

Pennsylvania

While the state of Pennsylvania does have a parole board and discretionary parole process, Pennsylvania also has the second highest numbers of individuals serving life without parole sentences, and the highest number of juveniles incarcerated on life sentences, in the nation. Given this urgent fact, our Pennsylvania attendees are focused not only on making as many individuals parole eligible as possible but also on ending the death by incarceration sentence of life without parole, primarily through legislative means.

The Pennsylvania Board of Probation and Parole is made up of nine members, each of whom is appointed by the governor and confirmed by the state senate. Parole hearings typically consist of reviews by either one parole board member and a hearing examiner or two board members; the number of votes needed to grant parole then depends on the individual's particular sentence. For those convicted of murder or sexual-conduct-based offenses, the majority of board members must vote in favor of parole in order for someone to be released. For people incarcerated for other violent crimes, Pennsylvania requires two "decision makers" to vote "yes" on the individual's case--here, unlike in the first category, a hearing examiner's vote could make the decision as to whether the individual is released or not. For individuals incarcerated for "nonviolent" offenses, one board member and one hearing examiner must vote "yes" on the individual's case. Typically, individuals in this final category have their parole hearing conducted by a hearing examiner. According to the Pennsylvania Board of Probation and Parole, "A hearing examiner is also a decision maker empowered to sit on parole revocation panels and conduct parole hearings in lieu of the board." It is unclear who empowers or chooses these hearing examiners and what pool of applicants or nominees they are chosen from.

The clemency process in Pennsylvania is largely opaque, and the governor retains almost sole discretion over how the process is run. Despite these frustrations, clemency is currently the only method those incarcerated on life without parole sentences have for release from prison, making it an important area of focus for those invested in decarceration. Currently, some activists in Pennsylvania feel a sense of renewed hope because Governor Tom Wolf has commuted several sentences so far in his tenure, including some life without parole sentences. Before Governor Wolf, no governor had granted clemency for a lifer since Governor Bob Casey in 1994.

At present, individuals in Pennsylvania apply for clemency by submitting an application to the Board of Pardons. A six-member Board of Pardons sorts through applications and makes recommendations to the governor as to whether or not an applicant is a good candidate for clemency. The board is made up of Lieutenant Governor John Fetterman, state Attorney General Josh Shapiro, former Bucks County Director of Corrections Harris Gubernick, psychologist John P. Williams, and victim representative Marsha Grayson. Despite receiving dozens of applications each year, the Pennsylvania Board of Pardons has only recommended six applications to the governor; as of 2018, Governor Wolf had granted clemency to five of these individuals. The lieutenant governor has appeared to be the individual most willing to

support clemency applications, and he has promised to “speed up pardons and commutations,” insisting that the current system is “broken.”

Still, the reality is that commutations are quite rare. Pennsylvania attendee Layne Mullett hopes to keep the focus on changing legislation in order to abolish life without parole sentences, rather than simply changing the way the parole system works. Mullett co-founded Decarcerate PA, an organization engaged in grassroots organizing, with membership both inside and outside of prison. Mobilizing both bases of support has been key to their success. Although individuals in prison have many limitations on the kind of organizing they may engage in, these parties have been instrumental in doing the work of bringing people into the movement, such as through direct outreach to impacted families and communities and has contributed to a strong network of trust within the campaign. The Coalition to Abolish Death By Incarceration is also using county-based information about who is serving a life without parole sentence to reach to these individuals via cold mailings, asking if they have family in a given county that might be interested in coming out to one of their events. The goal of all of this work is to establish chapters across Pennsylvania and, in turn, encouraging these chapters to do local outreach and in-district visits with their representing. Decarcerate PA is also working to increase the number of individuals that see themselves as stakeholders, in part through a campaign to change the language around life without parole sentences to reflect the reality that these sentences are “death by incarceration” sentences. Building relationships with other, local grassroots organizations, even if they do not work on long-term sentencing, and promoting public education about death by incarceration sentences has been one way to change public language and perception.

Sources

Mullett, Layne. Personal Interview. 17 May 2019.

Benshoff, Laura. “Wolf Grants Clemency to Two More Inmates.” WHYY, 20 Dec. 2018, whyy.org/articles/wolf-grants-clemency-to-two-more-inmates-including-first-female-lifer-since-1990/