

Pennsylvania - Recent History of Prison Reform and Current Issues of Mass Incarceration

Pennsylvania Prisons - Recent reforms have improved the Parole System and reduced recidivism

Prison Reform Package - (HB 4, Act 81, Sept. 25, 2008)

- provides non-violent offenders with incentives to complete crime-reducing programs and earn a reduced sentence.
- expands eligibility for the intermediate punishment program, which combines incarceration and intensive drug and alcohol treatment for non-violent offenders.

Prison/Parole Reform - (SB 1161, Act 95, Oct. 27, 2010)

- Keeps technical parole violators from going back to prison.
- Allows the Parole Board to release inmates when they reach their minimum sentence, permitting them to finish required programs while on parole.
- Asked the Commission on Sentencing to devise guidelines on potential for reoffending and for rehabilitation that can be used by judges to divert defendants into programs as alternatives to incarceration.

Justice Reinvestment Initiative - (SB 100, July 9, 2012)

- expands alternative sentencing programs
- lowers the incidence of parolees returning to prison because of small technical violations of their parole, but sends them to Community Corrections Centers instead
- diverts some low-level offenders to jail instead of prison.
- but eliminates early release to halfway houses for parolees who are within a year of serving their maximum sentences.

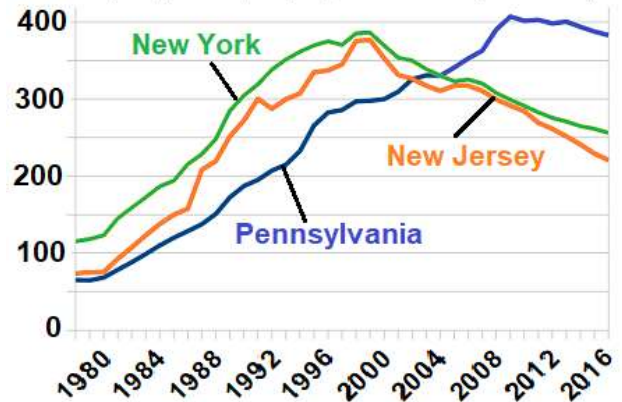
SB100 does not address:

- Pennsylvania's excessive use of lengthy sentences,
- the growing number of elderly prisoners.

Since 1989, U.S. death row inmates have been exonerated nine times more frequently than others convicted of murder. About one-fourth of those exonerated of murder had received a death sentence, while half of those who had been wrongfully convicted of rape or murder faced death or a life behind bars. Ten of the inmates went to their graves before their names were cleared, and it is very likely that other innocent people remain in prison. In Pennsylvania 21 people have been exonerated from murder convictions since 1989, including five with death sentences.

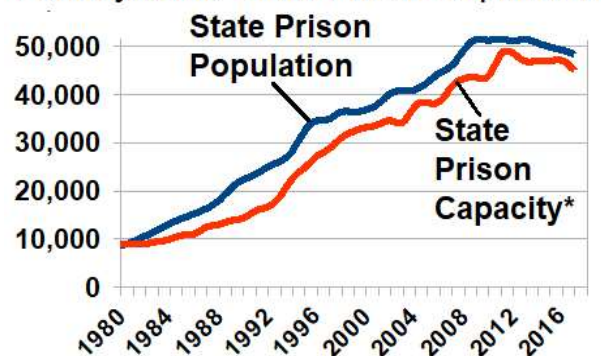
STATE PRISON INCARCERATION RATES

Number of people incarcerated in state prisons with sentences over one year, per 100,000 people in the state (1978-2016)



Source: Prison Policy Initiative from Bureau of Justice Statistics, Corrections Statistics Analysis Tool

Pennsylvania State Prison Population



*PA prisons have been persistently overcrowded since 1981.
Source: Pennsylvania Department of Corrections

Juvenile Sentencing in Pennsylvania - SB850

Age of Defendant	Minimum Sentence in Pennsylvania	
	1st degree murder	2nd degree murder
up to 14	25 years	20 years
15-17	35 years	25 years
Adults 18+	life without parole	life without parole

The Pennsylvania Supreme Court ruled in June 2012 that juvenile defendants can be sentenced to life in prison, but the sentence cannot be automatic. Currently there are about 300 juvenile lifers in Pennsylvania whose sentences are under review as a result of the ruling. However SB850, signed into law by Governor Corbett in October 2012, mandates new minimum sentences for juvenile defendants, over the objections of many human rights advocates.

SB850 allows life sentences without the possibility of parole and other very lengthy sentences to be imposed on child offenders, even very young children. In Pennsylvania 12-year-old children can now be sentenced to life without parole or life sentences where the first opportunity for review is after 25 years.

... but reforms have not addressed sentencing issues

Overview of Pennsylvania Sentencing System:

Pennsylvania crimes are divided into **misdemeanors**, with sentences that run up to five years, and **felonies**, with sentences that include life imprisonment and the death penalty.

Any sentence **up to two years** must be served in jail (also known as ‘county prison’), while sentences between **2-5 years** may go to jail or prison; all other sentences go to state prison. There are about 48,000 people incarcerated in the state prison system and 34,000 in county jails.

Many offenses sit much higher on the felony degree chain than one might expect. For example, not all first degree felonies are violent or sex crimes. Possession with intent to sell a narcotic is a first degree felony^[1] and is a second degree felony for many other drugs, no matter how small the quantity. Burglary of an empty home is a 1st degree felony, a more serious class than many violent crimes.

[1] Sale or possession with intent to sell a schedule I or II narcotic carries a maximum sentence of 15, not 20 years.

Offense	Max. Sentence
Felonies	
Murder	Death, Life
1 st Degree Felony	20 years
2 nd Degree	10 years
3 rd Degree	7 years
Misdemeanors	
1 st Degree Misdemeanor	5 years
2 nd Degree	2 years
3 rd Degree	1 year
Summary Offense	
	90 Days

Opportunities for Sentencing Reform:

Drug offenses, thefts, and empty home burglaries accounted for over 44% of all prison sentences in 2013.^[2]

- 1) Reduce sentences for small amounts of drugs and increase diversion options so small-time user/sellers are not treated like major sellers, and eliminate mandatory minimums for low-quantity drug trafficking.
- 2) Increase the theft thresholds to reflect inflation and relative seriousness of the crime. (Dollar amounts have not changed in many years.)
- 3) Restructure burglary sentencing so home burglary when no person is present is a 2nd degree felony (instead of a 1st degree felony, as it is now).

[2] Pennsylvania Commission on Sentencing (2013 Ann. Report: pcs.la.psu.edu/publications-and-research/annual-reports/2013/view)

Elderly Prisoners^[3]

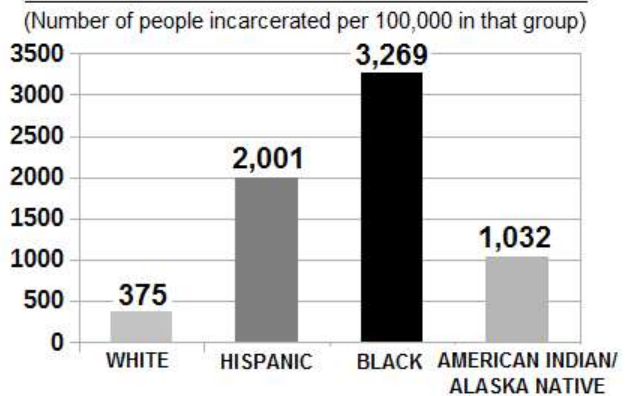
In 1980, there were 370 prisoners over the age of 50 in Pennsylvania's state prisons. Today, our prisons house more than 8,000 elderly people. In 2005, the Joint State Government Commission's Advisory Committee on Geriatric and Seriously Ill Inmates recommended mandating parole eligibility for anyone who is over 50 years of age and has been incarcerated for more than 25 years. A recent report by the American Civil Liberties Union, entitled "At America's Expense: The Mass Incarceration of the Elderly," demonstrates that states would save an average of \$66,000 per person per year by releasing elderly prisoners needlessly kept behind bars. Such policy changes would also allow older prisoners who had already served long sentences the chance to return to their families and communities.

Year	PA Prisoners over age 50
1980	370
2015	8,000+
Estimated cost: \$66,000 per person per year	

Parole Reform^[3]

Pennsylvania also has a lot further to go on parole reform. SB100 diverts technical parole violators from state prison, but proposes confining them in Community Corrections Centers instead. Sending people to Community Corrections Centers merely shifts the cost to different facilities. If a person on parole commits a technical parole violation, which can be something as simple as missing an appointment or changing his address without informing a parole officer, is it really a wise investment of taxpayer money to confine that person? It makes more sense to spend money on programming, treatment, and resources that help people on parole lead successful lives and stay out of prison.

PENNSYLVANIA INCARCERATION RATES by RACE / ETHNICITY, 2010



[3] "True Prison Reform Continues to Elude Pennsylvania", Hakim Ali and Layne Mullett (July 9, 2012) articles.philly.com/2012-07-09/news/32602281_1_prison-reform-elderly-prisoners-older-prisoners

Other issues to be addressed:

Police and Judicial Practices	<ul style="list-style-type: none"> • Stand up to police misconduct • End illegal stop-and-frisk • End civil asset forfeiture abuse • End racial bias in stop, arrest, trial and sentencing practices • Treat crime victims with respect
Sentencing Policies and Practices:	<ul style="list-style-type: none"> • Review past convictions, free the wrongfully convicted • End cash bail imprisonment • Treat addiction as a medical problem, not a crime • Protect immigrants while protecting everybody • End death sentences • Provide adequate support/services for people with mental health problems instead of sending them to jail
Support for Prisoners and their Families	<ul style="list-style-type: none"> • Provide reentry support for people leaving prison • Provide assistance to families / children of people in prison
Prison Policies and Practices	<ul style="list-style-type: none"> • End private prisons and privatized prison services • End solitary confinement • End physical abuse / sexual abuse in prisons • Expand opportunities for education, vocational training, restorative practices