



PENNSYLVANIA: SECOND CHANCES AGENDA: EXPAND CLEMENCY



THE PROBLEM – Too many people who have been rehabilitated languish in prison with no way out

Pennsylvania's laws keep thousands of people in prison for decades with no chance of release, even after they have rehabilitated themselves and pose little risk to others.

Pennsylvania is a national leader in imposing extreme sentences. This 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. Due to these laws, 13.4% of people in Pennsylvania prisons are serving life without parole (LWOP), compared to only 3.6% nationally. Plus, the population serving sentences of 20 years or longer 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 had been in 1980.

Because people serving life sentences in Pennsylvania are not eligible for parole, the only way that they can leave prison alive is if the governor commutes their sentences. Commutations are a form of executive clemency and were common in the 1970s. But, as the lifer population grew, commutations dwindled almost to nonexistence. That is in part due to a requirement that for lifers, the five-member Board of Pardons must unanimously vote in favor of clemency for an application to be sent to the governor. This is a huge hurdle. Commutations have increased slightly in recent years but remain far rarer than they were in the 1970s, even though the lifer population is many times larger.

Keeping people in prison for life or very long sentences with no opportunity for release does not improve public safety because the vast majority of people who commit crimes – even very serious crimes – naturally grow out of criminal

behavior as they mature. People who have served long sentences are actually very unlikely to reoffend. In fact, the Pennsylvania Department of Corrections supports release for many commutation applicants.

The clemency process is severely backlogged in Pennsylvania because it is the only release mechanism for people serving the longest sentences. Many worthy applicants who have been rehabilitated could come home if the clemency process were improved and streamlined.

THE SOLUTION – Expand commutation

Commutations will never be sufficient to address all excessive sentences doled out in Pennsylvania in the era of mass incarceration, but increasing sentence commutations is an important step towards addressing these problems. To facilitate this:

- Repeal the constitutional amendment requiring that the Board of Pardons must unanimously vote in favor of clemency before a lifer's commutation application can be sent to the governor.
- The governor should regularly use the executive clemency power to grant sentence commutations to people who demonstrate that they have been rehabilitated.
- The governor and the Board of Pardons should clear the backlog of clemency applications and hold more merit review and public hearings. The Board should also provide its reasons for denying clemency applications, and create more expedited clemency categories for specific classes of individuals, e.g. medical and geriatric populations, people who were between the ages of 18 and 26 at the time of the offense, and/or those convicted of second-degree felony murder, which does not require an intent to kill but still has a mandatory LWOP sentence.

For more information, please contact FAMM Pennsylvania State Policy Director [Maria Goellner](mailto:mgoellner@famm.org) at mgoellner@famm.org or (717) 945-9089. Read [FAMM's letter to Pennsylvania officials about the clemency process](#) and the report *Time for Justice: The Urgent Need for Second Chances in Pennsylvania's Sentencing System*, both available at FAMM.org.