

# PRISON POLICY INITIATIVE

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January 17, 2014

Kneyl Burnette #W34381  
Souza-Baranowski Correctional Center  
PO Box #8000  
Harvard Road  
Shirley, MA 01464

Dear Kneyl,

We write to you today because we've corresponded in the past and wanted to send you a (long-overdue) update on our work to expose the broader impact of mass incarceration.

Please find enclosed excerpts from our new 2012-2013 annual report, highlighting our most recent accomplishments on a variety of issues. We've made significant progress on our flagship issue, ending prison gerrymandering (pages 6 and 7). We're particularly proud of the court victories we've won by helping to defend laws to end the practice (including in the U.S. Supreme Court), and the news coverage we've gotten in publications such as the *Washington Post* and the *New York Times*. Both California and Virginia passed bills against prison gerrymandering, and similar legislation got very far in Illinois' session. Please feel free to distribute our new prison gerrymandering issue factsheet printed on the reverse of this letter.

Long-time followers of our work will notice in our annual report that we've branched out recently to take on another harmful impact of mass incarceration: barriers to communication between incarcerated people and their families and communities. We released two in-depth reports exposing how the exploitative and monopolistic prison telephone industry saddles families with astronomical bills and shares the profits with prisons and jails (pages 8 and 9). Our reports inspired several *New York Times* editorials and won us a presenting spot at the Federal Communications Commission's July 2013 workshop on regulating the industry. We also worked with an NAACP Branch in a Missouri prison to submit a resolution to the NAACP General Assembly urging FCC action. In August, the FCC finally ruled to control the charges for interstate phone calls and require more transparency from the industry. Unfortunately some of these regulations are being delayed by a lawsuit brought by the phone companies, but we're keeping the pressure on to uphold and expand the FCC's regulation.

We're keeping a close eye on another disturbing new trend to limit family communication in local jails: banning letters from home (page 10). Our first-in-the-nation report received praise from the National Institute of Corrections, and so far has supported a successful effort in Santa Clara, California to defeat a letter ban proposal in the local jail.

In the enclosed report excerpt, you'll also see that we're continuing to fight against ineffective and harmful geography-based penalties. Our research on sentencing enhancement zones in Massachusetts helped the state legislature significantly improve the zone law in 2013, and supported a successful court case to make the reforms retroactive. We've also provided expert reports for lawsuits to defeat unreasonable limitations on where people convicted of certain offenses are allowed to live and work.

As you can see, we've been keeping busy. We'll stay in touch with updates, and we thank you for your interest in and support of this movement!

Sincerely,

Peter Wagner  
Executive Director

Leah Sakala  
Policy Analyst

# Ending prison gerrymandering

*Changing the Census Bureau's prison count methodology would improve democracy across the country*

<http://prisonersofthecensus.org/>

<http://demos.org/issue/redistricting-representation>

The Supreme Court's "one person, one vote" principle requires state and local electoral districts to be redrawn each decade so that each district contains the same number of people, giving each resident the equal access to government. A long-standing flaw in the decennial census, however, counts more than two million incarcerated people in the wrong place, undermining the "one person, one vote" principle. Although incarcerated people cannot vote at correctional facility locations and remain residents of their home addresses, the Census Bureau tabulates people in prison as residents of their prison cells, not their homes. This leads state and local governments to engage in "prison gerrymandering" by drawing skewed districts that dilute the votes cast by everyone who does not live near a prison.

## The problem at the state level

Crediting all of a state's incarcerated persons to a small number of districts that contain large prisons enhances the weight of votes cast in those districts and dilutes all other votes in the state, distorting policy decisions statewide. In addition, using incarcerated populations — which are disproportionately Black and Latino — to pad the populations of other districts dilutes minority voting strength.

## The problem at the local level

Because rural county and municipal districts are smaller than state legislative districts, prison gerrymandering can create even larger problems on the local level. For example:

- **Dysfunctional local districts.** In Anamosa Iowa, a person won a city council seat with two write-in votes, neither of which he cast. No candidates ran because 96% of his district was incarcerated in a large prison. This gave the handful of actual residents in the district 25 times as much influence on the city council as residents elsewhere in the city.
- **"Majority-minority" in name only.** Prison gerrymandering prevented African-American voters in Somerset County Maryland from electing a candidate of their choice, even though a district had been drawn for that purpose to settle a Voting Rights Act lawsuit.

## States and localities are seeking more accurate data

So far, four states — Maryland, New York, Delaware, and California — have passed legislation to use state correctional data to ensure that districts are drawn with data that counts incarcerated people at home. The laws in Maryland and New York have already been implemented and upheld by the courts; the U.S. Supreme court affirmed Maryland's law in 2012.

Further, the legislative or executive branches in several states (such as Colorado, Michigan, Mississippi, New Jersey and Virginia) require or encourage local governments to refuse to use prison populations as padding by modifying the Bureau's redistricting data. In addition, more than 200 counties and municipalities independently adjust the redistricting data to avoid prison gerrymandering.

## Only the Census Bureau can provide a permanent national solution

While many governments benefited from the Census Bureau's 2010 decision to make it easier to identify incarcerated populations in its redistricting data, other jurisdictions are constrained by laws that do not allow such adjustments.

The Census Bureau can achieve a complete and permanent solution to prison gerrymandering for the 2020 Census by revising its "usual residence" rule to tabulate incarcerated persons in the communities where they resided prior to incarceration. A change in the Census Bureau's methodology would make prison gerrymandering a thing of the past.



## Seizing timely opportunities to advance justice

<http://www.prisonpolicy.org/blog>

*Aside from our main campaigns and ongoing projects, we've had several opportunities to support our colleagues' campaigns and participate in advancing larger discussions about mass incarceration.*

- In the month leading up to the 2012 presidential election, we worked with digital artist Josh Begley to create a graphic (right) illustrating how the states with the most extreme felon disenfranchisement laws were most likely to cast deciding electoral college votes.
- We used Census Bureau data to update our graph about the #1 criminal justice question we see people asking about on Google: racial disparities in the criminal justice system.



- In the wake of the Trayvon Martin tragedy last October, we released an article with a series of graphs showing that the vigilante ethos behind "stand your ground" laws have very little to do with legitimate fear of crime.



- We submitted three letters to the Massachusetts Department of Corrections Commissioner urging him to call off plans to begin implementing narcotic dog searches of prison visitors.

Getting to know new PPI board members: Neelum Arya

*Neelum Arya is Research Director of the David J. Epstein Program in Public Interest Law and Policy at UCLA School of Law. Prior to joining UCLA she was the Research and Policy Director for the Campaign for Youth Justice, a national nonprofit devoted to removing youth from the adult criminal justice system. She has published extensively about the dangers of incarceration for youth focusing on the impact on families and communities of color. For her work she was named a Harvard Wasserstein Public Interest Fellow in 2011. Neelum joined the PPI board in 2012.*

**Leah:** Why did you join the Prison Policy Initiative board?

**Neelum:** I have admired PPI for a long time, starting with their work on prison gerrymandering. I joined the Board to help PPI expand their reach to new constituencies. If you are active in the justice-reform movement you are aware of PPI and rely on their work. I joined the Board to help bring more people into the movement.

**Leah:** What's unique about PPI?

**Neelum:** PPI is a nimble organization that always seems to be on the cutting edge of identifying ways that we are harmed by mass incarceration. They produce amazing reports with critical information and graphics, and then get the word out through traditional media and social media. Plus they are fair, fast, fun.

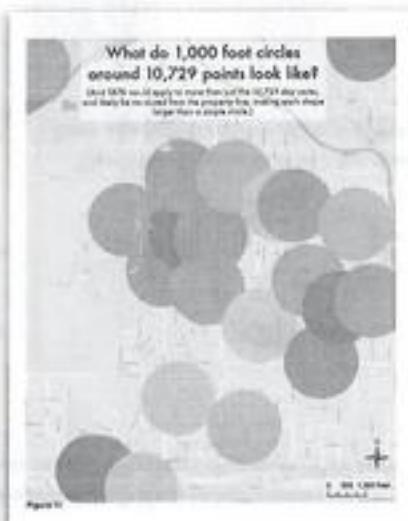
**Leah:** What's something that most people don't know about PPI?

**Neelum:** Most people probably don't know that PPI is a small nonprofit based in Western Massachusetts. Given the amount of work that PPI produces, I think most people think PPI is a much bigger organization based in New York or DC.

- Our research was cited throughout a Families Against Mandatory Minimums *amicus brief* urging the Massachusetts Supreme Judicial Court to rule that the legislature's 2012 zone reforms should apply to everyone who was sentenced after the law was changed.

### **Reinforcement losses**

- Peter Wagner served as an expert witness in a successful case that the Colorado ACLU brought to overturn an Englewood, Colorado city ordinance that severely restricts where persons convicted of certain sex offenses and their families can live. Our map analysis found that the ordinance rendered approximately 99% of the city off limits. The Court invalidated the counterproductive ordinance in August 2013.
  - We produced supporting materials for the ACLU of Michigan's testimony in October, 2013 against a Michigan bill that would dramatically expand ineffective restrictions on where people on the sex offender registry are permitted to live, work, or spend time.



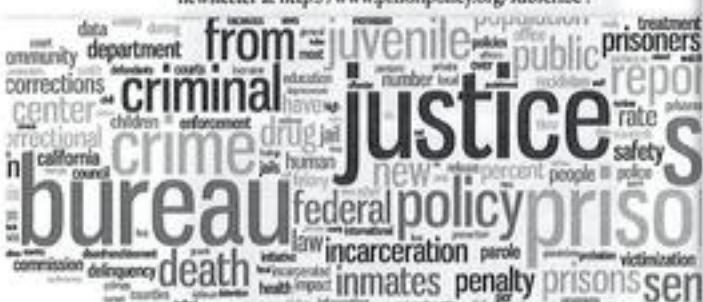
Research Clearinghouse and  
Legal Resources for  
Incarcerated People

<http://www.prisonpolicy.org/resources.html>

*Beyond producing original research, the Prison Policy Initiative edits several databases to empower activists, journalists and policy makers to shape effective criminal justice policy.*

**Our searchable Research Clearinghouse** contains more than 1,700 entries with original empirically rigorous research on criminal justice issues ranging from policing, to the death penalty, to drug policy.

- In the last 16 months alone, we've added more than 300 new entries with the most recent cutting edge research on justice reform issues.
  - You can now get the newest additions delivered right to your inbox by signing up for our Research Clearinghouse updates newsletter at <http://www.ncjrs.org/subscribe>.



**Our Legal Resource Guide for Incarcerated People** also continues to grow in popularity. We work with legal services providers to update their entries in our guide each year so that we can assure incarcerated people who write to us, their loved ones on the outside, or the staff of other policy and legal organizations that the referrals on our list are all accurate. To ensure that incarcerated people don't receive information that is no longer useful, our database automatically removes entries that have not been reconfirmed in the previous 365 days.

## Getting to know new PPI board members: Heather Ann Thompson

*Heather Ann Thompson is an associate professor of history in the Department of African American Studies and the Department of History at Temple University. She is currently writing the first comprehensive history of the Attica Prison Rebellion of 1971, and also writes regularly on the current crisis of incarceration. She joined the PPI board in 2012.*

**Leah:** What research projects are you currently working on?

*Contemporary Writing*, 401  
Heather: I am completing a history of the Attica Prison uprising of 1971 for Pantheon books. I'm also continuing to write contemporary pieces as on the current incarceration crisis and the history of how we got here.

**Leah:** How have you used the PPI Research Clearinghouse in your scholarship?

**Heather** PPI's Research Clearinghouse has been invaluable to the talks that I have been giving around the nation as well in other countries on the carceral crisis. When I speak of the ways in which incarceration impacts communities in various states, for example, I rely on the important research PPI provides in that regard. I also cite PPI research regularly in the contemporary pieces that I write on this issue. My latest piece in the *Atlantic* depended on the important work PPI has done on prison gerrymandering.

**Leah:** How can other academics and advocates benefit from the Research Clearinghouse as well?

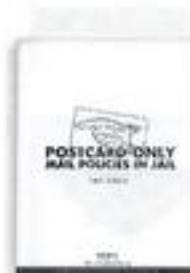
**Hether:** For academics who seek to remain aware of the most important research out on the carceral state and the criminal justice system, there is no site better for them to check regularly than the PPI site. Not only will they find an endless supply of articles and reports that will help their own scholarship to be better informed and completely up to date, but they will also find original research done by PPI staffers that is unusable to them.

## Protecting letters from home in local jails

<http://www.prisonpolicy.org/postcards/>

*A growing number of sheriffs are experimenting with a harmful idea: banning letters from loved ones. We are pushing back.*

Controversial Maricopa County Sheriff Joe Arpaio began a misguided new trend in 2007 when he banned families from sending letters to loved ones in jail, requiring personal correspondence to take place on postcards instead. Social science research and basic common sense say that incarcerated people must be able to maintain ties to family and friends in order to succeed upon release. With this harmful idea spreading to other jails at an alarming rate, the Prison Policy Initiative stepped up to the plate to do research and advocacy to protect letters from home.



- We wrote the first comprehensive report exposing the harm of letter bans in local jails, "Return to Sender: Postcard-only mail policies in jails." The National Institute of Corrections called our report "required reading for policy makers and anyone working with individuals in jail custody."
- Our new video, "Why Jails Should Not Ban Letters From Home," summarizes our research in order to fuel local campaigns against letter bans.
- Newspapers such as *The Independent* in Santa Barbara California and *The Sun Herald* in Gulfport Mississippi published our letters to the editor urging the local sheriffs to cancel plans to ban letters from home.
- We coordinated a sign on letter with more than 50 local and national organizations urging the Santa Barbara County Sheriff to not implement a proposed postcard-only policy.
- Our research supported a successful grassroots campaign against a proposed jail letter ban in Santa Clara California. In August 2013, Sheriff John Hirokawa announced that incarcerated people would continue to be allowed to receive letters and photos from home.



Leah Sokola explains why jail letter bans are harmful and counterproductive in this video summary of her report.



## Fighting against overreaching and ineffective geography-based penalties

<http://www.prisonpolicy.org/zones.html>

*Rendering large portions of cities, counties or states off-limits, or turning them into increased penalty zones, may sound good on the campaign trail. But this rhetoric doesn't work out in practice because when a legislature decides everywhere is special, nowhere is special.*

Our work on geography-based penalties began in 2006 with a research project on over-large drug penalty enhancement zones around Massachusetts schools. This research was published in our 2008 report, "The Geography of Punishment: How Huge Sentencing Enhancement Zones Harm Communities, Fail to Protect Children." Our follow up report, "Reaching too far, coming up short: How large sentencing enhancement zones miss the mark," demonstrated how increased penalties in school zone areas worsens racial disparities in the criminal justice system. In 2006 we also began a different branch of geography research when we worked with the Southern Center for Human Rights to bring an successful suit to overturn a Georgia law that effectively banned people on the sex offender registry and their families from living in most residential areas of the state. We've participated in several similar cases since. In the past year and a half, we've made great progress towards reducing the harm of both kinds of geography-based penalties:

### Massachusetts sentencing enhancement zones

- As part of a package to save the budget and reduce the prison population, Massachusetts Governor Deval Patrick endorsed our proposal to shrink the sentencing enhancement zones to 100 feet.
- In August 2012 the Massachusetts Legislature improved the state's sentencing enhancement zone policy by reducing the zones from 1,000 feet to 300 feet. Further reforms have already been introduced in the legislature.



Peter talking about the effects of Massachusetts' sentencing enhancement zone law on racial disparities at a Springfield, Mass. community forum about the proposed new law.



How far is 1,000 feet really? Our demonstration showed that the Massachusetts legislature erred in assuming that 1,000 feet was an effective or reasonable distance for a sentencing enhancement zone.

## Bringing fairness to the prison and jail phone industry

<http://www.prisonpolicy.org/phones/>

*Some children have to pay \$1/minute for a call home from an incarcerated parent. Why? Because prisons profit by granting monopoly telephone contracts to the company that will charge families the most.*

For more than ten years, families had been calling on the Federal Communications Commission (FCC) to provide relief from the exorbitant bills that the prison phone companies charge just to stay in touch. Recognizing yet another way that mass incarceration punishes entire communities, we stepped in to collaborate with partners across the country to generate the research and advocacy that was necessary for change:

- We released two reports to expose the price gouging and hidden profit incentives in the prison telephone industry. The first, "The Price To Call Home: State-Sanctioned Monopolization In The Prison Phone Industry," provided a detailed overview of the industry and the second, "Please Deposit All of Your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry," delved into the hidden sky-high fees in jail phone service. (This latter report was 28 pages — including 120 footnotes — and 1200 pages of evidence in 54 exhibits.)
- Our research sparked and informed press coverage across the country, including two *New York Times* editorials and articles in publications such as *American Prospect*, *The Atlanta Journal-Constitution*, *Bloomberg Businessweek*, *The Economist*, the *International Business Times* the *Pittsburgh Post-Gazette*, and *Rolling Stone*.
- Three members of Congress cited our research in letters urging the Federal Communications Commission to regulate the prison phone industry.
- We worked with the corporate accountability organization SumOfUs to collect 36,690 petitions to the FCC.



- We led a team of volunteer programmers at a local "Civic Hackathon" to build an original tool that made the hundreds of thousands of pages of public submissions to the FCC searchable and organized by keyword. Our tool makes it easier for activists, journalists, and policymakers to access and use public submissions for advocacy purposes, leading to several high-profile news articles.
- Beyond our reports, we responded to multiple FCC requests to aid their deliberations with additional information and data.
- Peter Wagner made an invited presentation of our research on the prison phone industry at a July 2013 FCC workshop in Washington D.C. on regulating the industry.
- We created a video explaining how prison phone industry giant Global Tel\*Link's exclusive contract with the Hamden County Jail in Massachusetts requires some families to pay more than \$17 for a single 15-minute call.

Our hard work paid off on August 9th when the FCC voted to pass an order to cap the rates charged for the most expensive interstate calls, and require greater transparency and fairness in the prison telephone industry. Our work was cited throughout the nearly 200 pages of technical discussions in the FCC's order, beginning on the second page in a footnote explaining why the Commission took action. The commissioners also voted to open another comment period to consider extending their regulation to control in-state calls. We look forward to contributing our research and advocacy skills to this next phase of the movement for prison phone justice.



Getting to know new PPI board member: Drew Kukorowski

Drew Kukorowski is an attorney at the Council for Children's Rights. He graduated from University of North Carolina School of Law, and joined the PPI board in 2013.

Peter: Why did you write your first report on the prison phone industry?

Drew: After graduating from law school, I returned to work with PPI on the project to end prison gerrymandering. During this time I became outraged that phone companies were colluding with state prison systems to rip-off poor families. I saw a real need for a comprehensive policy paper, so in the evening, on my own time, I wrote "The Price To Call Home: State-Sanctioned Monopolization In The Prison Phone Industry".

Peter: What prompted the FCC to rule to regulate the industry?

Drew: After 13 years, the FCC finally responded to the tidal wave of political pressure from families, from advocates, from the public, from the media, and from members of congress.

Peter: What are the next steps for the movement for fair prison and jail phone charges?

Drew: We need to ensure that the FCC enforces its ruling, expands the regulation to apply to in-state calls, and closes the door on any loopholes that allow companies to charge unreasonable fees to deposit money, request refunds, or even just to have an account.



Drew Kukorowski delivering 36,690 petitions that we collected with SumOfUs to FCC Commissioner Mignon Clyburn.

## Protecting our democracy from mass incarceration by ending prison gerrymandering

<http://www.prisonersofthecensus.org/>

*The Census Bureau's practice of counting more than two million incarcerated people in the wrong place encourages state and local governments to dilute the votes of everyone who doesn't live next to a large prison. For more than a decade, we've been leading the movement to keep the prison system from exerting undue influence on the political process.*

When we released our first report documenting prison gerrymandering in New York just over a decade ago, the public was unaware that prison gerrymandering was distorting our democracy and impeding criminal justice reform. Today, our work has sparked successful legislation in multiple states, won major civil rights victories in the courts, and has made the problem of prison-based gerrymandering a key issue for state legislators, local governments, national and state voting rights advocates, researchers and journalists.

Highlights from the past 18 months include:

- We helped defend Maryland's law ending prison gerrymandering all the way up to the U.S. Supreme Court, where it was affirmed in June 2012.
- Peter Wagner wrote an op-ed, "Beginning of the end of prison-based gerrymandering," for the *Washington Post* on how victories against prison gerrymandering in the courts will fuel the movement moving forward.
- Virginia passed legislation on a bi-partisan, nearly unanimous basis to give all counties the option to avoid prison gerrymandering. (Previously prison gerrymandering was required for some counties.)



- The Illinois House passed legislation to end prison gerrymandering, and 27 of 59 Senators signed on as co-sponsors. We are optimistic about passage in the next session.
- The California Legislature passed a bill in 2012 to strengthen that state's 2011 law to end prison gerrymandering.
- Additional legislation to end prison gerrymandering was introduced in Connecticut, Kentucky, Massachusetts, New Jersey, Oregon, Rhode Island, and Texas.
- We coordinated a letter signed by 210 organizations urging the Census Bureau to prioritize research on tabulating incarcerated people at their home addresses in the 2020 Census.
- We released two new reports, "Imported 'Constituents': Incarcerated People and Political Clout in Connecticut" and "Prison Gerrymandering in Massachusetts: How the Census Bureau prison miscount invites phantom constituents to town meeting."
- We released a new video featuring Aleks Kajstura explaining how the Census Bureau's prison miscount invites phantom constituents to town meetings in Massachusetts.
- We inspired media coverage on prison gerrymandering in hundreds of publications, including an editorial in the *New York Times* urging the Census Bureau to tabulate incarcerated people in their home communities in 2020, and a *Hartford Courant* editorial board in support of ending prison gerrymandering in Connecticut.



1

Editorial, 10/29/12, 10/30/12

Local OPINIONS

PETER WAGNER

Beginning of the end for 'prison-based gerrymandering'

*Washington Post*

*Hartford Courant*

*New York Times*

Count Inmates At Home

Prison-Based Gerrymandering

As we strengthen our work on new issues, our commitment to leading the movement to end prison gerrymandering remains at our core. We have driven this issue from a law student project into a successful national movement that is bringing stakeholders from different sectors together to create a more just and equal society. I need your help to find funders that understand the value of our prison gerrymandering work, and who appreciate that ending prison gerrymandering in the 2020 Census requires an investment in the mid-decade period devoted to critical planning.

If you know of prospective funders or donors for this work, please be in touch with me at [pwagner@prisonpolicy.org](mailto:pwagner@prisonpolicy.org). I remain so grateful for your support and your partnership.

Thank you,

Peter Wagner  
Executive Director  
November 21, 2013

## Who we are

The non-profit, non-partisan Prison Policy Initiative produces cutting edge research to expose the broader harm of mass incarceration, and then sparks advocacy campaigns to create a more just society.

The Prison Policy Initiative was founded in 2001 to document and publicize how mass incarceration undermines our national welfare. Through groundbreaking research, innovative media work, and cross-sector organizing, the Prison Policy Initiative is changing the debate about the U.S. criminal justice system. Our team has grown to three dedicated staff members who, along with student interns and volunteers, shape national reform campaigns from our office in Western Massachusetts.

### Staff

- Peter Wagner, *Executive Director*
- Aleks Kajstura, *Legal Director*
- Leah Sakala, *Policy Analyst*

### Board of Directors<sup>\*</sup>:

- Nathan Arya, *Director*  
*Research Director, Epstein Program in Public Interest Law and Policy, UCLA School of Law*
- Eric Loeber, *President*,  
*Senior Research Analyst, SEIU Public Division and author of 2014*
- Annmarie Johnson, *Director*
- Drew Kakowski, *Clerk*,  
*Attorney, Council for Children's Rights*
- Christopher Stour, *Director*  
*Co-editor, Dollars & Sense Magazine*
- Heather Ann Thompson, *Director*  
*Professor of History, Temple University*
- Sarah Walker, *Director*  
*Co-founder, Minnesota Second Chance Coalition*
- Peter Wagner, *Director*  
*Executive Director, Prison Policy Initiative*
- Angela Weissel, *Treasurer*

<sup>\*</sup>Organizations for identification purposes only.

### Advisory Board<sup>†</sup>:

- Andrew Beveridge, *Sociology, Queens College*
- Nils Christie, *Criminology, University of Oslo, Norway*
- Alec Ewald, *Political Science, University of Vermont*
- Barbara Fedders, *UNC School of Law*
- Alex Friedmann, *Prison Legal News*
- Joseph "Just" Hayden, *plaintiff, Hayden v. Pataki*
- Dale Ho, *Director of Voting Rights Project, ACLU*

- Daniel Jenkins, *democracy activist, plaintiff, Longway v. Jefferson*
- Pamela S. Kadian, *Stanford Law School*
- Bruce Reilly, *Formerly Incarcerated and Convicted People's Movement*
- Brigitte Sansi, *Partnership for Safety and Justice*
- Janice Thompson, *Midwest Democracy Network*
- Brenda Wright, *Dismas: A Network for Ideas and Action*
- Rebecca Young, *Attorney*

<sup>\*</sup>Organizations for identification purposes only.

### Consultants and volunteers (2012-2013):

- Natalie Alalo, *Smith College Work Study*
- Bill Cooper, *GIS Consultant*
- Jessie D'Ambroise, *Hack for Civic Change*
- Emily Dell, *Volunteer from UNC Law School*
- Samuel S. Duncan, *Hack for Civic Change*
- Hillary Fenton, *Summer Law Clerk*
- Corey Frost, *Volunteer from UNC Law School*
- Sadie Gold-Shapiro, *Smith College Work Study*
- Jonathan Hills, *Hack for Civic Change*
- Lynsey Lafayette, *PCC Rally*
- Elena Lavarreda, *Prison gerrymandering research consultant*
- Robert Machuga, *Design Consultant*
- Jordan Miner, *Programming Consultant*
- Jake Mitchell, *Hack for Civic Change*
- Gypsi Sam, *Hack for Civic Change*
- Aaron Smith, *Hack for Civic Change*

attention of *The New York Times* and other media outlets, and sparked an organizing collaboration with the highly effective corporate accountability organization SumOfUs.

I had hoped we could use Drew's first report to raise enough funding to support a year-long project taking on the profiteers of the prison system more broadly. While that didn't pan out, we did raise sufficient funds to keep the phone work going, writing a follow-up report that blew the lid off of the prison and jail industry's dirty tricks: "Please Deposit All of Your Money: Kickbacks, Rates, and Hidden Fees in the Jail Phone Industry". We wrote this report to urge the FCC to prevent companies from creating arbitrary fees out of thin air to negate any caps that the FCC might impose on the cost of a call. It is clear from the FCC's historic ruling in August that they heard our concerns and took action accordingly (more about that on pages 10-11).

Also this year, we found out that a new harmful trend was largely flying under the radar of the criminal justice reform movement: a growing number of sheriffs are banning letters from home and allowing written family communication only via public postcards. To help activists and litigants push back, Policy Analyst Leah Sakala released a groundbreaking report in February. Leah's report, "Return to Sender: Postcard-only Mail Policies in Jail," helped activists in California's Santa Clara County stop one of these policies before it could be implemented.

Behind the scenes, we opened a few more avenues of communication in order to keep our biggest supporters abreast of our work and successes. We've always had a separate website (<http://www.prisonersofthecensus.org>) for the prison gerrymandering work and a very popular newsletter for that work, plus several other ad hoc email lists. Now, for the first time, we found ways to tie all of this together. Folks who are new to our work find the organization of the websites and newsletters helpful and intuitive, but some of our longer-term friends might find this new overview helpful. The main ways to follow our work are:

- We have three email newsletters:
  - ending prison gerrymandering
  - general PPI updates on other issues we work on (currently monthly but it might be slightly more frequent)
  - research clearinghouse updates (see p. 13) and you can subscribe to one or all at <http://www.prisonpolicy.org/subscribe/>
- If you use RSS, you can subscribe to both of our blogs, the research updates, maps and graphs updates and our events updates via RSS at <http://www.prisonpolicy.org/feeds.html>

## 42 MAPS THAT HELP ME UNDERSTAND THE WORLD AND MY PLACE IN IT

Expanding our organizational focus is bringing our work to new audiences. For example, a map I made about the global use of the death penalty for children back in 2004 was featured in a Hank Green YouTube-video about "42 Amazing Maps" that has been viewed almost a million times.

- We use Facebook and Twitter to share updates about our activities, those of our colleagues, and current events in a way that's quite different than the website or newsletter.
- We've always had a general Prison Policy Initiative blog (in one form or another), but now we've made it a bigger part of our work. It's rapidly becoming a go-to place for the in-depth analysis and updates beyond what's possible on Facebook or Twitter. Check it out at <http://www.prisonpolicy.org/blog/>

Thanks to the invaluable pro bono assistance of Lannie Jo Reynolds, Rebecca Richman Cohen and Molly McLeod, this year we've learned how to make short videos about our work. We've recently produced several 2-4 minute videos about prison gerrymandering, jail letter bans and the prison telephone industry. You can see these videos on our various issue pages or on our YouTube channel at <http://www.youtube.com/user/PrisonPolicyInit>

And we're starting to get more and more recognition on a national scale. In July, for example, I was honored for our work on prison gerrymandering by the National Association of Criminal Defense Lawyers with their Champion of State Criminal Justice Reform Award.

Our organization is getting stronger in other ways, too. We added three new board members over the last year (see interviews with Drew Kukowowski, Heather Ann Thompson and Neekum Arya on pages 9, 13 and 15), and we're excited to continue to grow our board over the next year.

Finally, I wanted to share with our closest friends and supporters — people like you who read to the end of a letter like this — my most urgent goal on the fundraising front: ensuring our long-term ability to continue to lead the movement to end prison gerrymandering. One of our most stalwart funders, the Public Welfare Foundation, has told me that their most recent grant was the last time that they will be able to fund our ending prison gerrymandering project, which they have been doing until now by repeatedly renewing a special opportunity grant usually reserved for one-time investments.

I'm deeply grateful for the Public Welfare Foundation's support in many ways: first for recognizing the potential in this project with an instrumental grant in 2009 on the eve of the 2010 Census, second for renewing that support repeatedly, and lastly for giving us almost two years notice that we need to recruit other funders to continue to sustain our prison gerrymandering project. This notice is both an excellent opportunity and powerful incentive for new foundation partners to join our work.



NACDL President Jerry J. Cox, Peter Wagner, and State Legislative Affairs Director Angelyn Frazer of the NACDL conference after recognizing Peter with the Champion of State Criminal Justice Reform Award.

(Image source: NACDL)

**PRISON  
POLICY INITIATIVE**

# **2012-2013**

## **ANNUAL REPORT**

*November 2013*

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### Executive Director's letter

Dear friends and supporters,

I'm thrilled to share our first annual report that recaps our most recent accomplishments. In this report (see pages 6-15), we outline our progress on our core issues: prison gerrymandering, phones, jail letter bans, and geography-based punishments, and then discuss some of other projects over the last year before ending with a very special request.

We started the fiscal year (2012-2013) right after a huge win at the U.S. Supreme Court on our main issue: ending prison gerrymandering. This problem arises from the Census Bureau's methodology of tabulating incarcerated people at prison locations, rather than their home addresses. This leads state and local governments to grant extra clout to voters who live near prisons, and dilute the votes cast by everyone else. In June 2012, the Supreme Court upheld Maryland's first-in-the-nation law ending prison gerrymandering, and in the months that have followed we have used that momentum to spur more states to pass similar laws. Ideally, the Census Bureau will solve the problem nationwide by counting incarcerated people at home in the next Census. But for that to happen, the Census Bureau needs to hear from the public and stakeholders long before 2020, so our work with the federal government remains as critical as ever.

As redistricting wound down after the 2010 Census and our prison gerrymandering work became less intense, we finally had the capacity to take on some additional campaigns consistent with our mission to produce cutting edge research to expose and alleviate the broader harm of mass incarceration.

Our work with Drew Kakorowski changed the pace of the grassroots movement to bring fairness to the prison telephone industry. On the side, while helping with our prison gerrymandering work, Drew wrote the report, "The Price To Call Home: State-Sanctioned Monopolization In The Prison Phone Industry". That report explained how prison systems and private companies collude to charge unconscionable sums to poor families that simply want to stay in touch with an incarcerated loved one. Our report captured the

The non-profit, non-partisan Prison Policy Initiative **produces cutting edge research** to expose the broader harm of mass incarceration, and then **sparks advocacy campaigns** to create a more just society.

