


# ANNUAL REPORT 2019



**THE  
SENTENCING  
PROJECT**

RESEARCH AND ADVOCACY FOR REFORM



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 cover image is of a family reunited after more than 400 Oklahomans were approved for expedited commutations in November 2019. Photo credit: FWD.us

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## LETTER FROM THE EXECUTIVE DIRECTOR



Marc Mauer  
Executive Director

**This is a bittersweet moment for me. As my summer retirement approaches, this is the final message I'll send in our annual reports as Executive Director of The Sentencing Project. So this seems like an appropriate moment to reflect on what we've accomplished as an organization and more broadly, the state of criminal justice reform today.**

When I joined The Sentencing Project in 1987, under the leadership of Malcolm Young, the organization was focused on developing sentencing advocacy programs to aid defense attorneys in preparing recommendations for alternatives to incarceration for their clients. Over a number of years we had good success in implementing programs that provided courts with sentencing options that were individualized to defendants and responded to public safety concerns.

Over time, our work shifted to the research and policy advocacy that have come to define The Sentencing Project today. I think it's fair to say that our early work in documenting the scale of mass incarceration, its accompanying racial disparities, and the collateral consequences of a felony conviction helped to focus national attention on both the direct and indirect effects of building a record prison population. Since then, we've tried to maintain a leadership role in both identifying the ripple effects of "tough on crime" policies and responding to them with a blueprint for constructive change.

I've sometimes said -- half-jokingly -- that if one measured my career by the number of people incarcerated in the United States, one could conclude that my work has been an abject failure, judging by the historic rise in imprisonment of recent decades. But I'd like to think that other indicators suggest our work has not been in vain.



Foremost among these is the changing public discussion around mass incarceration. Most Americans now understand the disastrous consequences of the “war on drugs” and, increasingly, the futility of historic rates of incarceration for public safety goals, not to mention human rights concerns. Notably, the reform movement today has been amplified in communities most affected by the justice system, ranging from the Black Lives Matter movement to advocacy organizations led by formerly incarcerated individuals.

What does this changing political environment mean for The Sentencing Project on the eve of its new leadership? I believe we need a two-fold strategy and orientation. First, to continue to expand the conversation around ending mass incarceration and promoting racial justice, and to do so in a way that leads to reform across the board, including for those individuals serving decades-long prison terms. Second, to help lead a national conversation on what true public safety entails. That is, that the criminal justice system is but one tool in promoting public safety and one that should be the last option chosen, not the first. We need to call for investments that create opportunity for all and provide a healthy environment for the next generation of children, and to challenge the race and class divisions that have sowed disunity and impeded our quest for fairness and justice.

As I approach my retirement, I know that I’ll miss much of the day-to-day engagement on justice reform, but I leave feeling that both The Sentencing Project and the reform movement are in good hands. We now have a broad and diverse range of capable leaders in the field, along with a public environment that is increasingly supportive of change. And I won’t be completely on the sidelines either, as I transition to become a Senior Advisor to The Sentencing Project.

Finally, a word of thanks. To all the staff I’ve worked with over the years, from whom I’ve learned so much and whose companionship has kept my spirits up. To our board members, who have guided the organization with great care and commitment. To our funders – both institutional and individual – for the faith they’ve had in our ability to work for change. And to all my many friends and colleagues in the field, including those behind bars, who have provided me with intellectual sustenance and personal support as we’ve endeavored to strive for a better justice system and a better society.



# RESEARCH

that makes a difference



## Can We Wait 75 Years to End Mass Incarceration?

Nazgol Ghandnoosh, Ph.D.  
[nghanooosh@sentencingproject.org](mailto:nghandnoosh@sentencingproject.org)  
[@NazgolG](https://twitter.com/NazgolG)



## The pace of decarceration

In a briefing paper titled [\*U.S. Prison Population Trends: Massive Buildup and Modest Decline\*](#), Senior Research Analyst Nazgol Ghandnoosh noted that at the current rate of decarceration it will take until 2091—over 70 years—to cut the U.S. prison population by 50%.

The report found that 39 states and the federal government had downsized their prison populations as of 2017. Five states — Alaska, New Jersey, Vermont, Connecticut, and New York — led the nation in reducing their prison populations by over 30% since reaching their peak levels. However, 14 states downsized their prisons by less than 5%. And 11 states, led by Arkansas, had their highest ever prison populations in 2017.

While some critics have charged that decarceration would lead to rising crime, states with the most substantial reductions in their prison populations have often outpaced the nationwide crime drop.

## The next step in criminal justice reform

Nearly half of the U.S. prison population is serving time for a violent crime. As our research has documented, even for serious crimes excessive prison terms can be counterproductive for public safety. While criminal justice reforms have limited the number of people imprisoned for drug crimes, initiatives to reduce excessive penalties for violent crimes have been few and far between.

In [\*The Next Step: Ending Excessive Punishment for Violent Crimes\*](#), Nazgol highlighted exceptions to this trend. The report described executive and legislative initiatives in 19 states that have produced more effective, fiscally sound, and humane policies for people with extreme sentences. They include reforming parole board decision making processes and legislative reforms to scale back excessive penalties in states as diverse as California and Mississippi.

Opposite page: Nazgol Ghandnoosh lectures on the pace of decarceration in the United States at the University of Rochester.

Through our research, advocacy and public education, The Sentencing Project focused heavily in 2019 on shifting public discussion on eliminating mass incarceration to include the consequences of long sentences. We launched a national campaign based upon the case we made in our 2018 book, *The Meaning of Life: The Case for Abolishing Life Sentences*, that excessive sentences sustain mass incarceration. The Campaign to End Life Imprisonment has drawn wide media coverage and attention from policymakers, and its recommendations have been endorsed widely by civil rights coalitions and other leading advocates for sentencing reform.

## The facts of life

Senior Research Analyst Ashley Nellis developed a series of fact sheets on life sentences in the United States in 2019. The first in the series, [The Facts of Life](#), provides an overview of policies that have contributed to the expansion in life sentences, including extending parole wait times, mandatory minimum sentences, transfer of juveniles to the adult system, and the abolition of parole in some states. The number of people serving life sentences – 206,000 – is at an all-time high.

## Virtual life

Virtual life sentences are those that typically amount to life imprisonment, 50 years or more, but are not statutorily defined as such. In [Virtual Life Sentences](#), Ashley highlights the first-ever count of this population, revealing that 44,311 people are serving such sentences. In nine states – Arkansas, Florida, Illinois, Indiana, Louisiana, Maryland, Pennsylvania, Tennessee, and Texas, as well as the federal system – at least 1,000 people are serving these sentences. As with life sentences generally, racial disparity is evident among virtual lifers. More than half of those serving virtual life sentences are African American.



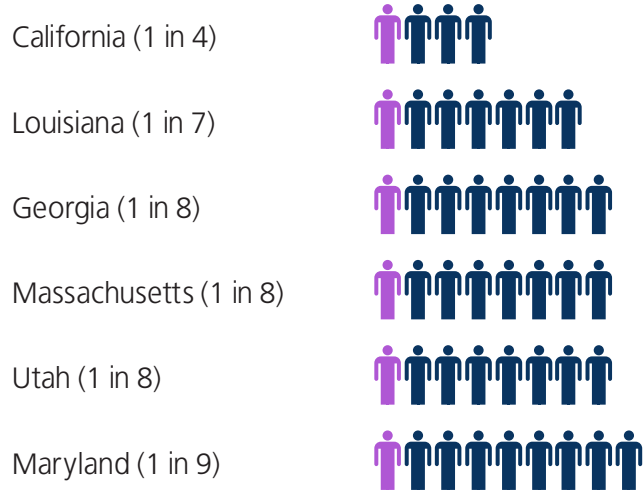
## Women and girls

Nationwide, one of every 15 incarcerated women is serving a life sentence, according to [Women and Girls Serving Life Sentences](#). While men comprise the overwhelming proportion of people in prison for life, the number of women serving life sentences is rising more quickly than it is for men. Compared to men, women serving life sentences report higher levels of psychiatric disorders, histories of physical and sexual violence, and previous suicide attempts.

## Youth

Sentencing youth to potentially lifelong imprisonment is virtually nonexistent anywhere else in the world. In the United States, nearly 12,000 people are serving a life sentence for a crime they committed under the age of 18, reports Ashley in [Youth Sentenced to Life Imprisonment](#). Despite evidence that adolescent brain development should mitigate the culpability of youth, all states allow juveniles to be sentenced to life imprisonment, and all but two states have persons serving a life or “virtual life” sentence for a crime committed as a juvenile.

## STATES WITH HIGHEST PROPORTION OF WOMEN IN PRISON SERVING A LIFE SENTENCE



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**12,000 people**  
are serving a life sentence for a crime  
committed under the age of 18

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# ADVOCACY

for state & federal policy change



## Advocacy and Education

In 2019 at least 16 states and the District of Columbia introduced legislation authorizing retroactive sentencing remedies for people sentenced to life imprisonment. We actively supported advocates who sparked and fueled these critical steps forward.

Our Director of Advocacy, Nicole D. Porter, joined more than 100 New York advocates in January to testify in support of a bill that would allow people aged 55 and older who have served 15 consecutive years in prison a consideration of parole release. A companion bill would create a presumption of release for all parole applicants, including those with a life sentence.

Nicole also aided Missouri's Smart Sentencing Coalition by testifying in support of legislation that would retroactively authorize a parole review for people sentenced to life without parole who have served at least 25 years for qualifying offenses.

## Second Look in DC

Senior Advocacy Associate Josh Rovner testified before the District of Columbia Council's Judiciary Committee in March in support of a bill to allow young adults the same opportunity for resentencing currently allowed for people under age 18 at the time of their offense. If the bill becomes law, people who were under 25 at the time of their crime could apply for sentencing review after serving 15 years.

Following a critical *Washington Post* editorial about the bill, Josh authored a letter published in the newspaper explaining how the reforms would align with emerging understanding of youthful behavior.

Opposite page: Marc Mauer and colleagues meet with incarcerated staff writers of *The Angolite*, the award-winning prison news magazine at the Louisiana State Penitentiary, "Angola."



## Elevating the voices of people in prison

Through a project grant, The Sentencing Project was able to work with state partners to disseminate 2,000 copies of *The Meaning of Life* to people sentenced to life and long-term imprisonment in 17 states and Washington, D.C. The book has been widely used in Inside/Out higher education courses in prison, with NAACP prison chapters, and lifer groups in prison. In 2019 our staff also met with people incarcerated for life to discuss reform strategies in Louisiana, Maryland, and Pennsylvania.

## Growing momentum

The Sentencing Project's proposal to cap prison terms at a maximum of 20 years except in unusual circumstances gained momentum in 2019. In a *Washington Post* commentary, incoming President of the American Society of Criminology Daniel Nagin wrote that the proposal is a "bold recommendation for unraveling mass incarceration." A "Vision of Justice" proposal issued by the Leadership Conference on Civil and Human Rights and endorsed by more than 100 civil rights and civil liberties organizations, voiced support for the proposal as well.



Nazgol Ghandnoosh and Nicole Porter meet with men serving life and long-term sentences at Maryland Correctional Institution to discuss the Campaign to End Life Imprisonment.



## Racial Justice in New Jersey

The Sentencing Project partnered with faith leaders and others in New Jersey to support implementation of its racial impact statement law. Like fiscal or environmental impact statements, racial impact statements provide legislators with a statistical analysis of the projected impact of proposed criminal justice policy changes. Equipped with data, policymakers can make more informed decisions about public safety issues without aggravating existing racial disparities. Nicole Porter supported the state coalition's efforts by providing technical assistance and strategic guidance in implementing the law and by organizing support among state and national groups. In 2019, seven states—Illinois, Kentucky, Minnesota, Mississippi, New York, Oklahoma, and Vermont — introduced legislation to require racial impact statements.



Nicole Porter presenting at a racial justice briefing in support of racial impact statements on Capitol Hill.

## Expanding the Franchise Inside Prisons

Nicole Porter worked with Washington, D.C. Councilmember Robert White and the Commission on Reentry and Returning Citizen Affairs to introduce the Restore the Vote Amendment – legislation that would expand voting rights to District residents incarcerated for a felony conviction. The Sentencing Project supported efforts in seven other states – Connecticut, Hawaii, Massachusetts, Nebraska, New Jersey, New Mexico, and Virginia – that considered legislation expanding the franchise to incarcerated people as well.



Above: Nicole Porter speaks at a press conference announcing the Restore Vote Amendment in Washington, DC.  
Below: Kara Gotsch testifies in support of the legislation.

## Juvenile Justice

The past year saw progress on juvenile justice reform across many states. South Carolina began its implementation of the “Raise the Age” law that now includes most arrested 17-year-olds under the jurisdiction of the state’s family courts. The reform required legislation in the form of a budget provision to allow for the release of more youth from the state-run detention center, as preventing overcrowding conditions was seen as the main hurdle to implementation. Josh Rovner met with key legislators in the state capitol and presented data on the impact of Raise the Age to government officials and other stakeholders.

In Louisiana, advocates supported by The Sentencing Project were able to persuade legislators to limit the use of youth detention by requiring individualized decisions about who can be detained and requiring a public safety rationale.

## Banning Private Prisons in Nevada

The Sentencing Project helped organize national support for Nevada to phase out private prison contracts. We brought together a coalition of civil rights groups, criminal justice reform organizations, faith leaders, and others in support of legislation to limit the state’s ability to contract with for-profit prison companies. Nicole Porter testified in support of the bill and highlighted changes in other states – California, Mississippi, North Carolina, and Texas – to end private prison contracts.

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# Wisconsin, Texas and Georgia

are the only remaining states that automatically transfer 17-year-old defendants to adult court

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## Assessing the First Step Act

On its one-year anniversary The Sentencing Project applauded the achievements of the First Step Act but cautioned that additional reforms are necessary if we are to see a substantial long-term reduction in the federal prison population. In her analysis, [\*One Year After the First Step Act, Mixed Outcomes\*](#), Kara Gotsch, Director of Strategic Initiatives, noted that the bill's authorization of \$75 million

per year – approximately \$400 per prisoner – falls far short of what is necessary to address the rehabilitative needs of people in prison. Among the 223,000 people released from BOP custody from 2009 to 2015, 49% had not completed any programming while in custody and 57% of people in need of drug treatment had received no services.

### Congress' continued bipartisan interest in criminal justice reform should lead to these next steps:

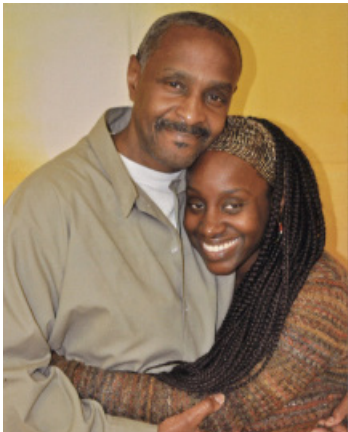
- Increase funding for federal prison programming
- Enact bipartisan retroactive sentencing provisions left out of the First Step Act, impacting an additional 4,000 people
- End mandatory minimums for drug offenses
- Pass the Second Look Act to review long sentences and provide opportunities for early release





## From First Step to Second Act

Kara also provided extensive feedback on the Second Look Act, a bill introduced by Senator Cory Booker and Representative Karen Bass to provide an opportunity for sentence reductions for people who have served at least 10 years in federal prison and do not present a threat to public safety. Since Congress ended federal parole and established a determinate sentencing system in the 1980s, the federal prison population has ballooned almost 300%; half of the people in the system are serving a sentence longer than ten years and most people serving life sentences will never be released. Kara has also been working with coalition partners to solicit cosponsors in Congress and raise public attention about the proposal.



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Inspired by the cases of Matthew Charles and William Underwood, the Second Look Act of 2019 would allow federal judges to consider petitions for sentence reduction after a person has served at least 10 years.

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Pictured left: William Underwood with his daughter and The Sentencing Project Board Member, Ebony Underwood.

## Voting rights

The Sentencing Project played a lead role in 2019 in passage by the U.S. House of the Democracy Restoration Act (DRA). We have supported legislation to restore federal voting rights for people with felony convictions for many years, and Kara was instrumental in helping the measure finally move through committee and to passage on the floor as part of a larger piece of voting rights legislation. Kara coordinated coalition activities in support of the DRA by convening meetings and calls with congressional staff, drafting and distributing coalition support letters and organizing strategies to counter attempts to weaken the bill.

# BUILDING

public support for reform



In 2019, The Sentencing Project staff delivered over 60 presentations on a range of criminal justice reform issues. Venues and audiences included:

## Academic Institutions

American University  
Columbia University  
Georgetown University  
Harvard Law School  
Johns Hopkins University  
New York University  
Texas Southern University  
Tougaloo College  
University at Albany  
University of Maryland  
University of Massachusetts  
University of Texas  
Virginia Polytechnic Institute and State University

## Reform Advocates

American Friends Service Committee  
California #DropLWOP  
Campaign for Youth Justice  
Empower Missouri  
Immigrant Legal Resource Center  
Kentucky Center for Economic Policy  
Louisiana LWOP Reform Conference  
National CURE  
Penal Reform International  
Pennsylvania Prison Society  
Release Aging People in Prison Campaign  
Safe and Just Michigan  
Voice of the Experienced

## Research Organizations

American Academy of Arts and Sciences  
American Society of Criminology  
Angola Prison Museum (LA)  
Eastern State Penitentiary Historic Site  
Hogg Foundation  
Minnesota Justice Research Council  
Southern Historical Association  
Western Society of Criminology

## Criminal Justice Practitioners

Deschutes County (OR) Prosecutors Office  
Fair and Just Punishment  
International Community Corrections Association  
National Association of Criminal Defense Lawyers  
Ohio State Public Defender

## Religious Organizations

Aleph Institute  
Catholic Worker  
Ignatian Solidarity Network  
Religious Action Center  
Virginia Theological Seminary  
Wesley Theological Seminary

## Prisons

Jessup Men's and Women's Prisons (MD)  
Louisiana State Penitentiary  
MCI Hagerstown (MD)  
Pennsylvania Lifers Support Group

Opposite page: Ashley Nellis and Marc Mauer at a book talk on *The Meaning of Life* in San Francisco.



**The Sentencing Project's research and analysis captured broad media attention, with citations from more than 1,100 media outlets during 2019.**

## The New York Times

### Was Paul Manafort's Sentence Too Light?

Shaila Dewan and Alan Blinder | Mar 8, 2019

"In a lot of countries you'd have to kill somebody to get anywhere close to that, yet we hand out 20-year sentences for drug crimes every day of the week," Mr. Mauer said.

Much research shows that it is not the severity of the punishment but the likelihood of getting caught that deters crime, so devoting more resources to prosecuting white-collar cases would send a stronger message than handing down a longer sentence, Mr. Mauer said.

## Hartford Courant

### Connecticut's youths don't belong in adult courts

Josh Rovner | Mar 22, 2019

Rolling back the successful local reforms because of an unfortunate national trend is doomed to fail. Youth sent to adult courts and prisons are more likely to recidivate. The current law, which already allows for repeat young offenders to be charged in the adult courts, ought to be sufficient for those who insist the juvenile courts are too lenient. Now is not the time to go back.



## THE DAILY SHOW WITH TREVOR NOAH

Jan 8, 2019

Marc Mauer appeared on The Daily Show with Trevor Noah to discuss his book with Ashley Nellis, *The Meaning of Life: The Case for Abolishing Life Sentences*. After referring to him as the leading expert on sentencing policy and the criminal justice system, Trevor and Marc discussed the unprecedented growth of life sentences and why investing in youth is more effective than incarcerating people who have aged out of crime.



# The Miami Herald

## Private prisons are only one part of our mass-incarceration problem | Opinion

Kara Gotsch | July 25, 2019

Profit motives should have no place in decisions about incarceration, and studies have found disturbing cases of abuse, cost-cutting at the expense of safety and security, and no appreciable evidence of savings produced by the industry. But ending prison privatization will not end prison abuses or mass incarceration.

Indeed, just 8 percent of people imprisoned in the United States are housed in private prisons, and 21 states don't currently incarcerate anyone in private facilities, according to the Bureau of Justice Statistics. At the federal level, where reliance on private prisons is among the most significant, the population housed in these facilities declined 19 percent between 2016 and 2017.



## 39 states show decreases in prison populations: Report

Meghan Keneally | Sept 24, 2019

While the sheer number of states effectively making reforms stands out as a positive takeaway, “the bad news” is that the rate of reform isn't as significant as she believes it needs to be to counteract the decades of policies that led to the states' respective highest points.

“The overall impact of the reforms that they've implemented has been so modest,” Nazgol Ghandnoosh said, pointing to the 7.3% decrease on the national level. For their part, federal prisons have decreased their prison populations by 15.7% since their peak in 2011.



## Calling for the End of Life Sentences

Jan 15, 2019

Marc Mauer and Ashley Nellis argue against any sentence longer than 20 years on New York Public Radio's The Brian Lehrer Show.

# THE WALL STREET JOURNAL.

## Kentucky's New Governor Restores Voting Rights to Nonviolent Felons

Arian Campo-Flores | Dec 12, 2019

Kentucky Gov. Andy Beshear signed an executive order Thursday restoring voting rights to more than 140,000 people with nonviolent felony convictions, one of his earliest acts after being sworn into office...

“It's a very dramatic moment,” said Marc Mauer, executive director of the Sentencing Project, which supports loosening the restrictions. “What seems very reasonable now was not even on anyone's radar 20 years ago.”

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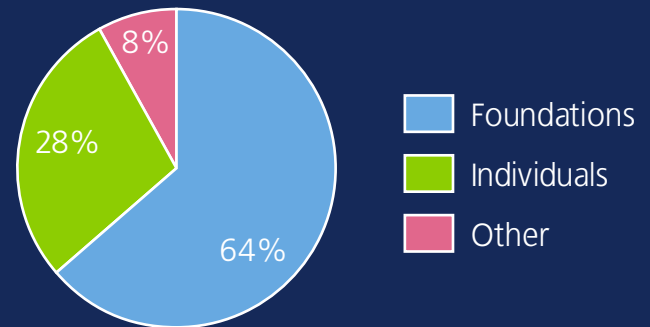
Susan Leimsider  
Jamed Leonard  
David Lewis  
Saville Mallach  
Ben Mallare  
Stephen Mathai  
Edward Mattison  
Carolyn McClanahan  
William McDaniels  
Peggy McGarry  
Albert Mishaan  
Mark and Joan Olson  
Chet Olson  
Cary Paynter  
Jessica Peck  
Eli Plenk  
Harold Poskanzer  
Arthur Purvis  
Nathan Quiring  
RMF Foundation  
Joan Robins  
Gale Rogers  
Ioannis Sakellaridis  
Melita Sawyer  
Joyce Schuman  
Kate Scow  
Andrew Seligsohn  
Elisabeth Semel  
Dominique Semon  
Larry Shapiro  
Bonnie Sherman

Robert and Judith Sinsheimer  
Sisters of the Divine Savior  
Frank Siwiec  
Katy Steward  
Stephen Strahs  
Benjamin Sutton  
Patricia Taylor  
Sam Teller  
Derek Thayer  
Triskeles Foundation  
Susan Tucker  
Christopher Turner  
Peter Vajda  
Teresa and Ted Van Duyn  
Kirkland Vaughans  
Charles Vetzner  
Johanna Wald  
Sally Weinraub  
Lisa Werchow  
Ariel White  
Glenda Wolf-Lingo  
Ann Wyckoff  
Rachel Wysoker  
Your Cause, LLC

# 2019 FINANCIAL STATEMENTS

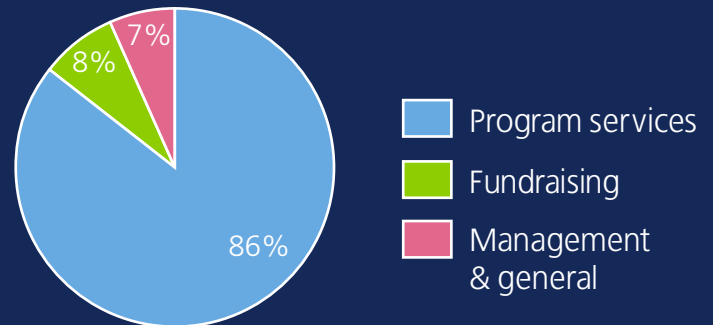
## REVENUE

Foundations	990,000
Individuals	440,486
Other	123,439
<b>TOTAL</b>	<b>\$1,553,925</b>



## EXPENSES

Program services	1,330,923
Fundraising	122,010
Management and general	102,354
<b>TOTAL</b>	<b>\$ 1,555,287</b>









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Washington, D.C. 20036  
[sentencingproject.org](http://sentencingproject.org)

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.