



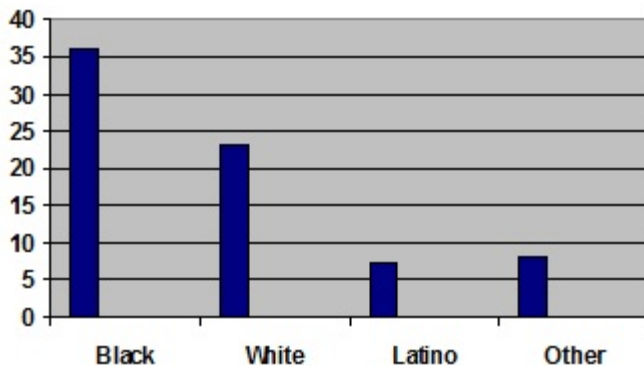
# Sentencing Children to Die in Prison

Dozens of 13- and 14-year-old children in the United States have been sentenced to life imprisonment with no possibility of parole after being prosecuted as adults. While the United States Supreme Court recently declared in *Roper v. Simmons* that death by execution is unconstitutional for juveniles, young children continue to be sentenced to imprisonment until death with very little scrutiny or review.

A study by the Equal Justice Initiative (EJI) has documented **73 cases** where children 13 and 14 years of age have been condemned to death in prison. Almost all of these kids currently lack legal representation and in most of these cases the propriety and constitutionality of their extreme sentences have never been reviewed.

Most of the sentences imposed on these children were mandatory: the court could not give any consideration to the child's age or life history. Some of the children were charged with crimes that do not involve homicide; many were convicted for offenses where older teenagers or adults were involved and primarily responsible for the crime; nearly two-thirds are children of color.

### Race of Adolescents Condemned to Die in Prison



Ashley Jones, 14, attempted to escape her abusive home with an older boyfriend who killed her grandfather and aunt. She was sentenced to die in an Alabama prison.

### 13- and 14-Year-Olds Are Different

Unlike older teenagers, 14-year-olds in most states cannot get married without permission or obtain a driver's license. The law mandates that they must attend school and limits the hours they can work in after-school jobs.

The law treats young adolescents differently because they *are* different. Adolescents' brains are anatomically undeveloped in parts of the cerebrum associated with impulse control, regulation of emotions, risk assessment, and moral reasoning. As a result, young teens experience widely fluctuating emotions and vulnerability to stress and peer pressure without the adult ability to resist impulses and risk-taking behavior or the adult capacity to control their emotions. At the same time, because a child's character is not yet fully formed, he will change and reform as he grows up.

### Condemned Children Are Victims of Severe Neglect and Abuse

Most of the children who have been

**[Y]outh is more than a chronological fact . . . It is a time and condition of life when a person may be most susceptible to influence and to psychological damage.**

*Eddings v. Oklahoma*, 455 U.S. 104, 115-16 (1982)

sentenced to die in prison for crimes at 13 or 14 come from violent and dysfunctional backgrounds. They have been physically and sexually abused, neglected, and abandoned; their parents are prostitutes, drug addicts, alcoholics, and crack dealers; they grew up in lethally violent, extremely poor areas where health and safety were luxuries their families could not afford.

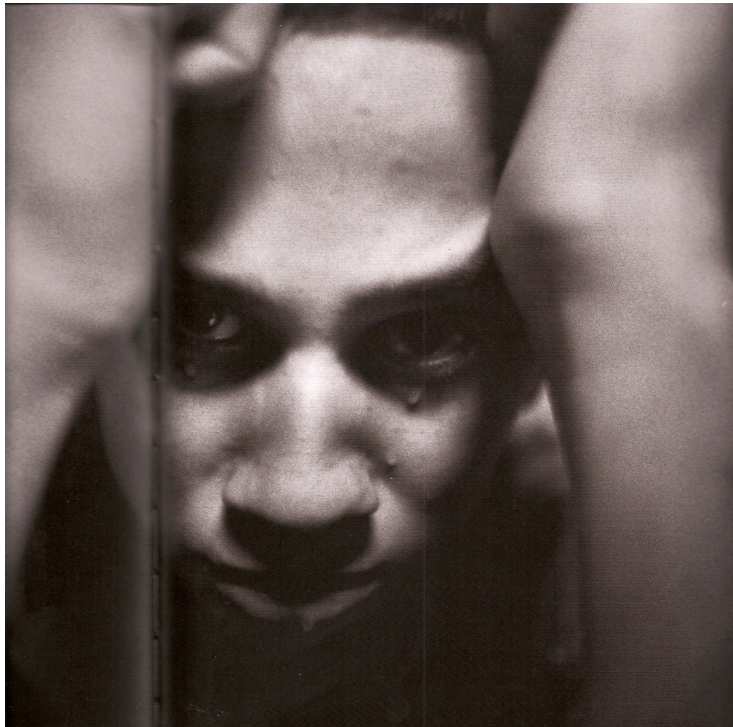
Children overwhelmed by dysfunction and without resources to flee or seek help are not provided treatment or safe haven. Instead, in the adult criminal justice system, they are subjected to mandatory sentencing that ignores the child's circumstances and those of the offense in imposing the harshest available sentence.

### **Targets for Sexual and Physical Assault**

Juveniles placed in adult prisons are at heightened risk of physical and sexual assault by older, more mature prisoners. Many adolescents suffer horrific abuse for years when sentenced to die in prison. Children are five times more likely to be sexually assaulted in adult prisons than in juvenile facilities.

### **Disproportionate Sentences**

Of the 73 children sentenced to die in prison nationwide, five were sentenced to die in prison for crimes at age 13 or 14 in which no one was killed. **All of these kids are children of color.** All of these sentences were imposed in the State of Florida. In one of these cases, a mentally handicapped 13-year-old boy was sentenced to die in prison after he was blamed by an older co-defendant for a sexual battery and his father dropped him off at police headquarters to face questioning alone.



### **The Need for Change**

EJI believes that condemning 13- and 14-year-olds to die in prison is cruel and unusual in violation of the Eighth Amendment to the United States Constitution. These sentences clearly violate international law. We have launched a litigation campaign to challenge death in prison sentences imposed on young children. Increased public awareness, coupled with informed activity by advocacy groups, will be necessary to reform policies that reflect a lack of perspective and hope for young children.