

CASEY ADMINISTRATION (1987-1994)

HEARD BY THE BOARD OF PARDONS: 249
RECOMMENDED TO THE GOVERNOR: 118
GRANTED BY THE GOVERNOR: 27 (2 females)

RIDGE ADMINISTRATION (1995-2001)

HEARD BY THE BOARD OF PARDONS: 15
RECOMMENDED TO THE GOVERNOR: 4
GRANTED BY THE GOVERNOR: 0

SCHWEIKER ADMINISTRATION (2001-2003)

HEARD BY THE BOARD OF PARDONS: 2
RECOMMENDED TO THE GOVERNOR: 1
GRANTED BY THE GOVERNOR: 1

RENDELL ADMINISTRATION (2003-PRESENT)

HEARD BY THE BOARD OF PARDONS: 10
RECOMMENDED TO THE GOVERNOR: 2
GRANTED BY THE GOVERNOR: 2

The commutation process (release valve) for returning life sentence individuals to society has been curtailed in recent years due to the changes. There has been a total of 382 inmates that have been granted commutation in Pennsylvania. These individuals today are on parole and have a remarkably low rate of recidivism. Much less compared to other parolees. The percentage of lifers returning to prison in Pennsylvania, for the same offense is less than 1.5%.

The current commutation policy of not approving any lifers for commutation by the Governor is a frustration of the whole constitutional purpose of the Board. Under the Casey Administration, sentences of 27 lifers were commuted. Before that the Thornburgh Administration commuted lifers as did every Governor for over the last century. It must be recognized that not all those convicted of murder should be treated the same. Some are innocent of murder; some were not the triggermen, but merely an accomplice with no foreknowledge; some are women who killed abusive spouses or boy/friends; some were youths when they committed the murder, but now, after decades of imprisonment, they have become model prisoners; or some are just too old and too feeble to ever be a threat to society. There are more inmates doing life imprisonment for first-degree murder than there are doing life imprisonment second-degree murder. Obviously, judges and juries thought those convicted of second-degree murder did not commit intentional, premeditated murder. Yet, the term imprisonment is the same.

NO EXIT: THE EXPANDING USE OF LIFE SENTENCES IN AMERICA

A new report released July 2009, by the Sentencing Project finds a record 140,610 individuals are now serving life sentences in state and federal prisons, 6,807 of whom were juveniles at the time of the crime. In addition, 29% of persons serving a life sentence (41,095) have no possibility of parole, and 1,755 were juveniles at the time of the crime.

No Exit: The Expanding Use of Life Sentences in America represents the first nationwide collection of life sentence data documenting race, ethnicity and gender. The report's findings reveal overwhelming racial and ethnic disparities in the allocation of life sentences: 66% of all persons sentenced to life are non-white, and 77% of juveniles serving life sentences are non-white. Pennsylvania leads the nation with 345 juveniles serving sentences of life without parole.

The dramatic growth in life sentences is not primarily a result of higher crime rates, but of policy changes that have imposed harsher punishments and restricted parole consideration

Source: Sentencing Project

**IF YOU FILED AN APPLICATION FOR COMMUTATION
YOU "MAY" BE ELIGIBLE FOR FEDERALLY APPOINTED COUNSEL???**

The United States Supreme Court in Harbison v. Bell, 129 S.Ct. 1481 (2009), ruled that: 18 U.S.C. Section 3559(e) which authorize federally appointed counsel in proceedings for executive or "other" clemency proceedings, as may be available to the defendant encompasses federal counsel's representation in state clemency proceedings, and that the federal statute does not require a state prisoner to first obtain a certificate of appealability (COA) before challenging and adverse District Court ruling from the denial of requests for federally appointed counsel pursuant to Section 3559(e). Caveat: This is untested territory!

Life Sentencing Policy in the United States

Life Sentences And	Only LWOP	Only Parole Eligible
IMOP Sentences	Sentences	Life Sentences

Alabama	Nevada	Illinois	Alaska
Arizona	New Hampshire	Iowa	
Arkansas	New Jersey	Louisiana	
California	New Mexico	Maine	
Colorado	New York	Pennsylvania	
Connecticut	North Carolina	South Dakota	
Delaware	North Dakota		
Florida	Ohio	Federal	
Georgia	Oklahoma		
Hawaii	Oregon		
Idaho	Rhode Island		
Indiana	South Carolina		
Kansas	Tennessee		
Kentucky	Texas		
Maryland	Vermont		
Massachusetts	Virginia		
Mississippi	Wisconsin		
Missouri	Wyoming		
Montana			
Nebraska			

In six states - Illinois, Iowa, Louisiana, Maine, Pennsylvania, and South Dakota - and the federal system,¹ all life sentences are imposed without the possibility of parole. Only Alaska provides the possibility of parole for all life sentences, while the remaining 42 states have laws that permit sentencing most defendants to life with or without parole.

¹ Parole is no longer an option in the federal system, as of 1987. The 886 individuals serving parole-eligible life sentences in the federal system were sentenced before parole was eliminated in 1987.

Source: The Sentencing Project.

**LIFERS INCORPORATED
COMMUTATION COMMITTEE
INFORMATION SHEET
DECEMBER 21, 2010**

By MICHAEL "SMOKEY" WILSON, CHAIRMAN

WHAT IS COMMUTATION?

Commutation is the change of a sentence of a less severe punishment, and like clemency it is a mercy dispensing act. If commutation is granted it results in a change of sentence. A life sentence for example, could be changed to 25 years to life.

The Pennsylvania General Assembly, Special Session No. 1 of 1995, yielded a change to Article 4, Section 9, of the Pennsylvania Board of Pardons in the case of an inmate sentenced to death or life imprisonment and has raised the threshold for commutation from the previous "requirement" that a petitioner only needed a majority vote of the Board of Pardons members to a more onerous unanimous vote to support his or her commutation petition. This change has greatly reduced the likelihood that a commutation will reach the Governor's desk for final approval.

During the twelve years from January 1967 to January 1979, commutation was granted to 346 life sentence inmates in Pennsylvania. In the last 25 1/2 years a total of only 36 commutations have been granted to life sentence inmates:

APPLICATIONS FOR COMMUTATION OF LIFE SENTENCE

SHAPER ADMINISTRATION (1967-1971)

HEARD BY THE BOARD OF PARDONS:
RECOMMENDED TO THE GOVERNOR:
GRANTED BY THE GOVERNOR: 94

SHAPP ADMINISTRATION (1971-1978)

HEARD BY THE BOARD OF PARDONS: 733
RECOMMENDED TO THE GOVERNOR: 267
GRANTED BY THE GOVERNOR: 251

THORNBURGH ADMINISTRATION (1979-1986)

HEARD BY THE BOARD OF PARDONS: 373
RECOMMENDED TO THE GOVERNOR: 75
GRANTED BY THE GOVERNOR: 7