



## Recidivism and Other Outcome Data for People Serving Life or Long Sentences Who have Received Second Chances

*This is a compilation of published findings. FAMM did not conduct any of this research/analysis and we do not have more recent data than what is provided in the cited sources.*

### Broad population

- In **California**, researchers surveyed 77% (110 people) of the 143 people who had been granted a second chance since 2013 after being sentenced to LWOP. This includes people who were resentenced because they were under 18 at the time of the crime, people who were granted parole after their sentences were commuted by the California governor to make them parole eligible, people who benefited from retroactive changes in sentencing laws, and others. Ninety percent reported working full or part-time, with 43 percent working in the nonprofit sector. In addition, 94 percent reported volunteering regularly, 84 percent said they financially assisted others. In addition “The California Department of Corrections and Rehabilitation (CDCR) was able to provide information on convictions for misdemeanors and felonies within three years of release for those released between 2011 and 2019, accounting for 87 percent of total LWOP releases at the time. Of those 125 people, four were subsequently convicted of a crime: one felony, one drug/alcohol misdemeanor, and two “other” (e.g. non-person/non-property/non-drug) misdemeanors.”<sup>1</sup>

### Children and Emerging Adults

- **Washington D.C.** has a “second look” process that allows people who were young at the time of their crime to be resentenced after they have served at least 15 years. D.C.’s second look law originally only applied to people who were under 18 at the time of the crime, but after seeing the success of people released under that law, the D.C. City Council extended it to people who were under 25 at the time of the crime. As of June 2023, 195 people had been released under this expanded second look law, and only 7 (4%) had been rearrested.<sup>2</sup>
- In **Philadelphia**, as of December 2019, 174 people sentenced to LWOP for crimes they committed as children had been resentenced and released. Only six (3.5%) have been

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<sup>1</sup> Leavell, A., Calvin, E., & Root, B. (2023). “I Just Want to Give Back” *The Reintegration of People Sentenced to Life Without Parole*, Human Rights Watch. [https://secondchanceslibrary.org/wp-content/uploads/2023/06/usa\\_lwop0623.pdf](https://secondchanceslibrary.org/wp-content/uploads/2023/06/usa_lwop0623.pdf).

<sup>2</sup> *Testimony of Warren Allen at Hearing on B25-291 before the Committee on the Judiciary and Public Safety of the Council of the District of Columbia* (2023). The Sentencing Project. <https://www.sentencingproject.org/app/uploads/2023/06/Warren-Allen-Safer-Stronger-Amendment-Act-2023-Testimony.pdf>.



re-arrested. Charges were dropped in four of the cases and two (1%) resulted in new convictions (one for Contempt and the other for Robbery in the Third Degree).<sup>3</sup>

- In **Maryland**, the Juvenile Restoration Act, enacted in 2021, permits people who have served at least 20 years for a crime that occurred when they were under the age of 18 to file a motion for reduction of sentence. Twenty-four people who sought sentence reductions were released within the first year that the act was in effect. As of October 2022, none had been charged with a new crime or found to have violated probation.<sup>4</sup>
- In **Washington State** as of May 2023, 98 people serving sentences for crimes they committed prior to age 18 had been released from prison prior to their expected release date. Of them, only 2 (2.1%) had been convicted of a new felony crime (both were assault in the third degree), and 5 (5.2%) had their parole revoked and were returned to prison for technical violations (as opposed to new criminal violations).<sup>5</sup>

### Older Adults

- In **Maryland**, 200 people were released from prison following a state court decision that found the jury instructions used in their trials to be unconstitutional. When they were released, they were relatively old (the average age was 64) and all had served 30 years or more. Most had been convicted of murder and the remainder were convicted of rape. As of May 2021, only 3% had been re-incarcerated. They were released due to a legal technicality rather than based on showing that they had been rehabilitated or that they were safe to release, and yet their recidivism was nevertheless extremely low. This illustrates that it is the norm, rather than the exception, that people serving long sentences can at some point safely return to the community.<sup>6</sup>

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<sup>3</sup> Daftary-Kapur, T. & Zottoli, T. (2020). *Resentencing of Juvenile Lifers: The Philadelphia Experience*, Montclair State University. <https://secondchanceslibrary.org/wp-content/uploads/2022/06/Resentencing-of-Juvenile-Lifers-The-Philadelphia-Experience.pdf>.

<sup>4</sup> Saccenti, B. & White, T. (2022). *The Juvenile Restoration Act Year One — October 1, 2021 to September 30, 2022*, Maryland Office of the Public Defender, at 13. <https://secondchanceslibrary.org/wp-content/uploads/2024/02/OPD-Report-on-Juvenile-Restoration-Act-Year-One-FINAL.pdf>.

<sup>5</sup> Beckett, K. & Goldberg, A. (2023). *Sentencing Reform in Washington State: Progress and Pitfalls*, University of Washington, at 28. <https://secondchanceslibrary.org/wp-content/uploads/2024/01/Sentencing-reform-in-WA.pdf>.

<sup>6</sup> Millemann, M., Chapman, J.E., & Feder, S.P. (2022). *Releasing Older Prisoners Convicted of Violent Crimes: The Unger Story*, U. MD. L.J. RACE, RELIGION, GENDER & CLASS, 21:2, 185-247, <https://secondchanceslibrary.org/wp-content/uploads/2022/06/Releasing-older-prisoners.pdf>.

