

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

<https://eji.org/reports/cruel-and-unusual/>

## Policy Issue Resources

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After the U.S. Supreme Court banned the death penalty for children in 2005, EJI began investigating how many children had been sentenced to die in prison through life imprisonment without parole sentences.

The results were striking—we found that children as young as 13 had been sentenced in adult court to die in prison. We documented 73 cases nationwide where children 13 and 14 years old were condemned to imprisonment until death.

Most of these sentences were mandatory—the sentencing judge was not allowed to consider the child's age or life history. Some children were sentenced for crimes where no one was killed or even injured, and many were convicted even though older teens or adults were primarily responsible for the crime. Seventy percent of those 14 or younger who were sentenced to die in prison were children of color.

This report is the foundation for EJI's [litigation campaign](#) to challenge death-in-prison sentences imposed on young children.

EJI has updated the research underlying our report on 13- and 14-year-olds condemned to die in prison. After the Supreme Court's decisions in [Graham v. Florida](#) and [Miller v. Alabama](#), many of the children identified in the original report were resentenced to lesser sentences. In most of those cases, the original sentence was mandatory, so these new proceedings provided the first opportunity to consider the children's ages and the circumstances of their young lives.

As of December 2021, there are now only six children who were 14 or younger at the time of their offenses who are serving sentences of life imprisonment without the possibility of parole across the country.<sup>1</sup> These cases are in Alabama, Georgia, Florida, South Carolina, Tennessee, and Wisconsin. Of these six children, only three received that sentence after *Miller*. Another seven 13- and 14-year-olds who were previously sentenced to life without parole are still awaiting resentencing hearings.<sup>2</sup> These cases are in Illinois, Michigan, Mississippi, North Carolina, and Pennsylvania.

In the overwhelming majority of states, there are no children as young as 14 who are serving death-in-prison sentences. Indeed, since *Miller*, 19 states have abolished life without parole for all children.

This significant trend away from these sentences represents an increasing recognition that young teens diminished culpability and heightened capacity for change make sentencing them to die in prison inappropriate. In total, 26 states and the District of Columbia now prohibit life-without-parole sentences for all children, and an additional three prohibit it for children 14 or younger.

How to cite the report

Equal Justice Initiative, *Cruel and Unusual: Sentencing 13- and 14-Year-Old Children to Die in Prison* (2008).

All Children Are Children

Sentencing Children to Die in Prison

*Graham v. Florida*

*Miller v. Alabama*

*Montgomery v. Louisiana*

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