

### 3.31.23 FAMM Panel Transcript: *The Future of Clemency in Pennsylvania, featuring*

- Lieutenant Governor Austin Davis
- Board of Pardons Secretary Shelley Watson
- Moderated by FAMM Deputy Director of Policy Maria Goellner

**Maria Goellner | FAMM:** Good afternoon everybody, welcome one and all to the *Future of Clemency in Pennsylvania*. I'm Maria Goellner, Deputy Director of Policy here at FAMM.

FAMM is a nonpartisan advocacy organization, and the base of everything that we do is Families. We know that the justice system is hurting Families, and that we lock up too many people for too long. Clemency is a core pillar of our work in Pennsylvania and is part of our Second Chances Agenda.

For folks who don't know clemency, it is an umbrella term that covers both pardons and commutations. So pardons typically occur for people who are home, who are on the street, who are living their lives and have old records that they want to clear, kind of similar to expungement, for jobs or background checks.

Commutations, on the other hand, are for people who are in prison for people serving some type of sentence who want to shorten that sentence. FAMM is focused on commutations, because, even though they are very hard to get. They are the only real existing second look mechanism that we have here in Pennsylvania, where we live in love and work, and where our people are, and so they're very, very special.

So when we talk about a second look, here's what we mean. At sentencing the justice system takes the snapshot a picture of you as a person at your sentencing. And that picture stays frozen in time for the rest of eternity. Right? Your sentence stays the same. What FAMM is pushing for nationwide is a system where we could come back and take another look through the viewfinder. See if you've changed. See if society changed, See if people's positions have changed the prosecutor, the victims, take a second look at that sentence.

So that's what I mean. When I say that clemency is the only existing second look mechanism that we have right now in Pennsylvania. It's also very special. For another reason. We have a massive geriatric population in Pennsylvania. 5,000 lifers, people who are serving life without the possibility of parole.

Clemency is the only hope of relief for people serving very long and life without parole sentences. So if you get a life without the possibility of parole sentence in Pennsylvania, you will not have a chance to get out. You're done, Clemency is it. It is your only shot, and for our families, for many of you, it is the only chance that we have to bring our people home. So expanding clemency is a pillar of FAMM's Second Chance Agenda.

And for most of Pennsylvania's history, clemency was robust. So in the seventies as many as 250 people were commuted. Governors of both political parties used it as a tool to manage the prison population. To, you know, give people redemption opportunities really often. And then in the eighties it became politicized, and it's used completely dried up. Virtually no commutations were granted for the next few decades. So again, clemency is very special, because another thing is that as it was drying up, we in Pennsylvania, we're spending those decades also putting more and more people in, especially with extreme in life sentences than we ever had before.

And we'll be putting a copy of some of our materials, our Pennsylvania report that we did last year, addressing all of this in the chat as we go along, that all of you can grab the links to and keep and read at your leisure.

So Governor Wolf and Lieutenant Governor Fetterman, revitalized clemency in Pennsylvania, and during their tenure about 50 lifers were granted commutation. In January, Governor Josh Shapiro, Lieutenant Governor Austin Davis and Board of Pardons Secretary Shelley Watson took office here, in PA. And they are only about 74 days into their terms, as of today.

FAMM and many others have been working with them to keep up the progress in Pennsylvania on clemency and go further. But we need to hear from them, and we know that *you* need to hear from them. So, I am absolutely thrilled to have Lieutenant Governor Austin Davis and Secretary Shelley Watson with us today to discuss the future of clemency in Pennsylvania.

Lieutenant Governor Davis, can you please tell us about yourself and about your background. And what brings you to this work in this office that you just took

**Lieutenant Governor Austin Davis:** You know I grew up in a small town called McKeesport in Southwestern Pennsylvania, a town that's been hit hard by the collapse of the steel industry, and quite frankly, that's been deeply affected by the criminal justice system for a number of members of our society. I come from a working-class family. I'm the proud son of a Union bus driver and a hairdresser and a first-generation college graduate.

I got involved in public service when I was 16 years old, and there was an instance of gun violence in my community. Somebody was shot on my block, and unfortunately, too many Pennsylvania have similar stories. And that inspired me to go to a McKeesport City Council meeting, and there were 2 things I discovered when I went to that City council meeting. One, there was nobody talking about the issue of gun violence, and there was nobody who looked like me serving in city government. It ultimately led to me running for the State House of Representatives, and I became the first African American to ever represent Pennsylvania's 35<sup>th</sup> Legislative District, or any district outside of the city of Pittsburgh and Western Pennsylvania.

I ran for Lieutenant Governor with Josh Shapiro, because I wanted to help him. I want to help him take on the big fights and deliver real results for working class families here in Pennsylvania, and I'm super excited to serve as Pennsylvania's first black Lieutenant Governor, and by extension to be the first person of color to chair the Board of Pardons here in Pennsylvania, when we know black and brown communities are disproportionately affected by the criminal justice system, and so I'm truly honored to be able to do this work, and to help move the partners' process forward and be a strong governing partner for Josh Shapiro.

**Maria Goellner | FMM:** Thank you so much. So, Lieutenant Governor, you were the first lawmaker in Pennsylvania to take part in FMM's #VisitAPrison challenge last summer. Last July was, I believe, when you and I met, and we went to SCI Fayette about an hour south of Pittsburgh. We spoke to correctional staff. We got a tour of the facility, and we sat down with 3 men who are serving life sentences here in Pennsylvania. Can you tell folks listening what you learned on that prison visit, what your thoughts and feelings were as you went through that, and, if anything from that visit has stayed with you to your work today.

**Lieutenant Governor Austin Davis:** Yeah. So first thank you so much for creating that opportunity for us to go, and I will say throughout my career as a legislator, I've visited a number of our state correctional institutions from SCI Somerset to SCI Cambridge Springs, as well as SCI Fayette, where you and I went, and the one thing it confirmed what I already knew, and a lot of cases that people shouldn't be judged necessarily on their work on the just, on a decision they made on their worst day. I can tell you, as a 33-year-old man, I'm a very different person than I was when I was a 20-year-old, young man. And people have the ability to change. And so it was a very robust discussion, very eye opening discussion for some of the folks in that for the lifers that were there, and some of the programs that they've availed themselves of. And just talking with them about how they had grown as people. How the incidents and the pasts had affected their lives and kind of where they are today.

I think the most interesting thing that I took away from it was the conversation with some of the corrections, officers and the staff at the prison, because I think a lot of folks would assume that that corrections, officers, or staff would not be in favor of second chances, but I found that it was quite the opposite. That the folks who were working with these lifers every day had had very strong opinions about their ability to have a second chance, and so that was probably the most eye opening thing for me, and I enjoyed that visit, and I'm planning to go back to another one of our correctional facilities here in the near future.

**Maria Goellner | FMM:** Thank you. So you touched on the staff, believing in second chances, particularly for some of the lifers. I want to ask you directly. Do you believe in second chances for people serving extreme or life sentences? And why or why not?

**Lieutenant Governor Austin Davis:** Yeah. So I do believe in second chances. And throughout the course of the campaign, when I ran for Lieutenant Governor and the Primary, and throughout the general Election both the Governor and I have said very clearly that we believe in second chances in that Pennsylvania should be a place where folks have that opportunity. Look, I talked about it in my previous statement that you know, to judge somebody on their worst day. Right? Nobody is the same person. They are people are capable of growing and changing, and we should evaluate each case individually, that comes before the Board of Pardons to recognize whether someone is deserving of that second chance, and we should give them that opportunity if they are.

**Maria Goellner | FAMM:** Thank you so much. So just on a just on a personal note for our audience. What do you do for fun?

**Lieutenant Governor Austin Davis:** So when I get time for fun, I spend a lot, I try to spend time with my wife. You know I've been married for 5 years, and have a pretty large family, and try to spend as much time as I can, and stay connected to them. But you know, really I'm a big people person. So I'm always around people so usually, if I'm not working, I try to surround myself and my family, which ultimately grounds me.

**Maria Goellner | FAMM:** Good Answer, Secretary Shelley Watson, please tell us about yourself and your background, and how you came to this new role as secretary.

**Secretary Shelley Watson:** Sure, I am a 25-year Commonwealth employee. I did about 10 years with the State police and the Records and Identification Unit, and then 15 years between the parole board. And finally, DOC. I was initially working on pardon work, and when Parole and DOC combined, I was given the opportunity to shift my focus to commutations, and it was really life-changing for me.

Getting out into the jails and meeting the people who are behind the applications, meeting the people who are behind these reports we were writing, and this you know, this this kind of faceless process that it can be if you just look at it from the report aspect.

Seeing the people that were behind it, changed everything for me. I take a lot of personal satisfaction from this role, and from participating in the commutations that have recently happened. I guess I should have said the last 4 years I spent as the commutation specialist for the Department of Corrections. So the 50 successful inmates that came out of the last administration, I participated in in every one of those hearings.

And when the administration went changed, and I felt I was given this gigantic opportunity to step into this role, I could not have been more excited. This, like I said this, there's personal satisfaction in this for me. And I believe in second chances, and I'm very excited about what we can do to open this process up and hopefully give more people the opportunity. And it's exciting to work with an administration who has made it clear that they are about the second chances.

**Maria Goellner | FAMM:** Secretary, I hear you saying that it was life changing, and that's what we hope in our #VisitAPrison campaign that we're going to be doing on an ongoing basis. We started last July, and I think we've decided to make it a permanent campaign because we want lawmakers to get in and have that kind of life-changing experience that you have. But to tease that out a little bit further. What did you kind of think or feel or assume before? And what did you think or feel, or learn from going into prisons? What was life changing about it?

**Secretary Shelley Watson:** I think that you hit the nail on the head with describing it as a snapshot, a snapshot that never changes. And so when you look at reports and you look at you know how someone ended up there unless you're in the facility and meeting those people and dealing with them every day from the outside. It is really a snapshot that leaves you an impression of a person that's probably not actually still that person. So, being able to just talk to the men in the facilities, I mean, they are people who have spent 20, 30, 40 years thinking about what they did, really making an effort to change themselves, understanding how they impacted their communities and taking efforts to reverse those decisions, I mean even just as simple as sharing their stories with people who, you know, younger inmates who might be coming in.

You can't really place a value on that experience. And what I learned as I met the men and women - I'm sorry I don't mean to exclude the women - what I learned as I met them is that they have a lot to offer. They have a lot to offer our communities. They have a lot to offer their families. So, as you also touched on to judge them on the worst day, and look at that first initial snapshot, and then stop looking. You know. I think, that there's a lot to be gained by taking the time to look for the newer snapshot.

**Maria Goellner | FAMM:** Thank you so much for sharing that with us. I would I've shared this with you before - I would very much like to take all of the individual board members on a FAMM visit a prison visit. And I will be reaching out to you after this presentation, and hope that you will work with us to facilitate that, because I don't know if they've been in or not, but we'd really like to take them to have that experience that you had, and that the Lieutenant Governor had also.

And I want to ask you the same question that I asked the Lieutenant Governor, you said that you believe in second chances, but I want to ask very clearly: do you believe in second chances for people serving extreme and life sentences?

**Secretary Shelley Watson:** 100%.

**Maria Goellner | FMM:** Thank you. Thank you. And last question just right now for you, Secretary. You and I have spoken about some of the things that you saw at your time at DOC, including, you know, people waiting hours and hours for their hearing, or not having a space, maybe, to decompress after getting a negative decision while they're in in prison. Can you just tell our audience a little bit about some of those things that you saw about that? You know, behind the scenes processes that people are actually going through, because I want folks to know that you saw that, and that you're bringing that awareness to your work.

**Secretary Shelley Watson:** I definitely saw it. I sat in on every one of those long hearing days, and I'll just I'll just say this at the at the time that commutations were started to happen. The Department of Corrections was also addressing Covid through the but the bulk of that time. And I think that the DOC responded with support and resources to the best of the ability, considering what was going on otherwise in the world at that time, and the lifers did. They ended up sitting for long periods of time without interviews. They ended up being, you know, kind of rushed here and there, but I think it's important to note that we watched it going on as it was happening, and we attempted to make changes, and as we keep moving further and further into the ability to kind of change the process in a more proactive way.

And you'll see that we changed the schedule of the merit reviews and hearings to separate pardons and commutations, and I think that was extremely important, both because the decision is drastically different, although they're both forms of clemency. The decision making process couldn't be more different for pardons and commutations, one.

But this will allow the Board members to not only focus on the specifics of these different types of cases, but we'll also offer the applicants, you know, it'll offer us the ability to conduct the hearings, and in a in a better way to suit everybody involved.

**Maria Goellner | FMM:** Absolutely. Thank you. So, Lieutenant Governor, I know that you brought with you a PowerPoint to share with the audience. I am going to queue that up right now. Can everybody see my screen and see the slideshow?

**Lieutenant Governor Austin Davis:** Yeah, perfect, I think if you want to just jump to maybe slide 4. I think it is, or 5 go one more all right. Perfect. So I just wanted to kind of start with a baseline. So you know, transitions have been happening from Governor Shapiro and I and Shelley. So this is the current makeup of the Board of Pardons right now. Attorney General Acting Attorney General Michelle Henry is a new member on the Board of Pardons.

She took the position of now Governor Josh Shapiro, when he rolled off. Harris Gubernick, the corrections expert is still there. John Williams, the psychiatrist, is still there, and Marcia Grayson, the victim advocate, is still there, and like many of you are aware, in order to get a commutation [for a lifer], it takes a unanimous vote of the Board of Pardons to receive that type of clemency so just wanted to kind of level set for folks who may not, may not understand the process in depth, but wanted to just make sure we made it clear. And so folks knew who are in those roles. Now, after the transition, if you can go to the next slide...

**Maria Goellner | FMM:** And let me just jump in really quick and say that if folks need that kind of basic one to one information of how to apply, what to do, that's not what we're doing today. But FMM can get you those resources. So please reach out to us after the fact. You can reach out to me if you need that. Okay, thank you.

**Lieutenant Governor Austin Davis:** Thank you. And so I really just wanted to talk about, you know we are 74 around 74 days in the office and the work. We've kind of been done doing to get to this point right now on the Board of Pardons. And so I want folks to understand kind of where we started when we came into office with a backlog of about 1,700 additional pardon applications, waiting an average time until merit hearing for a pardon application was 2 to 3 years after the applications are filed, and the Board of Pardon's complement was 5 full time staffers, including the secretary and 7 temporary staffers. So that was what we came into when we came into office, our goal under the Board of Pardons, under a Shapiro-Davis administration is, this is where we'd like to go. An eventual elimination of the backlog. More timely review of applications.

We made some structural changes at the Board of Pardons to give them more to more resources. So currently, there are additional resources. There are currently 7 full time staffers, including the Secretary, and we are working to add an additional 7 positions to help make the office more functional to help make sure there's more resources for folks to access clemency here in Pennsylvania. This issue was so important that the Governor highlighted it in his Budget address, and these were the comments he made - that you know about clearing the backlog, and that he wanted - We are making it a priority in a Shapiro-Davis budget that we're actually putting more resources towards clemency here in Pennsylvania. So I thought it was very important for folks to be aware of that, and to understand it.

And under our current budget proposal we are asking for an additional \$355,000 to invest in the Department Of Corrections. Specifically, their commutations unit for people who are seeking clemency, who are in prison, so that they have advocates at DOC who are helping guide them through the process. We would add 3 new additional staff members to that unit which doubles the complement focused on commutations. And just for your awareness, this is where Shelley kind of came from. This was the work that she did before she became Secretary. And we want to improve the process for folks who are going through the criminal clemency process, or potentially so on extreme life sentences to make it a little easier.

Shelley mentioned earlier in our comments. It's not just enough. We're not just doing enough to invest more. We have to continue to improve and refine the part in and computation process, and we made several changes in response to feedback from both Board of Pardons, members, and stakeholders to bifurcate the hearings to structure and structure them in a little bit of a different way to allow decision makers to focus on specific pardons versus commutations.

The hope is, we can continue to increase the number of applications that can be reviewed with this structure. This is, as it relates to partners we're working to, for we're having discussions on expedited review process that's being discussed about amongst board members with the ultimate goal to reduce the backlog and make it the system more efficient and more effective for folks who have to interact with the Board pardon's office.

I know there are a lot of folks who are or were interested in the online portal project that we've been working on, and those discussions and work is ongoing in our office. We're meeting weekly at this point to make sure we get that designed and up and ready to go for folks. This is a once, and a nation thing that we're building, and we want to make sure that when we roll it out that it's right, it's functioning, and that there aren't any glitches that potentially make delay the process for clemency here in the Commonwealth.

Just so you're aware of the next Merit Review is scheduled for April 6. We have 378 applicants, the second most number of to be heard in a single hearing. I believe and she like, correct me if I'm wrong. 15 of those are lifers who are seeking commutations. I believe in that in that batch, and the next public hearing is going to be May 17 through the 18. and the pop. I'm sorry that you go back...We'll just say the next public hearing for commutation. Specifically, I have a note this is going to be June 14 through the 16, so that will be coming up as we're getting under way. But you know we got to do more than just tweak the part in and commutation process.

We need to look at the system as a whole, and address inequities, and our budget includes an additional investment and probation and parole services to reduce caseloads, improve training, and provide early services for social workers for parole. So that's another exciting step that we are taking. And finally, we're also investing in indigent defense. Here in Pennsylvania we're one of only 2 States that does not provide State funding for indigent defense, which is public defenders anybody who may have interacted with a public defender. That's specifically what we're talking about. We propose 10 a 10 million investment in indigenous defense through the Pennsylvania Commission on Crime and Delinquency, which you may not be aware of. The Governor appointed me as the Chairman of PCCD. We're early on in our term. So I think we're laying the groundwork for overall reforms, the criminal justice system here in Pennsylvania. And just this is as we do need your help. Many of the things we laid out here today are just proposals, and we need the Legislature to act on the Governor's budget to be able to implement those things at the common.

For example, the commutations unit at DOC. So I'd encourage folks who are watching to use your voices to advocate for those additional resources. These are going to..It's an incredibly important year that's going to lay the foundation for the work we're able to do over the next 4 years. And so it's important that we get those resources in place.

And then just finally, this is for folks who may want to contact my office and not know how to do it. Here's our contact info as well as the Board of Pardons.

**Maria Goellner | FAIMM:** Secretary Watson. Is this ([bopclemency@pa.gov](mailto:bopclemency@pa.gov)) a new email address? Can you comment? Can you just tell us about that email?

**Secretary Shelley Watson:** Yeah. So we created a resource account basically with the idea being that I can assign staff to monitor the emails and act upon them immediately as they come in rather than a lot of...I think a lot of people emailed the Secretary directly or emailed members of the staff directly, and my fear with that was just that, you know I what if I get a bunch of emails on this one and something gets missed. So the goal of this was that I could have it, emails we monitored and responded to by multiple members of staff in a much more timely manner.

**Maria Goellner | FAIMM:** Thank you for that, and I do have on this slide, showing this information. So if anybody doesn't capture this information and needs it after the fact you can get in touch with me.

- Board of Pardons
  - [bopclemency@pa.gov](mailto:bopclemency@pa.gov)
  - (717) 787-2596
- Lieutenant Governor's Office
  - [lgooffice@pa.gov](mailto:lgooffice@pa.gov)
  - (717) 787-3300

So one thing you mentioned was that you were considering expedited classes. And so I know on the pardon, we had some folks email me with questions, saying on the pardon side – you know, how old does the record need to be for you to consider it on an expedited basis? And certainly on the commutation side, FAIMM has publicly called many times before, and will continue to for expedited classes for people who are very old who are sick. We've talked to Governor Shapiro, and he's expressed his support for class around folks convicted of felony murder. You know there are a lot of different ways to do expedited classes. What types of classes are you thinking about? I know that it's early in your tenure. But what types of classes are you contemplating and discussing right now?

**Lieutenant Governor Austin Davis:** This is an internal discussion that we're having amongst board members, and quite frankly, I if we don't build support among the other board members for expedited, we're just not going to get there. That's just the reality. And so at this point I don't want to outline any specifics that we're talking about. Besides that, it's an ongoing discussion that we're trying to build consensus around the Board of Pardons members.

**Maria Goellner | FAIMM:** Thank you. So again we know it's been a short time. You are the chair of the Lieutenant Governor, and so I'm curious, how has how do you see your role as chair? How do you see your role as chair, you know, between the Governor, between the Secretary between the 5 board members. And how has that been so far?

**Lieutenant Governor Austin Davis:** Yeah. So the reality is, it's been great. So we've been doing a lot of work in terms of, and we just kind of ran through some of the resources that we've been trying to get in place to make sure we have a much more effective system and process the reality as the chair of the Board of Pardons. The Secretary reports to me, and we're I view my role as chair as responsible for making sure the Board of Pardon's office operates, and a most in the most efficient and effective way possible, making sure that they have the resources that they need to make sure folks can access clemency here, and the Commonwealth of Pennsylvania. But, secondly, I, as a voting member on the Board, I am one of the 5 votes right. The reality is, every board member has to be responsible for the decisions that they make. And so, as chairman, I want to make sure that the office is functioning well, and I want to make sure that I am conducting myself as the as a board member, in a way that leads to more second chances here in the Commonwealth of Pennsylvania.

**Maria Goellner | FAIMM:** Thank you. So one thing that we've spoken about publicly before is that there really has been a historical lack of diversity on the board, and you mentioned that you are the first person of color in your role as Lieutenant Governor in your role as chairperson of the board. We're very glad about that, and I do want to tell our audience that when we were in SCI Fayette with the Lieutenant Governor, people throughout the facility who were incarcerated, knew that as well.

And were commenting on that as we walked through the facility discussing that. So we know that this is really important that you're in this role, and we need more folks in this role, not just diversity in the racial sense, but also of impacted people. So, you will, we think, have the opportunity to put input on. Who fills, you know, seats on the board. And who's in these important roles. What are your thoughts on having diversity? Various types of diversity, including of having experience in the criminal justice system on and around the board.

**Lieutenant Governor Austin Davis:** Yeah. So I want, I think diversity is extremely important, and everything that we do. The reality is as a member of the board, though I don't as lieutenant governor, I don't appoint the Board members. That is the governor's role, but the reality is no matter who is appointed to the Board. I have a responsibility that I have to work with, to try to get something done, so I think the advocacy around who should be sitting on the board quite frankly, will be up to people like you, and organizations like yours, and the people who are who are viewing in today. But I think for me specifically, I have to work with the people that are there, and so try to make progress with the folks who are there, or the future folks who are going to be appointed. So I would say, I believe in diversity. Clearly, the fact that I'm here means that the Board is going to be more diverse. But I would encourage you all to use your voices if you think that in a direction that you think it should go.

**Maria Goellner | FMM:** Thank you. So there was a recent article about the dismissal of 2 individuals from employment with the Board of Pardons, who had been released from prison, following life sentences. This is of concern to many families who wonder if it's in an indication of the Administration's commitment to second chances. Do you want to comment on that today?

**Lieutenant Governor Austin Davis:** Yeah, no, thank you for the for the question. I cannot specifically comment around the 2 people who were dismissed because of the legality around it, and I can't comment on personnel issues. But what I will say, what we went through. I recognize fundamentally that folks feel very deeply about the ability to have a second chance here in the Commonwealth of Pennsylvania. You talked about earlier how this is the only mechanism for many folks who are seeking a second chance, and the work that we've done early on in the 74 days in our office - should prove in our budget proposal. As we are expanding the commutations unit in the Department of Corrections, to make sure there are advocates on the inside helping people who are seeking clemency. As we continue to make sure that the Board of Pardons has more resources, so more people can access clemency here in Pennsylvania. Those are concrete steps that demonstrate the commitment that both I have, and the Governor has to making sure people have the opportunity to access clemency. And so we're gonna continue to work to make sure that's possible, regardless of personnel decisions. It's our job to make sure as many folks possible have access to clemency here on the Commonwealth of Pennsylvania. That's been our commitment from the beginning, and our budget proposal demonstrates that we put real resources behind it. And so I think the work the work we're doing speaks for itself.

**Maria Goellner | FMM:** Thank you. Turning into Secretary Watson. Tell us about a typical day. What do you do on a typical day? Tell us about your role?

**Secretary Shelley Watson:** Well, the beginning here has been, I've spent a lot of time on the transition just kind of learning the part to the process that I was previously unfamiliar with. As Lieutenant Governor Davis discussed, we are working on staffing increases. So I've spent, you know, some time figuring that out. What kind of staff we need. How are we going to get them? Where are they going to sit. There has been a lot of learning going on, I think would probably best describe my time so far, and you know a lot of effort put into the transition. And with that you know where everyone's transitioning the Department of Corrections, the Lieutenant Governor's office. So I think that right now, transition is probably the keyword for all of us, and learning.

**Maria Goellner | FMM:** Thank you. So just to clear it up sometimes. I know, Lieutenant Governor. I mentioned the 5 people on the Board. You are the Secretary of the Board. Do you vote for pardons and commutations?

**Secretary Shelley Watson:** I do not vote. My role here is to administer the work of the board to ensure that everything runs smoothly on that. The cases are heard at what? Appropriately that the votes are recorded. I'm an administrator.

**Maria Goellner | FMM:** Okay, and what are your priorities? Because I recognize that in your administrative role they might be a little bit different. But what are, what's top of mind for you?

**Secretary Shelley Watson:** So I'm excited to use the experience that I come into this role with, to just enact some change that will allow the process to run more smoothly. While I don't have a vote, I do have the ability to change processes. Change how the work is done, and also contribute my ideas for improvements to the stakeholders. So, I think that me bringing my experience in the various parts of this that are really detailed gives me an opportunity to kind of lead the way on some changes that will be positive for the overall process.

**Maria Goellner | FMM:** So I'm thinking about examples of that, and one is coming to mind that you and I have discussed before, which is misconduct. There's a wide spectrum of what a misconduct in prison can mean and cannot mean, you know, based on what it is, how old it is. There's a whole variety of factors. They're not, you know, you cannot paint them all with a broad brush. Can you speak about as an example of what you were just talking about your experience with that, and how you may be able to translate some of that to the Board members?

**Secretary Shelley Watson:** Well, I think that I'll be in a unique opportunity to kind of be able to get down into the weeds with the information that the Board member sees about these cases. I have an opportunity, I think, to just discuss. You know, that just like any organization, there are ins and outs, ways. Things are done there, you know, thought process processes behind things, and coming from a place of experience with those things. I think that I'll be able to just offer the Board, maybe a little bit extra information that they might not have otherwise had.

I'm also in a position where we can arrange for the board to be educated on different aspects of this process, that maybe they otherwise weren't, and I'm. Excited to be able to do that.

**Maria Goellner | FMM:** Thank you. So, you mentioned earlier about the separating of the pardons and commutations which overwhelmingly seems to be a great idea. So, thank you both very much for doing that. And one of you had mentioned how really radically different the decision-making process is for pardons versus commutations. I'm not sure that's something that everybody knows. So could you speak a little bit further on it? You know what is different about it, and why it is important to separate it out, particularly to give commutations the time that they deserve.

**Lieutenant Governor Austin Davis:** Oh, Shelley, you want to start from like an administrative perspective, and the information that the Board has, and then I can, I'll comment from like a Board Member perspective.

**Secretary Shelley Watson:** Sure. So, the administrative aspect of course, you have pardon applicants to get through the Merit Review. They need just 2 votes, and to be successful for a recommendation, they just need a majority, whereas lifers or anyone who has committed a crime of violence has to have 3 votes to get through the Merit Review and requires a unanimous vote by the Board.

**Lieutenant Governor Austin Davis:** Yeah, I, and so from a board member perspective, you spend a lot of time. You spend a lot of time going through the data that or the information that you're given the psychological evaluations, the responses from the recommendations of the folks in the facility, and you take all of those things into account, and I think you know I think it's just a heavier decision as a board member. When you're making a commutation versus a pardon... They're not incarcerated. And so I just think the thought process and the research that each individual board member has to do it's just it's just different for pardons versus commutations.

**Maria Goellner | FMM:** Thank you. FMM has, you know, previously called for a lot of process improvements. You mentioned that you're doing a lot of process improvements. something that we've spoken to, both of you about...a request to the last administration was a request that we very commonly hear from families all the time, which is just, tell us why we're denied. If we're going to be denied forever because of the nature of the offense, because we don't have enough time in for whatever the reason is...Is it because we don't have enough? Is it programming or because we need 5 more years in, you know. Just let us know. And so what FMM did last year was, make a recommended sheet for the Board to consider, using, basically saying every reason under past criteria, everything that someone could common sensically think is considered for the Board members to kind of check and come up with. Has there been any discussion yet in your administration, or do you plan to have discussion about giving people reasons for grants or denials of clemency?

**Lieutenant Governor Austin Davis:** So I will say this: I think it's one of the many proposals that we've received from organizations like yours organizations like (?) out of Philadelphia, and after only being 74 days in I think we are constantly



evaluating and reevaluating these recommendations, and much of it will serve as the foundation of the work we're going to do over the next 4 years. So, I would say, you know we are just really getting started in this. We have not had our first Merit review. We have not had our first Board of Pardons meetings. And so, we're going to continue to have those discussions as we move forward over the course of this term, and I think we're going to make, we've already begun to make some, I think, innovative reforms, and we're going to continue to try to move in that direction.

**Maria Goellner | FAMM:** Thank you. Speaking of innovative reforms. I do want to ask about the new electronic system that you mentioned. I've heard a lot of different rumors. There's a lot of scuttlebutt going around. Tell us what the new system... I know we don't know when it's going to be live, and we all want it to be functional when it does go live. But when it goes live, what is it going to do? So if I'm incarcerated, or if I'm the mother or wife of someone who's inside, what am I going to be able to do with this electronic system?

**Secretary Shelley Watson:** So the new system, the primary benefit for incarcerated applicants will be that their representatives will be able to find out where their application is in the process. It will also allow representatives and family members, whoever is given access to the case by the applicant to upload support documents on their behalf, or just kind of directly have a more direct role in the support process similar to where they play, the role they play now, but they'll be able to actually directly access the system and kind of feel for themselves.

**Maria Goellner | FAMM:** Okay, Thank you. And I know we don't have a date, but do you think it'll be this year in 2023?

**Lieutenant Governor Austin Davis:** My hope is because, you know..Look, there's a budget constraint around it, so we don't want to - we don't want to keep kind of kicking the can down the road, but we want to get it right, and the reality is there's no other model to look at, to kind of copy, so we are literally building something from scratch, and so our hope is to get it out as soon as possible. But I've made it very clear. I'm not going to rush it. I'm not going to rush to get it out to get a product out that doesn't work or isn't functional or potentially causes more problems and longer delays.

**Maria Goellner | FAMM:** Sure, and Secretary Watson families have asked me before - Will it be when you implement this system, will it be the same system that the Department of Corrections uses like what you both be able to interface with it from both your agencies?

**Secretary Shelley Watson:** Yes.

**Maria Goellner | FAMM:** Okay. Thank you. So, we have about 15 to 20 minutes left, and we do have a few questions that were submitted in advance, and then I see we have a lot of questions in the Q&A. I doubt we'll have time for all of them. So I'm going to say up front that if you do not get your question asked, please reach out to me. I'll put my contact information in the chat, and I will try to get you the answer, or you know, tell you whatever we know after the fact.

So one of the questions that was submitted was, we covered some of them throughout our conversation - criteria. So, we know that there is historically, and board secretaries and lieutenant governors have been open in the past; that there are de facto criteria for people who are applying for commutation. And for many of our families, so that you both know you know we often want that [criteria] because we know that if someone is applying for commutation 2 years into a life without the possibility of parole sentence, they're not going to get commutation, and it also can be seen as kind of clogging up the line for folks who really do have meritorious applications. So, I want you to know that folks understand that. What we would like to know is what are the criteria. Can you comment on? You know what type of criteria you're looking for in a successful commutation application. And particularly for life sentences in the past prior secretaries have told us that it was something like 20 years in 25 years in. Is that still the case? Is it something else? Anything that you can comment on criteria.

**Lieutenant Governor Austin Davis:** So I know I mean I don't I think each board member kind of has their own lens that they have, they look through and just full disclosure, we have not had a hearing yet, so also I can't say that I know what the other Board members criteria are, but I can say, as I look through the documents and making my own personal decision. I would look at a significant amount of time served. I would look at the programs that person has completed in a while they were incarcerated. I would look at the number, you know what was their behavioral pattern while they were incarcerated. How many misconducts, I guess is the term how many misconducts they've had, or if they've had any over the course? And if and how

long has that? Has that been so like, you know somebody had some misconduct like their first 5 years, and then serve 20 years with no misconduct like that. That says something to me. If you are.

What is the recommendation of the staff in the in the facility for the folks that work with this person, each and every single day. And what's their likelihood to recidivate? I would say, those are those are all the things that I would go into my own personal criteria as a board member as I as I'm evaluating.

**Maria Goellner | FAMM:** Thank you. I'm looking into the Q&A. Several people have asked that question which you just answered. Secretary Watson, is there anything else that you would want to say about that? Our understanding is that historically, the Secretary does sort of screen applications into, you know who kind of has a shot and who's clearly not gonna have a shot. Do you want to say anything about the criteria that you look to as you screen applications?

**Secretary Shelley Watson:** So, honestly, I have not done anything resembling screening and application since I came here. I come into this position with a lot of experience with the Department of Corrections, and with these applications and my own personal thoughts would be similar to Lieutenant Governor Davis. As far as what I consider important criteria as far as screening the applications themselves. I haven't, like I said. We've been very focused on transition and just kind of getting this first mirror review under our belts. I do think that in order to increase our workload and to have more second chances, we, it's a good idea to at least establish some criteria, but as an administrator rather than a board member. I'm just here to fulfill the desires of the Board members, and to follow their lead as far as that.

**Maria Goellner | FAMM:** Thank you. We have a question that relates to criteria from Marcie Marra. Victims have a right to be heard during Board of Pardons hearings, however, is there any vetting of victim testimony, particularly when testimony includes facts that are not in the court record. In such a circumstance would the Board consider, follow up interviews with the applicant to ask questions that they couldn't have asked prior to the public hearing? And that can be for either one of you.

**Lieutenant Governor Austin Davis:** So you can jump in, because I know there's a role in the Office of the Victim Advocate, and they reach out to victims. But I'm just 73 days in haven't gone through a first year hearing yet so trying to figure out some of the mechanics.

**Secretary Shelley Watson:** I mean. So as of now, no, I would say, you know the victim input and the victim side of the piece is basically hand or handled by OVA as far as this Board, and any changes they might make in that regard, like we kind of going to do with, said, we've barely met yet. We haven't gotten one hearing session under our belts yet. So it's probably too soon to get into details like that. At this point.

**Maria Goellner | FAMM:** Okay, thank you. There is some legislation that FAMM supports around clemency. So most of what we focused on today has been process improvements that the both of you, we hope, would be able to have, you know, discretion over. But there is important legislation, particularly to revert back to the historical norm in Pennsylvania regarding the vote requirements. So, for most of Pennsylvania's history even for extreme in life sentences, it did only require only a majority Vote. It's still a very high bar at that level, whereas now it requires unanimous. That was in response to the Reginald McFadden case in the 90s. And so you know, FAMM advocates that we go back to the historical norm which worked and can continue to work for a very long time. Do you have a position on that? I know Governor Shapiro has publicly supported going back to the majority vote in the past, and I want to ask both of you your position on that legislation before we go further. Several people asked this.

**Lieutenant Governor Austin Davis:** I don't if folks may realize, I mentioned before I became Lieutenant Governor I spent 5 years as a Pennsylvania State Representative, and I was proud, I'm proud of the fact that as a State legislator, I co-sponsored that legislation and would have voted for it had it got to the house floor while I was there, and it is something that I do still support as Lieutenant Governor.

**Maria Goellner | FAMM:** Thank you. Secretary Watson, anything you want to say on that?

**Secretary Shelley Watson:** I support it as well.

**Maria Goellner | FAMM:** Thank you.

**Lieutenant Governor Austin Davis:** And just, I would just note if there is a way, you know I don't have an ability to vote anymore, now that I'm not there, but if there's a way that we can partner to advocate for that, I think our office we'd be, we'd be open and willing to do that.

**Maria Goellner | FMM:** Fantastic. Lieutenant Governor, we had several questions about - in the past, I believe you have supported medical and geriatric release opportunities too in legislation. Is that something that you continue to support as a Lieutenant Governor?

**Lieutenant Governor Austin Davis:** Yeah, it is something I would I would continue to support. You know people geriatric, older adults and people with medical conditions are the least likely to recidivate. And it would, it is something that I was - I still support.

**Maria Goellner | FMM:** Thank you for both of you. We had several questions about whether there is training for board members - orientation, any type of training when a board member takes office or continuing education. So, I know Secretary Watson, you mentioned wanting to work on education, and we would be happy to put together any type of programming for you in that regard. But can you come out on if you have any understanding of what has existed historically in terms of orientation, training education for the Board, and if there's any in place now.

**Secretary Shelley Watson:** So honestly, I'm unaware of what happened as far as that before I got here. I don't know anything about what kind of training and education they may have participated in so far. But I'm excited to be able to just maybe set up some training opportunities to share some, some information about the processes and about the applicants.

**Maria Goellner | FMM:** Thank you. We did have several questions also about the reconsideration process. Secretary, can you tell us how - or either one of you - can you tell us how the reconsideration process works from your perspective, and how those determinations of who gets reconsidered happen?

**Secretary Shelley Watson:** So, the reconsideration process is actually among the topics that the Board is discussing right now, discussing. You know changes to how we will look at those requests, and what the Board members are actually interested in seeing, because at the end of the day it doesn't do any good to put up request that the Board is not actually interested in seeing. So we saw a lot of reconsideration put requests put in at the beginning of this year, because of the large number of denials that they had that happened at the end of last year. And we're just trying to take a hard look at whether or not there is actually some kind of change that would justify the reconsideration, so that we can move forward the applications that are requesting it as best we can.

**Maria Goellner | FMM:** Thank you, and a specific question about reconsideration that I just want to make sure we flag. If you put in a reconsideration, does it impact the time in which you can reapply for commutation?

**Secretary Shelley Watson:** No the timeframe for re-application goes back to the date of the denial.

**Maria Goellner | FMM:** Thank you. Kathleen Brown asked, will you continue to invite to hearings, a member of the DOC who knows the applicant?

**Secretary Shelley Watson:** So that was actually a DOC process, and that question would probably be better directed to the DOC.

**Maria Goellner | FMM:** Thank you. Let's see. We did have Melinda Murphy wants to - I'm not sure it's a question, but wants to put in for your consideration, that, as you consider expedited classes please consider people with developmental disabilities, including those who have autism and intellectual disabilities to be another expedited class to consider. So, she's asking if you would please consider that as you do your review, and in case you don't know there is, you probably do, but there is a specific unit at SCI Albion, which is located in my county here in Erie County, which FMM will actually be visiting on Tuesday with Representative Jessica Benham that specifically houses people on the spectrum. So, is that something that you can please consider?

**Lieutenant Governor Austin Davis:** No, I appreciate the suggestion. It has not been something that the least was raised to me, and I think it's a good point.

**Maria Goellner | FAIMM:** Thank you. We also have someone asking you to please understand that not all prisons have the same programs. Some prisons have very few, and so they are pointing out that, for instance, SCI Phoenix has many more programs than say SCI Mahanoy. Do you know that? And if you don't, please remember that as you go forward and make your considerations.

**Lieutenant Governor Austin Davis:** Thank you.

**Maria Goellner | FAIMM:** Okay, someone's asking about the electronic system. Susan George says we appreciate the ability to file an application through the electronic system. Will the Commonwealth provide funding for the correctional facilities to have functioning computers to access this in each of their site. Many of them only have a handful of computers, and some are non-functioning. So, I don't want to comment on the funding aspect of it. But I will say that there is a process in place for applications from incarcerated applicants to be entered by the staff at the DOC Central office so similar to how that staff reviews and certifies applications. Now they'll receive them. They'll review them, make sure that they're ready to go, and then they'll actually enter them on behalf of the inmate.

**Maria Goellner | FAIMM:** Okay. Thank you. Going back to misconduct per minute, which we talked about earlier. So families are aware that misconducts can be frivolously given to people who are incarcerated. If that were to happen in my case, what can I do to point that out, to combat that when I'm applying for clemency.

**Secretary Shelley Watson:** I'd recommend, I guess, just addressing it in a statement to the Board given your side, I mean, I think, that it's similar to any other aspect of someone's history that might come up in an investigation of this type. Yeah, the best you can do is tell the story from your side, and then you know it will be up to the Board members to make their decision on how they want to weigh that.

**Maria Goellner | FAIMM:** Thank you. So I think we have time for maybe one more question, and I'm just taking a quick peak. We see that Elaine Selan is asking, can an applicant have more than one official representative? And if so, can both attend the applicant's interview with the Board?

**Secretary Shelley Watson:** I believe the applicants can have more than one representative, and yes, they would both be allowed to attend.

**Maria Goellner | FAIMM:** Okay, great. I know that the Lieutenant Governor has another obligation beginning, and has to leave us. We so appreciate both of your time joining us here today. I do want to ask you both one more question before I let you go. We have many people on here today our family members who have someone inside who again, this process of commutation is their loved one's only chance of leaving prison alive. What do you want to say to those families today before you leave?

**Lieutenant Governor Austin Davis:** So first thank you so much, Maria, for having us, and for organizing this conversation I would say to the family member who asked that question, that fundamentally Shelley myself, Governor Shapiro, believe Pennsylvania is a place for second chances. And I would encourage them to know that that's the lens that we're taking from this, and that they should participate in the process and try to get that second chance

**Secretary Shelley Watson:** I just really second that this administration is interested in offering second chances, and we are going to work towards improvements to this process.

**Maria Goellner | FAIMM:** All right, thank you, everybody so much. I'm going to stay on for about 2 minutes, put a few more links in the chat, and this presentation will be available on FAIMM's Youtube Channel early next week. Look for it on social media, share it, and thank you so much to Secretary Watson and Lieutenant Governor Austin Davis. We really appreciate your time today. Thank you.

**Lieutenant Governor Austin Davis:** Thank you so much.

**Maria Goellner | FAMM:** Thank you, everybody, for joining. If we did not get to your question today. I am going to put my information in. My email address is now in the chat. Feel free to grab that out of there. It's [mgoellner@famm.org](mailto:mgoellner@famm.org) and you can check out all of our work at [famm.org](http://famm.org). Thank you so much for joining us today, and have a great day.