



## Timothy K. Lewis: People leaving prison deserve pardons, not ‘paper prisons’

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JAN 13, 2023

12:00 AM

At the turn of the year, national leaders around the world often show mercy in the exercise of their authority by releasing their political opponents from prisons. In the United States, many governors dispense clemency by commuting (or shortening) sentences for some and granting pardons (that is, forgiveness) to others.

For the most part, we can understand why showing mercy to these people is probably the right thing to do. They are often victims of partner abuse or human trafficking; individuals who fell into drugs and committed crimes to feed their habits; people who may actually have been innocent or whose convictions were the result of bad lawyers or even prejudice or racism.

Even for those who were rightly convicted of violent crimes, there is a sense that, decades after finishing their sentences, forgiveness is the right course to pursue as a society, especially for those who have demonstrated remorse, exemplified rehabilitation, and displayed a commitment to improving themselves and their communities.

These acts of charity make the news because they are so infrequent. What the stories don't mention is just how truly rare they are. Our country puts behind bars a higher percentage of its people than any other country in the world, including the most repressive regimes, and Pennsylvania has long been at the top of the list.

According to a 2020 report by Pennsylvania's Auditor General, we had more people under correctional control than the entire population of Pittsburgh. Meanwhile, approximately 20,000 new criminal cases are filed each and every year in Allegheny County alone. It's only thanks to recent reforms that the number of people going to prison is roughly the same as the number coming out.

Even after persons convicted of crimes have been released from prison, we continue to keep them locked up up in what have been called “paper prisons” — an extensive matrix of rules, regulations, and practices by which qualified applicants are denied jobs, housing, education, loans, licenses ...

brighter futures for themselves and their families simply because of their criminal past.

The American Bar Association found that there were 40,000 such “post-punishment punishments” across the country. We even do this to those whose crimes warranted only probation.

If we were a theocracy, this might make sense: there, crimes are not only offenses against the community, but sins against God, and offenders must repent and atone before they can be welcomed back into society. That might be the case in our communities of faith as well, where moral judgments might weigh more heavily than in an open, free, pluralistic society.

But in our public spaces, we are a democracy. And in our system of government, judges, not priests, decide what punishment fits the crime. When the sentence is fully served and the offenders “corrected,” they are expected to get back to work, pursuing their potentials while supporting their families and contributing to their communities as best they can.

When they’ve “repaid their debt to society” as determined by a judge, how is it in anyone’s interest to keep them down and out?

If forgiveness and redemption were a shared, common objective, pardons would be better understood as the norm at the end of the criminal justice experience rather than as an exceptional status. With that mindset, people who have completed their sentences years ago and haven’t committed another crime since would qualify for a pardon, and only those whose post-conviction conduct shows that they haven’t been reformed would be, appropriately, denied a fresh start.

This is, in effect, what the Pennsylvania Workforce Development Board proposed in November 2021: prompt review (within one year) by the Board of Pardons of all applications for pardon from Pennsylvanians who completed their sentences five or more years ago, whose crimes were not crimes of violence and who have remained arrest-free ever since. It’s also consistent with the recommendations for more pardons, faster, made both by Pennsylvania’s Secretary of Labor and Industry and by the State Auditor General.

And that fit right in with the findings of The Economy League, which studied ten years of pardon data (when they weren’t being granted all that often), found that pardons had resulted in \$16.7 million coming out into communities all across the state, and recommended that they be considered “no-cost workforce development and community investment policies.”

We have choices to make. A more constructive, humane policy is both achievable and better for everyone. Let’s promise a second chance to those who reform their ways, let’s speed up the administrative review process, and let’s expect that everyone will receive a pardon after they have fully completed their sentence unless they have demonstrated they don’t deserve it.

Pardons release potential and provide a resource we should tap into for our collective good as <sup>[1]</sup><sub>SEP</sub>a society.

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*First Published January 13, 2023, 12:00am*