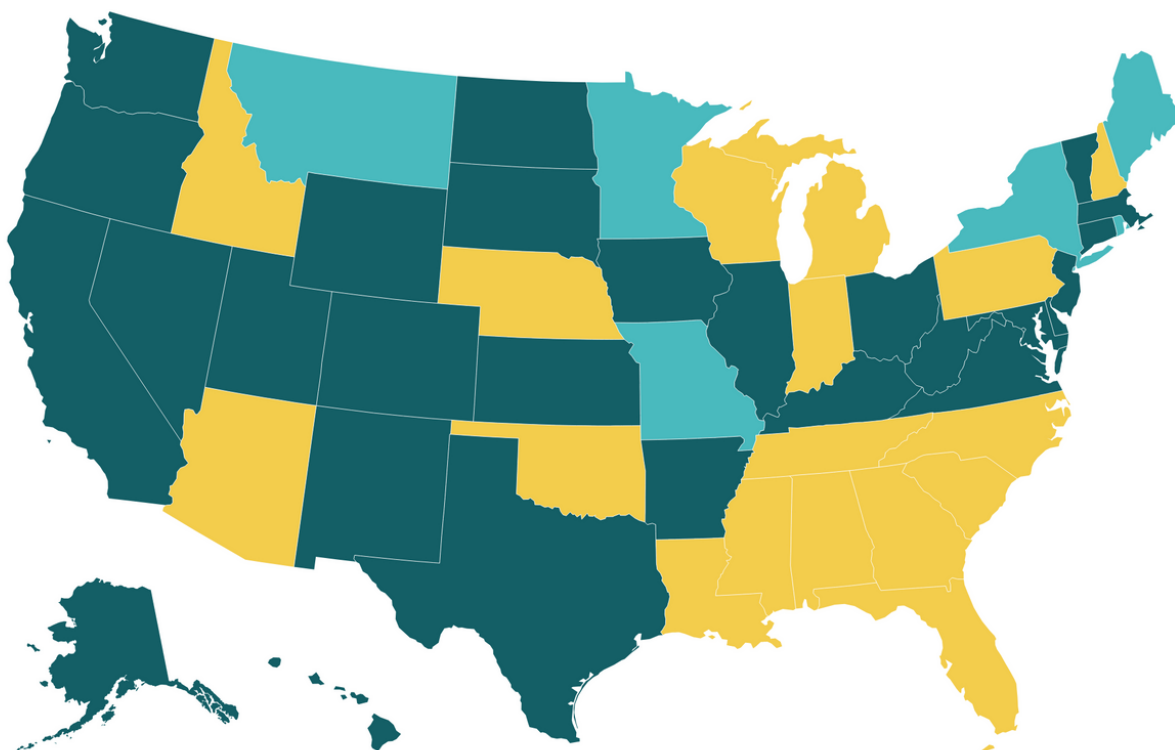


# NATIONAL TREND REJECTS LIFE WITHOUT PAROLE SENTENCES FOR CHILDREN

## The majority of US states now ban Juvenile Life Without Parole (JLWOP)

As a result of recent Supreme Court opinions,<sup>1</sup> there has been a national trend toward reexamining life without parole for children and other lengthy sentences for youth. These decisions, informed by emerging brain science, catalyzed legislative bans nationwide. In 2012, only three states had banned life without parole as a sentencing option for children. Today, 27 states and Washington DC have outlawed JLWOP.

■ Banned JLWOP (27 states) ■ Permits but no one serving JLWOP (6 states) ■ Permits JLWOP (23 states)



## Nearly 1,000 people sentenced to JLWOP for homicide have been released

Legislative bans of JLWOP have given individuals who were sentenced as children parole eligibility. Once parole eligible, the parole board must take into account the unique needs of this population. In many states, courts and legislatures have empowered parole boards to consider children convicted of serious crimes, including murder, for release. These core principles guide that consideration:

- Youth are constitutionally and developmentally different from adults.
- Youth at the time of the offense is a mitigating characteristic that weighs in favor of parole.
- Those sentenced as youth must have a meaningful opportunity for release.

<sup>1</sup> *Miller v. Alabama* (2012); *Roper v. Simmons*, (2005); *Graham v. Florida*, (2010); *Montgomery v. Louisiana*, (2016); and *Jones v. Mississippi*, (2021).

# Of those serving JLWOP for homicide:

83%

in West Virginia have been released

0

of the 109 released individuals in Louisiana have returned to prison

285

in Pennsylvania have been released. Only 1% had new convictions.

For supporting individuals preparing for their parole hearing, access our toolkit here:

<https://tinyurl.com/CFSYParoleToolkit>

## The Role of Parole Boards

Parole boards serve a vital role in ensuring youth who commit serious crimes have meaningful opportunities for release. To accomplish this important work, boards around the country have adopted procedures to specifically account for the needs of this population sentenced as youth.

### Sample Procedures Adopted by Parole Boards

**Age as a mitigating factor:** At the parole hearing, youth must be accounted to set a baseline for measuring post-crime growth and change, and to provide context for the individual's behavior before, during, and after the crime.

- Several states require the parole board to consider youth and its related mitigating factors **by statute**, including: Arkansas, California, Connecticut, Illinois, Nebraska, Ohio, Oregon, West Virginia, and Massachusetts (by case law).

**A presumption of release:** a person should be presumed to be released at the time of parole eligibility. This presumption may be rebutted by a preponderance of evidence that such person has not rehabilitated.

- For example, in **Washington**, individuals have a presumption of release unless the Board determines by a preponderance of evidence that they are more likely than not to commit new criminal law violations.

**A focus on rehabilitation rather than crime severity:** The board shall not deny parole based on the severity of the offense — except as relevant to establishing a baseline from which to determine post-crime change. An individual's post-crime maturation and rehabilitation must be the focus of the parole board.

- **Examples of positive change include:** demonstrated maturity and remorse; completion of prison programming (given availability); academic and vocational achievements; a reentry plan; prison record after the age of twenty-five; and other examples of growth.
- For example, in **New Mexico**, the parole board does not weigh institutional infractions received prior to the age of 25 against them.

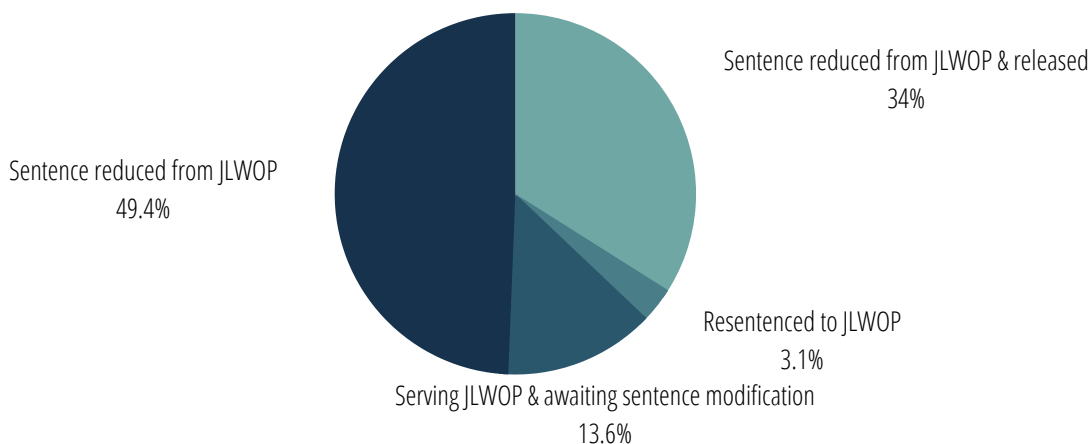
# The National Landscape of those Sentenced to JLWOP

A majority of the 2,800 individuals serving juvenile life without parole (JLWOP) in the last decade have been resentenced in court or had their sentences amended via legislation, depending on the jurisdiction in which they were convicted.

Yet despite the 84% reduction in people serving JLWOP, jurisdictions have varied significantly in their implementation of a child's constitutional rights. As a result, relief afforded to individuals serving JLWOP is based more on jurisdiction than on whether the individual has demonstrated positive growth and maturation.

This uneven implementation disproportionately impacts Black individuals, who represent 61% of the total JLWOP population.

The chart below reflects the current status of the approximately 2,800 people serving JLWOP for homicide crimes when the Supreme Court decided that those serving JLWOP could have their sentences retroactively re-evaluated. Within that population, 34% have been released, almost 50% have had their sentences reduced from JLWOP, about 14% have not yet been afforded relief, and approximately 3% have been resentenced to JLWOP.



Data on file at the Campaign for the Fair Sentencing of Youth

## The facts

**972**

people originally sentenced to JLWOP, including for homicide, have been released.

**33**

states now ban JLWOP or have no one serving the sentence.

**61%**

Sixty-one percent of children sentenced to JLWOP pre-2012 are Black, and the proportion of Black children sentenced to JLWOP has increased in new cases post-2012.