



FAMM Explains: Commutation in Pennsylvania

What it is: A commutation reduces a prison sentence in whole or in part. Commutations are one piece of the “executive clemency” power of the Governor of Pennsylvania.

Why we need it: Clemency is the only hope of relief for people serving very long and life without parole sentences. Pennsylvania commuted the life sentences of 285 people between 1971-1994, but over the next few decades that number dropped by more than 90%. Commutations are needed to address injustices and support second chances, which is why FAMM is working to expand clemency.



Step 1: Fill out an application. This takes longer than people think. It requires a ton of information and documents, many of which are hard for incarcerated people to get.



Step 2: Send the application to the Board of Pardons in Harrisburg, which reviews it for completeness.



Step 3: Interview time. Speak to parole staff.



Step 4: Everyone has an opportunity to chime in on the application - the prosecutor, judge, and the prison system.



Step 5: The Board of Pardons does a “merit review.” The 5 members consider many factors and vote on whether the application keeps moving. People incarcerated with life sentences or violent convictions need 3 votes to go forward. Everyone else needs 2 votes.



Step 6: The Board of Pardons prints a notice of upcoming hearings in the local newspaper where the crime occurred. Victims are notified.



Step 7: Public hearing in Harrisburg. People supporting and opposing a clemency application each get 15 minutes to make their cases (30 minutes in death penalty cases). Board of Pardons members may ask questions. Victims may give secret written input.



Step 8: Yep, the Board of Pardons reviews the application again after the hearing. The 5 members meet privately, and then come back out to vote. People incarcerated with life sentences or violent convictions need all 5 Board members to vote ‘yes’ to go forward. Everyone else needs 3 votes. If enough vote yes...



Step 9: Almost to the finish line! The Governor reviews the application.



Step 10: Decision time! If the Governor grants a commutation, the person gets out of prison early. If denied, a person can re-apply when circumstances change, or in 1-2 years.

Why are commutations so hard to get in Pennsylvania?

- The unanimous vote requirement for lifers and folks with violent convictions stops most applications, because if one Board member votes ‘no’ the application fails.
- Lawmakers (and Board members) may fear that people who get out of prison - even deserving people - will commit a new crime.
- The Board doesn’t give its reasons for denying people - so folks don’t know why their applications are rejected, and can’t address the problem.
- The Board doesn’t hold enough hearings. By regulation, it’s supposed to meet 9 months a year, but sometimes only meets 3 times.



FAMM seeks to create a more fair and effective justice system that respects our American values of individual accountability and dignity while keeping communities safe.

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