

# THE TROY DAVIS FOUNDATION

a project in criminal justice reform.

## The Troy Davis Foundation: Building a Future Nonprofit

1. AN OVERVIEW.....	2
2. PROGRAMS.....	4
3. THE BOARD.....	7
4. BECOMING A 501(C)3.....	9
5. FUNDRAISING.....	11
6. CONCEPT PAPER FOR POTENTIAL DONORS.....	13
7. COMPETITIVE MARKET ANALYSIS.....	15
8. RECOMMENDATIONS.....	19
9. RESOURCES.....	20

“This struggle is for all the Troy Davises who came before me and all the ones who will come after me.”

-Troy Anthony Davis

“And that’s what changes laws. It’s people who are passionate about changing wrongs to rights, and making the world a better place for everyone.”

-Gemma Puglisi, Founder, The Troy Davis Foundation

*Lyndsey Grubbs  
American University, December 2012*

## **AN OVERVIEW**

### **ABOUT THE TROY DAVIS FOUNDATION**

The Troy Davis Foundation is a multi-layer organization, with each layer representing part of Troy Davis' vision for the future. Not only did Troy dream of a different future for himself, but he also imagined a very different, brighter future for the United States justice system as a whole. With all layers pointing toward criminal justice reform, this organization supports speaking engagements by those close to Troy, educational scholarships for promising students interested in law, legal reform efforts on the death penalty in the United States, and support for family members of the incarcerated.

### **ABOUT TROY ANTHONY DAVIS**

#### **The Man Behind the Mission:**

Troy Anthony Davis was born in Savannah, Georgia on October 9, 1968 and was executed by the state of Georgia on September 21, 2011. The first child of Korean War Veteran Joseph Davis and Candler General Hospital employee Virginia Davis, Troy spent most of his life in the middle-class neighborhood of Cloverdale in Savannah, Georgia. Forever a family man, Troy dropped out of Windsor Forest High School in his junior year to drive his younger sister, Kimberly Davis, to therapy for Multiple Sclerosis. Troy later received a GED from Richard Arnold Education Center, coached the Savannah Police Athletic League and had ambitions of enlisting in the United States Marine Corps. Family and friends tell stories of Troy, leaving behind the legacy of a family man always willing to put the well being of others before his own.

## **ABOUT THE CAUSE**

### **The Case:**

Found guilty of murdering off-duty police officer Mark MacPhail in a Burger King parking lot in August of 1989, Troy spent 22 years on Georgia's death row. These years, it now seems, were the product of a mountain of missteps by the criminal justice system here in the United States. Seven of the nine eyewitnesses that helped put Troy behind bars have recanted their stories. Many jurors even believe that one of the eyewitnesses may have been the real gunman. There was no DNA. There was no gun. There was no motive. There was, however, an overwhelming national support for Troy. Celebrities, religious leaders, politicians and ordinary citizens across the country stood up in support of Troy and against the possibility of executing an innocent man. The nation joined together saying, "I am Troy Davis." This national cry for help acknowledged that anyone could have been in Troy's situation. There are, and will be, many more Troy Davises.

## **VISION**

We envision a nation far from the judicial injustices of today, a nation where each and every citizen will fight for equality and fairness in the criminal justice system.

## **MISSION**

We are creating a community that is passionate about changing the criminal justice system's wrongs to rights.

## PROGRAMS

### OUR PROGRAMS

All of our programs work to create a cohesive community that is dedicated to criminal justice reform. These programs include:

- **SPEAK** for justice.
- **EDUCATE** for justice.
- **REFORM** for justice.
- **SUPPORT** for justice.

### PROGRAM DESCRIPTIONS

#### **SPEAK for justice.**

*“I can’t wait to stand with you, no matter if that is in physical or spiritual form, I will one day be announcing, ‘I AM TROY DAVIS, and I AM FREE!’”*

- Speak For Justice aims to educate the community about inequalities existing in the criminal justice system. Speakers, all with close ties to Troy, use personal stories to inform the audience not only about the racial and socioeconomic disparities in the criminal justice system, but also about the need for the abolition of the death penalty. Speaking engagements can range from prison visits and high school assemblies to town hall meetings and anything in between. Speakers spread words that Troy envisioned one day spreading on his own.

## EDUCATE *for justice.*

*“We need to dismantle this unjust system city by city, state by state and country by country.”*

- Educate For Justice works to provide scholarships to promising young adults with an interest in law. Scholarships in the names of Troy Davis *and* Mark MacPhail are awarded to high-performing college students pursuing degrees in justice, as well as to first year law students across the country. Scholarship recipients have the honor of becoming part of the “Troy Davis Fellowship”. The fellows work as a group toward death penalty abolition and criminal justice reform. The fellows also have the opportunity to come together for an annual justice reform conference hosted by The Troy Davis Foundation.

## REFORM *for justice.*

*“This fight to end the death penalty is not won or lost through me but through our strength to move forward and save every innocent person in captivity around the globe.”*

- Reform For Justice aims to promote and encourage changes to the legal system. As part of the program, Troy Davis Fellows, as well as lawyers and lobbyists, work to promote reforms in the criminal justice system. The Reform for Justice team will work towards creating a Troy Davis Law in regards to death penalty abolition, and will also promote strategic communication plans to inform and educate citizens about reform possibilities and options within their respective communities.

## SUPPORT for justice.

*“I can’t even explain the insurgence of emotion I feel when I try to express the strength I draw from you all...”*

- Support For Justice supports family members of the incarcerated. From counseling services to financial aid and legal support, this program offers aid to families that are forced to navigate a complicated legal system in the name of an imprisoned loved one. This support is offered not only to families of innocent inmates, but also to those families of inmates that have pled guilty. The Davis family will be the first to receive aid from the program.

## THE BOARD

### RECOMMENDATIONS

- The Board will initially be composed of 5-7 members. Within the first five years, the board should grow to be 10-12 members.
- Each member of the board will serve a definitive purpose. For example, there will be a lawyer clearly in charge of all legal matters, an academic or lobbyist in charge of legislative reform, and someone with previous fundraising experience to spearhead fundraising.
- As the board grows, committees will eventually be formed. These committees will include, but are not limited to:
  - Fundraising committee
  - Program committees
  - Legal committee
  - Finance committee

### DEFINITIVE MEMBERS

- Founder/CEO: Gemma Puglisi, *Assistant Professor, American University School of Communication*
- Ledra Sullivan, *Close Friend of Troy Davis*
- Megan Thomas, *Close Friend of Troy Davis*

### POSSIBLE MEMBERS

*\*divided by area of expertise*

#### **Legal:**

- Danielle Gartner, *Lawyer of Troy Davis*
- Jason Ewert, *Lawyer of Troy Davis*

**Legislative Reform:**

- Kate Kovarovic, *Law Clerk, Department of Justice & Guest Editor to “A Personal Perspective on Media and the Law: The Case of Death Row Inmate Troy Anthony Davis”*

**Communications/Outreach:**

- Mahwish Khan, *Manager of New Media and Online Content, America’s Voice & Former Student of Gemma Puglisi’s Public Communication Class Concentration: Troy Davis*
- Stanford Fraser, *Graduate, Howard University & White House Protestor of Troy’s Execution*

**Exonerated inmate:**

- Ernest (Shujaa) Graham, *Exonerated Death Row Inmate, California (convicted by all-white jury)*
- Nathson (Nate) Fields, *Exonerated Death Row Inmate, Illinois*

**Fundraising/Public Figure:**

- Dick Gregory, *American Comedian and Social Activist & Speaker at Troy Davis Funeral*



## **BECOMING A 501(C)3**

### **THE STEPS**

1. Name the organization
  - a. Check with DC Department of Consumer and Regulatory Affairs for name availability
2. Appoint the board of directors
  - a. DC law requires at least three directors
  - b. There is no age or geographical requirement for directors
3. Incorporate the organization
  - a. File Articles of Incorporation with Department of Consumer and Regulatory Affairs. This can be completed online:
    - i. <http://dcra.dc.gov/DC/DCRA/For+Business/Corporate+Registration>
  - b. According to DC law, there must be at least three incorporators, all at least age 18
  - c. Pay the \$80 filing fee
4. Obtain a Basic Business License
  - a. Contact Department of Consumer and Regulatory Affairs for application
5. Obtain Employer Identification Number (EIN)
  - a. This will be the organization's identification number and is necessary before any bank accounts or tax exemptions can be set up
  - b. Application for an EIN can be completed online:
    - i. [http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Apply-for-an-Employer-Identification-Number-\(EIN\)-Online](http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/Apply-for-an-Employer-Identification-Number-(EIN)-Online)
6. Apply for 501(c)3 Tax Exemption
  - a. File IRS form 1023
    - i. Lawyer on the board of directors will be able to complete this form
    - ii. In order to complete the form, the organization will need:
      1. IRS forms
      2. EIN
      3. Mission Statement
      4. A corporate record book

### **RECOMMENDATIONS**

- When lobbying efforts become a part of the organization's programming, a lawyer will need to be involved. There are very strict rules in regards to maintaining 501(c)3 status

(tax exemption) while lobbying. “You can’t be too prudent about lobbying.” Nain Anderson, *CFO, The International Center*

- Make sure board members are aware of their fiduciary responsibility. “Most board members for a start-up non-profit are completely unaware of their fiduciary responsibilities...and it is significant.” Nain Anderson, *CFO, The International Center*
- Without hiring any sort of consulting firm, filing fees will run under \$1000.

## FUNDRAISING

### PLANS FOR OBTAINING INITIAL FUNDS

1. Find Startup Capital
  - a. Start with those closest to the founder. A founder's friends, relatives and colleagues are often among the best options for startup funds. While most outside donors will expect to see success at the organization and goals reached before providing funding, those with personal ties will be more willing to donate on a promise of reaching certain goals.
2. Organize a powerful board
  - a. Having a powerful and well-connected board will ensure that they are more likely to be successful in helping to raise initial funds. The board must be tasked with raising funds from the very beginning. This could be as little as \$2,000 or as much as \$10,000.
3. Build Partnerships
  - a. Having partners helps build another network for increasing publicity and raising funds.
  - b. POTENTIAL PARTNERS FOR THE TROY DAVIS FOUNDATION (in Washington DC):
    - i. Howard University
      1. Alpha Phi Omega National Service Fraternity
      2. Howard University Student Association
    - ii. Coalition for Juvenile Justice
    - iii. The Innocence Project
  - c. POTENTIAL PARTNERS FOR THE TROY DAVIS FOUNDATION (outside of Washington DC):
    - i. Georgia Coalition for the People's Agenda
    - ii. Catholic Church of Atlanta/Savannah
4. Event
  - a. A Gala to celebrate the launch of the Troy Davis Foundation will serve as an efficient way to raise a large amount of funding in a small amount of time.
    - i. Gala will include speakers from the "Speak for Justice" Program
      1. Possible speakers include:
        - a. Kimberly Davis, *Sister to Troy Davis*
        - b. De'Jaun Correia, *Nephew of Troy Davis*
        - c. Gemma Puglisi, *Dear Friend to Troy Davis & Founder of Troy Davis Foundation*
        - d. One celebrity supporter – options include:
          - i. Sister Helen Prejean, *Writer & Death Penalty Abolitionist*

- ii. Desmond Tutu, *South African Social Rights Activist*
  - iii. Big Boi, *Artist & Lead Singer, Outkast*
  - iv. Ron Hampton, *Former Executive Director, National Black Police Association*
2. Potential donors as well as members of the DC community will be invited to purchase a ticket for the Gala.

## **STEPS AFTER THE INITIAL FUNDRAISING PHASE**

- 1. Individual Donors
  - a. Send out a **concept paper** to potential influential donors
    - i. Example concept paper follows
  - b. Start a social media campaign for donors
    - i. This is an easy way to contact donors that can't be contacted directly.
- 2. Grants
  - a. Foundation and Corporation Grants
  - b. Federal Grants
  - c. State Grants
  - d. Local Grants
- 3. Continued Events
  - a. Once the Troy Davis Foundation becomes an established, recognizable nonprofit, events will become an easier way to gather a large amount of funds in a short period of time.
- 4. Planned Giving
  - a. Annual and Planned Giving will become a large majority of the funding once a donor base has been established.
    - i. Annual and Planned Giving can be accomplished through an online portal or a direct mailing program.

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*“We need to dismantle this unjust system city by city, state by state and country by country.”*

*-Troy Anthony Davis*

## • CONCEPT PAPER •

### • INTRODUCTION •

On the day of his execution, Troy Anthony Davis charged his supporters saying, “continue to fight this fight.” This is a fight against the injustices of the death penalty and the injustices of the criminal justice system as a whole. The Troy Davis Foundation is bringing Troy’s final wish to life.

### • SURVEY OF THE PROBLEM •

Making up just 5% of the world’s total population, the United States is home to only a small portion of the world’s inhabitants. It is, however, also home to an alarming 25% of the world’s prison population. According to the International Centre for Prison Studies, that places more than 2.26 million people in American prisons (meaning nearly 1 in every 31 American adults) as of 2010. While these numbers are astounding enough to cause alarm on their own, recent studies have also shown that anywhere from 2.3 – 5% of the prison population’s inmates in the United States are actually innocent. On the conservative end of this estimate (accounting for only 2% of the prison population), this would place more than 45,000 innocent men and women in American prisons.

Aside from issues of mass incarceration and innocence, the United States continues to struggle with racial inequalities within the criminal justice system as well. According to the American Sociology Association, minorities made up 60% of the prison population in 2004. This problem also surfaces in death row cases. As of 2007, numbers of African Americans on death row were nearly five times the number of Caucasians.

The criminal justice system is in need of serious attention and reform, and ordinary citizens need to become aware of the stark injustices that exist in their nation’s judicial system.

### • ORGANIZATION DESCRIPTION •

The Troy Davis Foundation is a multi-layer organization, with each layer representing part of Troy Davis’ vision for the future. Not only did Troy dream of a different future for himself, but he also imagined a very different, brighter future for the United States criminal justice system as a whole. With all layers pointing toward creating a community that is passionate about criminal justice reform, this organization supports speaking engagements by those close to Troy, educational scholarships for promising students interested in law, legal reform efforts on the death penalty in the United States, and support for family members of the incarcerated.

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## •GENERAL GOALS•

Increase community awareness about inequality in the criminal justice system and the inherent flaws with the death penalty in the United States.

Increase funding to create a future generation impassioned about correcting flaws in the criminal justice system in the United States.

Promote legal change in the criminal justice system.

Increase support for families of the incarcerated.

## •LOOKING FORWARD•

Within its first 5 years, the Troy Davis Foundation hopes to...

A). Reach more than 1000 people each year through a speaker series encouraging the community to care about inequalities in the criminal justice system.

B). Distribute at least three \$5000 scholarships each year to students interested in pursuing criminal justice and making changes to the criminal justice system.

C). Develop and enact a Troy Davis law that will, at the very minimum, create stricter standards for death eligible cases in the state of Georgia.

D). Provide financial support and counseling to the Davis family within its first year of operation. Following this initial phase, the organization will support at least three families in the 2<sup>nd</sup> year, five families in the 3<sup>rd</sup> year, seven families in the 4<sup>th</sup> year, and ten families in the 5<sup>th</sup> year.

**COMPETITIVE MARKET ANALYSIS**  
**What Makes THE TROY DAVIS FOUNDATION Unique?**

**COMPETITION**

**The Innocence Project**

*Mission:*

“The Innocence Project is a non-profit legal clinic affiliated with the Benjamin N. Cardozo School of Law at Yeshiva University and created by Barry C. Scheck and Peter J. Neufeld in 1992. The project is a national litigation and public policy organization dedicated to exonerating wrongfully convicted people through DNA testing and reforming the criminal justice system to prevent future injustice. As a clinic, law students handle case work while supervised by a team of attorneys and clinic staff.”

*Services:*

Services at the Innocence Project are limited strictly to adopting cases of criminal defendants that could be exonerated based on DNA evidence. The Project has, so far, exonerated 301 wrongfully convicted inmates, 18 of which were on death row.

*Audience:*

The Innocence Project attracts individuals that are interested almost solely in exonerating the wrongfully convicted. This highly successful nonprofit also attracts many death penalty abolitionists, as the organization emphasizes the uncertainty that is so prevalent in many of the nation’s court cases.

## **The Sentencing Project**

### *Mission:*

“The Sentencing Project was founded in 1986 to provide defense lawyers with sentencing advocacy training and to reduce the reliance on incarceration. Since that time, The Sentencing Project has become a leader in the effort to bring national attention to disturbing trends and inequities in the criminal justice system with a successful formula that includes the publication of groundbreaking research, aggressive media campaigns and strategic advocacy for policy reform.”

### *Services:*

The Sentencing Project provides education and training for defense lawyers in sentencing-advocacy as well as conducts and provides research that has been vital in shaping the public policy debate on key penal issues of the day. Their notable successes have included the formation of the National Association of Sentencing Advocates and major contributions to the Fair Sentencing Act of 2010.

### *Audience:*

The Sentencing Project attracts highly educated individuals with a previous interest in criminal justice reform. Providing access to intricate research, the organization’s services are most often used by lawyers, policy makers, lobbyists and other academics.



## **Families Against Mandatory Minimums**

### *Mission:*

“FAMM (Families Against Mandatory Minimums) is a nonprofit, nonpartisan organization fighting for fair and proportionate sentencing laws that allow judicial discretion while maintaining public safety. FAMM advocates for state and federal sentencing reform, and mobilizes thousands of individuals and families whose lives are adversely affected by unjust sentences to work constructively for change.”

### *Services:*

FAMM concentrates the majority of its efforts on lobbying for legal reform. The rest of its efforts come in the form of communication services. These include a blog, website, facebook page, and regular emails to inform the community about sentencing reform.

### *Audience:*

FAMM’s audience consists mostly of lobbyists and academics interested in criminal justice reform. The organization also draws an audience from those hoping to learn about minimum sentencing laws. These include other nonprofit employees, families of the incarcerated, and citizens with an interest in law.

## **The Troy Davis Foundation**

### *A Unique Approach:*

In analyzing the other major players in nonprofit criminal justice work, it is clear that The Troy Davis Foundation will survive on its unique approach to the issues. Built as a multi-layered organization, The Troy Davis Foundation supports a mission that allows for services to be provided to a wide-ranging audience. The Foundation will inform a diverse audience through its speaker series alone. Additionally, academics, lawyers and politicians will be reached through scholarship funds and lobbying efforts, while support programs will reach families directly affected by the prison system. Affecting such a large audience, The Troy Davis Foundation will be able to meet an array of needs. These include information and education about the issue for the community, funds for students, counseling and finances for families of the incarcerated, and concrete changes in the legal system. All together, these services not only fulfill a need in the community, but also work together to push the foundation's vision for the future: a community of educated individuals empowered to turn the criminal justice system's wrongs to rights.

## RECOMMENDATIONS

*An interview with \*\*Jennifer Thomas...*

- Mission is very different from vision
  - A nonprofit's mission is what the organization will *do*
  - A nonprofit's vision draws a connection between passion and action; it looks toward the future
- The business
  - Even though the organization isn't working for a profit, it is still a business
  - A product and service must be defined
  - The service must be concrete (ex. Scholarship funds)
  - What does the market look like? What other nonprofits are operating on similar missions?
- Audience
  - What does your audience care about?
  - All of the audiences don't have to be connected; there will be a different pitch to each audience segment
  - The audience has to want what you are offering (ex. Demand for scholarships, speakers, counseling services, etc).
- The board
  - Smaller boards are better for startup nonprofits
  - The board must be staffed with specific individuals, each serving a specific purpose (ex. Fundraiser, lawyer, etc.)
  - Boards must be managed; they cannot be expected to function on their own
    - "This is not a vanity position." – Jennifer Thomas
- Funding
  - The potential donors need to understand why this organization is unique
  - Potential sponsors (especially those that knew Troy) will need to be captured quickly and before someone else tries to use Troy Davis as an angle for a nonprofit
  - Partnerships can be helpful (ex. The Innocence Project)
- Goals
  - Must aim for concrete results as quickly as possible, as this is how funding is gained
    - These must be concrete, measureable results
  - There must be constant mapping and tracking of results, both successes and failures

*\*\*Jennifer Thomas, Program Director, Knight Foundation, Akron OH*

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