

## Our view: Juvenile injustice?

### Life without parole in non-fatal crimes is too extreme

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Is it unconstitutionally cruel and unusual punishment to send a juvenile to prison for life, with no possibility of parole, for a crime short of murder?

That's the question the U.S. Supreme Court confronted Monday in two cases from Florida.

In one, a 13-year-old offender was sentenced to life without parole for raping a 72-year-old woman. He was a hardened case -- he'd already served juvenile time for other offenses -- but he still was only 13 years old.

In the other case, a 16-year-old committed a violent burglary, served a year's sentence, then was arrested for a home-invasion robbery. That charge was never proven in court. He received his life-without-parole sentence for violating probation on his first conviction.

The two youths were serious offenders and they deserved serious sentences. But locking up juveniles for life without the possibility of parole for non-fatal crimes is such an extreme and unusual penalty that it stains the American system of justice.

The cry "adult time for adult crime" ignores the fact that juveniles don't yet have adult judgment. Even in older adolescents, the parts of their brains that handle impulse control, responsibility, forward thinking and other socially important behavior have not fully matured, according to generally accepted medical research given to the U.S. Supreme Court. Most adults know someone who was out of control as a teenager but later became a responsible adult.

Adolescents' inherent bad judgment can lead them to commit serious crimes, and when they do, they need to suffer serious consequences. But in these cases, where no one was killed, the offenders also need a chance, somewhere along the way, to show they can put their lives on a socially acceptable path.

It is cruel to declare that an offender as young as 13 is irredeemable and allow him no hope of ever getting out, even if he turns his life around and becomes a model prison citizen.

Florida's draconian punishments for juveniles in these cases are definitely unusual. There are only 106 cases nationwide involving life without parole for less than murder, according to lawyers in one of the Florida cases, and 70 percent of them come from Florida. Only 10 other countries worldwide allow such sentences as an option, the lawyers say, and, in practice, none outside the U.S. actually impose it.

In Alaska, it would be highly unlikely for a juvenile to get a life-without-parole sentence for crimes short of murder, says assistant district attorney Joan Wilson. It's only theoretically possible in a tiny number of cases -- such as a juvenile who has been convicted as an adult of rape or kidnapping and then commits one of those crimes in prison or after escaping.

Striking down Florida's life-without-parole sentences for these two juvenile offenders doesn't mean teen offenders should be let off easily. It's the "no possibility of parole" part that makes the penalty so extreme when the juvenile offender hasn't killed anyone.

In 2005, the U.S. Supreme Court abolished the death penalty for all crimes committed by juveniles, even

murder.

That means life without parole is the harshest penalty a juvenile offender can face. The Supreme Court should make sure Florida and other states reserve the harshest penalty for the most extreme juvenile crimes.

**BOTTOM LINE:** Being tough on young offenders doesn't require life without parole for crimes where no one has been killed.

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