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ACS Issue Brief Authors Propose “Just Alternative” To Juvenile Life Without Parole Sentences

Research Supports New Approach to Sentencing Juvenile Offenders

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Washington, D.C. – Sentencing juvenile offenders to life in prison without parole has little support in behavioral scientific research, does not strengthen public safety, and runs counter to international norms, according to a new Issue Brief released today by the American Constitution Society for Law and Policy (ACS). The authors of the Issue Brief call for a new approach to sentencing youth who commit serious offenses.

The constitutionality of sentencing youth to life in prison without parole is at issue in two cases pending before the U.S. Supreme Court. Decisions in *Graham v. Florida* and *Sullivan v. Florida*, argued in November, are expected soon.

Jody Kent, director and national coordinator of the Campaign for the Fair Sentencing of Youth, and Beth Colgan, managing attorney of the Institutions Project at Columbia Legal Services, surveyed international law and practice finding that no other country except the United States sentences juvenile offenders to life without the possibility of parole, which is a practice banned by the United Nations Convention for the Rights of the Child.

“When considering America’s moral standing in the world, most would assume that we are a world leader in protecting our children, a markedly vulnerable population,” Kent and Colgan write. “In many instances, however, our sentencing practices grossly undermine moral authority. Our nation’s treatment of youth convicted of crimes is misguided and out of step with the rest of the world.”

The authors also cite the significance of research that supports treating juvenile offenders of serious crimes differently than adults.

“Youth do not have adult levels of judgment, impulse control, or ability to assess risks,” they write. “There is widespread agreement among child development researchers that

young people who commit crimes are more likely to reform their behavior and have a better chance at rehabilitation than adults.”

Beyond being out of step with international norms and modern behavioral science, the authors maintain, “The extraordinary degree to which the sentence is imposed upon youth of color also reveals the arbitrary nature of its applications. African American youth constitute 60% of the juvenile offenders sentenced to life without parole nationwide and whites constitute 29%. On average across the country, black youth are serving life without parole at a per capita rate that is 10 times that of white youth.”

Instead of continuing the use of life sentences without parole, the authors call for “careful, periodic review of sentences for youth who have been convicted of serious offenses to determine if they continue to pose a threat to the community.” They maintain that such an approach is buttressed by scientific research of juvenile brain development, and would more efficiently ensure community safety.

Kent’s and Colgan’s Issue Brief, “A Just Alternative to Sentencing Youth to Life in Prison Without the Possibility of Parole,” is [available here](#). Please contact the ACS Communications Department to arrange interviews with the authors.

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