



JUVENILE LIFE WITHOUT PAROLE FACT SHEET

DECEMBER 2008

Life Without Parole (LWOP) is a harsh and costly response to crimes committed by juveniles. It contravenes international law, is inconsistent with federal law, and ignores children's lesser culpability, and their greater vulnerability and potential for rehabilitation.

While children must be held accountable for crimes they commit, they should not be punished as adults. The LWOP sentence must be abolished for juveniles.

What is Life Without Parole (LWOP)?

In **42 states** and under **federal law**, children under 18 who commit serious crimes are automatically considered adults for criminal justice purposes. Over **2,300 individuals** in the United States are currently serving life sentences without parole for crimes committed as juveniles. These sentences can best be described as:

- **Harsh:** An LWOP sentence is the harshest sentence given short of execution. The sentence means that an individual will not be given the opportunity for parole review and is condemned to die in prison.
- **Ineffective:** LWOP sentences have not proven effective at deterring crime.
- **Disproportionately Affecting Youth of Color:** On average, black children are **ten times** more likely to be serving a LWOP sentence than white children.

Massachusetts has the **11th highest rate** of juveniles sentenced to LWOP in the country, with 18.49 youth per 100,000 receiving LWOP sentences. There are currently over 57 people serving the LWOP sentence in Massachusetts for crimes committed when they were under age 18. A child as young as 14 can receive a sentence of life without parole.

Why Should LWOP Be Abolished?

The United States Stands Alone in Sentencing Youth to LWOP

The United States is the only country in the world that currently sentences youth to LWOP. 135 Countries have abolished the LWOP sentence for juveniles.

International Law prohibits sentencing juveniles to life in prison without the possibility of parole (*Article 24 of the International Covenant of on Civil and Political Rights, Article 37 of the Convention on the Rights of the Child, Universal Principles of Human Rights*).

The UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) require that detention of children should be limited to the shortest time necessary to protect society, and then only as a last resort.

LWOP is Inconsistent With U.S. Law

Civil Matters: In civil matters, state and federal laws reflect the immaturity and irresponsibility of children.

Categorically Less Culpable: The Supreme Court has ruled that children are “categorically less culpable” than adults. (Roper v. Simmons, 2005).

If state and federal laws recognize the difference between youth and adults in civil matters and in applying the death penalty, they should recognize this difference when considering the LWOP sentence for juveniles as well.

LWOP Ignores Diminished Culpability

Psychological and neurological research shows that juveniles differ from adults in ways that imply lessened culpability for crimes. These differences must be considered in giving criminal sentences to youth. Specifically, youth lack the adult capacity to:

- ^a Use reasoned judgment
- ^a Prevent harmful actions that arise as a result of emotion or fear
- ^a Understand long-term consequences of such actions

LWOP Leaves Children Vulnerable

Children receiving LWOP sentences are often left vulnerable in the courts and the prison systems.

In adult courts, trials for children often fail to provide the necessary safeguards.

In prisons, children serving LWOP sentences in adult prisons are particularly vulnerable. Children serving LWOP sentences aren't given access to the same types of services or educational programming as prisoners serving different sentences because access to these programs is typically reserved for prisoners who may someday be released and for whom rehabilitation remains a goal.

Brain research has also shown that youth are more susceptible to rehabilitation than adults because their brains are not completely formed. Regardless of their sentence, all youth should be provided with rehabilitative and educational services.

What Should be Done?

Massachusetts should enact legislation abolishing the sentence of life without parole for any offense committed by a child or youth under age 18.