

Written Statement of Bryan Widenhouse
Senior Policy Associate, FAMM
Hearing before the Pennsylvania House Judiciary Committee (Harrisburg)
Regarding House Bill 1410 and Clemency Reform
October 30, 2023

Dear Chairperson Briggs, Minority Chairperson Kauffman, and Honorable members and staff of the Pennsylvania House Judiciary Committee:

My name is Bryan Widenhouse and I am a Senior Policy Associate with FAMM. Thank you for considering our statement. FAMM is a nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Our members in Pennsylvania include people from all walks of life who cross the political, geographic, and racial spectrum. Many of our families have suffered from both incarceration and crime; experiences that are not mutually exclusive. On behalf of thousands of Pennsylvania families, FAMM supports House Bill 1410 and asks for your favorable vote.

Clemency is the only hope of relief for people serving very long and life without parole sentences. Commutations, the only way that people serving life sentences can leave prison alive, used to be common but have become extremely rare. That is in part due to a requirement that for lifers, the five-person Board of Pardons must unanimously vote in favor of clemency for an application to be sent to the governor. Between 1971 and 1994, Pennsylvania's governors commuted the life sentences of 285 people. Following the unanimous vote policy change, enacted during an era of tough on crime legislation, that number dropped by more than 90 percent over the following two decades.

The number of people who benefit from clemency should be reflected by the number of people who are worthy to receive it. There was not a sudden drop in people worthy of clemency. The policy change created an insurmountable barrier for too many deserving people and families. Commutations have increased slightly in recent years. But, they remain far rarer than they were in the 1970s, even though the lifer population is many times larger. Read more about clemency's historical context in FAMM's report "Time for Justice: The Urgent Need for Second Chances in Pennsylvania's Sentencing System."

You have the opportunity to remedy this situation today. House Bill 1410 would allow the governor to grant clemency whenever the Board of Pardons recommends a person by a vote of 3-2. The process would still take into full account the nature of the crime, victim and prosecutor positions, corrections record and staff input, and all other relevant factors. The Board's recommendation – even under majority vote – is not final; applications still go to the governor for review and signature. And, even after a clemency grant, an individual must complete an extensive parole review and home investigation before being physically released.

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.

Additionally, the corrections system has made huge strides in providing services, education, and programming to address the rehabilitative needs of incarcerated people and reduce recidivism. Given this considerable investment and progress, clemency numbers should be increasing accordingly. I appreciate that many on this committee say they believe in rehabilitation and second chances. To that end, we cannot continue to turn a blind eye to those who have been truly rehabilitated and whose continued incarceration serves no public safety purpose.

I am here today not only as a policy reform advocate, but as someone who was given a second chance. I served 31 years in a Louisiana prison on a life without parole sentence. I received a second chance only because the United States Supreme Court outlawed mandatory life sentences for children. I was released three years ago only after passing a rigorous parole board review.

I am now gainfully employed and purchased a home. I use my experience and knowledge to mentor young people who come in contact with the justice system, and best of all – I got married just last week. However, I am mindful that I was 17 at the time of my crime. If I had been just 10 months older, that Supreme Court case would not have applied to me. 10 months difference and I would still be in prison today and not contributing to my community. The truth is there are many people languishing in prison who are just like me, and could be safely returned to their families to help us build better and safer communities.

We have learned much during the era of mass incarceration. We have learned that people age out of crime. We have learned that people *can* be rehabilitated. We know that it is expensive to incarcerate young healthy people, and that those expenses rapidly increase as they become elderly and infirm. In light of this, courts and legislatures across the country are reassessing overly punitive extreme sentences that were imposed decades ago.

One-thousand children like me who were sentenced to die in prison have been released after either a judge or a parole board determined their incarceration no longer served the interests of justice. Governors in other states are using the redemptive power of clemency to release those who no longer need to be incarcerated.

During most of my three decades of incarceration, clemency was nearly nonexistent. There was no hope. It felt like you were living in your grave, knowing that one day you would die there. The use of clemency and second look laws in other states have kindled hope. Correctional staff are reporting drastic declines in violence and increased participation in programming.

HB 1410 won't release a single person or guarantee clemency for anyone. It will return the clemency process to its historical norm of providing redemption where deserved, and it will give hope.

Judiciary Committee Members, please vote “yes” on HB 1410. It is good policy and it will give incarcerated people and their families some hope: The hope that if they change their lives around, do the hard work to better themselves and are truly worthy of a second chance, there is a realistic opportunity for clemency in Pennsylvania.

Thank you for considering our views. Please contact bwidenhouse@famm.org and mgoellner@famm.org if you have any questions or need assistance.