

Juvenile Justice Questions & Answers

Q: Does “life without parole” really mean no parole?

A: Yes. In California a sentence of life without parole (“LWOP”) means that these young offenders will die in prison with absolutely no opportunity to ask for parole. It also means those sentenced to LWOP have limited access to programs and rehabilitative services in prison, and no incentives provided by the state to work towards self improvement in prison.

Q: If a youth offender is resentenced to 25-to-life instead of LWOP, when is the first time he or she could ask for parole?

A: Only after serving 25 years in prison can an inmate ask for parole if he or she was convicted of murder. There are no exceptions.

Q: Shouldn’t these sentences be used for the worst crimes and the worst of criminals?

A: Yes — but that is not how the sentences are being used with youth. Nationally, 59 percent of juveniles sentenced to life without parole are first-time offenders — without a single crime on a juvenile court record. These young offenders are not the worst of the worst.

In California, Human Rights Watch estimates that 45 percent of youth offenders serving life without parole were convicted of murder but were not the ones to actually commit the murder. This is possible under California law which holds youth responsible for a murder that happens while they were part of a felony, even if they did not plan or expect a murder to occur.

Youth in life without parole cases are often acting under the influence of an adult. In nearly 70 percent of cases reported to Human Rights Watch in which the youth was not acting alone, at least one codefendant was an adult. Survey responses reveal that in 56 percent of those cases, the adult received a lower sentence than the juvenile.

Q: Don’t life without parole sentences help control crime?

A: No. As a society we’ve learned a lot since the time this sentence was enacted. Evidence indicates that LWOP sentences provide no deterrent effect. Additionally, it is now recognized that the adolescent brain is still developing an ability to comprehend consequences and control impulses. This is particularly relevant to assessing criminal behavior and an individual’s ability to be rehabilitated.

Q: What do other states and countries do?

A: International human rights law strictly prohibits LWOP for youth and the United States is the only country in the world to sentence youth to life in prison with no opportunity for parole. Thirteen jurisdictions in the United States already prohibit the sentencing of youth to life without parole or do not have any youth offenders serving the sentence: Alaska, Colorado, Kansas, Kentucky, Maine, New Jersey, New Mexico, New York, Ohio, Oregon, Vermont, West Virginia, and the District of Columbia. Other states have efforts underway to eliminate the sentence, including Florida, Illinois, Iowa, Louisiana, Michigan, Nebraska, and Washington.