The Sentencing Project works for a fair and effective U.S. justice system by promoting reforms in sentencing policy, addressing unjust racial disparities and practices, and advocating for alternatives to incarceration.

The image on pages 20 and 21 is a photograph by Richard X. Thripp. His other work can be found at thripp.com.

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LETTER FROM THE EXECUTIVE DIRECTOR

The past year presented us with challenges to criminal justice reform that we had not experienced for quite some time. It was a year to reassess our assumptions about the political environment and review our approach to justice reform. I think we handled this transition well and were able to recalibrate our strategy for change in this new environment.

At the federal level we have not yielded in our advocacy for broad-based sentencing reform that is long overdue, though we are mindful of the new political realities. We were pleased to be able to support the leadership of Sen. Chuck Grassley (R-IA) and Sen. Dick Durbin (D-IL) in advancing reforms to scale back the impact of mandatory sentencing and to restore a more appropriate exercise of discretion to federal judges.

But we have also challenged the efforts of Attorney General Jeff Sessions to turn back the clock on justice reform and to bring us back to the “tough on crime” days of the 1980s. Elements of this campaign included debunking the notion that immigrants commit crime at high rates, publishing op-ed commentary in the Washington Post and other media outlets documenting the public safety costs of Sessions’ punitive strategy, and helping to convene a street protest outside of the Justice Department headquarters in response to his harsh charging policies.

We also recognize that criminal justice on a day-to-day basis largely plays out at the state and local level. In this regard the national political eruption does not yet appear to be delivering significant setbacks to the momentum for reform of recent years.
Our strategy involves broad public education designed to change the national conversation around criminal justice policy, supported by a targeted focus on viable reforms. We maintain the twin goals of reducing mass incarceration and challenging the racial disparities that pervade the justice system.

Policy reports we produced this year provided activists and policymakers with data analysis on rates of disparity by state in both the adult and juvenile justice systems. Among other efforts our allies in New Jersey used those findings to make the case to state lawmakers that racial impact statement legislation would be an effective means of proactively addressing these troubling outcomes. Their hard work secured overwhelming support for this reform in the state legislature.

We also seek to influence the national conversation about mass incarceration by going beyond what’s politically acceptable at any given moment. While we’re encouraged about the momentum for justice reform of recent years, we also recognize that in most states the pace of change is still relatively modest. That’s one reason why we’ve spent more than a decade highlighting the record number of people serving life sentences in the United States. These people have committed serious crimes, but many of them are long past the point at which they present any significant threat to public safety. Their continued incarceration poses human rights concerns and a challenge to ending mass incarceration.

We enter 2018 celebrating our accomplishments over more than three decades, but mindful of the obstacles we face in continuing to advance reform. We thank all our friends and allies for their ongoing support, and we are hopeful that together we can continue the progress we’ve made toward a more just society.
In 2017, The Sentencing Project’s publications focused on calling attention to the growing lifer population, addressing racial disparities throughout the criminal justice system, and using data to push back against the Trump Administration’s “tough on crime” rhetoric.

Second chance at life

One of every seven people in prison in the U.S.—206,000 in all—was serving a sentence of life with parole, life without parole, or a “virtual life” sentence of 50 years or more, found a report by The Sentencing Project. *Still Life: America’s Increasing Use of Life and Long-term Sentences*, by Senior Research Analyst Ashley Nellis, revealed that two-thirds of these prisoners are people of color. And while the majority of people serving life were convicted of murder, 17,000 were convicted of non-violent offenses, and 12,000 people were under 18 years of age at the time of their crime. The report concluded that the increasing use of life imprisonment means that substantial reductions in incarceration will be limited unless policymakers address excessive punishments for serious crimes as well as property and drug offenses. Our research also indicated that unnecessarily long prison terms are costly and impede public investments in effective crime prevention, drug treatment, and other rehabilitative programs that produce healthier and safer communities. *Still Life* received extensive media attention, including coverage by ABC News, The Atlantic, Denver Post, Jackson (MS) Free Press, New Orleans Times-Picayune, Newsweek, Time, Washington Examiner, and Wisconsin Public Radio.
Number of people serving life in US prisons is surging, new report says

July 3, 2017

Ashley Nellis, a senior researcher for the Sentencing Project and the author of the report, told ABC News in a phone interview that the data were compiled from Department of Corrections for every state and the Federal Bureau of Prisons.

She said that underneath the numbers is a large bill for U.S. taxpayers, according to her research.

“A prisoner who starts his or her sentence in their 30s will, on average, cost the state $1 million,” Nellis told ABC News.

She said that part of the expense of housing prisoners for life is that they become more expensive with age.

“Many people enter prison in poor health to begin with,” Nellis said. “Then prison itself is hard on a person’s health, and they’re being cared for into their geriatric years.”

Delivering a Second Chance: The Declining Prospects for Parole on Life Sentences, by Research Analyst Nazgol Ghandnoosh, documented just how elusive parole has become for eligible lifers. This national survey analyzed policies and practices that have caused paroled lifers to serve much longer prison sentences than their counterparts in the past. The leading reasons for these increases are: lawmakers delaying how long prisoners must serve before they are eligible for parole; increased wait times for subsequent hearings if parole is denied; the appointment of parole board members committed to reducing the number of paroles granted; limiting parole boards’ decision-making authority; and affording limited rights to due process or legal representation of prisoners during parole hearings.
Treating the opioid crisis

In response to the opioid crisis we issued an extensive report on the need for an evidence-based approach to address this emergency. *Opioids: Treating an Illness, Ending a War*, by Nazgol Ghandnoosh and Casey Anderson, examined the sources of the opioid crisis, surveyed health and justice policy responses at the federal and state levels, and drew on lessons from past drug crises to provide guidance on how to proceed.

The report recommended reversing the unprecedented rate at which U.S. physicians are prescribing opioids; increasing access to medication-assisted treatment and syringe service programs; revising health insurance policies to increase access to medications that carry a lower risk of addiction or dependence; closing the treatment gap for incarcerated populations; and opposing efforts to resurrect highly punitive and ineffective measures (like the “War on Drugs”) that had little effect on drug use and fueled mass incarceration.

Documenting state reform

In *State Advances in Criminal Justice Reform*, Director of Advocacy Nicole Porter documented policy reforms in 17 states designed to reduce prison populations; address racial disparities; reform collateral consequences in the areas of employment, voting rights and public benefit programs; and reduce interactions between youth and the criminal justice system.

Trump's opioid crisis failures mean states must lead the way

By: Nazgol Ghandnoosh
December 13, 2017

During his presidential campaign, Donald Trump promised that if elected, he’d make the opioid crisis a top priority. Since taking office, though, he’s hardly made it a concern, let alone an agenda item...

The Centers for Disease Control and Prevention (CDC) reports that more than 140 Americans die every day from drug overdoses—including, on average, 91 specifically from opioids. Preliminary data for 2016 indicate at least 64,000 deaths attributable to drug overdose.

Fortunately, this is a crisis that is mostly local in nature, and actions on the ground by state policymakers; medical professionals; insurance companies; state and local health officials; and law enforcement and criminal justice leaders can make a big difference without waiting on Washington.
Crimmigration

*Immigration and Public Safety* and the accompanying factsheet underscored the fact that U.S. immigrants—regardless of legal status—commit crimes at lower rates than native-born citizens, and that policies further restricting immigration are ineffective crime-control strategies. Authors Nazgol Ghandnoosh and Juvenile Justice Advocacy Associate Josh Rovner found that immigrants actually improve public safety in the neighborhoods in which they live and may have contributed to the historic crime drop across the country over the past two decades. Areas with large immigrant communities have shared or outperformed national trends in improved public safety since the 1990s, by increasing levels of social cohesion, organization, and oversight.

Future of federal prisons

*Federal Prisons at a Crossroads*, by Nazgol Ghandnoosh, analyzed how new directives at the Department of Justice (DOJ) to pursue the most serious charges and the harshest penalties in federal cases and certain Congressional proposals appear poised to reverse recent declines in the federal prison population. Since reaching a peak in 2013, the federal prison population declined 13% by the close of 2016 due to passage of the Fair Sentencing Act of 2010, U.S. Sentencing Commission actions to amend the drug sentencing guidelines, and the Obama DOJ Smart on Crime Initiative.
Smart decarceration

“Minimizing the Maximum: The Case for Shortening All Prison Sentences,” by Nazgol Ghandnoosh, is a chapter in *Smart Decarceration: Achieving Criminal Justice Transformation in the 21st Century*, (Oxford University Press). The chapter underscores the importance of reducing time served in prison for serious and violent crimes to achieve meaningful decarceration. It draws on research to show how prolonged sentences produce diminishing returns for public safety while tying up resources that could be used for crime prevention.

Policing the black man

Marc Mauer contributed a chapter in *Policing the Black Man: Arrest, Prosecution, and Imprisonment*, edited by Professor Angela J. Davis. “The Endurance of Racial Disparity in the Criminal Justice System” provides an overview of the stark racial disparities that exist at every step of the criminal justice system. An array of circumstances resulted in these disparities, including harsh sentencing laws, discretionary decision making by criminal justice officials, and the impact of “race-neutral” decisions. The chapter also presents practical suggestions for reform that would shift resources and attention to non-criminal justice interventions.

International perspective

Published in the Oxford Encyclopedia of Criminology and Criminal Justice, *Incarceration Rates in an International Perspective* by Marc Mauer examined incarceration rates across nations, and the policies and political environments that shape the scale of punishment. The analysis reviewed policies and practices that produced mass incarceration in the U.S., case histories of reducing incarceration in other nations, and outlined the “right” level of incarceration in a society.

Private prisons

*Private Prisons in the United States* presents current figures on people serving their sentences in private facilities and on states’ variations in their utilization of private prisons. Twenty-eight states and the federal government used private prisons to incarcerate 126,272 people as of 2015 — an increase of 45% from a population of 87,369 in 2000. This figure represents 8% of the total U.S. prison population.

Since 2000, the number of people housed in private prisons has increased 45%
Racial disparities in the juvenile justice system

Three factsheets by Josh Rovner highlight racial disparities throughout the juvenile justice system. Black youth are 500% more likely, Native youth are 300% more likely, and Latino youth are 65% more likely than white youth to be detained or committed to youth facilities. In six states, African American youth are at least ten times as likely to be held in placement as are white youth: New Jersey, Wisconsin, Montana, Delaware, Connecticut and Massachusetts.

Eliminating juvenile life without parole

Juvenile Life Without Parole: An Overview by Josh Rovner reviews the Supreme Court precedents that limited the use of juvenile life without parole and the challenges that remain in their implementation. The United States is the only nation that sentences people to life without parole for crimes committed before turning 18 years of age.

Fewer Youths Incarcerated, But Gap Between Blacks And Whites Worsens

September 27, 2017

“It’s important to realize the placement rate has reduced for all youth,” says Josh Rovner, the juvenile justice advocacy associate at The Sentencing Project. “In a way, this is a good news story and I don’t want people to lose sight of that.”

However, Rovner and other advocates for criminal justice reform are slow to praise the drop in numbers. A closer look reveals a disquieting element of the criminal justice system: a rise in the disparity between black youth incarceration and white youth incarceration...

A look at the numbers shows that in 2015, 86 of 100,000 white children were incarcerated in the United States. The number for black children was five times higher, with 433 of 100,000 behind bars.

But according to Rovner, individual actions are not to blame for a higher incarceration rate of black youths.

“It’s not about the differences in behaviors by youth. It’s about the differences in how adults respond to those behaviors,” he said.
Throughout the year The Sentencing Project worked closely with policymakers and activists on reform strategies, coalition formation, planning, media outreach, communications and advocacy campaigns.

**STATE REFORM**

Providing support to advocates at the state level

During 2017, The Sentencing Project continued to work with local organizations, advocates, and lawmakers to limit racial disparity in the justice system, expand voting rights for people with felony convictions, reduce excessive sentences and improve justice for youth. Technical assistance was provided to support advocates in more than 10 states to develop and refine their communications plans, political strategies and public education campaigns. This work included:

- The Florida Supreme Court approved language for a constitutional amendment, proposed by the Florida Rights Restoration Coalition, to restore voting rights to the state’s 1.4 million disenfranchised citizens who have fully completed the terms of their prison, probation or parole supervision. The Sentencing Project has provided support to the Coalition over a number of years, including conducting data analysis, producing op-ed commentary, and engaging in public education. The Coalition has gathered enough signatures to be placed as an initiative on the 2018 statewide ballot.
• Assisting a Nebraska coalition that secured the legislature’s approval of a bill to repeal the two-year ban on voting following completion of a felony sentence. Though the legislation was vetoed by the Governor, the coalition expects it to be reintroduced in 2018. Nicole Porter testified in support of the bill at a legislative hearing, and provided on-site technical assistance and research in support of state advocates.

• Supporting the growth and impact of a coalition of advocates in New Jersey, whose activities led to passage of Racial Impact Statement legislation by both houses of the legislature, and favorable input into the legislation from Gov. Christie.

• The minority of states that continued to subject youth aged 16 or 17 to the adult criminal justice system will decline further because of important advocacy this year, including in South Carolina where The Sentencing Project has been active. The Sentencing Project compiled and analyzed statewide and county level data to support the implementation process of the state’s legislation incorporating 17-year-olds into the juvenile justice system. State advocates used the information in community meetings in targeted regions as the basis of their public education efforts. Our collaboration in South Carolina will continue into 2018 to ensure the legislation passed takes effect.
FEDERAL REFORM

Building bipartisan support for reform

In 2017, The Sentencing Project worked closely with allies to advocate for meaningful sentencing reform in Congress and push back against harmful calls to build up the federal prison system. This work included:

• Submitting public comment and recommendations to the U.S. Sentencing Commission on its proposed expansion of the sentencing guidelines to incorporate more alternative sentences to incarceration, and to urge the Commission to reevaluate whether or not sentence lengths are “sufficient, but not greater than necessary, to achieve the goals of sentencing.”

• Testifying before the U.S. Commission on Civil Rights on the implications of 6 million people denied the right to vote due to a current or previous felony conviction. Testimony included an overview of estimates of disenfranchisement, racial effects, and the policy impact on democracy and reentry.

• Producing op-eds critiquing Attorney General Sessions’ charging policies in the Washington Post, The Hill, and the San Francisco Daily Journal, while our staff also appeared on the CBS Evening News and NPR to discuss the Administration’s misguided criminal justice policies.

• Continuing to provide research and advocate to Congressional staff in support of the Sentencing Reform and Corrections Act, the Second Chance Act and oppose measures to increase sentences for drug and immigration offenses.

• Co-sponsoring a protest rally at DOJ to call attention to policies announced by Attorney General Sessions that would reverse prosecutorial charging policy reforms and increase the number of federal prisoners.

Dear Attorney General Sessions,

Federal sentencing is already severe.

The average sentence being served for a drug offense is 11.3 years!

History shows increasing already harsh sentences will not reduce crime or substance use disorders.

We need #SentencingJustice now!

The Sentencing Project developed this meme for social media to challenge Sessions’ harsh sentencing policies. The image reached nearly 7,000 people on social media.
Former US attorneys hate Jeff Sessions’ memo on tougher sentences

May 14, 2017

Since 2010, the federal prison population has dropped both overall and for people serving time for drug offenses. In 2010, roughly 98,000 people were in federal prison for drug offenses; that number fell to 92,000 in 2015.

The Sentencing Project’s executive director is concerned that Sessions’ memo will raise the prison population again.

“Reversing this directive will exacerbate prison overcrowding, increase spending and jeopardize the safety of staff and prisoners,” Marc Mauer said. “Research over many decades has demonstrated the deterrent effect of the criminal justice system is a function of the certainty of punishment, not its severity. The new policy shift will have little impact on public safety, while adding exorbitant fiscal and human costs to an already bloated and destructive criminal justice system.”

Marc Mauer speaks to advocates outside the Department of Justice at the “Emergency Rally: Stop Sessions and the New Drug War”
BUILDING
public support for reform

The Sentencing Project’s research and analysis captured broad media attention, with citations from 700 media outlets throughout the U.S. and internationally during 2017.

Media presence

The list of newspapers, radio stations, and prominent websites includes:

ABC News
AL.com
Aljazeera
Arizona Daily Sun
Arkansas Times
Associated Press
Atlanta Business Chronicle
Atlanta Journal Constitution
AZ Central
Baltimore Sun
BBC News
BET
Black Agenda Report
Bloomberg
Boston Globe
Boston Herald
Boulder Daily Camera
Brattleboro Refomer
Broadly
Business Insider
BuzzFeed
CBS News
Charleston City Paper
Chicago Reporter
Chicago Tribune
City Lab
CNN
College Magazine
Complex
Correctional News
Daily Kos
Daytona Times
Delaware Online
Democracy Now!
Denver Post
Detroit Free Press
Ebony
Education Week
Equal Justice Initiative
Essence
Factcheck.org
Florida Politics
Forbes
Fox News
Frontline
Good Morning America
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<td>Kankakee Daily Journal</td>
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Public presentations

In 2017 the staff of The Sentencing Project delivered more than 40 presentations on a range of criminal justice reform issues at professional conferences, academic institutions, and policymaker gatherings on all facets of criminal justice reform. Venues and audiences included:

**Academic Institutions**
- American University
- College of New Jersey
- Columbia University
- DePaul University
- Georgetown University
- Harvard Law School
- Lincoln Memorial University
- Penn State University Law School
- Princeton University
- University of Pennsylvania Law School
- Washington College of Law, American University
- Wayne State University Law School
- Yale Law School

**Research Organizations**
- American Society of Criminology
- Law and Society Association
- Society for Research on Child Development

**Criminal Justice Practitioners**
- American Probation and Parole Association
- National Association of Criminal Defense Lawyers
- National Legal Aid and Defender Association

**Reform Advocates**
- Coalition for Juvenile Justice
- Democracy Convention
- Equitas Foundation
- Hogg Foundation
- Iowa Justice Action Network
- National African American Drug Policy Coalition
- National Clearinghouse for the Defense of Battered Women
- National Conference on Ending Family and Youth Homelessness
- Smart Decarceration Initiative, University of Chicago

**Religious Organizations**
- Corrections Ministries and Chaplains Association
- Greater Boston Jewish Community Center
- Ignatian Solidarity Network
- Shiloh Baptist Church (VA)

**Government Agencies**
- Administrative Office of the U.S. Courts
- Franklin Williams Judicial Commission
- Ontario (Canada) Anti-Racism Directorate

**Public Testimony**
- Congressional Black Caucus
- U.S. Commission on Civil Rights
- Vermont House Judiciary Committee

**Prisons**
- Jessup Men’s and Women’s Prisons (MD)
Continuing the conversation


The Sentencing Project convened a three-day intensive criminal justice seminar for students of the Samuel DeWitt Proctor School of Theology at Virginia Union University. The students visited a D.C. courtroom, discussed the role of the church on criminal justice issues in the black community, and studied policies, practices, and consequences of the criminal justice system.
Next step for Louisiana prison reform is to review life sentences: Opinion

Ashley Nellis
Nola.com, July 6, 2017

Louisiana’s heavy use of extreme sentences represents one of the state’s most pressing and costly issues. At an approximate annual cost of $23,000 per inmate, taxpayers are paying a minimum of $253 million per year to maintain the life and virtual life-sentenced population alone. This is a conservative estimate: added health care expenses associated with housing aging prisoners raises the burden on taxpayers still higher.

Still increase in racial disparities in juvenile justice

Josh Rovner
New York Amsterdam News, October 19, 2017

Incarceration disparities have grown across a range of offenses. One exception? Drugs. Back in 2001, Black youth were 600 percent more likely to be incarcerated on drug charges than were white youth. That disparity fell to 250 percent—still appalling, given what we know about drug use among teenagers of all races, but still evidence that progress is possible.

We should celebrate the declines in incarceration among youth of all races and ethnicities. The virtuous circle of fewer children in confinement has been good for children and good for public safety. But let’s not overlook the way these changes aren’t benefiting all our children in the same way.

Jeff Sessions wants a new war on drugs. It won’t work.

Marc Mauer & David Cole, ACLU
Washington Post, June 22, 2017

Attorney General Jeff Sessions is right to be concerned about recent increases in violent crime in some of our nation’s largest cities, as well as a tragic rise in drug overdoses nationwide. But there is little reason to believe that his response — reviving the failed “war on drugs” and imposing more mandatory minimums on nonviolent drug offenders — will do anything to solve the problem. His prescription contravenes a growing bipartisan consensus that the war on drugs has not worked. And it would exacerbate mass incarceration, the most pressing civil rights problem of the day.
Law and order agenda should take note of bipartisanship's results

Nazgol Ghandnoosh & Alex Nowrasteh, Cato Institute
The Hill, April 7, 2017

Two recent opinion pieces published by The Hill have criticized recent research showing that immigrants—regardless of legal status—commit property and violent crimes at lower rates than native-born citizens.

This research, conducted independently by The Sentencing Project and the Cato Institute, used different methods but arrived at the same conclusion: Immigrants are less crime-prone than native-born citizens.

S.C. Legislature must reform life-without-parole sentences

Ashley Nellis
The Post and Courier, September 20, 2017

South Carolina has moved many individuals with a drug conviction to treatment rather than prison, shortened mandatory minimum sentences for nonviolent crimes, and given judges greater discretion at sentencing. These reforms have occurred without harm to public safety and amid continued crime declines. The violent crime rate has declined by 37 percent in the state since 2003.

Still, efforts to achieve significant reductions in the prison population will be thwarted if reform strategies focus too narrowly on sentences for those convicted of low-level offenses. Nearly 30 percent of the prisoners in the state have a sentence of 20 years or more; it is unlikely that they will benefit from reforms currently underway.

What We Can Learn from the Amazing Drop in Juvenile Incarceration

Ashley Nellis and Marc Mauer
The Marshall Project, January 24, 2017

Changing public sentiment regarding the wisdom of sending young people to adult prisons has led policymakers in many states to revise misguided policies that applied excessive punishment with little evidence to support them. As a result, many juveniles who would otherwise be languishing in adult prisons are now either in juvenile confinement facilities that are better designed for their needs, or have been diverted from confinement altogether.

This research, conducted independently by The Sentencing Project and the Cato Institute, used different methods but arrived at the same conclusion: Immigrants are less crime-prone than native-born citizens.
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<th>Source</th>
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<td>Foundations</td>
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<td>Individuals</td>
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<tr>
<td>Other</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$933,953</strong></td>
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EXPENSES

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<td>Fundraising</td>
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<td>Management and general</td>
<td>$90,506</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$1,485,607</strong></td>
</tr>
</tbody>
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