

EXECUTIVE SUMMARY

What should we as a society do when our youngest citizens commit the most serious crimes? In the late 1970s, the Illinois legislature answered that question by passing a series of measures to address what was then seen as an upward spiral in youth crime.¹ The measures included a provision that authorized—and in many cases mandated—the sentence of life without possibility of parole (LWOP) for persons as young as 13 years old.

Nearly 30 years later, the landscape has changed dramatically. Cutting-edge brain research has confirmed that adolescents are more susceptible to rehabilitation than adults because their brains are not yet fully formed. The United States Supreme Court has declared the death penalty unconstitutional for juveniles, describing children as “categorically less culpable” than adults and more likely to change as they mature.² And there is a rapidly growing consensus, within the United States and almost everywhere else in the world, that sentencing children to life without possibility of parole violates universal principles of human rights.

The United States is one of only two countries around the world that continues to sentence children to life without possibility of parole. The vast majority of those sentences are issued in the United States. Indeed, at least 2,380 people in the US,³ compared with only 7 in the rest of the world, currently are serving life sentences for crimes they committed as children.

In 2006, Colorado outlawed juvenile LWOP outright. Similar legislation is pending in Nebraska,⁴ Florida, Michigan, California, and Illinois,⁵ and concerted efforts are being made to ban the practice in Iowa, Louisiana, Massachusetts, and Washington as well.⁶

The Illinois Coalition for the Fair Sentencing of Children believes that, in light of this gathering consensus, it is time to re-examine the well-intentioned but failed policy of sending our most serious juvenile offenders to prison for

SUMMARY OF OUR RECOMMENDATIONS TO THE ILLINOIS LEGISLATURE

- Pass legislation that abolishes the sentence of life without possibility of parole for children.
- Apply this new legislation retroactively.
- Include victim notification provisions in any legislation passed.

1. In fact, national violent crime rates have decreased dramatically over the past 15 years. US Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Violent Crime Rates*, available at <http://www.ojp.usdoj.gov/bjs/glance/viort.htm>.

2. *Roper v. Simmons*, 543 U.S. 551 (2005).

3. Center for Law and Global Justice, University of San Francisco School of Law, *Sentencing Our Children to Die in Prisons*, i (November 2007).

4. Joanne Young, *Youth Shouldn't Be Sentenced to Life Without Parole*, Lincoln Journal Star, January 10, 2007.

5. Human Rights Watch, *When I Die, They'll Send Me Home: Youth Sentenced to Life Without Parole in California*, Vol. 20, No. 1(G) 5 (January 2008).

6. *Id.*

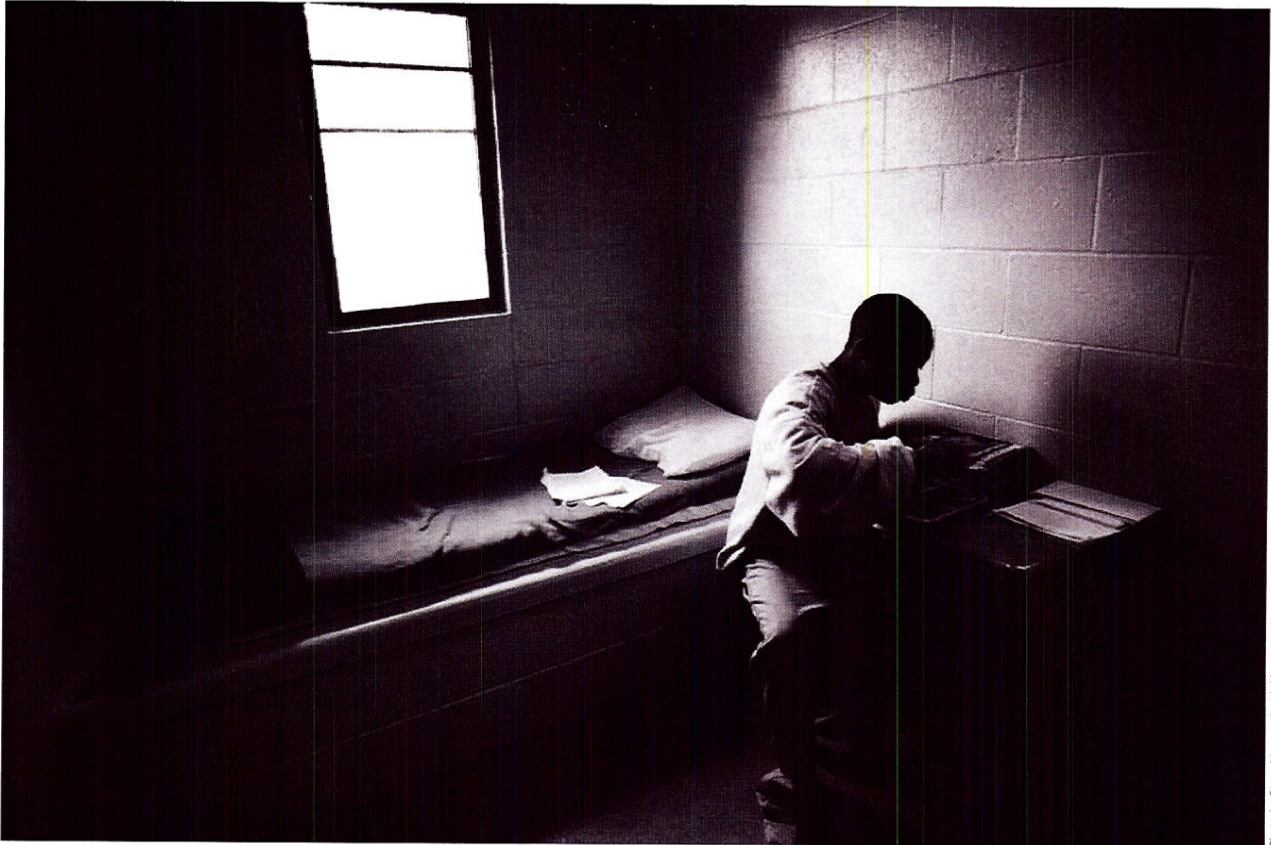


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the rest of their lives with no possibility of presenting a case for their release. Two fundamental principles guide us in this belief:

- **Children are categorically less culpable than adults.** Through recent brain-scanning research, scientists have confirmed that because children’s brains are not yet fully developed, they lack the impulse control of their adult counterparts and are more vulnerable to peer pressure. Our state has recognized these inherent differences between children and adults time and time again. Illinois prohibits children from using alcohol, voting, making decisions regarding health care, being drafted, serving on juries, marrying without parental consent, or signing contracts. In most instances, children also are treated differently than adults when they become involved with the criminal justice system.
- **Children are capable of change.** Research also confirms that, because children are not yet mentally or developmentally mature, their identities are not fully formed, and they are inherently capable of growth, reform, and rehabilitation—if given the chance to succeed. This principle is the bedrock of the juvenile

justice system, which originated in Illinois, and has been reinforced by contemporary research on adolescent brain development.

Today in the State of Illinois, 103⁷ people are serving LWOP sentences for crimes they committed as children. These individuals, all of whom entered prison as teenagers, will mature into adulthood, grow old, and die in prison. Regardless of their degree of involvement in the crime, their achievements, age, or demonstrated rehabilitation, they will never have a chance to appear before a parole board.

Each of these 103 individuals is in prison because he or she was convicted of murder. Most were convicted of multiple homicides, and some were found to have committed especially brutal acts. These crimes must be dealt with seriously. However, providing these offenders with an opportunity for parole through meaningful periodic review does not suggest that they should be or will be paroled. Offering the opportunity for parole simply

⁷ We made every effort to identify every person serving an LWOP sentence in Illinois. However, because the Illinois Department of Corrections does not maintain information on the number of people serving LWOP sentences, we were not able to verify our data, and the figure we arrived at, 103, is therefore likely underinclusive. Furthermore, although in Illinois juvenile court jurisdiction ends at the age of 17, this figure includes anyone who is serving an LWOP sentence for a crime he or she committed while under the age of 18—which is used as the age of majority in the United States and in the international community.

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means providing them the chance and the incentive to mature and prove they are capable of change.

Illinois should take a leading role in abolishing the practice of juvenile life without possibility of parole in the United States. In 1899, Illinois was the first state to establish a juvenile court. Since that time Illinois has maintained one of the largest and most sophisticated juvenile justice systems in the nation. In 2006, our state reaffirmed its commitment to balanced and restorative justice for young offenders by forming the new Department of Juvenile Justice and the Illinois Supreme Court in *People v. Miller*⁸ already has recognized that—at least in certain instances—mandatory life sentences are inappropriate for juvenile offenders.

We urge Illinois lawmakers to begin an open dialogue about this issue involving victims' families as well as prosecutors, defense attorneys, juvenile advocates, and the families of those serving juvenile LWOP, to find a mutually acceptable way of balancing the need for public safety and punishment with the proud Illinois tradition of giving child offenders a second chance.

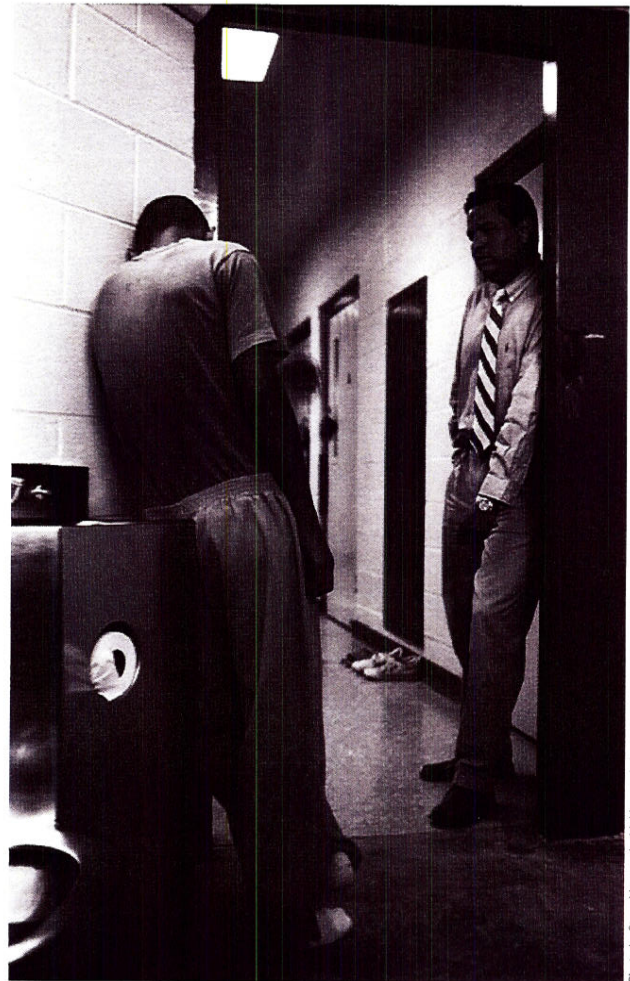


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8. 202 Ill.2d 328, 781 N.E.2d 300, 269 Ill.Dec. 503 (2002).