

# Children's Defense Fund

## Children's Rights

<https://www.childrensdefense.org/blog/supreme-court-juvenile-life-without-parole/>

## Public Facing Advocacy Writing

Last month, [the Supreme Court ruled](#) on the Jones v Mississippi case making it easier for children and teens to be sentenced to life without parolea decision that shifts away from decades of law recognizing that children are distinct from adults and that their age should be considered in situations where they face severe punishment in the criminal justice system.

In Jones v. Mississippi, the child in the case was sentenced to life without parole for a crime he committed when he was 15 years old. This means, because of a mistake he made as a teenager, he will live in a prison for the rest of his life with no possibility of being able to return to his family or community. The Supreme Court decision on this case made it easier to sentence other young people to the same inhumane punishment.

**This decision upholds injustices against Black children and other children of color.**

Children of color especially Black children are [overwhelmingly targeted across the legal system](#) from being over-policing, criminalized in schools, and arrested at higher rates to being more likely to be transferred to the adult system and receive harsher sentences. As Justice Sotomayor highlighted in her dissent, 70 percent of all youth sentenced to life without parole were children of color and this has only worsened in recent years.

Each year, children of color across the U.S. as young as 13 years old are sentenced to spend the rest of their lives in prisons without any possibility of returning to their communities and families. This ruling only makes it easier for judges to impose these inhumane punishments acting as another reminder that the legal system is cruel and punitive to children of color, refusing them humanity and justice.

**A young persons age should be taken into consideration during sentencing and throughout their involvement with the legal system.**

Previous court rulings found that mandatory sentences of juvenile life without parole violate the 8th Amendments protection against cruel and unusual punishment given that adolescents brains are not fully developed, they are less culpable than adults, and they have greater potential for rehabilitation and forbade judges from imposing juvenile life without parole sentences unless they made it clear that they considered the child's age and found that they were unable to be rehabilitated.

The [April Supreme Court ruling](#) weakened the precedent these previous decisions set by ruling that judges have the discretion to sentence a child to life without parole without having to demonstrate they considered the young persons age or ability to be rehabilitated. Where the Court could have continued to set Constitutional limits to protect children charged with crimes, the Jones v. Mississippi decision lets courts incarcerate children for the rest of their lives without making specific findings about their maturity or capacity.

**This ruling goes against the science on adolescent development.**

Research shows that young people have less impulse control than adults and [their brains continue to develop and mature](#) through their late teens and into their mid-twenties. Adolescents and young adults often [age out of offending](#), meaning that young people naturally mature over time and very few adolescents continue to break the law as adults. Extreme sentences like life without parole keep young people incarcerated long past risk of re-offending and prohibit their return to their communities and families.

The fact that the young people who are given these inhumane sentences often never had access to the tools they needed to thrive makes these kinds of sentences all the more profoundly devastating. [Research](#) has found that more than half of those sentenced to life without parole as juveniles were not attending school at the time of their offense and the overwhelmingly majority experienced trauma as a child before they were charged:

Juvenile life without parole sentences and the recent Supreme Court ruling also overlook the developmental differences between adolescents and adults as well as the overwhelming experiences of trauma among the young people that face these sentences. While courts *can* consider these factors when determining whether to incarcerate a child for the rest of their life, the Jones decision does not require judges to do that. When judges have more discretion in decision-making, the predictable result is outcomes that skew against Black and Latinx people. Here, based on the fact that children of color are overrepresented among those facing the harshest possible sentencing, the absence of a Constitutional requirement means that States will have to establish those protections.

Moreover, as a policy matter, communities must continue to push for responses to children who commit violent offenses with more effective strategies that support true community safety. Rather than sentencing young people to prison for the rest of their life without any chance of returning home, we should be investing in age- and developmentally-appropriate policies and resources that support their healing and growth.

**Given this SCOTUS decision, it is even more important for states and Congress to take action to ban juvenile life without parole**

**sentences.**

[Twenty-five states and DC](#) have already banned life without parole for young people under 18. Other state legislatures must follow their example to ensure young people aren't being cast aside and given up on for a mistake made as a teenager.

Congress should also enact a federal ban on juvenile life without parole sentences and pass legislation that would instead ensure young people and communities have the resources they need to prevent these harms in the first place.

[Representatives Karen Bass \(D-CA\), Tony Crdenas \(D-CA\), David Trone \(D-MD\), and Bruce Westerman \(R-AK\)](#) recently introduced [legislation](#) that would prohibit federal judges from sentencing juveniles to life without parole as well as making [a number of other important juvenile justice reforms](#).

**The United States is the only country that allows youth to be sentenced to life without parole. Its time we join the rest of the world and put an end to this cruel treatment of our children.**

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