

ANNUAL REPORT 2018



**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.

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LETTER FROM THE EXECUTIVE DIRECTOR



Marc Mauer
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.

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

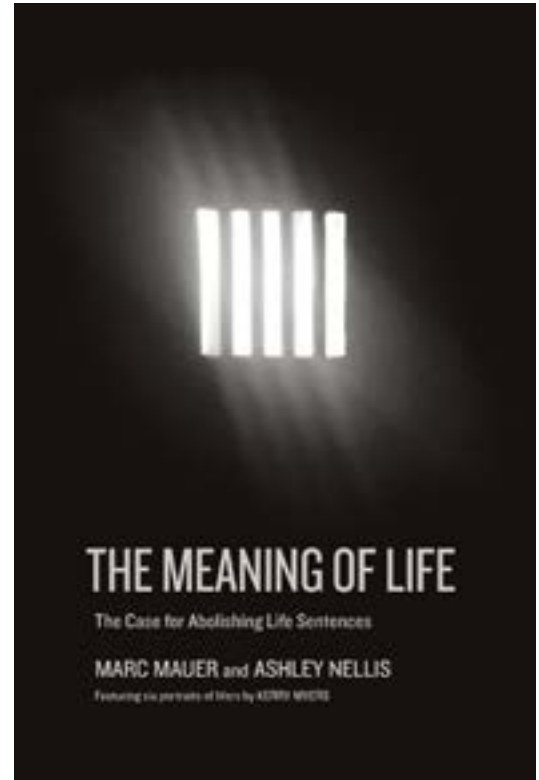
that makes a difference



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.”

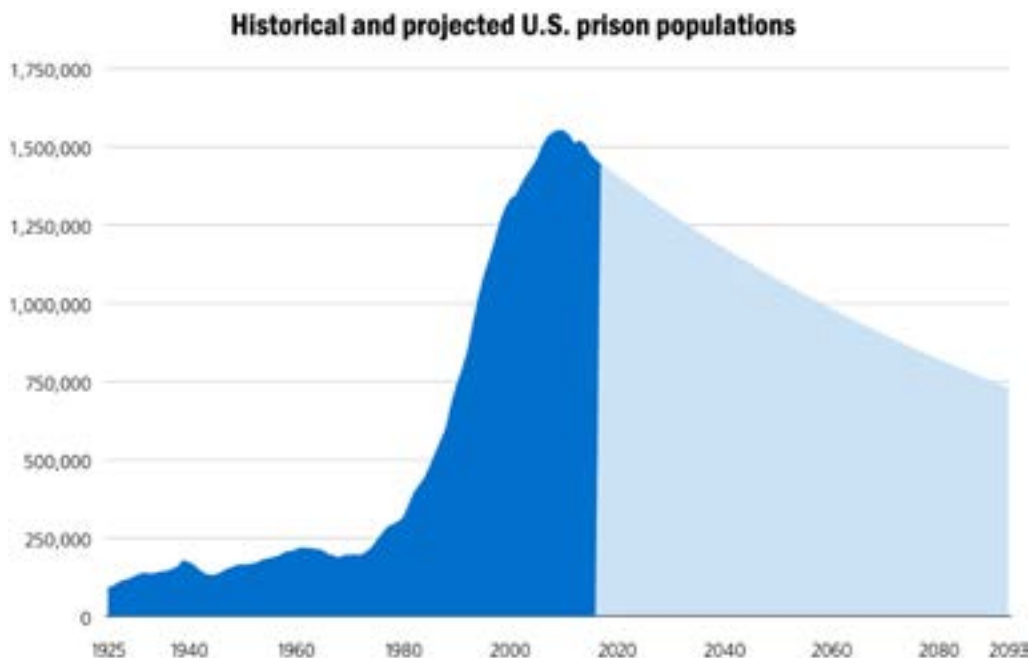
— Publishers Weekly

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?

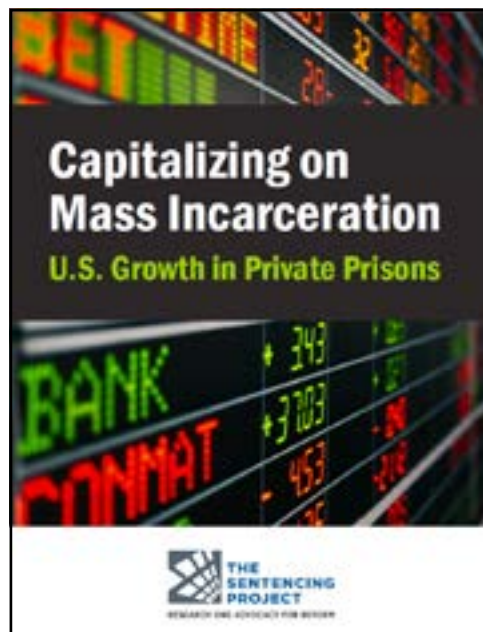
A [briefing paper](#) by Nazgol Ghandnoosh, Senior Research Analyst, found that while 42 states have modestly reduced their prison populations from their peak levels, the pace of decarceration is insufficient to undo nearly four decades of unrelenting growth. The average pace of prison decarceration 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.

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people became eligible to vote
by 2018 as a result of felony
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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.



Issues impacting women and girls are a prominent feature of The Sentencing Project's Campaign to End Life Imprisonment.

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.



Voting rights activists march in support of Amendment 4. Credit: Florida Rights Restoration Coalition

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.

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.

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.

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

NAACP (Maine)

National Council for Incarcerated and Formerly Incarcerated Women and Girls

National Women of Color Reproductive Justice Collective

Penal Reform International (London)

Secular Social Justice

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)



To end mass incarceration we must address life sentences.

#20YearsIsEnough

On December 4, 2018, The Sentencing Project launched its Campaign to End Life Imprisonment in conjunction with the release of our new book, *The Meaning of Life: The Case for Abolishing Life Sentences*.

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, 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



Jose Saldana, Brittany Barnett, and Pennsylvania State Senator Sharif Street at The Sentencing Project's Campaign to End Life Imprisonment launch event.

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.

A second panel focused on current strategies for reforming life and long term sentences and featured Jose Saldana, Community Organizer at Release Aging People in Prison (RAPP) in New York, Brittany Barnett, Co-Founder of the Buried

Alive Project, and Pennsylvania State Senator Sharif Street.

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 Detention Facility.

The Sentencing Project's research and analysis captured broad media attention, with citations from more than 1,200 media outlets during 2018.

THE NEW YORKER

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."

The Washington Post

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."



LAST WEEK TONIGHT WITH JOHN OLIVER

Sept 9, 2018

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.



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.

THE WALL STREET JOURNAL

New Jersey Requires Racial-Impact Statements for Crime-Law Changes

Corinne Ramey | Jan 16, 2018

New Jersey has the largest disparity between white and black incarceration rates in the country, according to the Sentencing Project, a nonprofit that advocates reducing the prison population. The state’s prison population is 61% black, 22% white and 16% Hispanic, data show. The state’s general population is 14% black, 69% white and 18% Hispanic, according to census data.

Iowa, Connecticut and Oregon require racial-impact statements, said Nicole D. Porter, director of advocacy at the Sentencing Project. While such analyses aren’t binding, they do impact policy-making, Ms. Porter said.



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 woman 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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Beverly Campbell
Lucy Candib

Robert Cantillo
Frieda Caplan
Anastasia and Robert Carlone Scott
A. Charles Catania
AJ and Adam Chalom
Erica Choo
Lucy Anne Christopher
Jean Chung
Sharon Cooperman
Kathryn Cox
Irwin and Florence Cromwell
Tom Croxton
Joanne Cunningham
Jane Curtis
Dawn Day
Lawrence de Graaf
Edward Fink and Deborah Cai
Bailey Deiongh
Delta Sigma Theta Sorority Inc
Kenneth Diamondstone
Brett Dignam
Mary Pat Donelan
Keith Donoghue
Beth Drury
Chris Dunfield
Frank Einstein
Richard Eisen
Linda Eissenberg
Aaron Elkiss
Dennis Faherty
Joan Farber
Linda Ferguson
Dennis Fiems
Kenneth Franzblau
Stuart Friedman
Michael Friedman
Hannah Friedman

Theresa Fulton
Mary Fusoni
Anita Garcia
Alison Gardner
Ken Giles
Murphy Gillogly
Joan Gittens
Joe Goldenson
Theodore Gotsch
Marjorie Green
Nancy Greenhouse
Timothy Hahn
Jen and Jeremy Haile
Anita Hampton
William Harrison
Walter and Roberta Hellman
Robin Hoffmann
Miranda Holeyton
Samuel Horowitz
Richard Horvitz
Mark Hovis
Julie Hungar
Susan Jacobson
Steven Jacobson
Robert Jacobson
Rita Jalali
Claude and Neller Johnson
Robert Johnson
Laveen Kanal
Patricia Kates
Brady Kelly
Kate Kerr
Keval Khalsa
Daniel Klein
Edith Kraai
John Lasser
Jordan Lewis

Valerie Lichtman
Farnsworth Lobenstine
Stewart Macaulay
Nancy Macnair
Barry Mahoney
Jeffrey Manza
Abby Martin
Susan Martin
Wesley Mason
Joyce Mast
Julia Mayberry
Roberta McBride
Robert McCrie
Trish McDermott
Belle McMaster
Robert and Ellen Meeropol
Jane Meyerding
Michael Mickelsen
Thomas Mitchell
Joanna Monti-Masel
Jessica Murphey
Amber Navran
Margaret and Bill Nellis
David Nelson
Robert Newman
Tatiana Oberkoetter
Sanford Parnes
Lynn Patton
LaDonna Pavetti
Cary Paynter
Michael Piccarreta
Violaine Pierre
Eli Plenk
Rachel Porter
Anne Powell
Hank Prensky
Estill Putney

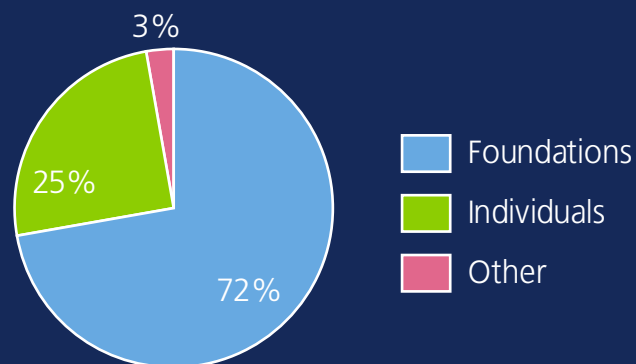
Wornie Reed
Wallis Reid
Jeanne Richman
Avrom Robin
Constancia Romilly
John Rowe
Dan Rutherford
Brian Salzberg
Caleb Sanchez
Robert Sash
Jackie Schirn
Ryan Schlegel
Schwab Charitable Fund
Claire Schwadron
Kate Scow
Larry Shapiro
Walter and Nancy Simpson
Elizabeth Sims
Sisters of the Divine Savior
William Slavick
M.K. Smith
Eric Stange
Paulette Steffa
Karen Steinberg
adria steinberg
Joseph Steindam
Dorothy Stoneman
Michael Stout
Susan Strasser
Steven and Nan Streen
Bob Summers and Orly Yadin
Benjamin Sutton
Holly Syrrakos
Theodore Tapper
Judith Titzel
Edward Underhill
John Vernon

Kenneth Waitzmann
Michael Waldman
Steven Walter
Douglas Walters
Martin and Sally Weinraub
Dorothy Weitzman
Lawrence and Joanna Weschler
Richard Wheatley, Sr.
Joseph Williams
Martha Winnacker
Kurt Wittenauer
Marisa Wohl
Glenda Wolf-Lingo
Allen Wolk
Jennifer Yanco
June Zaccone

2018 FINANCIAL STATEMENTS

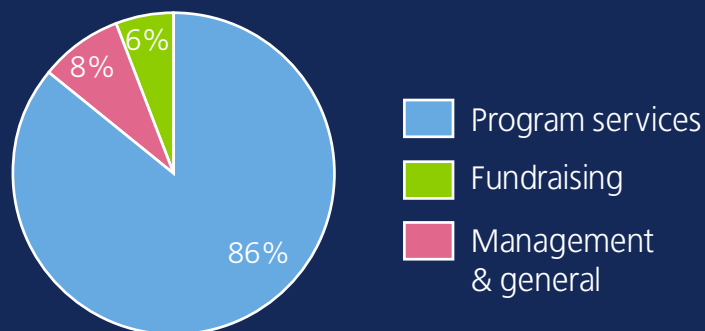
REVENUE

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





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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.