



March 2022

# Racial Disparities in Youth Sentencing

## In a System Plagued by Racial Disparities, Black and Native Youth Face Especially Harsh Outcomes

### National Numbers

- Of the approximately 2,800 children sentenced to life without parole prior to the Supreme Court's decision in *Miller v. Alabama*, more than 2,000 (or 73%) are children of color. <sup>1</sup>
- Of new JLWOP sentences imposed since *Miller* was decided, 78% have been imposed on children of color.
- While Black youth made up 61% of the pre-*Miller* JLWOP population, they make up 70% of new cases since 2012. <sup>2</sup>
- Since *Montgomery v. Louisiana* was decided in 2016, more than 2,300 individuals serving life without parole sentences imposed on them as youth have been resentenced. <sup>3</sup>
- At resentencing the median minimum term before parole or judicial review of sentence is 25 years. <sup>4</sup>
- The median minimum term for Native youth is 27.5 years before review. <sup>5</sup>

### In the Federal System

- Of those serving JLWOP in the federal system...
  - The median new sentence at resentencing is 38.5 years.
  - The lowest sentence imposed on a Native youth at resentencing is 54 years.
  - The median new sentence at resentencing for white youth is 28 years and 40 years for Black youth.
  - Only three individuals serving juvenile life without parole in the federal system have been resentenced to life without parole. Two of those three reimpositions of the harshest sentence available have been levied against Native Americans.

# Racial Disparities Are Starker in States With More Judicial Discretion

## • Louisiana

- 93% of the children who received LWOP in Louisiana post-*Miller* are Black, compared to 73% sentenced prior to *Miller*. <sup>7</sup>
- In new cases since *Miller*, 57% of children eligible for a LWOP sentence received it. <sup>8</sup>

## • Michigan

- Since *Miller* was decided, 58% of those resentenced to JLWOP in Michigan have been children of color. Of those sentenced for the first time since *Miller*, 90% of JLWOP sentences have been imposed on children of color.

## • Mississippi

- In 2012, 71% of youth sentenced to life without parole in Mississippi were Black. <sup>9</sup> In new cases since *Miller*, 89% of those sentenced to JLWOP have been Black. <sup>10</sup>

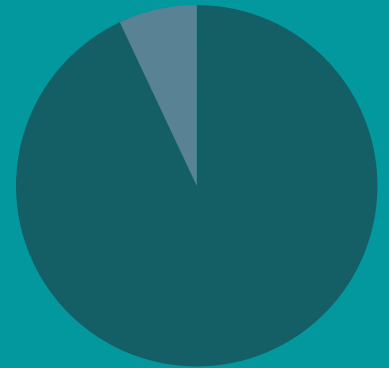
Last updated: March 10, 2022

*Note on the data: Since 2016, the Campaign for the Fair Sentencing of Youth has collected individual-level data for every person in the United States convicted of life without parole for a crime committed under the age of 18. This data is collected and updated using information from state partner organizations, state departments of correction, dockets and legal filings, and outreach from those serving these sentences and their families.*

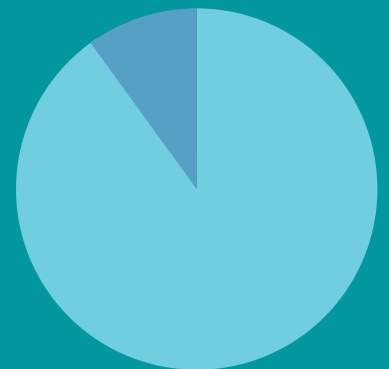
### Sources

1. <https://cfsy.org/wp-content/uploads/Montgomery-Anniversary-1.24.pdf>
2. <https://cfsy.org/wp-content/uploads/Tipping-Point.pdf>
3. <https://cfsy.org/wp-content/uploads/Montgomery-v.-Louisiana-Six-Years-Later-Progress-and-Outliers.pdf>
4. <https://cfsy.org/wp-content/uploads/Tipping-Point.pdf>
5. Data on file with CFSY
6. Data on file with CFSY
7. <https://cfsy.org/wp-content/uploads/Montgomery-v.-Louisiana-Six-Years-Later-Progress-and-Outliers.pdf>
8. <http://www.laccr.org/wp-content/uploads/2020/03/Louisiana-Compliance-w-Miller-Mar2020.pdf>
9. Data on file at CFSY
10. <http://ospd.ms.gov/REPORTS/Juvenile%20Life%20without%20Parole%20report%202002-2020.pdf>

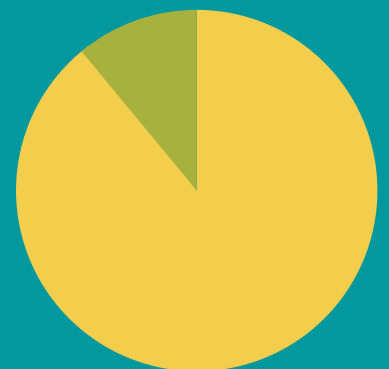
Percentage of children who have received LWOP post-*Miller* who are Black



Louisiana  
93%



Michigan  
90%



Mississippi  
89%