



ANNUAL REPORT 2009

Restoring Justice, Strengthening Fairness



For further information:

The Sentencing Project 1705 DeSales Street, NW 8th Floor Washington, DC 20036 (202) 628-0871 www.sentencingproject.org

DEDICATION TO JOHN IRWIN

This annual report is dedicated to the memory of John Irwin, a board member, friend, and colleague who died in January 2010 at the age of 80. John's path to a career in academia was hardly typical, beginning with a five-year prison term for armed robbery in Soledad Prison in California in 1952. After earning college credits while in prison, John completed a B.A. and then a Ph.D. in Sociology upon his release, and was offered a faculty position at San Francisco State University, where he taught for 27 years.

Throughout his career, John combined his passions for scholarship and social justice. He was the author of six highly-regarded books analyzing the criminal justice system, including "The Felon" and "The Jail," and all of his publishing reflected the experiences of incarcerated people. His last book, published in 2009, was devoted to "lifers," a population of prisoners he was especially devoted to, and for which he spent many hours visiting and interviewing people in Pelican Bay and San Quentin. John served as one of the founders of the "convict criminology" movement, a campaign to bring forward the perspectives of people who had served time in prison and gone on to careers in academia. As John said, "you can never get away from your prison experience."

At The Sentencing Project we were privileged to have John join our board of directors in 2005. His warmth, dedication and passion for justice inspired us all. We honor his memory and hope that our work can continue to reflect the values and vision of his life.

RESTORING JUSTICE, STRENGTHENING FAIRNESS

As the nation struggled with a severe fiscal crisis in 2009, one silver lining that emerged was that policymakers became increasingly aware of the enormous challenges posed by the escalating cost of a massive prison system. As a result, many of the policy recommendations for reform that we and others have promoted for many years are now being heard more carefully. We worked throughout the year to capitalize on these opportunities with research and advocacy to advance an agenda for fairness and justice.

On Capitol Hill, we played a leading role in coalition-building for crack cocaine reform, culminating in legislation being approved by the House Judiciary Committee and great momentum moving into 2010. We worked closely with federal policymakers in advancing the issue of youth reentry and promoting Senator Webb's Commission to examine the scale of imprisonment in the United States, and were invited to testify at three hearings of the House Judiciary Committee during the year.

The Sentencing Project also played a critical role in the growing movement calling for an end to sentencing juveniles to life without parole, a practice in which the U.S. stands alone in the world. During the year we released a widely-circulated national study on the use of life imprisonment for both adults and juveniles, and followed that with an amicus brief submitted to the U.S. Supreme Court in cases challenging juvenile life without parole for non-homicide offenses.

This past year we expanded our capacity for education and advocacy as well. We established a new staff position for a state advocacy coordinator, which has enhanced our ability to work with both policymakers and grassroots constituencies around the country. And our newlyredesigned website, complete with a state-based data map and a Race and Justice Clearinghouse, has received a strong response from our colleagues and the public.

While we are encouraged by these developments, we remain all too aware of the challenges that we continue to face – a scale of incarceration and racial disparity that is unprecedented, a political climate that is often not receptive to rational analysis, and a distorted attitude toward how the nation approaches public safety. But we are optimistic that we are truly at a moment when change is possible and that our efforts can make a difference.

We are hard at work every day on these issues, but also keenly aware that our ability to do so is only possible through the generous support of our many donors, both our loyal foundation partners and our many individual contributors. Thank you for sharing our spirit of optimism that lasting change may finally be on the horizon.

Malc Mares

Marc Mauer Executive Director June 2010

FOCUSING POLICYMAKERS ON SOLUTIONS

Providing Testimony to Congress on Problems and Solutions

Over many years The Sentencing Project has become a trusted voice and resource for state and national legislators. In 2009, Executive Director Marc Mauer was invited to testify at three separate hearings of the House Judiciary Committee, on issues of racial disparity, crack cocaine sentencing reform, and juvenile life without parole. Each of these hearings helped to identify problems with current policies and promote solutions for better public safety outcomes.

Congressional Black Caucus Symposium on the Drug Reform Act

The Sentencing Project continued to play a leading role in calling for an end to mandatory minimum sentencing as a means of bringing greater fairness to the court system. In June, Marc Mauer highlighted the issue as part of a symposium presented by the Congressional Black Caucus. The event was headlined by Supreme Court Justice Stephen Breyer and Attorney General Eric Holder, both of whom noted crack cocaine sentencing reform as a priority.

Federal Voting Rights Restoration

Continuing our work on felony disenfranchisement of more than a decade, we organized an effort that gained the support of more than 85 criminal justice reform groups to call on Congress to support the *Democracy Restoration Act*. The *Democracy Restoration Act* was reintroduced in July and would allow voting in federal elections for any person who is not incarcerated. In December, The Sentencing Project sponsored a briefing on the legislation for Congressional staff in cooperation with the American Bar Association, American Civil Liberties Union, Brennan Center for Justice, and the Drug Policy Alliance.

Campaigns for Juvenile Justice Reform and to End Juvenile Life Without Parole

The Sentencing Project submitted an amicus brief in support of two Florida cases before the Supreme Court challenging the constitutionality of juvenile life without parole in non-homicide cases. We collaborated with a Florida State University researcher to document the number of juveniles serving these sentences nationally and the conclusions drawn from the study were widely cited by media as well as attorneys and justices during oral arguments in November.

Research analyst Ashley Nellis co-chairs the Youth Re-Entry Task Force of the National Juvenile Justice and Delinquency Prevention Coalition. The Task Force presented a briefing on Capitol Hill in November on issues impacting youth, and distributed a policy brief, *Back on Track: Supporting Youth Reentry from Out-of-Home Placement to the Community*.

PROVIDING SUPPORT FOR ADVOCACY

Expanding State Policy Advocacy

With the addition of a new state advocacy coordinator position, The Sentencing Project collaborated with advocates in 19 states on sentencing reform initiatives. Our efforts focused on promoting parole for individuals who have served 30 to 40 years of life sentences, collecting data on the racial impact of "drug free school zone" policies, reducing restrictions on receipt of food stamps and Medicaid benefits, reducing employment barriers for individuals re-entering the community, promoting sentence commutations, and felony disenfranchisement reform.

Providing Website Resources and Electronic Newsletter on Disenfranchisement

The Sentencing Project continued to serve as a leading resource of information for the media, public, and policymakers on the impact of felony disenfranchisement. We produced and disseminated our weekly email newsletter, *Disenfranchisement News*, to more than 2,500 advocates and policymakers across the nation.

DEFINING A NATIONAL AGENDA FOR REFORM

Increasing Awareness of Criminal Justice Issues to Policymakers

At the beginning of the 111th Congress we distributed a 21-page publication, *Criminal Justice Primer 2009*, to all members of the House and Senate Judiciary Committees. The document provided an overview of policy priorities for criminal and juvenile justice reform, and addressed issues of reentry, sentencing, and racial disparity.

IMPACTING THE DEBATE WITH RESEARCH

Increasing Awareness of Effective State Strategies for Policymakers

We released *The State of Sentencing 2008: Developments in Policy and Practice*, an annual review of state sentencing reforms, revealing the range of options that states are using to effectively address public safety concerns and escalating prison populations. This review also included developments to improve racial justice.

Examination of the Changing Racial Dynamics of the War on Drugs

The Sentencing Project produced a report that illustrated that for the first time in 25 years the number of African Americans incarcerated in state prisons for drug offenses had declined by 21% for the period 1999-2005. The report also documented a corresponding 42% rise in the number of whites in state prison for a drug offense during the same period. News coverage included articles in the *Washington Post, New York Times, Christian Science Monitor*, CNN, and National Public Radio.

Documenting the Increased Use of Life Sentences in America

Our report, *No Exit: The Expanding Use of Life Sentences in America*, revealed a record 140,000 individuals serving life sentences – 1 of every 11 persons in prison-- and highlighted striking racial disparities among this group. The report was widely disseminated and

received extensive media coverage including in the New York Times, USA Today, Philadelphia Inquirer, Miami Herald, and Dallas Morning News.

ADVANCING JUSTICE THROUGH LEADERSHIP

Crack Cocaine Sentencing Reform Moves Forward

In 2009, The Sentencing Project continued to help lead coalition efforts to reform racially disparate sentences for federal crack and powder cocaine offenses. In May, our coalition held a Lobby Day that brought activists from 21 states together to encourage their Congressional representatives to support sentencing reform. Marc Mauer testified before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, urging Congress to eliminate the harsh mandatory penalties for low-level crack cocaine offenses, and in July, the House Judiciary Committee voted in support of legislation to equalize penalties for the two drugs. The Sentencing Project staff participated in strategy discussions with officials at the White House and the Department of Justice on broad drug and sentencing policies, and also produced a short public education film and a quarterly electronic Crack the Disparity newsletter, which included profiles, news, and advocacy alerts.

National Criminal Justice Commission Act of 2009

The Sentencing Project co-chaired a broad coalition of more than 130 organizations supporting the National Criminal Justice Commission Act (NCJCA), legislation introduced by Sen. Jim Webb that would establish a blue-ribbon commission to conduct a comprehensive review of the criminal justice system and make recommendations for reform.

DEVELOPING TOOLS FOR PRACTITIONERS AND THE PUBLIC

National Clearinghouse on Race and Justice

The Sentencing Project developed a comprehensive, internet-based clearinghouse of resources on the role of race in the criminal and juvenile justice systems. The clearinghouse comprised more than 430 empirical studies, reports, law review articles, and books that can be searched by stage in the criminal justice system, author, publication year, and subject area. The clearinghouse was launched with The Sentencing Project's new website in July 2009.

INFLUENCING THE DEBATE

A Respected Source for the Media

During 2009, The Sentencing Project continued to serve as a daily resource for international, national, and regional news reporters, editors, columnists and bloggers. In addition to attracting media attention for our publications, we regularly provided research, interviews, and resources for journalists. In addition, we responded to daily press inquiries from national, international, and regional broadcast media. We explained the nuances and history of complex criminal justice issues to assist journalists in providing fairer, more balanced coverage and to raise critical questions about sentencing, incarceration, racial disparity, juvenile justice, and drug policy. During 2009, our staff was quoted numerous times in publications ranging from *The New York Times, Washington Post* and *USA Today* to *The Baltimore Sun, The Boston Globe, Chicago Tribune* and *Essence.*

A Trusted Resource for Legislators, Government Agencies and Commissions

The Sentencing Project provides expert testimony and assistance to policymakers to help them develop more sound public safety and crime policies. In 2009, our staff was invited to present testimony before the following legislative committees, government agencies and commissions:

U.S. Congress

Congressional Black Caucus Helsinki Commission House Judiciary Committee Senate Judiciary Committee

U.S. Sentencing Commission

Symposium on Alternatives to Incarceration

Connecticut

Commission on Racial and Ethnic Disparity in the Criminal Justice System

Council of the District of Columbia

Committee on Public Safety and the Judiciary

Iowa General Assembly

Department of Corrections, Overrepresentation of Blacks in Prison Committee Joint House and Senate Judiciary Committee House Human Services Committee

Maryland Governor's Office of Crime Control and Prevention

Commission on Capital Punishment

Pennsylvania General Assembly

Senate Judiciary Committee

BUILDING SUPPORT FOR REFORM

The Sentencing Project reached a broad range of constituencies in 2009, making public education presentations to nearly 50 diverse audiences, including:

Academic and Research Institutions

American Society of Criminology Brooklyn Law School Cornell University Emory University School of Medicine, Rollins School of Public Health Harvard Law School, Criminal Justice Institute John Jay College of Criminal Justice Marquette University Stanford Law School University of Pennsylvania Law School University of Virginia, Institute for African-American and African Studies

Legal and Judicial Associations

American Bar Association Kentucky Bar Association

Policymakers

National Association of Counties, Justice and Public Safety Steering Committee

Civil Rights and Racial Justice Organizations

Congressional Black Caucus Foundation NAACP Legal Defense Fund

Criminal Justice Practitioners

Central Connecticut University, Institute for Municipal & Regional Policy Indiana Public Defender Council International Community Corrections Association Montana Judges Association National Association of Criminal Defense Lawyers National Institute of Corrections Treatment Research Institute/Addiction Studies Program for the States Workshop U.S. Department of Justice Title VI Conference University of Iowa Disproportionate Minority Contact Conference Virginia State University Disproportionate Minority Contact Conference

Religious and Faith-based Organizations

Christian Association for Prison Aftercare Religious Action Center for Reform Judaism

Justice Reform Advocates

Aspen Institute Roundtable for Community Change Behind the Cycle: A National Summit to Advance Integrative Approach to Justice Reform Drug Policy Alliance Family Life Center, Rhode Island Minnesota Council on Crime and Justice The New School, Center for New York City Affairs

2009 CALENDAR OF ACHIEVEMENTS

January	The Sentencing Project delivers Criminal Justice Primer as a resource for all
	new and returning Senate and House Judiciary Committee members at the
	start of the 111 th Congress

American Bar Association's *Criminal Justice* magazine publishes Marc Mauer's article examining racial impact statements and other policy initiatives designed to make state and federal justice systems more fair and equitable

Connecticut House and Senate approve mechanism for implementing 2008 racial impact statement legislation, developed and promoted by The Sentencing Project

FebruaryNew Publication: The State of Sentencing 2008: Developments in Policy and
Practice released and distributed to key policymakers in 50 states

New Publication: *Incarcerated Parents and Their Children* documents the growing impact of incarceration on children and families

Mandate for Change, setting out a progressive policy agenda for the Obama Administration, is published, featuring a chapter by Marc Mauer, "A New Policy for Justice and Public Safety"

March Marc Mauer testifies at House Judiciary Subcommittee on Crime, "Crime Summit"

Marc Mauer receives the John Augustus Award for outstanding contributions to sentencing advocacy from the National Association of Sentencing Advocates and Mitigation Specialists April

New Publication: *The Changing Racial Dynamics of The War on Drugs* identifies the first decline in the number of African Americans in state prison since the inception of the "War on Drugs" Senate Judiciary Committee holds a hearing on the crack cocaine sentencing disparity. New chief of Department of Justice Criminal Div

sentencing disparity. New chief of Department of Justice Criminal Division Lanny Breuer voices Obama Administration's support for eliminating the disparity

"Crack the Disparity" Coalition conducts month of advocacy for reform

New Publication: *Drug Courts: A Review of the Evidence* assesses the impact of the drug court movement in the twenty years since its inception

Senator Jim Webb of Virginia introduces the National Criminal Justice Commission Act of 2009 to initiate a "top to bottom review" of the criminal justice system

MayMarc Mauer testifies before the House Judiciary Subcommittee on Crime
hearing on crack cocaine sentencing disparity

U.S. Supreme Court agrees to hear two cases challenging juvenile life without parole

Nicole Porter joins The Sentencing Project in a newly created position of State Advocacy Coordinator

June Marc Mauer participates in Congressional Black Caucus Symposium on the 25th Anniversary of the Drug Reform Act with Attorney General Eric Holder and Supreme Court Justice Stephen Breyer, an architect of the original federal sentencing guidelines. Both the Attorney General and Justice Breyer highlight crack cocaine sentencing reform as a top priority for Congress The Sentencing Project and coalition partners gather support from 85 civil rights, justice reform, voting rights, faith-based and democracy advocacy organizations in support of *Democracy Restoration Act*, that would restore voting rights in federal elections for all non-incarcerated citizens

Executive Director Marc Mauer testifies before the House Judiciary Subcommittee on Crime in support of the Juvenile Justice Accountability and Improvement Act

Publication of *The Integration Debate*, featuring Marc Mauer's chapter, "Two-Tiered Justice: Race, Class, and Crime Policy"

Bureau of Justice Statistics reports number of adults under U.S. correctional supervision in 2008 rose to 7.2 million

July The Sentencing Project releases *No Exit: The Expanding Use of Life Sentences in America*, finding a record number of individuals serving life sentences in state and federal prisons, and overwhelming racial disparities in the imposition of life sentences

Washington Post publishes editorial supporting crack cocaine sentencing reform

With *pro bono* support from the law firm of O'Melveny and Myers, The Sentencing Project submits amicus brief to the U.S. Supreme Court in two cases challenging the practice of juvenile life without parole

State of Washington eliminates ban on voting by individuals who have not paid their financial obligations

AugustMarc Mauer addresses state advocates' conference of the National
Association of Criminal Defense Lawyers on reducing racial disparities
Marc Mauer appears on National Public Radio shows "On Point" and "To
The Point" discussing prospects for state sentencing reform

September	U.S. Sentencing Commission announces policy priorities for 2010,
	including three recommended by The Sentencing Project: continuing to
	study alternatives to incarceration, continuing involvement with federal
	cocaine sentencing, and studying mandatory minimum sentencing
	International Community Corrections Association recognizes Executive
	Director Marc Mauer with its highest honor, the Margaret Mead Award for
	leadership, innovation and influence on public policy in service to the ideals and goals of community-based corrections
October	Mana Mauan partifica at the House Indiciant Subcommittees on Crime
October	Marc Mauer testifies at the House Judiciary Subcommittee on Crime hearing on Racial Disparities in the Criminal Justice System
	Senate Judiciary Subcommittee on Crime Chairman Richard Durbin introduces bill to reduce the disparity in crack vs. powder cocaine sentencing
	Marc Mauer testifies before Canada's Standing Senate Committee on Legal and Constitutional Affairs via teleconference
	"Crack the Disparity" Coalition hosts briefings for House and Senate staff on crack cocaine sentencing disparity
November	The Sentencing Project and National Alliance to End Homelessness sponsor Congressional briefing on Youth ReEntry
	Marc Mauer addresses the Annual Meeting of the American Society of Criminology on felony disenfranchisement
December	The Sentencing Project sponsors Congressional briefing on <i>Democracy</i> <i>Restoration Act</i> with American Bar Association, American Civil Liberties Union, Brennan Center for Justice, and Drug Policy Alliance

Crack the Disparity coalition holds National Call-In Day for citizens to contact their Congressional representatives on the crack disparity issue.

Senate Judiciary committee passes the Juvenile Justice and Delinquency Prevention Reauthorization Act

The Sentencing Project responds to new figures released by Bureau of Justice Statistics showing that 20 states had reduced their prison populations the previous year

SELECTED PRESS CLIPPINGS 2009



Study finds half of men arrested test positive for drugs

May 28, 2009

"If you just want drug treatment, in some places you are better off getting arrested and going to drug court."

-Marc Mauer, Executive Director, on the White House Office of National Drug Control Policy report finding that half of men arrested test positive for drugs

PACIFICA RADIO

May 20, 2009

"For the Justice Department to come out and say in strong language that they want to eliminate the disparity is a remarkable development. There is much more momentum than we have ever seen on this."

-Marc Mauer, Executive Director, on the momentum for reforming the disparity in crack vs. powder cocaine sentences

The Washington Post

Harvard professor arrested at home July 22, 2009

"If you look at every stage of the criminal justice system from initial police contact all the way through sentencing and incarceration, you see that African Americans are disproportionately impacted by each stage. What we ultimately see as disparate incarceration rates are contributed to by all of these factors."

-Ryan King, Policy Analyst, on racial profiling in the United States

The New York Times

Study finds record number of inmates serving life terms July 23, 2009

"The expansion of life sentences suggests that we're rapidly losing faith in the rehabilitation model,"

-Ashley Nellis, Research Analyst, on The Sentencing Project's report, No Exit: The Expanding Use of Life Sentences in America

TIME

Will crack-cocaine sentencing reform help current cons?

August 7, 2009

"If we've been doing something that's unfair for 23 years now, don't we have an obligation to address that unfairness?"

-Marc Mauer, Executive Director, on the need for Congress to apply proposed new crack cocaine sentencing laws retroactively



California Assembly passes diluted prison reform bill September 1, 2009

"While the early releases are important, that still doesn't address the engine of growth that are the sentencing laws. There are too many people going into prison and they are staying there too long."

-Ryan King, Policy Analyst, on California prison overcrowding



Teens locked up for life without a second chance April 8, 2009

"Children aren't just little adults, and it's starting to resonate with people. There has been general momentum of changing juvenile law in the last few years." -Ashley Nellis, Research Analyst, on sentencing juveniles to life without parole

The Washington Post

Many states sending fewer people to prison, federal report shows December 8, 2009

"While the declining number of African Americans in prison is encouraging, the scale of racial disparity in imprisonment is still dramatic."

-Marc Mauer, Executive Director, on a Bureau of Justice Statistics report finding that the incarceration rate for African Americans fell 9% in 2008.

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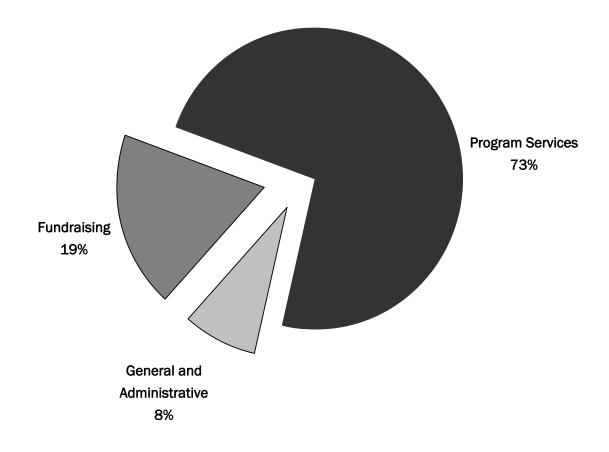
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FY 2009 FINANCIAL ANALYSIS

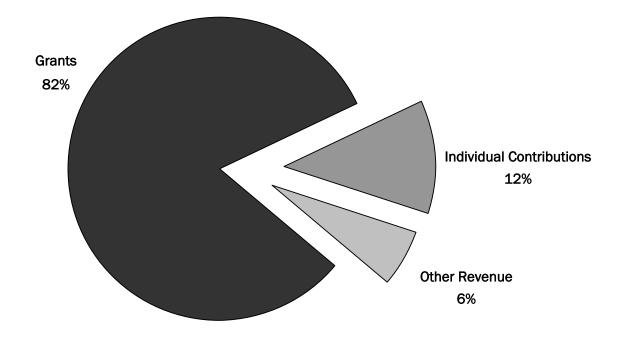
Thanks to our generous individual and foundation supporters, The Sentencing Project remained in the strong financial position we have enjoyed for the past several years, and continued to grow modestly in accordance with our strategic plan.



EXPENDITURES

REVENUE AND SUPPORT





The Sentencing Project received a financial audit by an independent CPA firm covering the fiscal year ending 12/31/2008, and we are pleased to report that no changes to our accounting system were recommended.

STATEMENT OF FINANCIAL POSITION

December 31, 2009

ASSETS		
Current Assets		
Cash and cash equivalents		\$ 225,614
Grants receivable		201,203
Investments, current portion		1,570,706
Prepaid expenses, deposits and other assets	_	9,608
Total Current Assets		2,007,131
Investment, net of current portion		-
Furniture and equipment, net of accumulated depreciation of	\$105,460	6,326
TOTAL ASSETS	=	\$ 2,013,457
LIABILITIES AND NET ASSETS		
Current Liabilities		
Accounts payable		\$ 7,555
Accrued expenses		14,471
Total Liabilities	-	22,026
Risks		
Net Assets		
Unrestricted		1,775,215
Temporarily restricted	-	216,216
TOTAL NET ASSETS		1,991,431
TOTAL LIABILITIES AND NET ASSETS	_	\$ 2,013,457

STATEMENT OF ACTIVITIES

For the Year Ended December 31, 2009

	Unrestricted		Temporarily Restricted		12/31/2009 Total	
REVENUE AND SUPPORT						
Grants	\$	545,000	\$	240,000	\$	785,000
Individual contributions		113,721		-		113,721
Consulting/training fees		-		-		-
Speaker fees and honoraria		19,356		-		19,356
Publications sales		262		-	262	
Royalties		85) –		85	
Interest and dividend income		38,456	-		38,456	
Miscellaneous income		100		-		100
Net assets released from restrictions:						
Satisfaction of program restrictions		148,784		(148,784)		-
TOTAL REVENUE						
AND SUPPORT		865,764		91,216		956,980
EXPENSES						
Program services		694,731		-		694,731
General and administrative		76,668		-		76,668
Fundraising		185,324		-		185,324
TOTAL EXPENSES		956,723		-		956,723
Change in Net Assets		(90,959)		91,216		257
NET ASSETS, BEGINNING OF PERIOD		1,866,174		125,000		1,991,174
NET ASSETS, END OF PERIOD	\$	1,775,215	\$	216,216	\$	1,991,431

STATEMENT OF FUNCTIONAL EXPENSES

For the Year Ended December 31, 2009

Program Services

Salaries and benefits \$43	cation 5,289 7,590	Advocacy \$104,957	Services \$540,246	Administrative	Fundraising	Total
			\$5/0 2/6			
Consultants	7,590		ϕ)40,240	\$29,645	\$112,566	\$682,457
		1,146	8,736	2,376	19,611	30,723
Meetings	1,992	480	2,472	996	515	3,983
Printing and Publication	4,803	622	5,425	1,289	20,945	27,658
Travel 1	1,221	3,833	15,054	916	993	16,964
Legal and accounting 1	3,860	3,342	17,202	6,929	3,584	27,715
Postage and delivery	4,251	1,012	5,263	2,098	9,135	16,496
Occupancy 4	1,122	9,915	51,037	20,557	10,634	82,228
Office supplies	2,264	546	2,810	1,132	614	4,556
Telephone and fax	4,667	1,125	5,793	2,333	1,207	9,333
Office Equipment and maintenance	6,031	1,454	7,485	3,015	2,260	12,760
Miscellaneous	366	76	442	158	82	681
Depreciation	3,540	854	4,393	1,770	915	7,078
Insurance	1,601	386	1,987	801	414	3,202
Bank service charge	545	131	677	272	141	1,090
Dues/Subscriptions/Registration fees	1,701	287	1,987	312	635	2,935
Website 2	2,723	999	23,722	2,070	1,071	26,863
TOTAL EXPENSES \$56	3,566	\$131,165	\$694,731	\$76,668	\$185,324	\$956,723





1705 DESALES STREET, NW, 8TH FLOOR WASHINGTON, DC 20036 Tel: 202.628.0871 • FAX: 202.628.1091 WWW.SENTENCINGPROJECT.ORG