

Executive Summary of Time for Justice: The Urgent Need for Second Chances in Pennsylvania's Sentencing System

Too many people in Pennsylvania are serving long prison terms that don't make communities safer. People who do not pose a risk to public safety languish in prison for decades because Pennsylvania's laws don't give them a second chance. This report, which focuses on people serving minimum sentences of 20 years or longer, looks at the harms and injustices of extreme sentences in Pennsylvania, as well as opportunities for reform.

Key findings:

Pennsylvania's prison population has been shaped by some of the harshest sentencing policies in the country.

- In 2019, Pennsylvania imprisoned more than seven times the number of people that it did in 1970. That growth was driven by punitive policy choices, not increases in crime, and it did not make Pennsylvanians safer.
- Pennsylvania is a national leader in imposing extreme sentences. This ranking is largely driven by two laws: the mandatory minimum sentence of life imprisonment required for first- and second-degree murder, and the denial of parole eligibility to anyone serving a life sentence. In Pennsylvania prisons, 13.4% of people are serving life without parole (LWOP), compared to only 3.6% nationally.
- The population serving extreme sentences in Pennsylvania has surged over the last few decades. There were more than nine times as many people serving extreme sentences in 2019 than there were in 1980.
- Pennsylvania's extreme sentencing practices have overwhelmingly impacted people of color, especially Black people, who make up less than 11% of Pennsylvania's

population but 65% of people serving life sentences and 58% of those serving non-life sentences of 20 years or longer.

- Pennsylvania's extreme sentencing practices have created a large (and growing) elderly prison population, which increased thirtyfold from 1979 to 2019.

Pennsylvania's extreme sentences are a high-cost, low-value proposition for taxpayers.

- Researchers have found no evidence that severe sentencing policies discourage people from choosing to engage in crime.
- Extreme sentences are not necessary for preventing recidivism, because the vast majority of people who commit crimes – even very serious crimes – naturally grow out of criminal behavior as they age and mature. For example, of the 174 Philadelphia juvenile lifers – all originally convicted of homicide – who were resentenced and released following landmark U.S. Supreme Court decisions, only two (1.1%) had been reconvicted of any offense as of 2020.
- Based on average incarceration costs, the Pennsylvania Department of Corrections (DOC) is spending \$220 million per year to incarcerate 3,892 people who have already served at least 20 years. The true cost is undoubtedly higher, because incarceration costs increase dramatically as people age and need more medical care.
- The average cost for incarcerated individuals in skilled or personal care units is \$500 per day (or \$182,625 per year), more than three times the cost for the general population.

Extreme sentences harm communities, families, and the economy.

- Extreme sentences deprive the community of valuable human resources. Many people serving extreme sentences could be productive economic assets in their communities if released and could play important roles in community violence intervention.
- Extreme sentences devastate families emotionally, psychologically, and financially, and contribute to poverty.

Extreme sentences are often unjust, excessive, and imposed without considering individuals' level of culpability or other mitigating factors.

- Mandatory LWOP deprives judges of the opportunity to make individualized sentencing decisions that take into account all important facts of a case.
- Nearly half of those serving LWOP were under age 25 at the time of the crime. That means that their brains were still developing and their level of culpability was diminished but that they will generally spend more time in prison than people who were older. More than 2,000 people incarcerated in Pennsylvania have spent more time in prison than the amount of time *that they were alive* prior to their crime.

Existing release mechanisms fail to remedy extreme sentences.

- Parole grant rates have declined since the 1970s and early 1980s, and Pennsylvania is 1 of only 7 states that denies parole eligibility to all lifers. The lifer population is the population that most needs parole – and the population that would generate the most cost savings to taxpayers if given the opportunity for parole.
- Commutations, the only way that people serving life sentences can leave prison alive, used to be common but have become extremely rare. That is in part due to a requirement that for lifers, the Board of Pardons must unanimously vote in favor of clemency for an application to be sent to the governor. And clemency alone will never be sufficient to address all excessive sentences doled out in Pennsylvania in the era of mass incarceration.
- Pennsylvania's law allowing for release of incarcerated people with terminal medical conditions is extremely narrow, procedurally cumbersome, and hardly used. Pennsylvania does not have a geriatric release mechanism.

Recommendations:

- Repeal and modify mandatory LWOP sentences.
- Expand opportunities for all people serving extreme sentences to demonstrate their rehabilitation and earn the opportunity for release.
- Expand medical release and create geriatric release.
- Make all sentencing reforms retroactive.
- Eliminate the requirement that the Board of Pardons must unanimously vote in favor of clemency before a lifer's commutation application can be sent to the governor.
- Reinvest savings resulting from decarceration in reentry and victim services.
- Include data collection and reporting requirements in all reforms to monitor and address any disparities that may arise.

For more information, contact FAMM at famm@famm.org or (202) 822-6700