

Life Without Parole for Juvenile Offenders

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by the Juvenile Justice Reform Committee

The United States is one of the few countries in the world that sentences juveniles to life without parole. In 42 states and under federal law, children who are too young to legally buy cigarettes are being tried for crimes as adults and if convicted, they can be sentenced to life without the possibility of parole. There are currently at least 2,500 youthful offenders serving life without parole in U.S. prisons. Nationally, 59% of these individuals received their sentences for their first ever criminal conviction. 16% were between the ages of 13 and 15 when they committed their crimes, and 26% were sentenced under a felony murder charge where their offense did not involve carrying a weapon or pulling a trigger.

Adolescents differ from adults in the way they behave, solve problems, and make decisions. There is a biological explanation for these differences. Recent research has demonstrated that the brain continues to mature and develop throughout adolescence and into early adulthood. 1 Neuroimaging studies have also shown that adolescents use their brains in fundamentally different ways than adults. As a result, they are more likely to respond impulsively, utilizing a more primitive part of their brain. They are also less likely to stop, think things through, and analyze the consequences of their actions.

The UN Convention of the Rights of the Child, ratified by 192 nations, explicitly prohibits the imposition of life without parole for crimes committed by juveniles. Such sentences also constitute a violation of additional international treaties, including:

- International Covenant on Civil and Political Rights
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice
- United Nations Guidelines for the Prevention of Juvenile Delinquency
- United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment
- American Declaration of the Rights and Duties of Man
- Inter-American Convention to Prevent and Punish Torture

In 2005, the Supreme Court recognized that juveniles are inherently different from adults. In the *Roper v Simmons* decision, they declared the juvenile death penalty to be unconstitutional. Their reasoning was

based, in part, on our evolving understanding of adolescent brain development, and the increased potential for change and rehabilitation. Writing for the majority, Justice Kennedy said, "It would be misguided to equate the failing of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed." *Roper v. Simmons*, 543 US 551, 125 S.Ct.1183, 1195 (2005). The same reasoning is equally valid with respect to life without parole.

The deterrent value of life without parole has yet to be demonstrated. It is particularly unlikely to deter adolescents from crime, as they tend to live in the present, think of themselves as invincible, and have difficulty contemplating the long-term consequences of their behavior. A primary focus of the juvenile court system has always been rehabilitation. This goal is now more attainable than ever through the use of improved assessment tools, effective community intervention programs, and treatment for underlying psychiatric disorders. 2 Therefore, the American Academy of Child and Adolescent Psychiatry strongly opposes the imposition of life without parole for crimes committed as juveniles.

References:

1. Steinberg L & Scott, E. (2003). Less guilty by reason of adolescence: developmental immaturity, diminished responsibility, and the juvenile death penalty. *American Psychologist*, 58(12), 1009-1018.
2. Teplin, T, Abram, McClelland G, et al (2007). Psychiatric disorders of youth in detention. *The Mental Health Needs of Young Offenders*, Eds. Kessler, CL & Kraus, LJ. 2, 7-47.