



# FACT SHEET: Second Chances for Children in the Criminal Legal System



The **Campaign for the Fair Sentencing of Youth** and the **National Center for Victims of Crime** are committed to educating the public about the experiences of children who have been sentenced to a life or life-equivalent sentence for a crime committed as a youth. This population has disproportionately experienced trauma and violence, and we believe that the provision of trauma-informed services for child survivors of crime can promote well-being and healing and prevent future harm.

## Many children who commit acts of violence have experienced abuse or neglect within their homes

- Over 90 percent of youth entering the criminal legal system have experienced abuse or neglect.<sup>1</sup>
- In a sample of children sentenced to life without parole:<sup>2</sup>
  - 79 percent witnessed violence in the home, and nearly half experienced physical abuse.
  - More than half witnessed weekly violence in their neighborhoods.
  - Among women sentenced to life without parole as children, 77 percent reported being sexually abused.
- The incarceration of a parent is an adverse childhood experience (ACE) that poses threats to a child's emotional, physical, educational, and financial well-being.
  - Some studies suggest that children of incarcerated parents are up to six times more likely to become incarcerated themselves.<sup>3</sup>



**>90%** of youth entering the criminal legal system have experienced abuse or neglect



**79%** of children sentenced to LWOP witnessed violence in the home

*"I didn't have a violent nature. I had a violent environment. I had a violent home life. I went to violent schools. I had violence surrounding me, but deep down, as a child, I didn't want those things." - Xavier McElrath-Bey, Co-Executive Director, Campaign for the Fair Sentencing of Youth*

## Children who commit acts of violence are frequently victims of violent crime themselves

- In one study, youth who were the victims of a violent offense were three times more likely to commit a violent offense in the next twelve months than those who were not victims.<sup>4</sup>
- According to findings from the National Longitudinal Study of Adolescent Health, victims of violence are significantly more likely than nonvictims to commit acts of violence.<sup>5</sup>

## Children are developmentally different from adults

- Decades of research shows that adolescents are biologically less capable of controlling emotions and impulsive behavior in stressful situations and at weighing potential consequences of actions than adults.<sup>6</sup> Developmentally, adolescents lack maturity and have an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and risk-taking as compared to adults.<sup>7</sup>
- A review of neurobiological evidence shows that teenagers are particularly receptive to rehabilitation and early intervention.<sup>8</sup>
- Adolescence is a period of heightened neuroplasticity, meaning that the brain has a heightened capacity for positive change. Although adolescents are predisposed to engage in the risky behavior and immature decision-making that can result in crime, risk-taking behavior and crime both follow an inverted U-shaped curve that increases from childhood to adolescence, peaks in mid-late adolescence, and then declines.<sup>9</sup>

# 6x

Some studies suggest that children of incarcerated parents are up to **six times** more likely to become incarcerated themselves

# 3x

In one study, youth who were the victims of a violent offense were **three times** more likely to commit a violent offense in the next twelve months

*"My experience has taught me that children are not miniature adults. We can be every bit as impressionable and reckless as children tend to be, but we can also mature into the most extraordinary humans you'll ever meet."* - **Abd'Allah Lateef**, Co-Deputy Director, Campaign for the Fair Sentencing of Youth

## Victims of crimes frequently support restorative approaches to accountability, and research shows they can be effective public safety measures

- In the National Survey of Victims' Views, 61 percent of crime victims support shorter prison sentences and more spending on prevention and rehabilitation as compared to long prison sentences.<sup>10</sup>
- In one survey, 77 percent of violent crime victims preferred that prosecutors focus on solving neighborhood problems and stopping repeat crimes through rehabilitation, even if it means fewer convictions and prison sentences.<sup>11</sup>
- In a study comparing victim satisfaction with the accountability process, 93 percent reported that they were satisfied with a restorative justice process compared to 74 percent who went through the traditional justice system.<sup>12</sup>
- One study showed a 23 percent decrease in the reconviction rate for youth who underwent a restorative justice approach compared to the reconviction rate for youth following traditional criminal justice approaches.<sup>13</sup>

## People serving long sentences safely return to their communities

- In a study of people sentenced to life without parole for harm committed as children who were resentenced and released in Philadelphia, just 1 percent had new convictions following release.<sup>14</sup>



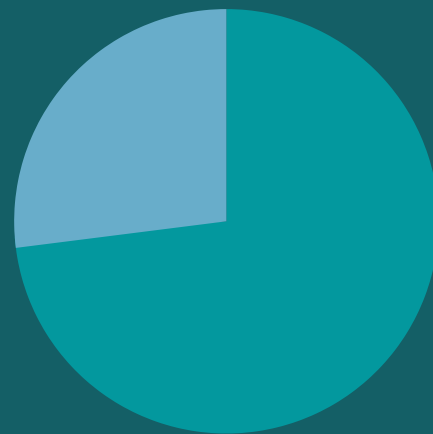
**61%** of crime victims support shorter prison sentences and more spending on prevention and rehabilitation as compared to long prison sentences

**1%**

In a study of people sentenced to LWOP as children who were resentenced and released, just **1 percent** had new convictions

## Racial disparities exist at all levels of the criminal legal system, including the sentencing of children to life sentences

- People incorrectly view Black children as older and more culpable.<sup>15</sup>
- Compared to White teenagers, Black teenagers are twice as likely to have a substantiated report of child maltreatment and are five times more likely to be killed by a gun.<sup>16</sup>
- Of the approximately 2,800 children sentenced to life without parole prior to the Supreme Court's decision in *Miller v. Alabama*, more than 73 percent are children of color.<sup>17</sup>
- While Black youth made up 61 percent of the pre-Miller population of people sentenced to life without parole as children, they make up 70 percent of new cases since 2012.<sup>18</sup>



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*Note on 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

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