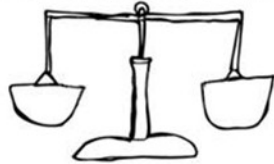


MASSACHUSETTS COALITION FOR THE

FAIR



SENTENCING

OF YOUTH

“When you throw a kid away without giving him a chance ever again, you don’t know what kind of person you threw away – you don’t know what good you are throwing away.”

Curtis D.

“Juvenile Lifer” in Massachusetts

Juvenile Life without Parole Myths & Facts

Myth: Juvenile life without parole is reserved for the worst offenders.

Fact: More than 40% of youth sentenced to life without parole were first time offenders! Many cases also involve “felony murder,” meaning that the person convicted did not actually cause the victim’s death. In Massachusetts, Life without Parole is imposed on teens as young as 14.

Myth: “Life” doesn’t really mean life.

Fact: In Massachusetts, “Life without Parole” means that the juvenile will die in prison. This sentencing policy is among the toughest in the United States and has been rejected by every other country in the world.

Myth: “Adult crime, adult time.”

Fact: Juveniles sentenced to life in prison will serve twice as long as the average adult serving the same sentence.’

Myth: Judges only use this sentence in extreme situations.

Fact: Massachusetts has mandatory sentencing of life without parole for youth as young as 14. The judge and jury have no discretion. As a result, 59 people are currently serving life without parole for a crime committed as a juvenile. Most other states in the Northeast, including New York do not have anyone serving this sentence. It will cost taxpayers more than \$130 million to incarcerate these 59 people.

Myth: Tough sentences deter crime.

Fact: The part of the brain that regulates impulse control and emotional response (the prefrontal cortex) develops until the mid twenties. As a result, teens cannot weigh short term risks and long term consequences in the same way that adults do, and research shows that imposing adult sentences on juveniles does not deter youth crime.

Myth: Once a criminal, always a criminal.

Fact: Youth are uniquely capable of rehabilitation and change because they are still cognitively developing. The vast majority of youth mature out of at-risk behaviors as they grow up – even those who have committed serious offenses. The Supreme Court has recognized that because of this, adolescents are “less culpable” than adults.²

Everyone agrees that teens must be held accountable for their actions, but sentencing practices should also take into account teenagers’ unique capacity for change and growth.

¹U.S. Department of Justice, Bureau of Justice Statistics. National Corrections Reporting Program, 1997: [United States] {Computer file}. Conducted by U.S. Department of Commerce, Bureau of the Census. 2nd ICPSR ed. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2000 AND U.S. Department of Justice, Bureau of Justice Statistics, and U.S. Department of Justice, Federal Bureau of Prisons.

²*Graham v. Florida*, 560 U.S. ____ (2010).

The Youth Fair Sentencing Act - H.1346/S.672

Senator Chandler & Representative Malia

The Youth Fair Sentencing Act ensures that teens sentenced to life in prison have the opportunity to have their sentence reviewed to determine whether their continued incarceration is necessary or appropriate.

Key Provisions

Applies a sentence of “life” instead of “life without parole” for offenses committed by teenagers under the age of 18. This allows a person to seek parole after serving at least 15 years of their sentence.

People currently serving life without the possibility of parole for an offense committed before they were 18 would also be eligible to seek parole after serving at least 15 years.

Allows science and experience to drive parole board decisions by requiring that the Governor’s parole board nominee list includes an expert in adolescent development.

Ensures that family members of victims have an opportunity to be heard at parole hearings.

What will it cost?

Nothing! In fact, it could save money.

It currently costs Massachusetts **\$2.5 million** each year to incarcerate those who have been sentenced to life without parole for crimes committed when they were under 18; this amount will increase rapidly as these individuals age and require expensive geriatric care.

Even if a few are safely returned to society, millions can be saved!



Photographs by Steve Liss; used with permission.

A growing number of local, state, and national organizations are calling for an end to life without parole sentences for juveniles, including:

American Civil Liberties Union (ACLU) • American Probation and Parole Association • Amnesty International, USA • Boy Scouts of America • Center for Public Representation • Children’s Law Center of Massachusetts (CLCM) • Children’s Defense Fund • Citizens for Juvenile Justice (CfJJ) • Committee for Public Counsel Services (CPCS) • Council of Juvenile Correctional Administrators • Dorchester Youth Collaborative • Human Rights Watch • Lawyers Committee for Civil Rights • Louis D. Brown Peace Institute • Massachusetts Association of Criminal Defense Lawyers • Massachusetts Association of Court Appointed Attorneys (MACAA) • Massachusetts Bar Association (MBA) • Massachusetts Office of the Child Advocate • Massachusetts Psychological Association • Massachusetts Society for the Prevention of Cruelty to Children (MSPCC) • NAACP • NAACP Legal Defense and Educational Fund • National Association of Social Workers, MA (NASW), National PTA, Parent/Professional Advocacy League (PPAL) • Prisoners’ Legal Services of Mass. • Project RIGHT, Inc. • ROCA, Inc. • Southern Poverty Law Center • The Home for Little Wanderers (the Home) • The Real Cost of Prisons Project • United Teen Equity Center (UTEC), Lowell • United Methodist Church, General Board of Church and Society



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