Impact Report

The Marshall Project tracks the impact of our journalism on lawmakers, advocates and other media.

Some recent examples:

**DISCOVERING DISCOVERY** In August 2017, we published a major investigation with The New York Times about “discovery”—the rule that prosecutors have to turn over crucial evidence to the defense lawyer before trial. Of course, the vast majority of all criminal cases end in a plea deal, and many defendants never even learn what evidence the state has against them. Our front-page story focused on New York, one of 10 states with very restrictive rules about discovery, and it clearly played a role in persuading Gov. Andrew Cuomo to back reforms. His 2019 budget proposal would require prosecutors to turn over information and documents early in a case—sometimes before a plea—rather than allowing them to withhold it until trial. “Your article helped to put the issue on the map with Governor Cuomo’s office and with the legislature,” said John Schoeffel of The Legal Aid Society. “It is our primary leave-behind with lawmakers. It’s been an important part of getting us close to enacting these reforms.”

**REUNITING FAMILIES** Many Americans were shocked by the crisis of family separations at the U.S.-Mexico border. But the criminal justice system is harboring a little-known family crisis of its own: incarcerated parents have their children permanently taken from them at higher rates than those who’ve abused their kids. That was a shocking conclusion of the multi-year investigation we published in December with the Washington Post. Intended to protect children, the 1997 Adoption and Safe Families Act stipulates that most kids who have been in foster care for more than 15 months must be adopted, resulting in thousands of incarcerated parents permanently losing custody. In Indiana, a group of incarcerated women is using our article to push for new legislation that would allow incarcerated parents to keep their children. The bill recently passed the Indiana House of Representatives and is now working its way through the state Senate, where its chances at passing the full legislature appear good.

**REFORMING SAFEKEEPERS** We noted in a previous Impact Report that our investigation into people held in pre-trial solitary confinement in Tennessee spurred a change in state law. Reacting to our front-page story in The Tennessean, multiple legislators called the practice “alarming” and introduced a bipartisan bill to ban solitary confinement for juveniles before trial—a program known by the Orwellian term “Safekeepers.” Now the law could be amended again, this time to “prohibit the removal of pregnant prisoners to a state penitentiary or branch prison for safekeeping.” Inspired by our investigation, The Tennessean continues to report on this story—and we’ll continue to track its impact.
The adoption of the First Step Act marks the first meaningful criminal justice reform at the federal level in more than a decade. The new law should reduce the sentences of about 9,000 people in federal prison, and make job training and educational opportunities for incarcerated people more widely available.

These reforms were made possible in part by heightened media scrutiny on criminal justice issues—the mission of The Marshall Project. In March 2018, the board and leadership of The Marshall Project met with some key architects of the First Step Act, including Sens. Mike Lee and Cory Booker and Reps. Doug Collins and Hakeem Jeffries.

Our Washington reporter, Justin George, has also been providing invaluable dispatches on what The First Step Act actually changes, what reform measures it left out, and what a “Second Step Act” might look like, from reining in prosecutors in conspiracy cases to presidential pardon and clemency reform.

The same day that The Marshall Project board met with lawmakers to discuss criminal justice reform, our reporting on the failure of the “compassionate release” program—which allows for early parole for sick or elderly inmates—ran on the front page of The New York Times, and a print edition was on our meeting table in Washington, D.C. Our investigation, which found that only 6 percent of applicants were approved between 2013-2017, was used by Human Rights Watch and Families Against Mandatory Minimums in their advocacy for reforming this federal program. Many of their recommendations were incorporated into the First Step Act—significantly, prisoners can now appeal the Bureau of Prison’s denial or neglect of a request for compassionate release.

Our 2016 investigation into the private prisoner extradition industry found it responsible for at least 19 deaths since 2000 and spurred then–Attorney General Loretta Lynch to promise an investigation by the Department of Justice. Our reporting has been cited often by legislators seeking to hold the industry accountable—most recently, in a Congressional letter sent out this February by Sens. Elizabeth Warren and Cory Booker and Representative Ted Deutch. Addressed to the president of the nation’s largest private prisoner-transport firm, Prisoner Transport Services, it cites the “inhumane and unsafe conditions” on board the company’s vans, requesting they furnish documentation and details of medical emergencies, deaths and reported abuse by March 13, 2019. The Marshall Project will continue to report on this issue and all future developments.

The Marshall Project has consistently published the work of incarcerated writers, especially in our weekly Life Inside column. Now we are reaching incarcerated readers with News Inside. The brainchild of Lawrence Bartley, who joined us last year after 27 years in prison, News Inside showcases a special selection of Marshall Project articles in a print magazine that will be distributed in prisons and jails. The inaugural issue can already be found in several correctional facilities in North Carolina; Maryland’s Eastern Correctional Institution; New York’s Sing Sing prison; Rikers Island jail; and the Manhattan House of Detention. Our ambition is ultimately to reach thousands of readers with this thrice-yearly publication.