

Letter in support of Sentencing Review for Children

Dear Chairman Goodlatte and Members of the House Judiciary Committee:

We, the undersigned organizations, are in full support of changing federal law to ensure that any life sentence imposed in a case where the defendant was under the age of eighteen at the time of the offense, receives meaningful periodic reviews, and therefore urge the House of Representatives to introduce and pass legislation that would accomplish this, similar to what has been proposed in Section 209 of Senate Bill 2123, which cleared the Senate Judiciary Committee with broad support on October 22nd, 2015. Children are more impetuous, susceptible to peer pressure, and less likely to consider the long-term impact of their actions than adults. Their personalities are also not as well fixed, making them more likely to be rehabilitated as brain maturation occurs. We thus support opportunities for sentencing review similar to those articulated in Section 209 of S. 2123 to determine whether these individuals should be given a second chance.

Scientific evidence proves that youth are fundamentally different from adults because of their immature brain development, and their weaker impulse control and reasoning abilities. Indeed, these exact factors led the U.S. Supreme Court a few years ago to conclude that youth should be treated differently by the criminal justice system because of their developmental differences. In the decision, Justice Kennedy, who wrote for the majority, noted the fact that youth have more potential to reform their behavior and be rehabilitated than adults. As such, the Supreme Court ruled that it is unconstitutional to execute those under the age of 18 at the time they committed a crime.¹ Five years later, the Court went further by likening life without parole to the death penalty and striking down life without parole sentences for non-homicide offenses for children.² More recently, the Court struck down mandatory life without parole sentences for homicide offenses, ruling that that sentencing courts must “take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.”³

Life without parole for children is not only an unduly harsh and inappropriate penalty for youth, it is also extremely costly to taxpayers. In the United States, we spend approximately \$90 million per year to incarcerate individuals serving life without parole for crimes committed as children. Assuming they are incarcerated at age 17 (many are younger) and live to the average life expectancy of 78, we are spending a total of about \$5.5 billion to incarcerate people who may at some point in their lives pose no threat to society and could be productive members of our community.

It is for these scientific, moral, and fiscal reasons that we urge the House to expeditiously introduce and pass legislation that would offer sentencing review opportunities for individuals convicted of crimes as children in the federal system.

Sincerely,

¹ See *Roper v. Simmons*, 543 U.S. 551, 569–73 (2005).

² See *Graham v. Florida*, 130 S. Ct. 2011 (2010).

³ *Miller v. Alabama*, 132 S.Ct. 2455 (2012).

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Campaign for the Fair Sentencing of Youth

American Civil Liberties Union
Association of Women Executives in Corrections
Campaign for Youth Justice
Center for Children's Law and Policy
Center for Community Change Action
Coalition for Juvenile Justice
Equal Justice Initiative
First Focus Campaign for Children
Human Rights Watch
The Jesuit Conference of Canada and the United States
Juvenile Justice Initiative of Illinois
Juvenile Law Center
Mothers Against Murderers Association
National African American Drug Policy Coalition, Inc.
National Association of Social Workers
National Council of Juvenile and Family Court Judges
National Disability Rights Network
National Juvenile Justice Network
National Partnership for Juvenile Services
National PTA
PeacePathways
The Pendulum Foundation
The Sentencing Project
Unitarian Universalist Association
W. Haywood Burns Institute
Youth Justice Coalition
Youth Sentencing & Reentry Project