would admittedly pose a new set of challenges for the organization.

- Another challenge identified by NCIP staff is the perception by some—particularly in law enforcement—that NCIP is a defense organization, interested in getting all prisoners out by any means, rather than an innocence project that is seeking the truth, just as they are. This mistaken perception by some stakeholders has at times impeded NCIP’s efforts to overturn wrongful convictions.
Opportunities

• Many stakeholders expressed the opinion that NCIP should step more boldly into the arena of policy reform. Others suggested that NCIP use its expertise to train practitioners on best practices in areas such as eyewitness identification reform.

“So I would love to see them doing more in the area of policy. I know the litigation goes on, I know a little bit about that, but really where I see the potential area for growth and having more impact is in impacting both the state and local policies.”
— Stakeholder

• Local law enforcement, reform advocates and academic colleagues in the Bay Area are enthusiastic about partnering with NCIP on innocence work and on more expansive criminal justice reforms, including possibilities for exploring the intersection between mindfulness training and criminal justice reform.

“...I set out to build an increasingly effective working relationship with law enforcement on policy matters, to build relationships and establish a broader understanding of important justice issues. And then your strategy might be to strengthen those existing relationships and look to build others. And that could be through classes or seminars or coffees or whatever.”
— Stakeholder
Mission & Vision

Mission

The mission of Northern California Innocence Project is to promote a fair, effective, and compassionate criminal justice system and protect the rights of the innocent.

Vision

The Northern California Innocence Project envisions a criminal justice system that makes us safer, is cost-effective, and is fair and equitable. NCIP envisions a criminal justice system that accurately separates the innocent from the guilty and treats all with fairness and compassion. NCIP strives to partner with all stakeholders — from law enforcement to advocates — to ensure that this vision is realized.
Goals, Strategies & Objectives

Goal 1: Exonerate the innocent

Strategy 1.1: Process wrongful conviction cases

Exonerating the innocent has always been a central goal of NCIP. Since NCIP’s founding in 2001, 17 individuals have been exonerated due to the efforts of NCIP staff and external collaborators – a huge accomplishment. NCIP processes approximately 900 claims of innocence from California inmates each year. NCIP has prioritized the need to streamline its case processing system to increase its effectiveness.

Objectives:

1.1.1: Process wrongful conviction cases from intake to exoneration.

1.1.2: Create an internal work group charged with streamlining NCIP's case processing system, developing a case processing manual and developing written screening criteria.

1.1.3: Create a case screening committee that meets regularly to discuss pending cases and decide which cases to accept.

1.1.4: Recruit more pro bono law firms, individual volunteer attorneys and volunteer investigators to assist in case processing.
Goal 2: Ensure excellence in clinical education

“Students need to learn by doing. The clinic allows future lawyers to be helping real people from day one.”
— Stakeholder

Since its founding in 2001, over 700 students have passed through NCIP’s doors. The students leave NCIP — and leave SCU Law — with increased skills, experience and knowledge. Some stakeholders, particularly those associated with the university, said the educational component of NCIP’s work is critical as a long-term system-reform strategy. Many stakeholders suggested NCIP’s clinical component could be expanded into the policy realm.

“Definitely there’s an opportunity within that reform project for a whole new set of important lawyering skills—drafting, argumentation, presentation, advocacy in the legislature, advocacy in the governor’s office, whatever—they’re terrific opportunities for students to do something. We don’t do a lot of that. [...] to do law reform work at that level would be fabulous.”
—Stakeholder

Strategy 2.1: Teach a world-class innocence clinic that gives students essential lawyering skills, experience and knowledge.

Objectives:

2.1.1: Teach SCU Law School’s Innocence Clinic.

2.1.2: Redesign the Innocence Clinic to ensure maximum learning opportunities for law students and to ensure strategic, efficient use of their skills and knowledge in processing of wrongful conviction cases.

2.1.3: Create a committee to explore the feasibility of creating a policy clinic.
Goal 3: Reform policy

Many stakeholders who were interviewed as part of the strategic planning process expressed a strong desire to have NCIP step more boldly into the realm of policy reform, particularly at the local level. Key strategies stakeholders identified for achieving policy reform included developing a targeted set of local policy reforms, advancing legislative reforms, and assisting in the production of amicus briefs.

Stakeholders said NCIP should also put a greater focus on relationship building with strategic allies, particularly in law enforcement, as a means for implementing reforms. Stakeholders suggested that priority issue areas should be those that are achievable and feasible, that leverage the expertise and networks of existing staff, and that can attract broad-based coalitions.

In 2013, thanks to the work of NCIP and others, California Governor Jerry Brown signed into law two bills that help prevent wrongful convictions and compensate the wrongfully convicted. SB 618 streamlines the process for exonerees to receive compensation for the time they served as a result of being wrongfully convicted. To prevent false confessions, SB 569 requires police to videotape any interrogations of suspects under the age of 18 being held for murder. These and similar efforts by NCIP demonstrate the organization’s ability to significantly influence legislation that can help to ensure a more fair, effective and compassionate criminal justice system.

Strategy 3.1 – Develop and implement a targeted set of policy reforms.

“[We’ve talked for years] about how to use innocence work to reform beyond the traditional causes of wrongful conviction as people define them. And we are beginning to talk and think about guilty [cases], we’re beginning to talk and think about, you know, the volume of cases.”

— Stakeholder

Objectives:

3.1.1: Create an internal policy committee that meets monthly to advance this strategy.

3.1.2: Develop a policy reform agenda and strategy to implement over the next five years, outlining key areas that offer a potential niche for NCIP and that capitalize on staff’s knowledge and expertise.

3.1.3: Identify, partner with, and ensure ongoing relationships with key allies, e.g. local law enforcement, reform advocates, other academic institutions, other innocence projects, who can help to advance specific components of the reform agenda and strategy.

3.1.4: Secure funding to hire a Policy Director, until such funds are available, identify a policy coordinator from the existing staff.

3.1.5: Hold local and statewide convenings to bring a broad range of diverse stakeholders together to advance policy reform goals.
“The most important thing is to actually put the known protections in place so that fewer innocent people actually get convicted in the first place. So for me, those are the eyewitness ID practices which a very small number of jurisdictions actually use in California, consistent electronic recording of all interrogations … those I think are the two most important ones that you could spend the next 10 years implementing.”
— Stakeholder

Strategy 3.2 – Advance legislation that reduces wrongful convictions and ensures a more fair and compassionate criminal justice system.

“You could expand this whole thing in a lot of other areas […] take a broad brush approach to what the state really needs. There's a wide range of things you could make a difference on that probably are not that different than Innocence Project [work]. […] I can see where it would really blossom.”
— Stakeholder

Objectives:

3.2.1: As part of the policy reform agenda NCIP develops, identify the issues best addressed through advocacy of existing bills and drafting of new legislation – and repeat this every legislative cycle.

3.2.2: Partner with elected officials to draft and advance legislative reforms.

3.2.3: Identify and work with existing coalitions as a means of advancing targeted legislative reforms.

3.2.4: Involve exonerees in advocacy efforts.

Strategy 3.3: Assist in the production of amicus briefs.

Objectives:

3.3.1: Identify cases with innocence implications for which to consider filing amicus briefs.

3.3.2: Partner with innocence network colleagues and pro bono law firms to produce amicus briefs.
Goal 4: Build a cutting-edge training institute

Stakeholders felt strongly that NCIP could use its extensive expertise to influence practitioners within the criminal justice system. NCIP could collaborate with law enforcement to provide training on best practices – practices that reduce wrongful convictions, and that lead to a fair, effective and compassionate criminal justice system. As a prime example, NCIP has provided training to law enforcement on best practices in eyewitness identification, and will be hosting a major symposium on eyewitness identification reform in May 2014.

Strategy 4.1: Train law enforcement and other practitioners in best practices for reducing wrongful convictions and advancing other the criminal justice reforms.

“It’s possible to conceive of a center within NCIP that would bring together sociologists, criminal justice experts, lawyers, judges working on some of these issues.”

—Stakeholder

Objectives:

4.1.1: Identify what the issues are that most need to be addressed.

4.1.2: Develop staff expertise in these areas.

4.1.3: Develop a marketing plan.

4.1.4: Enhance relationships with law enforcement and the legal community.

4.1.5: Develop and conduct the trainings and symposiums.
Goal 5: Ensure organizational effectiveness and sustainability

To ensure organizational sustainability, NCIP must build its capacity to generate new and diversified sources of revenue. Three consecutive years of significant budget deficits have forced the organization to spend some of its quasi-endowment to cover operating shortfalls. Donor fatigue, the departure from the advisory board of NCIP’s primary fundraiser, and the over-reliance on one major fundraising event have posed serious sustainability challenges for NCIP. For these reasons, all internal stakeholders said NCIP must prioritize the development and implementation of a sustainability plan aimed at expanding and diversifying its financial resources.

NCIP also believes that one of the best ways to build a healthy and vibrant organization is to ensure that all staff members are able to grow professionally, test new ideas and strategies, and assume leadership roles as opportunities arise. The Executive Director has begun to facilitate this process by encouraging open communication, by creating an organizational structure that spreads and encourages shared decision-making, and by encouraging all staff to reflect on how they want to grow within the organization.

Other efforts to build NCIP’s organizational effectiveness will include strengthening administrative systems and operations, building a communications strategy, and developing continuous improvement goals and performance metrics.

Strategy 5.1: Increase and diversify funding sources to assure sustainability and growth.

“I think NCIP could bring in earned revenue from trainings in habeas or maybe some law enforcement trainings on eyewitness ID. [...] I think NCIP needs to assess the skills and talents of their human resources and then figure out how to generate earned revenue from the kinds of trainings or other services that could be provided.”

—Stakeholder

Objectives:

5.1.1: Hire a Development staff member or contractor.

5.1.2: Develop and implement an annual fundraising plan that targets diverse sources of contributed revenue.

5.1.3: Align NCIP’s fundraising strategy and plan with those of the Law School and University.

5.1.4: Develop and implement a plan for generating earned revenue through trainings, expert consultation, MCLE fees, and other services aligned with NCIP’s mission.

5.1.5: Meet budget every fiscal year.

5.1.6: Continue to assess the funding relationship with the Law School and feasibility of becoming an independent 501(c)(3) organization.
Strategy 5.2: Ensure leadership development opportunities for staff.

**Objectives:**

5.2.1: Managers and staff work together to create annual performance plans for all staff that delineate clear performance objectives and incorporate professional development goals and targeted activities.

5.2.2: Ensure staff participation in ongoing trainings.

5.2.3: Hold annual or semi-annual staff retreats.

“It’s a great organization. You’ve met with the staff, and they’re just—to a person—you know, once the plan is in place, they will execute! They need leadership. David can provide that.”

— Stakeholder

Strategy 5.3: Ensure professional operations and management.

**Objectives:**

5.3.1: Develop and implement sound financial management systems to monitor revenue and expenses.

5.3.2: Create a staffing structure that supports optimum performance and achievement of organizational goals.

5.3.3: Create an office policies and procedures manual that documents sound administrative systems.

Strategy 5.4: Incorporate communications planning into all program delivery.

“Coming up with a real really powerful communications plan and the stories of those kinds of people [wrongfully convicted], I think is real important. ... it’s probably the most important. It certainly is the most important if you’re going to get any sort of policy changes. It’s the most important if you’re going to try to defeat voter initiatives that can be put on the ballet to make things worse. It’s incredibly important as you try to fundraise. ... I think there needs to be a much better job of trying to make your neighbors know, ‘this is your problem, too.’”

— Stakeholder
Objectives:

5.4.1: Work with SARD to develop a communications strategy and plan that advances all of NCIP's goals.

5.4.2: Explore a name change.

5.4.3: Revamp the website.

Strategy 5.5: Incorporate evaluation and continuous improvement practices.

Objectives:

5.5.1: Define what constitutes program success.

5.5.2: Develop a set of simple metrics to track performance and outcomes.

5.5.3: Monitor performance and make adjustments as needed to improve program outcomes.