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.

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LETTER FROM THE EXECUTIVE DIRECTOR

Criminal justice reform is a challenging undertaking, but if we take the long view we can recognize that success is possible, even if incremental at times. This was the story of reform in 2018, a year in which we saw significant gains in sentencing policy and public understanding of mass incarceration.

Most prominent, of course, was passage of the Fair Sentencing Act in Congress. The legislation, a mix of sentencing reform provisions and expansion of programming in federal prisons, represented the culmination of years of advocacy. Yet its passage was far from assured at several key points in the process.

The original version of the bill passed by the House contained no elements of sentencing reform. We and our allies worked closely with Senate leadership, particularly Sen. Grassley (R-IA) and Senator Durbin (D-IL), to hold firm to only pass a bill with sentencing provisions, which ultimately were included in the package.

The final bill is best described as one of mixed success. No, it won’t end mass incarceration, though a single bill only applying to the federal system could never accomplish that anyway. And the bill falls far short of the indisputable need to repeal mandatory sentencing laws and to rein in excessive prison terms. But the legislation will make a difference in sentencing and time served in prison for thousands of individuals in federal prison, and produce an overall decline in the system’s population. In political terms, the bipartisan support for the legislation is also a welcome indication of how far we’ve come from the days of bipartisan support for “tough on crime” sentencing policies.

Marc Mauer
Executive Director
This past year also brought success in reform of the collateral consequences of mass incarceration, most notably through the historic Florida ballot initiative that will restore voting rights to as many as 1.4 million citizens who have completed their felony sentences. Here, too, the outcome represented the culmination of a two-decade long campaign by a broad state coalition. This included litigation challenging the racist history of the policy, community-level organizing to aid individuals in accessing the rights restoration process, and broad public education efforts. In the immediate aftermath of the vote we’ve already seen encouraging ripple effects in other states, with a number of legislators and governors expressing support for disenfranchisement reform.

Finally, we’re proud to have published the book that Ashley Nellis and I have co-authored, *The Meaning of Life: The Case for Abolishing Life Sentences*, in conjunction with the launch of our Campaign to End Life Imprisonment. We make this argument both on practical and humanitarian grounds. Since it has long been established that individuals “age out” of the high crime-risk years, excessive prison terms produce diminishing returns for public safety. Further, the United States stands alone among world nations in the scale of sentences to life imprisonment, now accounting for one of every seven people in prison. We’ve been very encouraged by the initial reception for our book and campaign, and in the coming year we’ll be working with policymakers and advocacy organizations around the country to promote reform on these issues.

All of us who have contributed to these developments should be proud of what has been accomplished. We know, of course, that given the scale of mass incarceration we have a long way to go. But with growing and diverse support for a broad reconsideration of the failed policies of the past decades, we can imagine even more significant changes in the years to come. I hope you’ll continue to be part of our efforts on that journey.
RESEARCH
that makes a difference
The Meaning of Life

In this well-received book, Marc Mauer, Executive Director, and Ashley Nellis, Senior Research Analyst, documented the expansion of life sentences in the United States and argued that such extreme punishments are in fact counterproductive for public safety. *The Meaning of Life: The Case for Abolishing Life Sentences* underscored the fact that most people “age out” of criminal behavior by their 40s, while correctional costs increase substantially as people age. While western democracies generally have few people serving life sentences, one of every seven people (206,000) in prison today in the U.S. is serving such a prison term. As is true of the criminal justice system overall, racial and ethnic disparities are pervasive: two-thirds of those serving life sentences are African American or Latino. *The Meaning of Life* makes the case that prison terms should be capped at 20 years, except in unusual circumstances.

The book also features moving profiles of six people affected by life sentences, written by formerly incarcerated “lifer” Kerry Myers, now with the Louisiana Parole Project.

“A riveting, passionate case against lifetime incarceration and a plea for criminal justice reform.”

— Kirkus Reviews

“[A] trenchant and urgent book.”

— Publishers Weekly
Decarceration Strategies

Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions, co-authored by Dennis Schrantz, Stephen DeBor, (both formerly of the Michigan Department of Corrections), and Marc Mauer, analyzed how Connecticut, Michigan, Mississippi, Rhode Island, and South Carolina have reduced their prison population by 14 to 25% over the past decade with no adverse effects on public safety. Each state developed measures to build support for reform, expanded alternatives to incarceration, reduced the number of people returned to prison for probation and parole violations, expanded services for prevention and treatment, and increased releases by requiring less time served before parole eligibility.

Can We Wait 75 Years to Cut the Prison Population in Half?

A briefing paper by Nazgol Ghandnoosh, Senior Research Analyst, found that while 42 states have modestly reduced their prison populations from their peak levels, the pace of decarceration is insufficient to undo nearly four decades of unrelenting growth. The average pace of prison decarceration has been only 6% since 2009. At that pace it will take 75 years to cut the U.S. prison population by 50 percent. The report concluded that achieving significant declines will require sustained reforms, including accelerating the end of the Drug War and expanding sentencing reforms to include serious crimes.
Capitalizing on Mass Incarceration

In *Capitalizing on Mass Incarceration: U.S. Growth in Private Prisons*, Kara Gotsch, Director of Strategic Initiatives, and Vinay Basti, an intern with The Sentencing Project, examined the meteoric rise of private prisons across the country.

From 2000 to 2016 the number of people housed in private prisons increased 47 percent, compared to an overall rise in the country’s prison population of 9 percent. In all, twenty-seven states and the federal government relied on private prisons to incarcerate 128,063 people as of 2016. The report recommends eliminating contracts with private prisons, and as interim steps requiring greater transparency in their use, housing prisoners closer to home and ending bed quotas for immigrant detention.

Expanding the Vote

Almost 1.4 million previously barred citizens were eligible to vote by the 2018 midterm elections due to changes in state felony disenfranchisement laws, according to *Expanding the Vote: Two Decades of Felony Disenfranchisement Reform*. Authored by Communications Manager Morgan McLeod, the report revealed that since 1997, 23 states have reformed state laws that limit voting access for people convicted of felony offenses. These changes have come about through various mechanisms, including legislative reform, executive action, and a ballot initiative.
Focusing on Women and Children

Women and Girls

*Incarcerated Women and Girls 1980-2016*, a report by Nazgol Ghandnoosh and Josh Rovner, Senior Advocacy Associate, revealed that women in state prisons are more likely than men to be incarcerated for drug or property offenses, with over half of imprisoned women having been convicted of a non-violent crime. Women of color disproportionately experience imprisonment, though the level of black-white disparity has declined in recent years. Still, African American women were imprisoned at twice the rate of white women in 2016. The Sentencing Project co-hosted a webinar with the National Council for Incarcerated and Formerly Incarcerated Women and Girls to discuss the implications of the report.

Families

*Families and Mass Incarceration*, by Kara Gotsch described how parents, particularly in communities of color, are incarcerated at alarming rates. In 2016, one of every 12 American children—more than 5.7 million under age 18—had experienced parental incarceration at some point during their lives. The scale of parental incarceration is unique to the U.S. and has profound consequences for children, ranging from increased risk of depression and anxiety to aggression and delinquency. The article, published by the University of Minnesota School of Social Work, recommends reducing the scale of incarceration, training practitioners in best practices for aiding children with incarcerated parents, and removing obstacles to successful reentry.
State Reforms

Top Trends in State Criminal Justice Reform, 2017, a briefing paper by Nicole Porter, Director of Advocacy, described key reforms passed in 2017, including changes in laws and policies designed to reduce the scale of incarceration and impact the collateral consequences of a felony conviction. These included:

- **Louisiana** enacted legislation to expand probation eligibility to people convicted of third-time nonviolent offenses and first-time low-level violent offenses.

- **New Jersey** authorized the use of racial impact statements to determine the effect of sentencing legislation on the state’s minority populations.

- **New York** and **North Carolina** — the country’s last states to automatically prosecute all 16- and 17-year-olds as adults — adopted reforms directing that teen defendants should be adjudicated in the juvenile justice system.

- **Arkansas**, **Louisiana**, **Maryland**, and **North Dakota** expanded eligibility for public assistance for persons with felony drug convictions.

Racial Disparities

In a report to the UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, The Sentencing Project made the case that the U.S. operates two distinct criminal justice systems: one for wealthy people and another for poor people and people of color. Poor and minority defendants rarely have the same access as wealthy defendants to vigorous legal representation and constitutional protections. This contributes to their being disproportionately sentenced to prison. By creating and perpetuating policies that allow racial disparities to exist in the criminal justice system, the U.S. is in violation of the International Covenant on Civil and Political Rights that ensures that all residents—regardless of race—are treated equally under the law.

The U.S. operates two distinct criminal justice systems: one for wealthy people and another for poor people and people of color.
ADVOCACY
for state & federal policy change
During 2018, The Sentencing Project provided technical assistance to advocates in more than 15 states to help develop and refine their communications plans, political strategies and public education campaigns. This work included:

**Advancing Juvenile Justice in Missouri and South Carolina**

Led by Josh Rovner, The Sentencing Project has been analyzing statewide and county level data and has provided testimony that helped activists in Missouri and South Carolina pass legislation mandating that all children under the age of 18 be adjudicated in the juvenile justice system. In South Carolina, our efforts focused on fueling a campaign to overcome obstacles to the law’s implementation and to achieve broader reforms that will reduce the number of children in detention. These include ending the incarceration of children who have committed status offenses, ensuring funds approved by the legislature are effectively applied, and eliminating racial disparities. We also helped increase support for reform among corrections officials, legislators, detention center administrators and county sheriffs’ departments.

**Opposing Sentencing Enhancements in Kentucky**

The Sentencing Project collaborated with community leaders in Kentucky to resist gang enhancement legislation. The measure proposed to expand the “violent offender” category requiring 85% time-served before parole eligibility, even if the underlying crime did not involve violence. Our partners included faith and civil rights leaders, students, and medical practitioners who organized a petition, placed op-eds offering solutions to gang violence, and coordinated student actions. Despite the campaign, the enhancement measure passed, but with 30 state senators in opposition.

**Addressing Life Prison Terms in Oklahoma**

The Sentencing Project partnered with Oklahoma CURE to publish a policy report, *Oklahoma’s Life-Sentenced Population Rising Faster than National Trends*. Our strategic research and communications helped raise awareness of extreme sentences in a state that has one of the highest incarceration rates in the country.

**Countering Punitive Policies in Maryland**

In Maryland, Nicole Porter testified before the Senate Judiciary Committee in support of crime prevention and community-based solutions as alternatives to proposed regressive crime legislation. She also worked to oppose crime enhancements and partnered with state civil rights organizations and youth advocates to support funding for evidence-based crime prevention measures.
Fighting for Voting Rights in Mississippi

Nicole Porter worked with the state chapter of the NAACP and One Voice to publish a report, *Felony Disenfranchisement in Mississippi*, which documented the scale of disenfranchisement in the state. Mississippi residents lose voting rights if convicted of felony disenfranchising crimes listed in the state constitution. Nicole presented the report’s findings at the NAACP’s lobby day. The report and related advocacy helped advance legislation to create a disenfranchisement study committee; the measure passed the House, but failed in the Senate.

Supporting Voting Rights in Florida

We continued to provide support to the Florida campaign to end post-sentence disenfranchisement, analyzing data for advocates as they built support for a ballot initiative to restore voting rights to most individuals upon completion of their prison, probation, or parole sentence. In the November election 64% of Florida’s voters approved Amendment 4, which amended the state constitution and restored the right to vote for as many as 1.4 million people.
Advancing Reform Legislation

The Sentencing Project built support for federal reform that contributed to passage of the First Step Act. Our work was a continuation of efforts to promote sentencing reform through advocacy around the Sentencing Reform and Corrections Act in the past several years, and mobilizing our constituency to speak out and advocate for reform with policymakers.

After the First Step Act was adopted by the House of Representatives we and many allies voiced strong concern that the bill’s programming provisions did not incorporate any elements of sentencing reform. This campaign was successful in producing an expanded bill that made crack cocaine sentencing reforms retroactive, granted federal judges greater discretion in imposing mandatory minimum sentences, and eliminated the penalty of life without parole for multiple drug offenses moving forward. While the bill's impact on mass incarceration will be relatively modest, it nonetheless stands as an encouraging development in gaining bipartisan support for criminal justice reform.

Removing Obstacles to Reentry

Efforts to advance federal reform were challenged often by members on both sides of the aisle. The U.S. House of Representatives—without a single objection on the part of members of either party—amended the Agriculture Improvement Act of 2018 to permanently exclude people convicted of violent offenses from receiving food stamps. Hundreds of The Sentencing Project’s supporters responded to an action alert before the vote and sent emails, Twitter messages and Facebook posts urging their representatives in the House to vote against the bill. Joined by partner organizations, The Sentencing Project met with Senate Agriculture Committee leaders to oppose the measure. The effort was successful and the Senate passed a Farm Bill without restrictions on food assistance for people with criminal records.

Pushing Back Against Repressive Policies

Throughout 2018, The Sentencing Project engaged in advocacy to challenge regressive sentencing policies proposed by the U.S. Congress and Department of Justice, including mandatory sentences for repeat immigration violations and enhanced penalties for drug offenses. We disseminated the findings of our report showing that immigrants commit less crime than native-born Americans, while our op-eds in the Washington Post and other leading outlets challenged Attorney General Sessions’ draconian charging policies and proposals to extend the death penalty to major drug suppliers.
BUILDING
public support for reform
In 2018, The Sentencing Project staff delivered over 50 presentations on a range of criminal justice reform issues. Venues and audiences included:

**Academic Institutions**
American University  
Catholic University  
Central Connecticut State University  
Fordham University  
George Mason University  
Georgetown University  
George Washington University  
Harvard University  
Howard University  
Indiana State University  
Johns Hopkins University  
University of Chicago  
University of Kentucky  
University of Mary Washington (VA)  
University of Maryland  
University of Minnesota  
University of Pennsylvania  
University of Richmond (VA)  
Washington Adventist University

**Reform Advocates**
American Humanist Association  
Congressional Hispanic Caucus  
Democracy Summer  
Eastern State Penitentiary (PA)  
Iowa Summit on Justice & Disparities  
Inter-American Commission on Human Rights  
Milton Eisenhower Foundation  
MLK350 Justice in Journalism Conference

**Research Organizations**
American Society of Criminology  
Mental Health America  
Mid-Atlantic Summit on Behavioral Health & Criminal Justice  
National Academies of Science

**Criminal Justice Practitioners**
National Conference of Black Lawyers  
New Jersey Office of the Public Defender

**Religious Organizations**
All Souls Unitarian Church (DC)  
Congregation Adat Shalom (MD)  
Ignatian Solidarity Network  
National Baptist Convention  
U.S. Conference of Catholic Bishops

**Government Agencies**
Administrative Office of the U.S. Courts

**Prisons**
Jessup Men’s and Women’s Prisons (MD)

The goal of the campaign is to engage in public education about the consequences of life imprisonment — including its impact on families, public safety and the movement to end mass incarceration — and to support advocacy efforts to reduce the use of life imprisonment.

We developed a campaign website, located at [www.endlifeimprisonment.org](http://www.endlifeimprisonment.org), which provides information on life imprisonment in America, stories of people impacted, campaign news and events, and ways to get involved.

Advocates and formerly incarcerated people from around the country came together for our campaign launch event, hosted by the Public Welfare Foundation. Professor Angela J. Davis of American University Washington College of Law, and President of The Sentencing Project’s Board of
Directors, was the master of ceremonies. Professor Davis also moderated a panel highlighting trends in life imprisonment and its impact on public safety with *The Meaning of Life* authors: Marc Mauer, Ashley Nellis and Kerry Myers.


The Sentencing Project also collaborated with Brave New Films’ to produce a short film examining life sentences, which premiered at the launch event.

The event was live-streamed and viewed by over 3,000 people on Facebook, including individuals serving life sentences housed in the Washington, D.C. Central Dentention Facility.
The Sentencing Project’s research and analysis captured broad media attention, with citations from more than 1,200 media outlets during 2018.

**The Improbable Success of a Criminal-Justice-Reform Bill Under Trump**

Osita Nwanevu | Dec 17, 2018

The First Step Act is ultimately a very modest step in the direction of addressing mass incarceration... Kara Gotsch, the director of strategic initiatives for the liberal reform group the Sentencing Project, which supports the bill, told me, “I get somewhat frustrated when I hear supporters of the bill call it transformational change, because it’s not. It’s progress. I think we have a long way to go, and a lot bigger reforms and investment of resources need to happen before we get to a transformation.”

**In commuting 20 murder convicts’ sentences, California governor draws praise, condemnation**

Rob Kuznia | Sept 9, 2018

Nazgol Ghandnoosh, a research analyst at the Sentencing Project, a criminal justice advocacy group based in Washington, said she has never seen so bold a move to spur early release for people convicted of violent crimes.

“It really stands out,” she said — “in a good way,” she added. “Prisoners serving time for such offenses tend to age out of crime. As a country, we need to move away from life without parole as a sentence altogether.”

HBO’s John Oliver brought national attention to Florida’s burdensome and arbitrary clemency process by citing The Sentencing Project’s data on felony disenfranchisement.

“... [in Florida] more than one in five African Americans is disenfranchised.”

**Media Presence**
Cyntoia Brown, sentenced at 16 to life in prison, to plead for leniency in federal court

Ron Allen | Jun 10, 2018

Brown is not alone. Across the country, according to the Sentencing Project, some 2,300 prisoners currently behind bars were sentenced to life in prison, without the possibility of parole, when they were minors. Another 7,300 are serving life with parole only a possibility after 15 to 50 years.

“The U.S. stands alone as the only nation that sentences people to life without parole for crimes committed before turning 18,” wrote Josh Rovner of the D.C.-based advocacy group.

Kim Kardashian visits White House to talk prison reform

May 30, 2018

Marc Mauer appeared on NBC Nightly News to discuss criminal justice reform and Alice Marie Johnson, a women who spent 21 years in federal prison for drug charges. Alice’s case drew national attention after celebrities like Kim Kardashian advocated for her release.

An Argument Against Life Sentences, Especially For Juvenile Defendants

Lulu Garcia-Navarro speaks with Ashley Nellis

Dec 23, 2018

NELLIS: For the vast majority of people who - even those who have committed multiple offenses, they age out. This is a known fact in criminology. They age out of crime. Even the chronic offender ages out by their mid- to late 30s. What we have when we have life sentences now, as a result, is we have geriatric institutions. We’re incarcerating people in basically nursing home facilities. The Department of Corrections in these states was not designed to do that.
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2018 FINANCIAL STATEMENTS

REVENUE

Foundations 1,273,500
Individuals 442,458
Other 44,301
TOTAL $1,760,259

EXPENSES

Program services 1,233,013
Fundraising 118,537
Management and general 81,950
TOTAL $1,433,500
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.