



FACTSHEET

# Decarcerate PA

## LIFE WITHOUT PAROLE IN PENNSYLVANIA

Pennsylvania prisons currently hold approximately 5,100 people serving life sentences. In Pennsylvania, life means your natural life, with no possibility of parole. You receive mandatory Life Without Parole (LWOP) in Pennsylvania if you are convicted of first or second degree murder, even if you were only present at the incident and were not accused of being the person who pulled the trigger. Since these sentencing guidelines are mandatory, the judge has no discretion in sentencing and cannot take into consideration any mitigating circumstances.

Because LWOP means sentencing people to die in prison, many people have come to call it “Death by Incarceration,” or “the other death penalty.” We believe that life without parole sentencing is both immoral and expensive, and that legislators and courts should take immediate and retroactive action to abolish these sentences.

### Overview

- Pennsylvania has the second highest number of people serving LWOP sentences of any state in the country, and is one of only six states that denies parole to lifers. As of 2009, 9.4% of the prison population was serving life sentences. In contrast, there are 15 states where less than 1% of people in prison are serving LWOP.<sup>1</sup> There is no such thing as life with parole in Pennsylvania.<sup>2</sup>
- LWOP disproportionately targets people of color. PA’s racially disproportionate LWOP sentencing is above the national average. In Pennsylvania, people serving LWOP sentences are 65% Black and 8.5% Latino. Nationally, about half of people serving LWOP nationally are Black and a sixth are Latino.<sup>3</sup>
- Pennsylvania has the most people serving Juvenile Life Without Parole in the country.<sup>4</sup> PA has more than 480 people serving JLWOP.<sup>5</sup>
- PA also incarcerates the second highest amount of elderly prisoners of any state.<sup>6</sup> Not everyone who is elderly in prison is serving LWOP, but many are. In 1980 there were 370 elderly people in PA’s state prisons, now there are over 8000.<sup>7</sup>
- It costs the state an average of \$42,000 a year to incarcerate someone in PA,<sup>8</sup> but due to higher medical costs it costs approximately \$66,000 a year to incarcerate elderly prisoners.<sup>9</sup> There are also innumerable costs to families and communities who lose the economic and emotional support of loved ones who are forced to grow old in prison.

1 Sentencing Project Report *No Exit: The Expanding Use of Life Sentences in America* [http://www.sentencingproject.org/doc/publications/publications/inc\\_NoExitSept2009.pdf](http://www.sentencingproject.org/doc/publications/publications/inc_NoExitSept2009.pdf)

2 See the Sentencing Project Report *Life Goes On: The Historic Rise In Life Sentences in America* [http://sentencingproject.org/doc/publications/inc\\_Life%20Goes%20On%202013.pdf](http://sentencingproject.org/doc/publications/inc_Life%20Goes%20On%202013.pdf)

3 *Life Goes On: The Historic Rise In Life Sentences in America*

4 Juvenile Law Center, <http://www.jlc.org/current-initiatives/promoting-fairness-courts/juvenile-life-without-parole/jlwop-pennsylvania>

5 Defender Association of Philadelphia Testimony of Juvenile Life Without Parole Before The Senate Judiciary Committee, July 12th 2012

6 2012 Human Rights Watch Report *Old Behind Bars*: [http://www.hrw.org/sites/default/files/reports/usprisons0112webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/usprisons0112webwcover_0.pdf)

7 PA Department of Corrections’ FY2011-2012 Cost & Population Report

8 See the Vera Institute’s Report “The Price of Prisons: What Incarceration Costs Taxpayers” <http://www.vera.org/pubs/price-prisons>

9 See the ACLU’s Report “At America’s Expense: The Mass Incarceration of the Elderly” <http://www.aclu.org/criminal-law-reform/american-expense-mass-incarceration-elderly>

## National and International Context

- In the United States, 159,000 people are serving life sentences; of that 159,000, 49,000 are serving sentences of Life Without Parole (LWOP).<sup>10</sup>
- Even in states with declining prison populations, the number of people serving life sentences is going up, and the number of crimes you can be sentenced to LWOP for is also going up.<sup>11</sup>
- 2500 people nationally are serving Juvenile Life Without Parole Sentences.<sup>12</sup> The U.S. is the only country in the world that sentences children to life without the possibility of parole.<sup>13</sup>
- There are 21 countries in the world where life sentences, with or without the possibility of parole, are considered unconstitutional. LWOP is unconstitutional in 25 countries.<sup>14</sup>

**There is no evidence that eliminating LWOP or releasing elderly prisoners will negatively impact public safety. In fact:**

- According to the ACLU's report *At America's Expense: The Mass Incarceration of the Elderly*, "research has conclusively shown that by age 50 most people have significantly outlived the years in which they are most likely to commit crimes. For example, arrest rates drop to just over 2% at age 50 and are almost 0% at age 65."<sup>15</sup>
- According to the Pennsylvania Board of Probation and Parole, only 99 lifers over the age of 50 have been released since parole's inception. Of these 99 people, only one had been recommitted for a new crime, a recidivism rate of 1.01%.<sup>16</sup> This is in comparison to a recidivism rate of approximately 60% for the system as a whole.<sup>17</sup>
- 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.<sup>18</sup>
- Paroling elderly prisoners makes financial sense. If even a quarter of the elderly prisoners serving time in Pennsylvania state prisons were paroled, the state would save \$132 million a year. That money could be invested in healthcare, education, drug and alcohol treatment, and community based reentry services.

No one should be sentenced to die in prison, without the possibility of release. Ending Life Without Parole is an important step towards ending mass incarceration. Want to help fight for parole for people with life sentences? You can find out more at <http://decarceratePA.info>

Call or write your legislators today and demand parole eligibility for lifers. You can find your legislator's contact info online here: <http://www.legis.state.pa.us/>

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10 Life Goes On: The Historic Rise In Life Sentences in America

11 Life Goes On: The Historic Rise In Life Sentences in America

12 Life Goes On: The Historic Rise In Life Sentences in America

13 Life Goes On: The Historic Rise In Life Sentences in America

14 [http://en.wikipedia.org/wiki/Life\\_imprisonment](http://en.wikipedia.org/wiki/Life_imprisonment)

15 [http://www.aclu.org/files/assets/elderlyprisonreport\\_20120613\\_1.pdf#page7](http://www.aclu.org/files/assets/elderlyprisonreport_20120613_1.pdf#page7)

16 <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2005-40-INMATES%20REPORT.pdf>

17 <http://www.newsworks.org/index.php/local/harrisburg/51743-study-provides-snapshot-of-pa-recidivism-rate>

18 <http://jsg.legis.state.pa.us/resources/documents/ftp/publications/2005-40-INMATES%20REPORT.pdf>



*Decarcerate PA is a grassroots campaign working to end mass incarceration in Pennsylvania. We demand that PA stop building prisons, reduce the prison population, and reinvest money in our communities.*

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