

Good afternoon Chairman Briggs and Members of the House Judiciary Committee,

My name is Roxanne Horrell. I'm the Legislative Director of Straight Ahead. Over the last few years, I have been working to pass legislation that would end death by incarceration in Pennsylvania (aka life without parole). I am here to testify in support of HB 2296 which eliminates the mandatory death by incarceration sentencing for felony murder/second degree murder and also allows parole eligibility for those currently serving felony murder sentences inside prison after 25 years.

Approximately 1,100 people in Pennsylvania have been convicted of second degree murder. This is an issue that impacts Black and Latino communities disproportionately, with Black and Latino people being twelve times more likely to be convicted of felony murder.

Currently, second degree murder or felony murder in PA carries a mandatory sentence of life without the possibility of parole. There are no other options, no discretion for judges, no opportunity to consider mitigating circumstances and no opportunities to consider the growth of an individual over time. In this regard, PA is an extreme outlier as we are only one of two states in the country that sentences felony murder in this manner. In addition, we are also out of step with ALL of our neighboring states, whose minimum sentencing for felony murder ranges from 10-25 years.

I am aware that considering legislation such as HB 2296 is not easy or popular. This is a complicated issue where you will find passionate people on both sides. To be clear, advocates of allowing parole eligibility are not saying there should be no consequences for causing harm, nor does this bill allow for people to be released from prison without a process. People eligible would still have to go through a lengthy parole process that would determine whether they are ready to reenter society.

However, we are here today because we believe and KNOW that human beings are capable of change and growth and many people inside prison serving these types of sentences should have the opportunity to show they have changed and be considered for parole. Indeed, we have seen the evidence of this "growth" in the hundreds of individuals we know inside prison that are still serving their death by incarceration sentences but also through the hundreds of people sentenced to death by incarceration as children who have now been released from their sentences and are out in our communities doing good work, and have a near-zero recidivism rate.

Oftentimes, opponents to these kinds of policy changes will point to the most extreme cases as justification as why the change shouldn't happen at all. However, citing these "extreme" cases detracts from the vast majority of people inside who do not fit into those

“convenient” categories and do deserve a chance to be heard and show they are ready to come home. So today, I would like to tell you about some of the people inside about whom you do not often hear. The people whose voices are often ignored. The people who are representative of the hundreds inside PA prisons who are ready to come home. The people that a bill like HB 2296 seeks to help.

I would like to tell you about Matthew. Matthew has been incarcerated for 25 years since the age of 18 years old when he was convicted of second degree murder. Although he did not murder anyone he was present during a time a crime took place which resulted in him receiving a life sentence without the possibility of parole. Matthew comes from a community which is plagued with poverty, poor educational systems, drugs, single parent households, and a large population of individuals in prison. Matthew has also been impacted by both losing family and friends to gun violence. Although he is in prison, Matthew has been a productive and positive individual to his peers in his environment. He has given back to his community in many ways by leading fundraisers, donating to charity, and advocating for second chances. Matthew created a program called the Real RAP (Restorative Art Program) where he provides lessons to men on how to navigate challenges and to use their skills in creative and productive ways in order to give back to their communities. He has taken accountability for his actions and has been the biggest advocate for fighting for his freedom.

I would like to tell you about Dawud. Dawud served more than 35 years of a death by incarceration sentence. He was an activist that helped to found several groups with inside and outside membership. He was a prolific writer that sought to educate himself and others on matters of social liberation and justice. Most of all Dawud was a mentor and a friend to many and had a positive impact on the countless lives that he touched. Unfortunately, Dawud passed away earlier this year and was not able to see his freedom. He was a special person and he deserved to have a chance to be free.

Finally, I would like to tell you about Charles. Charles has been serving a death by incarceration sentence for almost 40 years. He is probably one of the kindest and gentlest people you will ever meet. During his time in prison, Charles has been able to co-found a restorative justice program and has facilitated workshops inside prison for both incarcerated individuals and people coming in to visit from outside prison for over two decades. Charles is someone that seeks to make the world a better place and has used the limited resources available to him inside prison to do just that.

Last month, I had the opportunity to go inside SCI Phoenix to attend one of Charles' workshops, “A Call to End Harm.” I spent the day with 27 incarcerated men, many of whom are serving death by incarceration sentences. For me, it was transformative in many ways to be able to have this experience with these men who are still incarcerated,

many of whom have little to no hope of ever being released. Yet, we spent the day sharing with each other, dreaming about a different world, and how we can make a safer and better future for everyone. So, while these men, on the surface, did not have much to be “hopeful” about it struck me that within them there was still so much hope that was present. In my opinion, none of the men that I met that day should have still been in prison. They are no longer a “threat” to society and to the contrary, they are actively trying to be a force for good in society despite the constraints placed on them by their incarceration.

I left that day wishing that more people could have a similar experience and especially for people in power, like the members of this committee, to engage in authentic interactions with those who are still incarcerated, with the people who would be impacted by HB 2296. Right now, I would like to extend an invitation to the members of the House Judiciary Committee to attend one of these workshops so that you can see for yourselves who these men really are.

Incarceration is designed to make people “invisible” after we lock them up in cages. We dehumanize and make everyone out to be “monsters.” This makes it easier to hold assumptions about who we think people are and discourages us from exercising the compassion to see who they truly are as a whole person and human being.

However, people do not cease being people after they are incarcerated. They are still human beings and if more people made an effort to “see” and understand they would realize that people inside prison, even the ones convicted of serious harm, are not so very different from anyone else. I believe that it’s important for our lawmakers to have this perspective as they consider legislation such as HB 2296. Yes, they have made terrible mistakes and perhaps caused serious harm but they are also so much more than that and many seek to do what they can to repair the harm they have caused and should not be reduced to one moment in their lives.

To close, I would like to leave you with those words written by Terri Harper who is currently serving a death by incarceration sentence at SCI Muncy:

*We are more than people sentenced to die in prison, we are people existing to live our renewal, not die our failures.*

*We are more than people sentenced to die in prison, we are people dying to survive a system built on fear and retribution.*

*We are more than people sentenced to die in prison, we are people living to show our worth.*

*We are more than people sentenced to die in prison, we are people dying to live in a world of forgiveness.*

*By Life, by Time and by every obstacle we've faced head on, we ARE NOT our crime, sentence, OR number. We are so very much more! WE ARE survivors..survivors of our bad decisions, reckless abandon, and the labels those things have put us under. WE ARE conquerors of our shortcomings, coordinators of new game plans, and captains of the ships called Redemption. We work, educate ourselves, create positive content, and nurture and guide others, all while navigating a system that's NOT designed to help us become the "More" they expect, the "More" they demand or the "MORE" we continue to achieve. WE ARE every title of Human Being that exists.*

*There's MORE!...WE are PEOPLE who messed up, and are making concerted efforts to ready ourselves for whatever kind of tomorrow we are granted and we need Your Forgiveness first, Your Constancy most, and your Support over it all.*

Thank you for your time.