Annual Report

The Marshall Project

2016—2017
WHAT IS IMPACT?
FROM THE BOARD CHAIR AND PRESIDENT

Journalists can be kittenish about impact. When they step to the podium to accept their Pulitzer prizes, of course, they love to recount how their stories launched investigations, got somebody prosecuted, stopped a human rights abuser dead in his tracks. But generally they’re more comfortable talking about impact after the fact.

Planning for a story to have impact can feel transgressive. It appears to cross the bright line between journalism and advocacy, and suggests the journalist has gone out with a notebook and a firm idea of what he or she is going to find in advance. It seems like the opposite of an open mind, and an open mind is essential to valuable journalism.

Where does this leave The Marshall Project, a media organization that was founded on the belief that good journalism, focused unwaveringly on the criminal justice system, can contribute to positive change? That our stories can, indeed, have impact? That they should have impact?

In 2017, we conducted a wide-ranging series of conversations with our staff and board to parse collectively the notion of impact. We believe that our journalism should seek to bring about positive change in the criminal justice system — making it more fair, humane, effective and transparent — without imperilling our fundamental commitment to impartiality.

You, the readers, along with our peers in the media world, can and should be the judges of whether our journalism is fair. We suspect different audiences may have different views of our performance, but we’re open to your views.

We also think you deserve a fair accounting of our impact. We know that many of our donors support our work because you want to see a better criminal justice system, and you deserve to know whether we’re actually contributing to that end.

We think we are. This annual report provides a basic overview of our work from July 2016 through December 2017, including information on how and where our journalism actually made something happen. If you’re a regular subscriber, you may be familiar with some of these stories — we’re now producing a thrice-annual Impact Report that lays out all the details. Get in touch with us if you want to be on the distribution list.

After a long staff conversation about impact, one of our colleagues, Commentary Editor Donovan X. Ramsey, added a final word. “Don’t forget to make room for the Holy Spirit,” he said. And we all laughed and knew what he meant. Embedded in the craft of journalism is sheer inspiration, the love of a good story. At the end of the day, we’re journalists who spin yarns. We value the craft for its own sake. And we hope you do, too.

NEIL BARSKY
CARROLL BOGERT
HIGH-IMPACT JOURNALISM

Our journalism influences policymakers, inspires other media, and provides essential oxygen to advocacy campaigns. Highlights from the past 18 months:

The shuttle bus from hell
Every year, tens of thousands of Americans are packed into private vans and taken on circuitous, often harrowing, journeys to other states to face charges. Our reporters spent seven months investigating the industry’s on-board deaths, sexual assaults, accidents and escapes. Our story sparked an investigation by the federal Department of Justice under Attorney General Loretta Lynch. In a rare instance of cross-administration continuity, lawyers in the Jeff Sessions Justice Department opened an investigation in the summer of 2017 into allegations of abuse by the largest prison transport company we profiled. Our story also helped other reporters pursue their own investigations locally — like the one in Lewiston, Maine, whose work has gotten three district attorneys to forswear the use of private vans.

When solitary turns deadly
What’s worse than being in solitary confinement? Being in a solitary cell with another person for 23 hours a day — with often violent results. Reporter Christie Thompson teamed up with National Public Radio to expose the abuse that inmates suffer when they refuse to accept a cellmate. Our story inspired a new alliance of 37 human rights organizations dedicated to improving conditions at a federal penitentiary we profiled.

Your kid goes jail. You get the bill.
Nineteen states charge parents for the cost of their kids’ incarceration, even if that child is later proven innocent. Our March 2017 story, published on the front page of The Los Angeles Times, we analyzed thousands of records in a first-ever examination of people who have been able to upgrade their jail experience — for a price — in the state’s two-tiered justice system.
From “I Served 26 Years for Murder Even Though the Killer Confessed”, by Alton Logan and Berl Falbaum

CREDIT: CORNELIA LI

Washington Post, highlighted this cruel practice with a focus on Philadelphia. Hours after publication, Philadelphia announced it was abandoning the policy, effective immediately. Months later, California followed suit.

Redemption?

In September, our gripping profile of Michelle Jones landed on the front page of The New York Times. Jones became an accomplished historian during her twenty years in an Indiana prison for murdering her young son, and was recruited by top graduate schools around the country. But her admission to a PhD program at Harvard was ultimately overturned by college administrators. The story inspired op-eds and conversations about the nature of forgiveness and violent crime across the country, and led to heated debate among faculty and students at Harvard. The executive director of the Prison University Project wrote that it had propelled the prison higher education movement forward “by decades.”

Hidden evidence

In 10 states, prosecutors aren’t required to turn over discovery — the evidence backing charges in a case — until just before trial. Because the vast majority of cases end in a plea deal, many defendants never learn what the state has against them. In August 2017, Beth Schwartzapfel took an in-depth look for a front page investigation at the New York Times. Now there are signs reform may be coming.

A trick of the mind

Since 1989, more than 200 people have been freed from prison after being cleared of a sex crime against a child, often because the children recanted their testimony. In a stunning feature, Maurice Chammah took us inside the lives of two children whose father went to prison for 19 years on their word, exploring what it’s like to grow up in the shadow of a false conviction and what it’s like to try to rebuild. One of our most highly read stories of 2017, The Accusation was published with Esquire, and reprinted by Elle, Good Housekeeping, Longreads, and The Oregonian.

Whodunnit? Who knows?

A gun goes off. Someone dies. But who should get the blame for pulling the trigger? In cases where multiple people are charged, prosecutors sometimes argue contradictory theories of a crime in order to get the highest possible conviction for everyone. Courts remain split on whether this is fair. In a story partnered with the print edition of the New Yorker, reporter Ken Armstrong dug up dozens of instances where only one gun was fired, but more than one person was charged with firing it.
There was, of course, the excitement of building something from scratch. But more important, there was the prospect of doing something good. The grotesque state of the criminal justice system was going underreported by a financially beleaguered news media. Like Neil, I have a lifelong conviction that honest journalism — fair and fact-based, not preachy or polemical — can make a difference.

My faith on that last point was bolstered by a sense that, at a time when the country was bitterly polarized, this was a subject where left and right, Republican and Democrat, had found some common ground. On the right was a loose alliance of libertarians who had begun to see police and prisons as manifestations of an oppressive state, fiscal conservatives who had decided that law enforcement and incarceration should not get a blank check, evangelical Christians who found our practice of justice incompatible with Jesus’ preaching of mercy, and policy wonks who recognized that a system with a roughly 70 percent recidivism rate was failing at its first purpose, keeping the public safe. Left and right still found much to disagree about (guns, for example) but there was a genuinely bipartisan alliance in favor of reducing draconian sentences, at least for nonviolent crime; investing in rehabilitation; seeing that people are not imprisoned merely for being poor; making prison and jail conditions more humane; treating drug addiction as a health problem rather than mainly a crime problem.

The election of Donald Trump, the self-proclaimed “law and order president,” and the appointment of Jeff Sessions as attorney general have challenged the bipartisan coalition in Washington. Where President Obama embraced criminal justice reform in his second term, the new administration has made a concerted effort to erase that legacy — instructing prosecutors to seek maximum sentences, reviving the “war on drugs,” reducing federal oversight of troubled police departments, launching a law-enforcement campaign to deport undocumented immigrants. Tracking these reversals, and monitoring the uncertain fate of bipartisan legislative reforms in Congress, has become the grim responsibility of journalistic watchdogs — not least, those of us at The Marshall Project.

To that end, in 2017 we hired our first Washington correspondent, Justin George, a street-savvy Baltimore Sun police reporter with a mandate to fill the gaps left by conventional Washington reporting. In his first year he has already found targets the mainstream beat reporters have ignored — the attempt to mobilize evangelicals in support of more humane criminal justice policies, several
reports on the cluelessness of the Bureau of Prisons, and updates on the prospects for federal justice reform.

We also amped up our coverage of immigration, which is a defining, base-mobilizing issue for the Trump administration. From our beginning, we have recognized immigration enforcement as a kind of parallel criminal justice system, with its own police, courts and detention centers. For this White House and Justice Department, being tough on crime is inextricably tied to being tough on immigration. We hired John Carlos Frey, an LA-based Emmy-winner who brings, in addition to his experience covering immigration, a career pitching and producing television journalism. We enlisted as a contributor Julia Preston, who had just left The New York Times after a decade as probably the nation's foremost immigration reporter. Along with our staff in New York — notably Christie Thompson and Anna Flagg — they have set out to dispel myths, appraise policies, and put human faces on the people caught up in this alternative justice system.

"I have a lifelong conviction that honest journalism — fair and fact-based, not preachy or polemical — can make a difference."

The overwhelming majority of law enforcement, jurisprudence and incarceration takes place not in Washington but at the state and local level, and there the bipartisan ferment seems undiminished. There, our role is even more important than at the federal level. By exposing dysfunction and abuse, by identifying interesting success stories and experiments, and by sharing our work with influential news media partners, we supply ammunition — credible information — to advocates and policymakers who have the power to make changes.

I think I can speak for my colleagues at The Marshall Project when I say that the first year of President Trump has left us not discouraged but energized, emboldened — and more necessary than ever.
"These testimonials inevitably prompt questions of culpability—as well as the uncomfortable realization that the ‘we’ in We Are Witnesses may apply not only to the individuals speaking here but to us all."

New Yorker staff writer JENNIFER GONNERMAN, in her introductory essay to We Are Witnesses

"#WeAreWitnesses spotlights gross injustices & inefficiencies in our crime & punishment system. v/ @MarshallProj"

MIA FARROW
In October, The Marshall Project launched We Are Witnesses, a series of 19 short films capturing the huge and tragic toll that the criminal justice system takes on virtually everyone who comes in contact with it. Two years in the making, this ambitious project united us with Participant Media, The New Yorker, and Condé Nast Entertainment. The result is a rare 360-degree portrait of the state of crime and punishment in the United States.

Since its launch, We are Witnesses has been incorporated into advocacy campaigns, educational initiatives and public programming. The series has run on multiple partners’ sites including Now This, What We See, and Newsy, generating millions of views.

“Powerful look at the state of crime and punishment in the United States today by @MarshallProj & @NewYorker”

KATIE COURIC

“I am formerly incarcerated . . . in the deluge of media and films over the past several years since I returned home from prison, “We are Witnesses” is the most authentic, well produced, directed and poignant portrayal of the issues to date.”

IVY WOOLF TURK

In 2017 we were awarded a prestigious National Magazine Award for General Excellence in the Literature, Science and Politics category. We received our first Peabody for “Anatomy of Doubt” with This American Life and ProPublica, and our second George Polk Award for our reporting with NPR that exposed the deadly consequences of doubling up two prisoners in solitary confinement. Our work on crime trends was honored with the Data Journalism Award, and “The Next To Die” received the international Malofiej’s first Human Rights special award.
After a successful launch that made The Marshall Project the youngest news organization ever to win a Pulitzer Prize, in 2017 we took stock. Our board and staff engaged in intensive conversations about the next three to five years at The Marshall Project. A summary of our strategic plan:

**Building the newsroom** will increase our overall output and create more of the impact we seek. Since most criminal justice is dispensed locally and many reforms are currently underway at the state and local level, we are adding coverage in locations such as California and Chicago where criminal justice is a hot issue, the possibility of impact is high, and local fundraising can cover expenses and possibly unlock new donors for our general budget. In future, we also hope to place reporters in “red-state” regions and diversify our partnerships with local media.

**Creating visual journalism** will help us reach a wider audience without diminishing our core commitment to investigative journalism. Social media demand visual journalism; the few videos we’ve produced earned substantial traffic. We will illustrate our written stories more fully with still photography, video, illustration, animation, data visualization, and interactive graphics; and also assign visual and interactive journalists to cover original stories that they develop through their own reporting — stories that are native to the online medium and engage users on any device or platform through which they discover it. We also hope to run visual commentaries, including shorter or excerpted versions of documentaries on criminal justice.

The Marshall Project has traditionally sought an influential audience rather than a mass-market one. By publishing major stories with partners, we have expanded our reach far beyond that of a traditional media start-up and reached millions of readers. Now it’s time to **expand our own audience and reinforce our brand.** We hope to expand the subscriber base for our daily newsletter while also developing a new weekly product that appeals to the more casually-interested consumer of criminal justice news. We’ll add to the team focusing on traffic growth, search engine optimization, and audience engagement strategies.

Through all of our efforts to expand The Marshall Project runs a common thread: to increase the diversity of our staff, board, and editorial leadership.
DIVERSITY

The Marshall Project is committed to building and maintaining a diverse workforce, and not only because our name is a tribute to a hero of equal justice. We best serve our audience by bringing a variety of experiences and vantage points to bear on the issues we cover.

We regard diversity as integral to our overall responsibility, which is to produce the best possible journalism about the U.S. criminal justice system, with its disproportionate impacts on communities of color.

What We’re Doing
We have created an active staff diversity committee to guide our efforts. We have expanded opportunities at The Marshall Project by establishing three paid summer internships and two year-long fellowships; we have made a concerted effort to use these jobs as points of entry for talented young journalists of color, including collaborating with the Chips Quinn Scholars Program for Diversity in Newsrooms to identify top candidates. Over the past two years, we also have worked with the Knight CUNY program, which places students from historically black colleges and universities and schools with significant Latino populations in media internships. We make sure that job openings are posted on the websites of the major black and Latino journalist associations. We promote The Marshall Project to journalism students at historically black universities. We staff a career booth at the National Association of Black Journalists convention and lead workshops there on deep-dive reporting; in 2018 we are attending the National Association of Hispanic Journalists convention.

We will continue to put a premium on diversity as we recruit and promote, including for leadership positions. We will continue to seek out experienced journalists of color, but we will also do more to add to their ranks in the industry at large. The Marshall Project is committed to building internships and fellowships for young journalists of color, and providing the training and mentoring they need for their talents to flourish. All our job postings encourage formerly incarcerated people to apply, and we have four currently incarcerated contributing writers on our masthead.

BY THE NUMBERS

A breakdown of race, ethnicity and gender at The Marshall Project as of November 2017. Additionally, our Board of Directors is 77% White, 15% African American, and 8% Asian; the gender breakdown is 77% male and 23% female.

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ENGAGING NEW AUDIENCES

MEMBERSHIP

The Marshall Project launched a membership program in August 2017 to build a new revenue stream supporting our journalism, and to cultivate a community of dedicated readers committed to criminal justice reform.

Within the first five months of launching the program, we had grown our donor base by 43%.

REACHING OUT

The field of criminal justice does not lack for passionate opinions. Our Commentary Editor DONOVAN X. RAMSEY sorts through dozens of submissions every week to publish the best and most provocative. Our new video series, "Viewfinder," gives voice to filmmakers and videographers who offer visual commentary on criminal justice issues.

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SOCIAL MEDIA

In 2017, our FACEBOOK following grew by 28%.

In 2017, our TWITTER following grew by 46%.

We are starting to cultivate a visual presence on INSTAGRAM where The Marshall Project's following grew by 367%.

THE MARSHALL PROJECT GOES LIVE

Over the last 18 months, we have ramped up our commitment to public programming. Our reporters and editors have appeared on multiple panels in New York, Chicago, San Francisco and spoken on issues ranging from prison privatization to the role of prosecutors in the rise of mass incarceration. Our Witnesses project — which continues to be featured in events each month — premiered to a sold-out crowd at the main New York Public Library in Harlem.

A panel discussion at the premiere event for We Are Witnesses, at the Schomburg Center for Research in Black Culture in Harlem. CREDIT: THE SCHOMBURG CENTER
CREATIVE PARTNERSHIPS

The Marshall Project publishes with media partners to maximize the impact and reach of our work. We estimate that every month we reach more than a million readers and listeners through our media collaborations. Over the past 18 months, innovative collaborations have connected us to new audiences:

**America’s highest-circulation newspaper, USA Today,** was our partner in investigating the "vet-to-cop" pipeline and the complex issues that arise when these warriors return home to patrol American streets. While veterans offer skills and discipline that are prized within law enforcement, some also bring PTSD, addiction and other afflictions that can pose a threat to the public. In addition its millions of print and online readers, USA Today also used a version of our story in the Sunday pages of more than twenty local newspapers in their nationwide Gannett network, reaching an additional 1.6 million readers.

**The Weather Channel** worked with us on a video revealing the effects of extreme temperatures from climate change on one of the country’s most vulnerable populations: people behind bars. In “Cruel and Unusual?” a 20-minute documentary about the deadly heat inside Texas prisons, our special correspondent John Carlos Frey interviewed family members of prisoners who’ve died from very high, 100-degree-plus temperatures, and the inmates and guards who are fighting for livable conditions. Accompanied by additional reporting from staff writer Maurice Chammah, our story was also adapted into a short video by AJ+ that’s already been viewed nearly half a million times.

**Teen Vogue** invited us to moderate a panel with Sen. Cory Booker and a group of formerly incarcerated women, along with a daughter who grew up with parents behind bars. It was a revelatory conversation. Most important, together with Teen Vogue we reached new and younger audiences with short, social media-friendly videos from our discussion. These videos generated tens of thousands of views on Facebook.

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**OUR EDITORIAL PARTNERS:**

Here is a breakdown of The Marshall Project's revenue and expenses for 2016 and 2017. Our detailed financial statements are available on our website.
We are sincerely grateful to the many foundations, families, and individuals who provide the means for us to pursue our mission. The following supporters have contributed $5,000 or more from July 2016 through the end of 2017.
The Marshall Project
is a nonpartisan, nonprofit news organization dedicated to creating and sustaining a sense of national urgency about the U.S. criminal justice system. We seek to make an impact on the criminal justice system through our journalism, rendering it more fair, effective, transparent and humane.