
**PUBLIC HEARINGS
THE PUBLIC SAFETY AND REHABILITATION ACT
SCI-GRATERFORD, PENNSYLVANIA
DECEMBER 13, 1991**

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HOUSE BILL 1382 - DECEMBER 13, 1991

My name is Tyrone Werts, I am 41 years old and I have been in prison for 16.5 years for a conviction of 2nd degree homicide as a result of my participation in a robbery where someone was unintentionally killed. Before coming to prison, I lived at 8645 Forrest Avenue in Philadelphia, was married, and the father of one child. At present, I have the fortune or misfortune - based on how you look at it - of being president of the largest inmate organization in the state, Lifers Inc., a group comprised of 550 life-term prisoners here at Graterford.

Our organization was formed in 1981 for the purpose of securing, through legislative action, meaningful change in the law to allow life-term prisoners to become eligible for parole review on a case-by-case basis. Over the years, our goals and objectives have grown to include extensive community service projects which foster community responsibility and civic pride in incarcerated people. This has lead to the development of broad based programs which solve problems for both the internal and external communities.

I sit here today as a representative of the 2200 Life-sentenced prisoners in the Commonwealth of Pennsylvania who are not eligible for parole, nor allowed to participate in a number of pre-release programs. Contrary to common opinion by lawyers, judges, prosecutors, the general public, and the media, "Lifers" are not released after seven, ten, or even fifteen years. In Pennsylvania, LIFE MEANS LIFE; a concept that is outside the mainstream of correctional thought in the United States.

It is our position that legislation must be adopted to change the law as it applies to the release of life-term prisoners. This legislation should establish a case-by-case review whereby each lifer will be considered for parole review with the judgement based on a rigid criteria of case history, psychological profile, personal development, and behavioral/attitudinal adjustment.

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In 1972, there were only 400 life-term prisoners in the state of Pennsylvania. However, in 1974, a change in the penal code established two categories of murder which now carry mandatory life sentences without parole (1st and 2nd Degree murder).

Prior to 1974, only persons convicted of 1st Degree Murder were sentenced to life without parole. As a result of the change in the law, the number of lifers in the state of Pennsylvania has increased at an alarming rate, exceeding 2200 to date. With an average of 100 new lifers coming into the system each year, there will be well over 3200 by the year 2000. With no lifers being released, the cost of maintaining this population will continue to grow. At 20,000 dollars a year per lifer, by the end of the century, the cost soars to well over 64 million dollars per year just for this population, without taking inflation and geriatric care into consideration. Factor in a fifty year life span per lifer, and the cost boggles the mind, not to mention the wallet.

This tax burden on Pennsylvania citizens seems unnecessary when in actuality, a very small percentage of life term prisoners have crimes that fall into the category of the "sensational". Many lifers were first offenders, and many were involved in crimes of domestic violence whose crimes were committed in a moment of passion, and whose histories were heretofore free of criminal violence. Add to this number the many lifers who were not the actual perpetrators of the crime, but who played minor roles as knowing or unknowing accomplices, and you have a large population of life-term prisoners whose consideration for conditional release at some point in their incarceration is not only consistent with correctional standards, but also practical for the management of the prison system.

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With over 2200 life-term prisoners in the prisons of Pennsylvania (and with the additional 100 new commitments entering the system each year), the Commonwealth has a de facto "permanent" prison population without the hope or possibility of parole. Not only is this situation inconsistent with the theory of corrections, but it also presents a control problem for correctional staff since the system that maintains life-term inmates is deprived of the incentive element for behavior control.

The Public Safety and Rehabilitation Act, House Bill 1382, when made law, will NOT release lifers back into society en masse, and should not be confused with the establishment of a minimum sentence for life-term prisoners by which lifers would automatically be released after serving a definite number of years. What this bill will do is to:

1. Allow existing classification processes within the Department of Corrections to be used to determine the suitability and acceptability of life-term prisoner for parole review on a case-by-case basis.
2. Make the time served on a life sentence dependent upon the circumstances of the individual subject lifer with regard to public risk, behavior adjustment, socialization, and the ability to thrive psychologically and economically in the free society.
3. Add consistency and objectivity to the process of releasing life-term prisoners on parole.

Under the context of House Bill 1382, every life-term prisoner will NOT qualify for parole consideration. It is not formulated with the intent of releasing every lifer confined in the prisons of Pennsylvania. Such a proposal would be absurd and ludicrous and dangerous to the general welfare of the Commonwealth. In essence,

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what it does accomplish is an objective and standardized method of parole review consideration for those lifers who would otherwise be excellent candidates for Executive Clemency. Furthermore, it would give the Department of Corrections the leverage to include life-term prisoners within the parameters of its treatment process with educational, occupational, and social rehabilitation. This aspect has been lacking in the Pennsylvania corrections system as the lifer population has been neglected as a class for such institutional programming. This is primarily due to the fact that the Department of Corrections has not had a policy/strategy or a specific goal objective in dealing with its life-term inmates.

Parole review on a case-by-case basis will serve to bring Pennsylvania in line with the overwhelming majority of states in the United States by providing a form of conditional release for life-term prisoners. This is the goal of House Bill 1382, to bring case-by-case review into reality for the men and women serving life-terms in this Commonwealth, with the determination based on the criteria of social, educational and personal development. The Public Safety and Rehabilitation Act, House Bill 1382, incorporate these concepts.

We would like to make it plain that support for case-by-case review and the needs of victims are not mutually exclusive. As a matter of fact House Bill 1382 includes provisions that allows the family of victims to be heard and play a role in determining whether or not the lifer is released. In addition, this legislation will require the lifer, if paroled, to pay into the Victim's Compensation Fund for five years, a situation which is not required by any other parolee.

As human beings, we are sensitive to the needs of victims. Since most of us come from the inner city where our own families are

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victimized by crime, we can imagine the pain and anguish that victims feel, and we are sorry and deeply regretful for our actions. The majority of lifers who in one day, or in one fleeting moment, through blind rage, uncontrollable passion, accident or fear, performed an irrevocable act that he or she is genuinely sorry for. We have been living with our grief, sorrow, and punishment, and many of us will carry the weight of our remorse for the rest of our lives. Many of us have contemplated life and death over several decades and no one knows more about the preciousness of life than those of us who have taken it and are truly repentant.

While there is a provision to pay into the compensation fund, we fully understand that there is no medium of exchange, no weight in gold that can serve as just compensation for the life of another human being. We want families of victims, the legislature, and the citizens of Pennsylvania to know with certitude, and understand clearly that the concepts and developing stages that would advance one toward parole review, is not derived from any false idea that this will make all things smooth, level, or square. It is an expression of our faith derived from our remorse, the sincerity of our repentance for our actions, and compassion in our hearts for both the victim and their survivors.

We understand that crime continues to be a problem in our communities, and the public has a right to demand safe streets. Support for this comprehensive bill will not make one soft on crime. Those individuals who commit crimes against society must in some way pay for their actions, however, we can no longer continue overburden the system, and drain vital resources when many men and women can be released back into society as law-abiding, tax-paying, and productive citizens again, without increasing risk to the public.

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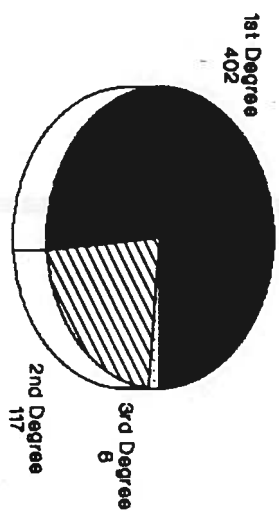
In conclusion, we would like to thank you for giving us this opportunity to educate you and the public concerning this issue. Your attention and consideration of this matter is a courageous and noble step toward addressing one problem associated with our Criminal Justice system. We hope that we are able to shed some light on this subject. Lifers across the state, as well as our families and supporters have worked hard for this opportunity to be heard, and are watching and hoping with eager anticipation. We pray that the wisdom on this legislative body will recognize the need for reform on this particular issue.

FACTSHEET:
Lifers in Pennsylvania

- * There are 2, 112 life sentenced inmates in Pennsylvania as of December 31, 1990
- * Of those, 1,365 or 64.6% are serving Life sentences for 1st degree murder while 540 or 25.6% are serving sentences for 2nd degree murder. (In addition, 9.89% are serving terms for "unspecified" murders.)
- * SCI-Muncy, the maximum security prison for women has 84 lifers; 60 serving 1st degree and 20 serving 2nd degree.
- * SCI-Graterford houses the largest lifer population with 543; 382 for 1st degree and 117 for 2nd degree. SCI-Huntindon houses 455 lifers; 313 for 1st degree and 109 for 2nd degree. SCI-Dallas houses 389 lifers with 265 for 1st degree and 81 for 2nd degree. SCI-Pittsburgh houses 323 lifers with 224 for 1st degree and 64 for 2nd degree. The remaining institutions house 222 lifers with 53 for 1st degree and 122 for 2nd.
- * An additional 96 lifers are incarcerated in federal institutions with 68 serving 1st degree and 27 for 2nd degree.
- * In 1980, 848 lifers were incarcerated while in 1990, that number increased to 2,112.
- * 95 lifers were commuted from life to a minimum term and then paroled by Governor Shaffer in one term. Governor Milton Shapp commuted nearly 300 lifers in two terms as governor. Governor Richard Thornburgh commuted 7 lifers in two terms.
- * Governor Robert Casey commuted 18 lifers as of March 31, 1991. This included 4 in his first term and 14 so far in his second term.
- * Lifers are 4 times more likely to die in prison than be commuted.
- * During the Thornburgh and Casey administrations, more lifers died in prison than were commuted; 25 were commuted compared to 81 lifers who died in prison.

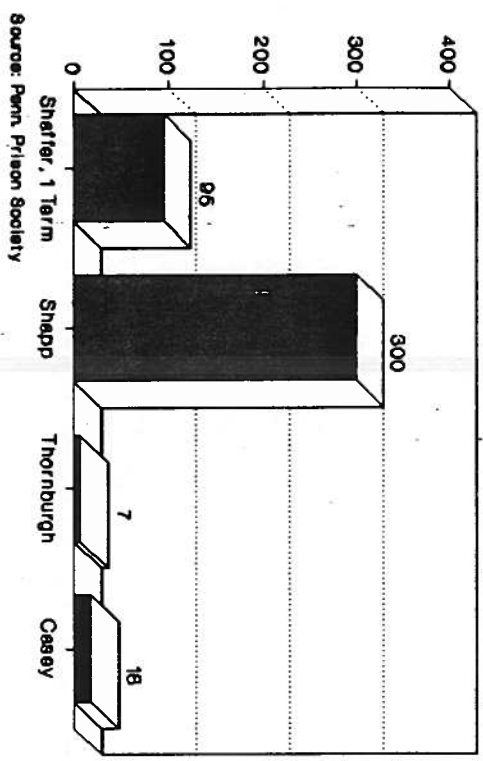
Source: The Pennsylvania Prison Society
Three North Second Street
Philadelphia, PA 19106
(215) 351-2304

GRATERFORD LIFERS SENTENCE BY DEGREE



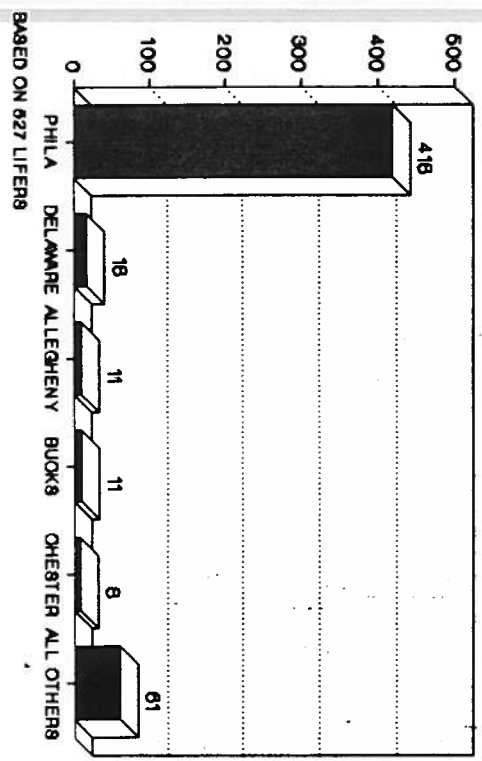
BASED ON 527 LIFERS

COMMUTED LIFERS By Governor



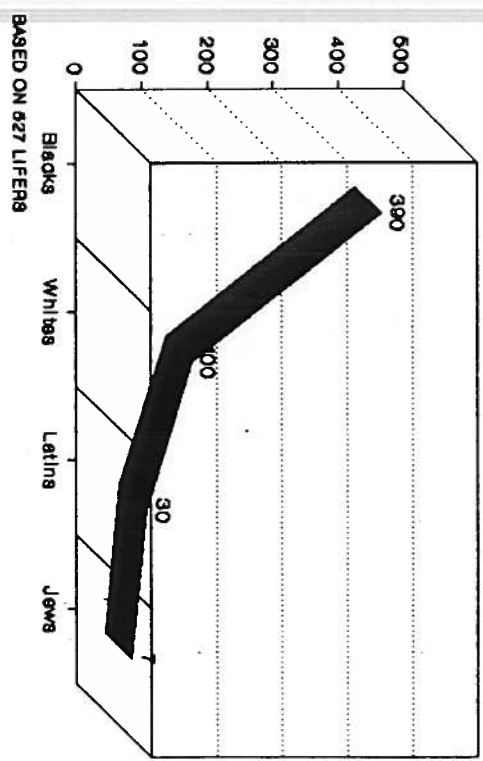
Source: Penn. Prison Society

GRATERFORD LIFERS BY COUNTY



BASED ON 527 LIFERS

GRATERFORD LIFERS BY RACE



BASED ON 527 LIFERS