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State Bans on Juvenile Life without Parole Can Right the Wrongs of *Jones v. Mississippi*

The US is the only country that sentences children to [spend the rest of their lives and die in prison](#). We are not only isolated in this practice—we are [condemned by international law](#) for it.

On April 22, the Supreme Court of the United States ruled in [Jones v. Mississippi](#) (PDF) that authorities do not need to prove that a youth (a child younger than 18) is “permanently incorrigible” before sentencing them to juvenile life without parole (JLWOP). This [disrupted the trend of previous rulings](#) that aimed to reduce JLWOP

use and expand the scope of the [Eighth Amendment](#), which prohibits cruel and unusual punishment.

This opinion opens the door to increased use of this extremely harsh sentence, which disproportionately punishes Black children and deepens the lengthy and mass incarceration of Black people.

Though the number of people serving JLWOP sentences has [declined since its peak](#) in the 1990s, nearly [1,500 people](#) in prison at the start of 2020 were serving JLWOP sentences.

Many began their sentences decades ago, [at ages as young as 14](#). And as a result of structural racism, including in [justice policy and practice](#) and in provision of social supports, Black children are sentenced to JLWOP [10 times more often than white children](#).

Although this ruling contradicts public safety research and raises critical concerns about the human rights implications of sentencing children to live and die in prison, states aiming to limit the number of people sentenced as youth in prison can and should ban JLWOP, resentence those currently serving JLWOP sentences, and enact policies to regularly review and release people sentenced as youth who are serving long sentences.

Children cannot be “permanently incorrigible”

The idea that a child could be irredeemable and incapable of rehabilitation [defies psychology and criminology research](#). Significant evidence shows no youth is “permanently incorrigible,” making JLWOP an unjust sentence for any young person—regardless of whether a finding of incorrigibility is required.

A person’s [brain gradually develops and matures until their mid-20s](#), so though young people may be more likely than older adults to make risky or impulsive decisions, they also have an increased ability to adapt and change during this time. Youth are likely to grow from their mistakes well into their 20s, and effective public safety responses should offer opportunities for rehabilitation, not guarantee life in prison.

And though a person is generally considered an adult at age 18 by the legal system and in their late 20s by neuroscientists, [systemic racism](#) affects when and which youth are viewed as adults and whether they are viewed as capable of change.

Research shows that one reason Black youth are treated more harshly by schools and the juvenile justice system is the adultification of Black children. Studies find that [adults view Black girls as “less innocent”](#) and “more adult-like” than white girls of the same age and [see Black boys as “older and more culpable”](#) than their white peers.

In the 1990s, politicians, academics, and journalists frequently used the racist term “[super predators](#)” to describe Black children who were allegedly remorseless.

Adultification is dehumanizing and contributes to the false narrative that Black children are less innocent, more responsible for their actions, and therefore more deserving of punishment and less deserving of opportunities to grow. The racism inherent in adultification, and the racial and ethnic disparities it reinforces, make it all the more important to recognize that all children are capable of growth and change, especially when provided needed supports and services.

Further, though change happens more rapidly among younger people, all are capable of growth and change throughout adulthood. The parts of the brain that affect decisionmaking continue to grow until people reach their [30s or 40s](#).

Life sentences, at any age, are contrary to evidence, which shows that most [criminal activity declines by people's late 30s](#) and that [longer sentences are not more effective](#) than shorter ones at deterring crime. Life without parole disregards this research and only serves to punish, not to improve public safety.

States can ban JLWOP sentencing and give people sentenced as youth a second chance

Although *Jones v. Mississippi* provides more legal backbone to the use of JLWOP, the ruling does not prohibit states from adding their own limits to youth sentencing. In fact, research has influenced [many states to pass laws](#) ending JLWOP use.

Just weeks before the *Jones v. Mississippi* decision, Maryland legislators overrode the governor's veto and [passed a bipartisan bill to ban JLWOP](#) sentences, [citing adolescent developmental research](#) as an impetus for action. This bill affects [more than 400 people](#), more than one-quarter of whom are older than 50 and many of whom are Black, as Maryland has the highest proportion of Black people with JLWOP sentences of any state.

As of 2021, [25 states and the District of Columbia have abolished JLWOP](#), and several other states have no youth serving JLWOP sentences. States can move quickly to ban JLWOP, resentence people serving JLWOP terms, and grant parole to people with former JLWOP sentences who have completed their new minimum sentence.

Further, to make a true impact on the time children spend in prison, states should institute regular sentence reviews. States can mandate that those who have served a certain number of years in prison be automatically reviewed for early release, as in DC's [Second Look Amendment Act](#), which allows people sentenced as youth and young adults and who have served at least 15 years to be reviewed for release.

DC had already abolished JLWOP but took a step further to limit the number of people in prison since childhood. The Second Look Amendment Act may be the first of its kind, but its passage follows decades of research on recidivism and deterrence.

Brett Jones, the petitioner in *Jones v. Mississippi*, was sentenced to JLWOP at age 15. He is now 32 years old and has served 17 years in prison, and [many have testified to his growth](#). No matter their crime, people deserve opportunities for rehabilitation and recognition of growth and change. States can right the wrongs of *Jones v. Mississippi* and provide these chances by abolishing JLWOP.

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