



# ANNUAL REPORT 2011





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The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice issues.

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Dear Friends,

In 2011, The Sentencing Project celebrated its 25th anniversary with a forum held at the National Press Club in Washington, D.C. That event was designed with two ideas in mind. First, to celebrate the accomplishments of our organization over a quarter century, of which we are indeed proud. Our contributions to public debate and public policy on issues of crime and punishment during the period have helped to reduce harm and improve lives.

Secondly, and more importantly, we used the occasion to envision what our criminal justice system—and our approach to public safety—should look like 25 years into the future. We did so because we believe there is a moment of opportunity now, and therefore it is timely to think broadly about directions for constructive reform.

In order to envision the future, it is helpful to assess where we have come from over the past quarter-century. In this regard, there are two very different stories we might tell.

The first is one of a policy climate in which punishment has been exalted in ways unimaginable not very long ago. The number of people in our prisons and jails has nearly tripled during this time, a half million people are incarcerated for a drug offense, and racial/ethnic disparities within the justice system are profound. Increasingly, we are gaining new insight into the varied ways in which high rates of incarceration in disadvantaged communities affect family formation, social cohesion, and life prospects.

The other story of the past 25 years is a more hopeful one. That analysis focuses on the steep drop in crime in recent years, the broad acceptance of the need for services for people returning to the community from incarceration, and a focus on reducing corrections spending and reinvesting the savings in strategies that can decrease crime and strengthen neighborhoods. We also appear to be at a point where prison populations are finally stabilizing (though still at world record levels) after several decades, and are even declining substantially in a handful of states.

Both of these views are factually correct, which suggests that it is up to us to determine in which direction criminal justice policy will proceed. Both for reasons of effectiveness and compassion, we hope that the nation will adopt the strategy that emphasizes opportunity rather than punishment as the guiding theme of our vision for public safety. This annual report highlights what we have done in 2011 to move farther down that path.



Marc Mauer  
Executive Director  
The Sentencing Project

P.S. In a recent poll conducted for Guidestar of leaders across the criminal justice field, The Sentencing Project was ranked among the top 3 nonprofit organizations for its impact.



# RESEARCH

## THAT POLICYMAKERS TRUST

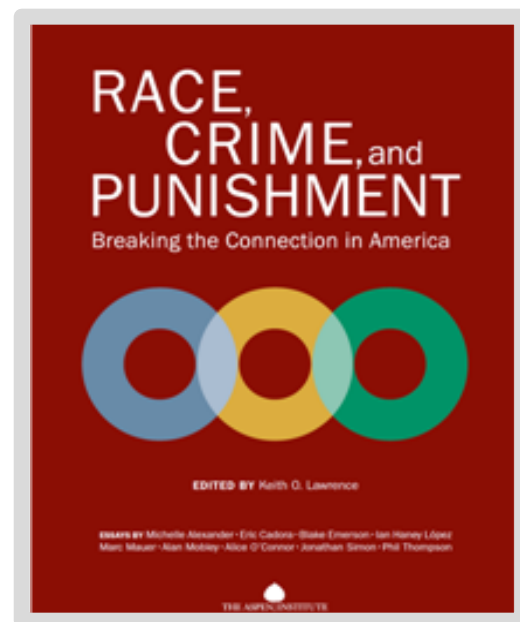
### Advancing Juvenile Justice

*First National Survey of Juvenile Lifers.* Following the U.S. Supreme Court's declaration in 2010 that the practice of sentencing juveniles to life without parole for non-homicide offenses is unconstitutional, The Sentencing Project began an in-depth national examination of the 2,500 individuals in the U.S. serving sentences of juvenile life without parole. We administered a mailed survey to these individuals and achieved nearly a 70% response rate. The survey—the first of its kind—is collecting information on the conviction offense, race and geographic location of the individuals and demographic information such as educational attainment, exposure to violence, and access to preventive services prior to incarceration. The results of the study will be published early in 2012.

### Eliminating Racial Disparities

*Advocacy for Racial Justice: Prospects for Criminal Justice Reform,* an essay by Marc Mauer, argues that we not avoid talking about racial justice, but do so in a way that addresses public safety concerns. Successful efforts to persuade states to adopt racial impact statements as legislative policy, promote crack cocaine sentencing reform, and return the right to vote to people with felony convictions have built heavily on explicit arguments about racial fairness. These

campaigns were also successful because they rested on years of advocacy to demonstrate the enormity and impact of racial disparities throughout the justice system. The article was published by The Aspen Institute as a chapter in *Race, Crime and Punishment*, a volume of essays by scholars, activists and professionals working in the criminal justice field.



*Addressing Racial Disparities in Incarceration*, an article by Marc Mauer published in a special issue of *The Prison Journal* focused on policy reform, reviews the current trends and impact of mass incarceration on communities of color, with a focus on criminal justice policy and

practices that contribute to racial disparity. It also examines the impact of disproportionate incarceration rates on public safety, offenders, and the communities in which they live. The article concludes with recommendations for policy reforms to promote racial justice.

## Making the Case for Sentencing Reform

*The State of Sentencing 2010*, a report authored by Nicole Porter, argues that overcrowded prisons and budget deficits have proved to be a potent force for prison and sentencing reform across the nation. It notes that 23 states and the District of Columbia adopted new criminal justice policies in 2010—ranging from scaling back mandatory sentencing laws to reforming crack and powder cocaine sentencing disparities to improving parole supervision -- all aimed at reducing prison populations and facilitating successful reentry from prison without compromising public safety.

*Bipartisan Justice*, an article by Kara Gotsch that reviews the recent history of national criminal justice policymaking, concludes that any movement to advance justice reform must incorporate a bipartisan strategy. Using the Fair Sentencing Act of 2010 as an example, the article details how successful legislative strategies for sentencing reform rest on coalitions that are diverse and include all stakeholders, including criminal justice reform organizations, corrections agencies, progressive and conservative faith groups, and law enforcement. The article was published in a special edition of *The American Prospect* magazine devoted to mass incarceration.

*Breakthrough in U.S. Drug Sentencing Reform: The Fair Sentencing Act and the Unfinished Reform Agenda* is an analysis by Kara Gotsch of the 2010 crack cocaine sentencing reform and the factors that contributed to the law's overwhelming bipartisan support. The essay argues that a more profound shift in the nation's approach to drugs will require sustained funding for evidence-based prevention and treatment; mainstreaming harm reduction interventions such as needle-exchange programs; and re-investing in the communities that have been hardest hit by drug abuse and by the drug war. The article was first published by the Washington Office on Latin America and subsequently reprinted by the American Constitution Society.



*Sentencing Reform, Amid Mass Incarcerations, Guarded Optimism*. Published in the *Criminal Justice Magazine* of the American Bar Association, this overview of the sentencing reform movement of recent years by Marc Mauer assesses the range of policy changes at both the state and federal levels, along with an analysis of the obstacles and challenges to more substantial reform moving forward.

# ADVOCACY

## FOR CHANGE AT STATE AND FEDERAL LEVELS

### Strengthening Local Advocates

*Providing support to state-level advocates.* Our technical assistance helped local advocates and policymakers to promote reform in their states, including:

**California** – coordinated national organizational support of measures to eliminate juvenile life without parole and to promote alternatives to incarceration at the county level.

**Connecticut** – developed media materials to advocate for reducing the use of sentencing enhancements for certain drug offenses.

**Maryland** – provided testimony to the Maryland Senate on ways to reduce the state's reliance on incarceration, focusing particularly on approaches to reducing parole revocations.

**Missouri** – worked to identify and bring together coalition partners to support crack cocaine reform efforts.

**Oklahoma** – provided research and advocacy assistance for a campaign to eliminate life without parole as a sentencing option for certain offenses.

### *Reducing the collateral consequences of*

*incarceration.* Bringing activists together on a regular basis by conference call, we continued to pay special attention to efforts to overturn the permanent prohibitions on the receipt of welfare benefits and food stamps for persons with a felony drug conviction. Though these are restrictions imposed by federal welfare reform legislation, states may opt out of its provisions, and many have done so.

### Providing Leadership at the Federal Level



#### *The “Webb Commission.”*

The Sentencing Project continued to play a leading role in advocating for passage of the National Criminal Justice Commission Act. Re-introduced by Sen.

Jim Webb (D-VA), this legislation would create a bipartisan Commission to review and identify effective criminal justice policies and make recommendations for reform.

***Reforming drug policy.*** We were in the forefront of those making the case to Congress and the U.S. Sentencing Commission that the sentencing guideline provisions of the Fair Sentencing Act of 2010 should be applied retroactively to prisoners who were incarcerated under the earlier, harsher 100 to 1 crack cocaine sentencing disparity, and on two occasions Marc Mauer served as an invited witness before the U.S. Sentencing Commission. In June 2011, the Commission agreed with the arguments in favor of retroactivity, which will result in 12,000 individuals sentenced before the law went into effect having their guideline sentences reduced by 3 years on average.

***Racial justice for young people.*** Our advocacy efforts were designed to build support for a

more comprehensive approach to juvenile justice overall, with an emphasis on juvenile life without parole, disproportionate minority

contact and prevention.

Ashley Nellis served as Chair of the Youth Reentry Task Force and the Juvenile Accountability Block Grant Coalition and co-chair of the National Juvenile Justice and Delinquency Prevention



Coalition, which represents more than 80 national groups, including faith-based, education and prevention-oriented law enforcement organizations.





# BUILDING

## PUBLIC SUPPORT FOR REFORM

### In the News

***Widespread coverage of critical issues.*** The Sentencing Project's staff continued to serve regularly as a key resource for national and regional media, and received media inquiries on a daily basis for interviews, data analysis, story ideas, and op-eds. In 2011, more than 70 national, regional and local newspapers, radio and TV stations, and prominent web sites cited The Sentencing Project's publications or interviewed our staff, including the following:

ABC News Radio  
Alternet  
Associated Press  
Arizona State University  
News  
Baltimore City Paper  
Between the Lines Radio  
Birmingham News  
BlackAmerica.com  
Boston Review  
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The Tennessean  
ThyBlackMan.com  
Time Magazine  
TruthOut.org  
USA Today  
Vindy Valley News.com  
Virginia Pilot  
Washington Post  
Wisconsin State Journal



**National op-eds.** Two examples capture The Sentencing Project's ability to achieve high level media coverage. Marc Mauer's commentary, *Five Myths About Incarceration in America*, co-authored with Georgetown University Law Center professor David Cole and published by *The Washington Post*, examined the relationship between incarceration and crime, the impact of prison reentry programs, and issues of racial disparity in the criminal justice system. Marc's commentary, *Reduce Prison Populations*, in *USA Today* analyzed the Supreme Court's decision requiring California to reduce its prison population, describing it as an opportunity for the state to find alternatives to misguided "lock 'em up" policies.

## Informing Supporters

The Sentencing Project continued to produce and electronically disseminate two bi-weekly newsletters. *Disenfranchisement News* reports nationally on policy developments, research, organizing activities and news/editorial coverage of disenfranchisement at the state, national and international levels. The *Race and Justice Newsletter* highlights developments in research, litigation, and other news on race and criminal and juvenile justice.

Our website remains a key resource for data and analysis of the criminal justice system. This year, we updated our site format and added video streaming as well. To further increase visibility and support for criminal justice reform, we established a Facebook page and regularly alert our constituents about our latest research, legislative advocacy, and media campaigns.

## Staff Presentations at Major Conferences and Convenings

The Sentencing Project is seen as a major thought leader within the field of criminal justice. In 2011 our staff made more than 30 major presentations at conferences and workshops on all major facets of criminal justice reform. Examples include:

### Policymakers

Congressional Black Caucus Annual Legislative Conference  
Dane County, Wisconsin, Office of Equal Opportunity

### Criminal Justice and Allied Practitioners

American Public Health Association  
American Society of Criminology  
International Community Corrections Association  
Mental Health in Corrections

### Academic and Research Institutions

Princeton University, African American Studies program  
Princeton University, Woodrow Wilson School of Public and International Affairs  
University of Pennsylvania Law School  
Yale University Law School

### Civil Rights Organizations

Barbara Jordan Freedom Foundation at the University of Texas

### Religious Organizations

Payne Theological Seminary  
United Methodist Church

### Justice Reform Advocates

Drug Policy Alliance  
Florida Rights Restoration Coalition  
National Employment Law Project

## NOTABLE QUOTES

### **The Washington Post**

June 17, 2011 - **Five myths about Americans in prison**

"Longer stays in prison offer diminishing returns for public safety." – Marc Mauer & David Cole, op-ed

### **The New York Times**

November 1, 2011 - **Drug Terms Reduced, Freeing Prisoners**

"In June, the United States Sentencing Commission voted to apply the [Fair Sentencing Act] guidelines retroactively, with the new policy going into effect on Monday this week. Over time, some 12,000 inmates could have their sentences, which average 13 years, shortened by an average of three years. Mr. Mauer noted that this still left 'substantial' penalties for the crimes. 'We're not talking about a slap on the wrist here,' he said."

### **THE HUFFINGTON POST**

March 24, 2011 - **Group Pushes To End Disparity In Cocaine Sentences**

"There's a fairly broad range of opinion over a number of years about whether penalties at the federal level should be equalized," Mauer said during a telephone news conference Thursday. "In that regard, the 18-to-1 ratio they ended up with was a compromise. It was a significant change." But his group believes "equalization of penalties is the direction things should go."

### **USA TODAY**

May 24, 2011 - **Reduce prison populations**

"The billions of tax dollars that can be saved by reducing prison populations can be better targeted for public safety by equipping released offenders with the tools and connections they need to lead productive lives in their communities." – Marc Mauer, op-ed

### **New Haven Register**

May 5, 2011 - **Shrink zone around schools where mandatory sentence applies for drug dealing**

"Certainly, we want to protect schoolchildren from drug sellers, but we should not do so in a manner that reaches well beyond this objective, and does so in a racially disparate manner." – Nicole Porter, op-ed

## ENVISIONING THE FUTURE

To mark our 25th Anniversary, The Sentencing Project took the opportunity to fashion a vision for criminal justice reform for the next quarter century. We organized and moderated *Criminal Justice 2036*, a half-day forum attended by 250 people at the National Press Club in Washington D.C. that explored where we hope to be as a nation in 25 years with respect to criminal justice, and the groundwork we need to lay to begin the journey. Jeremy Travis, President of John Jay College of Criminal Justice, served as our keynote speaker. We also released and disseminated a 15-minute documentary film for the occasion, *Unlocking*

*Justice*, on alternatives to incarceration that highlights three highly effective diversion programs. It can be viewed at [our website](#).

The forum also was the impetus for *To Build a Better Criminal Justice System: 25 Experts Envision the Next 25 Years of Reform*, a collection of op-ed style essays being prepared by forum participants and other leaders in criminal justice and related fields on their visions for 2036, with an introduction and commentary by The Sentencing Project. The volume will be published in 2012.

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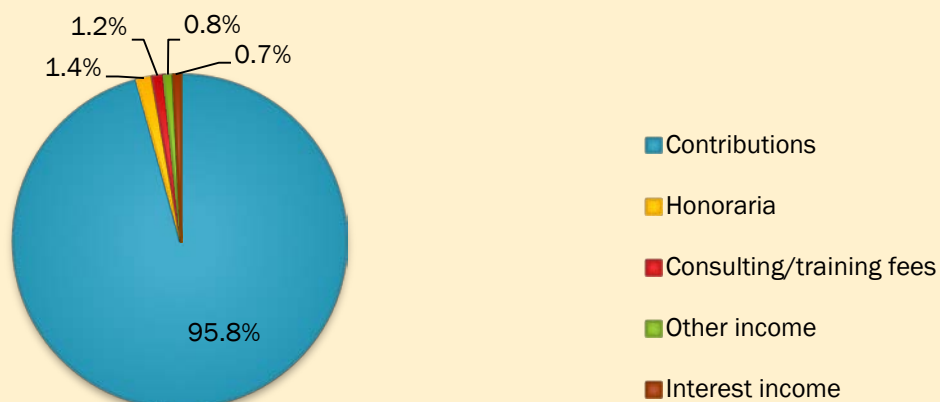
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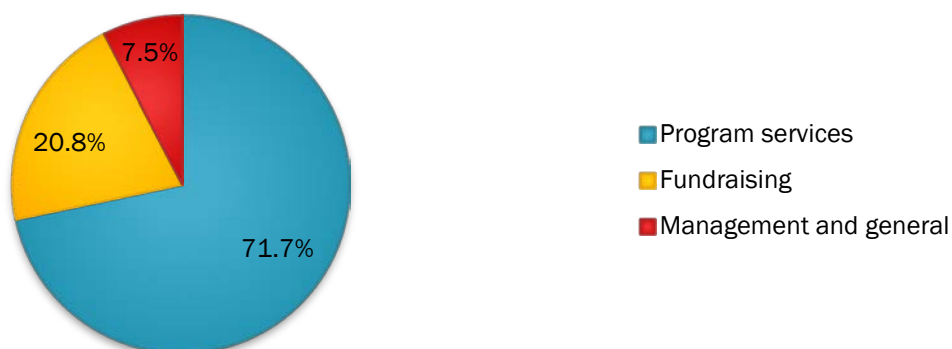
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## REVENUE

	Unrestricted	Temporarily Restricted	Total
Contributions	\$ 678,090	\$ 282,423	\$ 960,513
Honoraria	14,451		14,451
Consulting/training fees	12,000		12,000
Other income	7,966		7,966
Interest income	7,283		7,283
Net assets released from restriction: satisfaction of program accomplishment	357,523	(357,523)	
<b>TOTAL</b>		<b>(75,100)</b>	<b>\$1,002,213</b>



## EXPENSES

	Unrestricted
Program services	\$ 876,056
Fundraising	254,258
Management and general	91,793
<b>TOTAL</b>	<b>\$1,222,107</b>



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