



## POSITION STATEMENT

Adopted by NPJS Board of Directors ~ February 5, 2015

# SENTENCING JUVENILES TO LIFE IN PRISON WITHOUT THE OPPORTUNITY FOR PAROLE

### STATEMENT OF THE ISSUE

According to Human Rights Watch (HRW), in 2009 there were approximately 2,500 individuals in prison in the United States serving life without parole sentences for crimes they committed while under the age of eighteen. These individuals sentenced as children will die in prison unless policies change.

Four United States Supreme Court rulings between 2005 and 2012—*Roper v. Simmons*, *Graham v. Florida*, *J.D.B. v. North Carolina*, and *Miller v. Alabama*—identify youth status as a relevant mitigating factor when children face the justice system.

### NATURE OF THE ISSUE

- Youth are still developing physically, emotionally and neurologically. Their brains—not just their bodies—are not yet fully developed. Thus, young people are more likely to mature and change over time, which makes them especially amenable to rehabilitation.
- Youth are not equipped to make well-reasoned, mature decisions. Research confirms that adolescents do not have adult levels of judgment, impulse control, or risk assessment. They are also more susceptible to peer-pressure than adults. The United States Supreme Court recently ruled in *Miller v. Alabama* that youth thus have a “diminished culpability” due to their age and that courts need to take into consideration the following factors when sentencing youth:
  - The child’s age and his or her individual levels of maturity, impetuosity, and ability to appreciate risks and consequences;
  - The child’s family and home environment;
  - The circumstances of the offense, including the extent of the child’s participation and the way familial and peer pressures may have affected his or her behavior;
  - The child’s lack of sophistication in dealing with a criminal justice system that is designed for adults; and
  - The possibility of rehabilitation.
- The United States and Somalia are the only countries that have chosen not to ratify the United Nations’ Convention on the Rights of the Child (CRC), which prohibits sentencing children to life without parole.
- Human Rights Watch (HRW) reports that nearly 60% of people serving life without parole sentences for crimes committed as youth had no prior juvenile or adult criminal record.
- Many adult correctional facilities lack the physical structure, programming, and trained personnel to effectively serve youth and lead them towards successful rehabilitation.

### POSITION STATEMENT

The National Partnership for Juvenile Services (NPJS) opposes life without parole for youth sentenced to adult correctional facilities. Sentencing youth to life without parole contradicts the NPJS emphasis on the redemptive and rehabilitative capacities of youth. NPJS believes that juveniles must be held accountable when they commit serious crimes, but that they should not be sent to die in prison. Through education and social services, juveniles should have opportunities to develop into healthy, productive adults. Therefore, NPJS encourages policies that support the provision of frequent and meaningful opportunities for rehabilitation, sentence review/modification, and reintegration into society.