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Report # 105

Juveniles Sentenced To Life: U.S. Practice & Policy

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Children In Prison For Life

Population Explosion

Life sentences rose with tough juvenile crime laws

When it comes to sentencing young offenders under the age of 18 to life in prison without the chance of parole, the United States corners the market. In fact, no other nation in the world comes close to matching the number of these inmates held in Pennsylvania's prisons alone.

Tougher approaches to combating juvenile crime have greatly contributed to the number of inmates serving life sentences in U.S. prisons for crimes committed when they were children. Meanwhile, while most nations have abolished such harsh penalties for children, the United States has been steadfast in its refusal to join them.

Today, America's prisons hold at least 2,380 inmates serving life without parole for crimes they committed when they were under the age of 18.¹ Israel is a distant second with 7 such inmates – a population that only accounts for about 2% percent of the estimated 360 inmates sentenced to life without parole as juveniles who are currently serving time in Pennsylvania prisons.

Although most were sentenced in their later teenage years, U.S. courts have imposed life terms for children considerably younger. In a recent study, the nonprofit Equal Justice Initiative documented 73 cases of 13- and 14-year-old children who have received life sentences without the possibility of parole across the United States.

Focus On Punishment

The increase in the number of young offenders sentenced to life in prison without parole is largely due to a sweeping trend in the 1990s that shifted

the cases of more juveniles accused of felonies into adult criminal courts, where they are exposed to the possibility of receiving harsh prison sentences.

This shift was seen in nearly every state and was fueled by public concern over a sudden and steep increase in juvenile crime, particularly violent crime. This crime wave was accompanied by a notion advanced by the news media and selected academics that there was a new breed of violent and incorrigible juvenile "super predators."

That theory, however, was soon discredited. "Starting around 1994, juvenile and adult crime started dropping and we now have ended up with crime rates that are around the lowest in 30 years," said Edward P. Mulvey, PhD, University of Pittsburgh Professor of Psychiatry, Law and Psychiatry Program at the Western Psychiatric Institute and Clinic. "If the super predator idea was accurate, there still would have

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been a large pool of very, very troubled and troubling children out there. They just didn't exist. That's not to say there are not damaged and problem children, but there is not the wave of inevitably damaged children that was predicted."

Nevertheless, states continued to adopt more punitive approaches for dealing with young offenders. The most common were transfer statutes that made it easier or mandatory to send the cases of juveniles charged with violent crimes and other serious felonies to adult criminal courts, where such provisions as mandatory minimum sentences mean young offenders are much more likely to receive prison time than they are in juvenile courts that focus more on reform and rehabilitation than on punishment. From 1992 to 1997, all but six states enacted such statutes.²

Life Without Parole

Studies suggest laws that allow the

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cases of more juveniles to be adjudicated in adult criminal court have had a significant impact on the number of juveniles sentenced to life without parole. Between 1990 and 2000, the number of juveniles sentenced to life without parole increased by 216%, despite a nearly 55% decline in the number of juveniles convicted of murder.³

The estimated 360 inmates in Pennsylvania prisons who received life sentences without the chance of parole as juveniles represents the highest such population in the nation. In addition, the Equal Justice Initiative reports that Pennsylvania's 18 cases of 13- and 14-year-olds sentenced to life without parole is the highest in the nation, followed by Florida with 15 cases.

The reason for these high numbers is unclear. Juvenile justice organizations in the state have begun to investigate those cases to gain a better understanding of why that prison subpopulation is higher than in other states, said Michael Pennington, director of the Office of Juvenile Justice and Delinquency Prevention at the Pennsylvania Commission on Crime and Delinquency.

One reason might be the fact that Pennsylvania has always transferred the cases of juveniles charged with homicide directly to criminal court. "But without looking at the data and each of these [life in prison without parole] cases, it is difficult to pinpoint why this happened," Pennington said.

Pennsylvania has achieved the high national ranking despite laws that allow juveniles charged in criminal court to petition to have their cases tried in the juvenile justice system. Pennsylvania is also considered a leader in juvenile crime prevention due to its community-based prevention initiatives and focus on evidence-based delinquency prevention.

U.S. Policy

The United States continues to resist the trend that has seen 135 nations abolish the sentence of life without parole for children under the age of 18. Although 10 nations in addition to the United States have laws that allow for sentencing young offenders to life without the chance of parole, only in Israel have the courts done so.

The U.S. government and 44 states allow criminal court judges to impose sentences of life in prison without parole on juveniles. Of those states, 13 – including Pennsylvania – allow sentencing a child of any age to life without parole. Nevada, sets the age limit at 8 years; 18 states allow the sentence to be applied to a child as young as 10 years; 20 states allow the sentence to be imposed on children as young as 12 years; and 13 states set

the minimum age at 14 years.

Alaska, Colorado, Kansas, Kentucky, New Mexico, Oregon and the District of Columbia prohibit the practice of sentencing juveniles to life in prison without parole.

Internationally, sentences of life imprisonment without parole violates the 1990 Convention on the Rights of the Child. However, the United States is one of only two nations – Somalia is the other – that has not ratified the Convention on the Rights of the Child.

Recently, the United Nations General Assembly passed by a 185-1 vote a resolution calling on all nations to abolish the practice of sentencing children under the age of 18 to life in prison without parole. The United States was the only nation to vote against it.



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This article was largely based on the following publications:

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1 Leighton, M., & de la Vega, C. (2007). *Sentencing our Children to Die in Prison: Global Law and Practice*. San Francisco, CA: The Center for Law and Global Justice, University of San Francisco School of Law. www.law.usfca.edu/home/CenterforLawandGlobalJustice/Juvenile%20LWOP.html

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3 Human Rights Watch & Amnesty International, op. cit.

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