

How Foundations Supported the Campaign to Reform Stop-and-Frisk in New York City



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Foreword

In 2011, the number of stops performed by the NYPD reached an all-time high. Strikingly, stops of young African-American men that year exceeded the number of them living in New York City.

Also in 2011, The Atlantic Philanthropies and Open Society Foundations together made grants to help establish Communities United for Police Reform. Staff at our two foundations, by listening to the communities most affected by stop-and-frisk and by assessing the legal and policy landscape, recognized an opportunity to change this practice in our city.

OSF and Atlantic strive to share our experience with those who wish to learn from our, and our grantees and collaborators', successes and failures in hopes they might do better than our best. In 2015, we asked Barsoum Policy Consulting to help us take stock of the impact and lessons of our support of stop-and-frisk reform in New York City. What strategies and tactics were used? What obstacles did we and our grantees encounter? How well did we and other funders and advocates adapt? What are the challenges facing those who seek fairness from our criminal justice system and accountability from our police?

This exploration led to a suite of three reports: a case study documenting Communities United for Police Reform's successful work to pass the community safety act, a promising practices brief for the advocacy and organizing field, and a brief for funders.

This is the third report in the suite, and we hope it will be useful to funders who might benefit from our experience: particularly to inform strategic funding choices, to anticipate future challenges working in this field, and to consider potentially powerful responses.

We offer this suite in celebration of the communities and families who lead the fight, and in gratitude to all of our funder, grantee, and government partners.



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Introduction

The Summer of 2013 dealt two devastating blows to the practice of stop-and-frisk in New York City. In the landmark decision of *Floyd v. City of New York*, a Federal Judge ruled the New York Police Department's practice of stop-and-frisk unconstitutional. In addition, the New York City Council passed the Community Safety Act (CSA), a groundbreaking legislative package that created significant oversight reforms, in part to address the NYPD's stop-and-frisk abuses.

These legislative and legal victories were brought about by the coordinated advocacy of Communities United for Police Reform (CPR), a broad campaign of more than 60 diverse organizations as well as an additional 100 endorsers of the Community Safety Act. The Atlantic Philanthropies and Open Society Foundations supported the launch of the campaign to address discriminatory policing practices such as stop-and-frisk in New York City. The details of the campaign to pass the CSA are documented in a companion report, "From the Streets to the Courts to City Hall: A Case Study of a Comprehensive Campaign to Reform Stop-and-Frisk in New York City." Figure 1 provides an overview of the campaign's comprehensive strategy and goals, and Figure 2 summarizes the key findings from the case study.

This report focuses on the foundations' role in CPR – the funder collaboration, funding strategy, and grantmaking approach. As foundations across the country seek to address complex social issues, comprehensive, multi-sector and multi-tactic strategies are essential. The experience of The Atlantic Philanthropies and Open Society Foundations provides lessons learned for the philanthropic field on how to support comprehensive multi-strategy campaigns to advance reforms.

Recognizing circumstances and capacities vary across communities and across the country, the goal of this brief is to describe effective approaches used in the campaign and lessons learned that funders can adopt and apply to their own policy work.

STOP, QUESTION, AND FRISK,

more commonly known as stop-and-frisk, is a policy in which police officers have the right to stop individuals they suspect in engaging in a crime, and sometimes question them, which frequently then leads to frisking them for weapons and other contraband. New York is not the only city in which the practice has been used. In other jurisdictions, it is known as a stop-and-search or a Terry stop, after the 1968 United States Supreme Court case of *Terry v. Ohio*^{*}, which upheld the constitutionality of the practice under the Fourth Amendment when there is reasonable suspicion of a crime being committed. Reasonable suspicion involves situations when an officer believes someone has just committed a crime, or is preparing to commit a crime. However, the practice becomes unconstitutional when that suspicion is based on racial and other discriminatory profiling.

^{*}See *Terry v. Ohio*, 392 U.S. 1, (1968)

FIGURE 1: Communities United For Police Reform Overview

CPR Vision and Purpose

Ending bias-based policing in New York City, and instituting policies and practices that promote community safety in a dignified, fair, and effective manner that respect and uphold the constitutional rights of all New York City residents.



CPR Mid-Term Goal

- Substantially decrease bias-based street level encounters with police.



CPR Short-Term Goal

- Increase the ability of the most affected communities to hold the police accountable and prevent abusive policing.
- Build the political will in NYC among the public and policymakers to advance a more just and humane policing paradigm in NYC.



Inside Strategy: Making the Case

- Developing internal champions
- Developing an "Ask"
- Leading with voices of affected communities



Outside Strategy: Building Power

- Organizing and base building (capacity building, and Know Your Rights and CopWatch trainings)
- Alliance building
- Electoral organizing and leveraging the election year



Legal Strategy: Leveraging Litigation

- Supporting Litigation
- Packing the court
- Garnering media coverage
- Linking to CSA



Strategic Communications Strategy: Changing the Narrative

- Centralized communications resources and building communications capacity of CPR member organizations
- Messaging and humanizing stop-and-frisk and redefining safety
- Making stop-and-frisk THE issue and elevating its profile

CPR Driving Principles

1. **Directly Affected Communities in the Lead:** To provide their insight and collective power because even if policy change is secured, conditions will not improve meaningfully for affected communities without a shift in power, and without building the necessary community-level infrastructure/leadership of affected communities into the change that is being sought.
2. **Coordinated Multi-Tactic Strategy:** Coordination among communications, research, litigation, policy, and organizing efforts - grounded in the experience and needs of affected communities, and reinforced by organized community power.

FIGURE 2: Findings from the case study about the campaign for the passage of the CSA

1

CPR took a movement building approach to its operations and strategy by:

- Leading with impacted communities
- Supporting capacity and promoting leadership of grassroots members
- Promoting cross-issue collaboration and alliance building
- Forming a connective infrastructure
- Building power

2

CPR proactively forced open a “window of opportunity” for the passage of the CSA by:

- Framing the problem and changing the narrative
- Developing a policy solution
- Understanding and leveraging the politics

3

CPR had the capacity or ‘readiness’ to achieve its goal with an understanding of the challenges, obstacles, and opponents, and what will be needed to overcome them by:

- Setting aside adequate time for planning
- Developing a comprehensive strategy
- Creating a multi-sector commitment to specific objectives
- Having centralized campaign staff
- Having adequate and flexible financial resources

4

CPR leveraged the litigation to mobilize its members, elevate the profile of stop-and-frisk abuses, and advocate for the CSA by:

- Integrating litigation, organizing, and advocacy into the multi-pronged strategy
- Creating the context for the litigation
- Using the litigation to mobilize members
- Participating throughout the legal process

Funding Strategy

In 2010, program staff from New York-based The Atlantic Philanthropies (Atlantic) and Open Society Foundations (OSF) began discussing the rising rate of stop-and-frisk taking place in the city in which both foundations were based. At the time, neither foundation had a program or policy focus on police accountability, but felt an obligation to act because of the disproportionate impact stop-and-frisk was having on communities of color.

For each of the funders, the collaboration was necessary for them to provide appropriate support for the campaign. Neither funder could go it alone, but together they could make a stronger case.

The Atlantic Philanthropies and Open Society Foundations collaboratively supported the launch of Communities United for Police Reform (CPR). CPR was up against powerful and moneyed interests, including the New York Police Department and Mayor Michael Bloomberg. A comprehensive broad-based campaign would require significant resources (see Figure 3). In addition, the availability of 501(c)4 resources enabled the campaign to take advantage of the city-wide elections and to leverage their electoral power.¹

The end result was a policy victory but, almost more importantly, a strong broad-based campaign emerged that continues to advocate against discriminatory policing practices and for police accountability. Using both grantmaking and non-grantmaking strategies, their collaborative funding strategy intentionally supported both the campaign for the policy win and the infrastructure for ongoing and longer-term grassroots organizing and advocacy engagement. Their funding strategy included the following core elements.

- **Convening** – Groups were initially brought together to assess if there was a desire to conduct joint work to address stop-and-frisk. Once the groups agreed, funding and time were provided for a series of planning meetings to develop strategy and a campaign structure.
- **Pooling Resources** – OSF and Atlantic pooled their resources through the Funds for Fair and Just Policing at the Tides Foundation and Tides Advocacy Fund. A targeted RFP process was used to select grantees. Grantee selection was done collaboratively between Atlantic and OSF and was based on alignment with the CPR campaign priority goals implementation plan.
- **Grantmaking** – Grantees were provided with general operating support. In addition, Atlantic provided resources for lobbying and electoral organizing. The Atlantic Philanthropies had additional flexibility to support 501(c)(4) organizations and activities.
- **Promoting Grantee Leadership** – Funders initially played an active role in the development of the convenings and ensuring campaign staff were independent and not housed in a member organization. Once the strategy was developed and the leadership of CPR installed, they stepped back and deferred to the grantees.

1. Initially, Atlantic Philanthropies provided 501(c)4 resources and OSF contributed only 501(c)3 resources. In later years, OSF also contributed 501(c)4 resources.

- **Identifying a Policy Goal** – Funders funded the campaign to work on stop-and-frisk with the understanding that grantees had a broader goal of working on police accountability. For grantees, stop-and-frisk was a result of discriminatory and broken windows policing practices; reforming stop-and-frisk was a step toward broader reforms.
- **Supporting Grassroots Organizations** – The foundations provided funding to grassroots organizations, in alignment with CPR’s priority workplan objectives. From the start, OSF and Atlantic firmly believed for the campaign to be successful, it needed a strong grassroots component. They intentionally funded grassroots and community organizations that worked with affected communities. Some of these grants were made to collaboratives of grassroots organizations working with similar communities or on shared strategies to encourage collaboration and coordination among those groups.

FIGURE 3:

Atlantic and OSF Funding Summary

From 2011 to 2015, each of the two funders invested approximately \$4 million dollars into the campaign, for a combined total of approximately \$8 million. Resources were allocated for the following:

- More than 32 diverse organizations, including grassroots and community groups, legal and policy advocates, research, and communications. Some grants were made to collaboratives of grassroots organizations working with similar communities or on shared strategies.
- Support for CPR staff and campaign infrastructure.
- Tides Administration fees and campaign evaluation.

Additional resources were provided for the following:

- Convenings and planning for the campaign.
- The development of the “Where Am I Going” video campaign series, which described the human impact of stop-and-frisk.

Existing Grantees:

- Some of the legal advocacy organizations that were members of CPR were already foundation grantees. Part of their grant resources were allocated to support their participation in the campaign.

Aligning Funding Strategy with the Policy Change Process

The public policy process is made up of five stages: problem identification, raising the profile of the problem, developing a solution, policy adoption, and policy implementation. Public policy grantmaking is influenced by where a policy issue is in the public policy process.

Each stage in the process requires different strategies to advance the policy issue.² Public policy grantmaking strategies can be grouped into three broad approaches: 1) advocacy niche approach to build or strengthen a single strategy such as legislative advocacy or grassroots organizing; 2) policy target approach to advance a specific policy goal; and 3) field-building approach to develop advocacy capacities and coordination among organizations in the field.³ Funders may also use multiple approaches. Atlantic and OSF took a policy target approach to reform stop-and-frisk, but supported the campaign in a way that also helped to strengthen the field.

Viewing Atlantic and OSF's grantmaking strategy within the context of the public policy process helps describe how the funders aligned both grantmaking and non-grantmaking strategies with each stage of the public policy process to advance the campaign for the Community Safety Act. The Policy Change Process Framework summarized in Figure 4 provides a useful construct by which to elevate important lessons from Atlantic and OSF's funding strategy.⁴ The framework consolidates the five stages of the public policy process into three key phases described below.

1. Laying the Groundwork – Sets the stage for successful policy change through the elevation of the issue on the policy agenda and the development of the advocacy field. Central to this phase are the “ripeness” of the policy issue and the ‘readiness’ of the advocacy field.

- Policy Issue Ripeness - The receptivity of the external policy environment to the policy change being sought.
- Field Readiness - The internal factors associated with the advocacy infrastructure that can enable it to be mobilized when a window of opportunity opens.

2. End Game Campaign – Advances the adoption of the policy goal through the development and implementation of a policy and/or systems change campaign that includes the appropriate tactics into a coordinated cohesive strategy.

3. Implementation – Promotes the monitoring and assessment of the policy or legal decision to ensure they are being implemented as intended and accomplishing intended goals. Implementation work is about ensuring policy victories are sustained. Policies and legal decisions are often implemented by agencies; as a result, this work often entails administrative and systems change advocacy.

2. Coffman, Julia. *Foundations and Public Policy Grantmaking*. March 2008. Prepared for the James Irvine foundation.

3. Beer, Tanya, Ingargiola, Beer. *Advocacy and Public Policy Grantmaking: Matching Process to Purpose*. August 2012. Prepared for The Colorado Trust.

4. Masters, Barbara. *Enacting Marriage Equality in New York State: How it All Came Together*. February 29, 2012. Prepared for the Civil Marriage Collaborative. Unpublished.

FIGURE 4: Policy Change Process Framework



The policy change framework is a tool that can assist funders in determining where in the process the issue is to develop and invest in the appropriate strategies to achieve the desired outcomes. Atlantic and OSF’s funding strategy was primarily focused on supporting the end game campaign to advance a policy. However, they did so with an awareness of the two other phases as described below.

1. Laying the Groundwork

- **Assessing the Issue** – The funders had been tracking the rising rate of stop-and-frisk and saw it as an indicator of the growing dysfunction of the criminal justice system. To understand the potential policy opportunity, they conducted an internal informal assessment of stop-and-frisk that included the scope of the problem, the politics surrounding it, current advocacy and litigation efforts along with the capacity and the desire of the field to implement a campaign to end stop-and-frisk. A more systematic analysis of both the issue and the needs of the field was conducted in collaboration with the grantees and discussed in depth at subsequent planning convenings.
- **Assessing and Understanding the History of the Field** – CPR emerged from a long, rich history of anti-police violence organizing and advocacy in New York City against police brutality and for police reforms. Atlantic and OSF understood the field in NYC had a great deal of experience but there was not enough collaboration across the various sectors within the field. The funders used a range of grantmaking and non-grantmaking strategies such as convenings to support the field in the development of a coordinated campaign.
- **Understanding and Building on Funding History** – A range of funders, including the North Star Fund, New York Foundation, Astraea, and Arcus, among others had been supporting the organizations that comprised the anti police violence field. Their funding helped sustain many of the grassroots organizations in the field. In addition, some of these foundations have also continued to provide on-going support to the campaign itself. These funders helped build the groundwork that enabled Atlantic and OSF to support the campaign.

“It is important to support grassroots groups for the long haul, so they have the capacity to take advantage of movement moments. You never know when an issue is going to break.”

– cori parrish | North Star Fund

- **Identifying a Shared Goal** – Both funders and grantees came to agreement on the shared goal of ending the discriminatory practice of stop-and-frisk. The goal was a narrow entry point into racially biased policing practices. Yet, this did not preclude the funders and grantees from having differing secondary goals that advanced their respective work. For example, for OSF, this was an opportunity to explore how it could support other police reform efforts. In comparison, as Atlantic was preparing to close its doors, stop-and-frisk represented a narrow issue and time-limited opportunity to influence a policy and share the lessons learned as a legacy to the field. For the grantees, stop-and-frisk was an entry point to build power and address broader future reforms to end discriminatory policing.
- **Planning for the Campaign** – The foundations supported a series of convenings (see Figure 5) during which organizations were provided the time and resources to plan for a comprehensive campaign. This enabled CPR to plan for the short-term — a five- to seven-year strategy to develop and advance priority objectives that included the CSA — as well as build a lasting infrastructure and broader vision to sustain advocacy and organizing for the long-term.

“I want funders to know they need to invest in the prep work if they want to have a successful campaign. They can’t just fund people to hit the ground running.”

– **Andrea Ritchie** | Streetwise and Safe

FIGURE 5: Strategic Convening

Strategic Convening

Convening is a valuable tool that foundations can use to support policy advocacy. Atlantic and OSF organized a convening initially to propose the idea of a campaign to end stop-and-frisk and assess the interest of the field. A wide range of organizations from New York City’s anti-police violence field was convened, including grassroots organizing groups, policy advocates, legal advocates, researchers and academics, and communications experts. The foundations held later convenings to develop the campaign strategy and structure. The grantees’ leading role in the planning was central to the convenings’ success. Below are some of the effective strategies used:

- > **Developing a Shared Understanding of the Issue** – Members of the field gave in-depth presentations on the history of stop-and-frisk and broken windows policing, existing research on the practice and its impact, the history of advocacy and organizing against stop-and-frisk, and past and pending litigation and lessons learned. In addition, the foundations brought in a communications firm to provide an overview of how the issue was being discussed and framed by the media and key stakeholders.
- > **Developing a Campaign Strategy** – The groups used a political landscape assessment of the local, state and federal levels to identify windows of opportunity and inform the discussion of the types of tactics and strategies needed. In the process, groups conducted a candid assessment of the capacities needed to engage in a multi-year campaign.
- > **Developing a Solution** – An initial set of 12 policy proposals was developed through a series of conversations with the organizations in the field. The convening attendees then discussed and prioritized the proposals at the convening, resulting in the first draft of the Community Safety Act CSA. In addition, they prioritized other proposals related to community organizing, public education, community infrastructure building, civic engagement, and communications.
- > **Developing a Campaign Infrastructure** – Building on existing relationships and previous collaborative efforts, groups developed an overarching long-term vision, principles of unity, campaign structure, and strategies.
- > **Developing a Funding Strategy** – The outcome of the convenings provided a roadmap for the foundations and directly informed their funding strategy.

2. End Game Campaign

- **Funding the Full Range of Advocacy and Organizing Tactics** – The foundations funded every tactic in the campaign and included everything from legal advocacy to Cop Watch and Know Your Rights trainings.⁵ General support grants along with the availability of 501(c)4 dollars to support electoral organizing and lobbying provided CPR with a robust range of tactics and capacities to advocate for the passage of the CSA.
- **Investing in Community Organizations** – Affected communities participated and played a leadership role in the campaign through the funding of many grassroots organizing and direct service-providing organizations. This ensured the individuals and communities who directly experience discriminatory policing practices were active participants in every aspect of CPR. They helped craft and advocated for solutions to the problems that directly impact them. Their participation in the campaign also built their advocacy capacity and benefited the work of their individual organizations as well as the broader field. (See Figure 6 on the challenge and importance of providing sufficient funding for grassroots organizations.)
- **Supporting Infrastructure** – Resources were provided for centralized “hub” staff enabling CPR to operate on a day-to-day basis and support the development and implementation of the campaign. Staff ensured tactics and strategies were integrated and coordinated, and created an environment that promoted shared leadership, trust, and collaboration.
- **Centralizing Communications** – Although funding was initially provided to a communications firm, that function ultimately transitioned to the campaign as CPR brought communications in-house. Centralizing communications ensured communications were aligned and integrated with all the activities and goals of the campaign. It also facilitated capacity building, technical assistance (TA) and support to members. This approach allowed members to more effectively engage in the communications strategy, provide feedback on messaging, and create buy-in on the messaging.⁶
- **Responding to Emerging Advocacy Needs** – The foundations were able to make resources rapidly available in response to emerging advocacy needs. During the Community Safety Act veto override vote, Atlantic provided a small but strategically important grant to support CPR’s efforts to hold the votes.

“In other campaigns, funders supported the organizing or the policy work and we tried to patch it all together into something real. This campaign was successful because the funders funded all aspects of the campaign - the community engagement, communications, legal advocacy, policy work, research, and political work. It was very comprehensive.”

- **Javier Valdés** | Make the Road New York

5. Cop Watch and Know Your Rights trainings have been used by organizing groups in NYC to empower residents to protect themselves against incidents of discriminatory and abusive policing. Cop Watch teaches community members how to document incidents of discriminatory policing. For organizers, these trainings are also an important means to educate and engage communities on police accountability issues. Additionally, the trainings are a means to collect stories on police abuse.

6. For more information, see *The Strategy Behind the Design of Advocacy Communications Support: Lessons for Foundation Program Officers from The Atlantic Philanthropies' Advocacy Grantmaking*. <http://www.evaluationinnovation.org/publications/strategy-behind-design-advocacy-communications-support>

3. Implementation

- **Funding Policy Change & Building for the Long-term** – OSF provided resources through 2015 to support implementation efforts for the CSA and the Floyd joint remedial process. Support from other foundations has enabled CPR to continue to work on implementation.

FIGURE 6: Funding Grassroots Organizations

Funding Grassroots Organizations

Atlantic and OSF supported a comprehensive campaign that included a range of grassroots and community groups that engaged impacted communities. However, many grantees felt more funding was needed for grassroots organizations to support their participation in the campaign.

This highlights the tension between advocacy and organizing groups and the frequently cited concern that grassroots organizations are given short shrift in funding in comparison to larger advocacy organizations. In a report entitled *Smashing Silos in Philanthropy*,* the National Committee for Responsive Philanthropy (NCRP) notes grassroots organizations tend to be multi-issue and play an important role in bridging issue silos. NCRP notes insufficient funding for grassroots organizations may limit funders' long-term impact and progress on policy goals. "Groups that have long-standing roots in communities and that work to address multiple issues confront great difficulty in fundraising while foundations overwhelmingly direct grants to professionalized, often well-resourced, organizations working exclusively on that grantmaker's preferred issue. This limits the ultimate effectiveness of philanthropy and undermines funders' ability to see discernible improvements in education, health, the arts, the environment and all other issues."

Central to CPR's success and sustainability was the involvement of the communities most affected by discriminatory policing. Those communities formed the campaign's broad base, spanning gender, race, religion, sexuality, issues, and New York City's boroughs. Grassroots organizations were critical in building power to influence elected officials, humanizing the abuses of stop-and-frisk, and developing and advocating for the solution. CPR demonstrates the fundamental importance and role of grassroots groups across the policy change process - identifying pressing issues impacting communities, developing appropriate policy solutions that address the needs of communities, advocating for those solutions, and holding decisionmakers accountable to effectively implement those solutions.

As funders continue to address disparities and inequities as well as defend against cuts and rollbacks on a range of important and pressing policy issues, grassroots organizations should be part of funding strategies and adequately supported to ensure impacted communities are at the table. A broad base of support will be needed on all social justice issues; funders should look for points of intersection across issues to build that base and build power. Grassroots organizations are well-positioned to bridge advocacy issue silos.

* National Committee for Responsive Philanthropy (NCRP). *Smashing Silos in Philanthropy: Multi-Issue Advocacy and Organizing for Real Results*. November 2013.

Conclusion

The disproportionate use and impact of stop-and-frisk on communities of color in New York City brought Atlantic and OSF together. Recognizing the potential opportunity to advance policy change, the funders set out in collaboration with grantees to support the launch of a campaign to end stop-and-frisk abuses. Their collaboration provides many lessons learned for how funders can work together to support multi-strategy and multi-sector campaigns (Figure 7).

Atlantic and OSF advanced a policy goal, but an even more significant outcome was the increased leadership capacity of impacted communities. Their experience with CPR demonstrates that funders can use their policy goals as means to find points of intersection and commonality across constituencies to build a broad base that endures beyond individual policy battles.

“There is a very powerful effect when the stars align in terms of the opportunities – in this case, the legal cases going to trial, the ripeness of the issue in impacted communities and a progressive caucus in the city council open to moving the bills. Foundations must be able to recognize the power in the opportunity and implement a funding strategy that supports advocates in harnessing the power to win.”

- **Anmarie Benedict** | The Atlantic Philanthropies

FIGURE 7: Top 10 Lessons Learned

Top 10 Lessons Learned from the Campaign for the Passage of the CSA

- 1.** Align grantmaking strategy with the public policy phase to advance policy goals and build the readiness of the field to take advantage of policy windows of opportunity.
- 2.** Maximize resources by collaborating with other funders that can fund organizations and strategies that your foundation may not be able to support. In particular, consider collaborating with funders or donors that can support 501(c)4 organizations and activities to strengthen the campaign and the capacity of the field.
- 3.** Minimize burden on grantees by using a single and streamlined RFP, grant proposal template, grant review process, and grant reporting process.
- 4.** Empower grantees to plan, develop a campaign strategy and infrastructure, be adaptive, and learn.
- 5.** Build capacity of organizations through the campaign by integrating capacity-building into the advocacy and organizing work.
- 6.** Support organizing and grassroots organizations to engage in advocacy to ensure impacted communities are part of developing and advocating for policy solutions.
- 7.** Support ALL the strategies needed to implement a comprehensive policy campaign and provide resources for coordination.
- 8.** Be flexible and adaptive in your support of grantees to enable them to respond to changing political circumstances.
- 9.** Support both a campaign AND build long-term infrastructure to “leave something behind” after the campaign has concluded and build the capacity of the organizations to continue to collaborate on policy implementation as well as work toward other reforms.
- 10.** Support implementation to ensure policy wins are sustained and implemented as intended.