

Life Without Parole Sentences for Juveniles: Constitutional?

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The controversy surrounding life without parole sentences for youth offenders is a complex and multifaceted issue that sits at the core of many important spheres, including constitutional law, youth developmental science, and society's ever-changing standards of justice. In spite of numerous arguments that have been mounted in an attempt to establish that such harsh sentences can be supported under exceedingly narrow and specific scenarios, controversy surrounding such harsh penalties continues to generate strong disagreement amongst a variety of interested parties. That controversy is particularly apparent when one considers the precise language contained in the Eighth Amendment, explicitly barring cruel and inhuman punishments. There are, in addition, provisions contained in the Fourteenth Amendment providing for due process and equal protection under the law for all citizens, regardless of one's position in life. Continuing the imposition of life without parole sentences, often abbreviated with the acronym LWOP, for youth offenders creates a considerable challenge in reconciling long-standing legal doctrine with new, more nuanced understandings of youth behavior and development. This raises significant concerns regarding rehabilitative tenets of justice increasingly become prevalent and widely accepted in recent years.

In this article, we will explore in-depth the complex legal, scientific, and ethical challenges that surround the imposition of juvenile LWOP sentences. We will provide a detailed examination of how jurisprudence has evolved over time through various Supreme Court observations, in addition to a review of landmark cases that have influenced the trajectory of legal decisions on this issue. Additionally, we will explore a discussion regarding the inconsistencies noted in the practice of imposing such sentences, raising important questions

regarding the fairness and appropriateness of such practices. We will seek to expand the scope to include constitutional law as it pertains to adolescent psychology, determine whether the imposition of LWOP sentences on juvenile offenders is consistent with current understandings of justice and rehabilitation, and reflect a deeper awareness of the nuances involved with youth and its far-reaching implications.

The United States Supreme Court has rendered several judgments regarding the constitutionality of imposing life without parole sentences on juvenile offenders, with these judgments arising from a series of high-profile cases that have had far-reaching implications. In one particularly significant case, *Miller v. Alabama*, decided in 2012, the Court enunciated the position that requiring LWOP sentences for juvenile offenders represents a violation of the Eighth Amendment. The rationale was based on the assertion that youth inherently reduces culpability while at the same time increasing the potential for rehabilitation among these offenders. Then, in the case of *Montgomery v. Louisiana* (2016), the precedent was extended further. This decision stated that states must allow for resentencing.

In light of firmly settled judicial holdings that have developed, it is important to note that discretionary life sentences with no chance of parole can actually be constitutional in nature. That specific scenario, however, necessarily raises important concerns regarding disparate application of such a harsh penalty, and concerns regarding judicial determination in deciding whether a specific individual has incurred irreparable taint. The character of that specific determination will necessarily vary case to case, in that it will depend specifically on the specific circumstances and background surrounding a specific case. Despite a development of jurisprudence through a series of court cases that apparently leans towards imposing certain restrictions regarding sentencing youth offenders, the lack of a definite categorical disbarment

regarding the imposition of LWOP sentences for youth opens the door for future constitutional controversy and controversy regarding such a critical issue in the future.

Extensive scientific studies regarding brain development in adolescents lend strong justification for imposing restrictions regarding extreme sentencing for youth offenders. There have been numerous studies unequivocally proving that part of the brain responsible for controlling impulses, deciding, and weighing out potential danger—namely, maturation of the prefrontal cortex—has not yet matured in adolescents. That fact is supported by such studies, proving that such underdevelopment in adolescents reduces culpability and at the same time raises rehabilitation and successful re-socialization capabilities in adolescents at a larger level in society.

The scientific agreement that such a case, in its famous case, *Roper v. Simmons* (2005), utilized in its holding explicitly utilized such an agreed scientific view in its holding, namely, that juveniles deserve less to receive extreme punishments at their disposal. In a similar manner, cases of *Miller* and *Montgomery* have taken cognizance of such a specific potential for reform in youth, one that creates additional difficulty in justification for excluding such youth forever in society through imposition of sentences of LWOP.

Neurosciences confirm, in fact, that an adolescent brain continues to mature through to such a youth's early 20s. That, with proper intervention, therefore, a high chance for such a youth offender developing into a responsible citizen in later life is a fact confirmed through such neurosciences. Application of LWOP fails to consider such a period of maturation, and therefore, such a penalty defeats such a doctrine of proportionality and individualized sentencing developed through such cases in such a jurisprudence under such an amendment under the Constitution, namely, under such an amendment under the Eighth Amendment.

The sentences of life imprisonment with no chance for parole, informally known as LWOP, handed down to juveniles, put America in a position that stands in direct contrast to the universally agreed international standards regarding human rights. Nearly all countries in the world, with the significant exception of America, have formally signed and ratified the United Nations Convention on the Rights of the Child, an important convention that specifically prohibits life imprisonment with no hope for parole for offenders who fall under the classification of juveniles. In addition, there is a strong and critical demand for countries that have signed the International Covenant for Civil and Political Rights to enact sentencing and rehabilitation options that are proportionate and sensitive to offenders' ages.

Where most democracies in the world have gone a long distance in moving towards abandoning the practice of handing down LWOP sentences to juveniles and have adopted a rehabilitation model in consonance with international human rights standards, America's continued use of such extreme sentencing options not only invites grave ethical and diplomatic criticism but at the same time brings to fore an immediate necessity for rethinking policies in a larger frame of America's role in championing human rights in the world at large. In countries such as Norway and Germany, where rehabilitation at its heart forms part of their model for dealing with youth offenders, creating avenues for successful re-entry into society, America's contrasting model, with its continued use of overly severe sentences for youth, effectively snuffs out any hope for redemption at all. In its turn, such an approach prioritizes retribution over restoration of justice.

The use of LWOP sentences for youth is disproportionately utilized when racial and socioeconomic factors are considered. Research studies have determined that Black youth

receive LWOP sentences at a level many times larger in proportion to white youth, and in such a manner, serve to act as a sign of a deeper systemic inequality in the criminal justice system. Disparity in socioeconomic factors compounds such a problem, with underprivileged youth often not having proper legal representation and access to proper tools for arguing for alternative sentencing options for them.

Geographic disparities in the application of juvenile LWOP also show that certain states and judicial districts impose these sentences at alarmingly higher rates, hence making juvenile justice outcomes nonuniform. The arbitrariness of juvenile LWOP sentencing underlines the need for federal oversight in order to have consistency and fairness in juvenile punishment.

Racial and socioeconomic inequities in sentencing to juvenile LWOP point out general flaws in the entire justice system of America. The disproportionate impact on marginalized communities suggests that such extreme sentences are applied not in terms of the seriousness of the crime but based on systemic inequities through biased application.

Spurred by growing concerns over juvenile LWOP, numerous states have enacted reforms to limit or eliminate the practice. Current legislative measures have granted parole review eligibility to juveniles serving extreme sentences in concurrence with the premise that offenders during their young age must have earned an opportunity to show their rehabilitation.

What is needed are policy reforms that would expand parole eligibility, provide legal counsel for juveniles, and emphasize rehabilitation efforts aimed at reintegration into society. Federal action-such as proposing a national ban on juvenile LWOP-could help homogenize and equilibrate the sentencing of the young.

Second, judicial discretion must be exercised with full consideration for the gravity of the offense and the particular circumstances of the offender. Similarly, parole boards should have discretion to provide meaningful reviews considering growth and rehabilitation, rather than irredeemably treating juvenile offenders as incorrigible.

Other rehabilitative approaches to justice include, and closely resemble, approaches in practice in many European nations, with a definite model prioritizing the theme of redemption over a retribution model focused predominantly in practice in many countries worldwide. In such a specific model, it increasingly seems apparent that investing in educational programs and career training for youth who become incarcerated can have a profoundly positive impact. It can serve to illustrate a form of justice that reflects a profound awareness of the potential for rehabilitation and transformation in such persons.

In America, current practice in sentencing youth seems to be moving towards a model with a strong orientation towards rehabilitation over a strong retribution model, but a significant number of legal and policy-related issues involved in such a transition have yet to be addressed and resolved. The hesitation exhibited by the Supreme Court in issuing a full ruling that will prohibit sentencing youth to life imprisonment with no chance for parole creates a scenario in which disparate sentencing determinations can occur in individual cases. That such a scenario reflects an acute necessity for legislative reform in closing gaps in current practice cannot be overlooked.

As neurosciences develop at an incredibly accelerated pace, it is not unreasonable at all to believe that courts will start to use scientific information and empirical data in sentencing practice. That such a development can make room for a more knowledgeable and prudent model for decision-making can serve to introduce a reality in which proportionate and fair sentencing

practice for youth can become a feasible objective. Greater acceptance of such development in the judicial system can go a long way in creating a less punitive model for sentencing, allowing for a reality in which proportionate and fair sentencing practices for youth can become a feasible objective.

The perspective of the general public towards life imprisonment for youth is surely an incredibly significant consideration that holds significant potential for shaping and impacting processes involved in policy-making. As awareness and information about such unjust regimes—especially ones with disproportionately excessive punishments for youth—spread and gain prominence, grassroots groups and advocacy groups have the potential to become a driving force in moving legislative reform in a positive direction. Reforms must work towards creating a modern model of justice with a strong bias towards protecting fundamental human rights for everyone, including exceptions.

The current practice of handing down life sentences with no chance of parole for youth offenders raises profoundly important constitutional, moral, and pragmatic concerns that, in no uncertain terms, require our earnest consideration and cannot and must not go unattended and unaddressed. Nevertheless, it must be understood that many of the orders and directives handed down by the Supreme Court have already placed certain restrictions regarding imposing such extreme and excessive punishments. As such, it increasingly stands out that current practice in exercising discretionary life imprisonment with no parole for youth offenders runs counter to changing standards of decency that represent our shared values in society. In addition, such practice runs counter to current scientific understandings about youth development and is in contradiction with several provisions in international legislation regarding human rights. Resolution and resolution of such critical concerns require a determined and earnest endeavor

towards creating a platform for collaboration in an attempt to make sentencing practice in harmony with constitutional protections for everyone. In a specific manner, such collaboration must work towards providing youth offenders with a real chance for rehabilitation and successful reintegration into society and communities at large.

What is in high demand in our society at present is a thorough and in-depth re-evaluation of life imprisonment terms handed down to youth offenders. That re-evaluation must particularly include consideration of a range of factors pertaining to fairness, proportionality, and justice, in a manner that grants youth offenders proper consideration for actions taken by them. America can make meaningful and significant improvements towards developing a system that is fairer, one that takes full cognizance of the potential for positive transformation in youth offenders, and one that takes full cognizance of the fact that youth offenders have a long period of years in which to become contributing and useful citizens in society. All of this can be facilitated through the incorporation of the most current understandings and breakthroughs in neuroscience in its field. In addition, compliance with international standards and norms in terms of human rights must be assured, and approaches prioritizing rehabilitation over retribution must be adopted in dealing with youth offenders' requirements.

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