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CRIME AND CRIMINAL JUSTICE: JUVENILE LIFE WITHOUT PAROLE

"We respect the humanity and promote the human dignity of both victims and offenders. We believe society must protect its citizens from violence and crime and hold accountable those who break the law. These same principles lead us to advocate for rehabilitation and treatment for offenders, for, like victims, their lives reflect that same dignity."

Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice, U.S. Conference of Catholic Bishops, 2000

The practice of sentencing individuals under the age of eighteen to life in prison without the opportunity for parole has become a matter of intense legislative and legal scrutiny, both in Michigan and throughout the country. The juveniles who received this sentence have been found guilty of committing or participating in a deadly crime, profoundly impacting both family of the victim and members of the greater community. According to the Michigan Department of Corrections, there are over 350 individuals in Michigan currently serving life in prison without the possibility of parole for crimes they committed as juveniles. While the U.S. Supreme Court, Michigan courts and the Michigan Legislature have weighed in on this sentencing policy, the Catholic Church has followed the issue with concern for all involved—guided by the principles of restorative justice and dignity of the human person.

Michigan's law on the juvenile sentence goes back to 1988, when the Legislature created an automatic waiver so that prosecutors could file charges against minors as young as fifteen or sixteen in adult court, without requiring judicial review. Because of the waiver, Michigan law required juvenile offenders convicted in adult courts to receive one of two sentences after evaluation from the court: commitment to a juvenile facility until age twenty-one or life without the possibility of parole. Prior to the creation of the automatic waiver, prosecutors could only file charges against a juvenile as young as fifteen or sixteen in adult court with

the permission of a judge, who would consider the seriousness of an offense, the youth's maturity and life experiences, prior juvenile record, and public safety/welfare, among other factors, before granting the request.¹

In 1996, the automatic waiver was expanded to include fourteen year olds and limited sentencing for a minor charged and convicted as an adult to the mandatory sentence of life without parole. This mandatory sentence eliminated the flexibility of judges to consider all the circumstances and factors of a particular crime before issuing a sentence, or to hear input from the victims' families. Additionally, juveniles who committed serious crimes and were convicted in juvenile court, rather than adult court, could still receive life without parole as a sentencing option. As a result, the number of persons in Michigan serving life without parole after having been sentenced as a juvenile is now the second highest in the nation. By removing even a slight possibility for parole in these cases, Michigan law was sending the message that any youth who committed a serious crime was beyond redemption, failing to promote rehabilitation as a core component of Michigan's criminal justice system. The number of sentences, and the sentence itself, has been cause for concern as it fails to take into consideration the cognitive developmental differences between a youth and an adult. The juvenile sentence also presents a disconnect from the principle of restorative justice,

which seeks to assist victims, address crime prevention and promote genuine rehabilitation. Juvenile life without parole offers little to no incentive for the offender to reform or to change his or her life for the better as the person grows and develops into maturity.

The Catholic Church both in Michigan and nationally has closely followed the juvenile sentencing issue and acknowledged a ruling from the United States Supreme Court in 2012 that found the mandatory application of this sentence to be unconstitutional as “cruel and unusual punishment.” Since the decision, a bill has been signed in Michigan that makes state law consistent with the Supreme Court decision by eliminating the *mandatory* sentencing of juvenile offenders to life without parole in future cases. Going forward, juveniles convicted of serious crimes can be sentenced to either life without parole or a term of years with the opportunity for a parole hearing. What neither the Supreme Court decision nor the new state law address is the fate of the approximately 350 individuals in Michigan who were sentenced as juveniles before the high court’s ruling. ■

JUDICIAL HISTORY OF JUVENILE LIFE WITHOUT PAROLE

While Michigan has sentenced hundreds of juvenile offenders to life in prison without *an opportunity* for a parole hearing, the fairness of the sentence has been debated through the courts, emphasizing the emotional maturity and developmental differences between juveniles and adults. In recent years, the U.S. Supreme Court has issued several rulings that distinguish individuals under the age of eighteen who commit crimes from adults who commit the same crimes. The following cases demonstrate that recognition:

ROPER V. SIMMONS

2005

The Court abolished the death penalty for juveniles, citing the emotional and maturity differences between adults and juvenile offenders. According to the majority decision:

“The susceptibility of juveniles to immature and irresponsible behavior means ‘their irresponsible conduct is not as morally reprehensible as that of an adult.’ Their own vulnerability and comparative lack of control over their immediate surroundings mean juveniles have a greater claim than adults to be forgiven for failing to escape negative influences in their whole environment... From a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed.”

GRAHAM V. FLORIDA

2010

The Court barred a sentence of life in prison, without a realistic opportunity for parole, for minors who commit crimes in which there was no fatality. According to the Court:

“Life in prison without the possibility of parole gives no chance for fulfillment outside prison walls, no chance for reconciliation with society, no hope. Maturity can lead to that considered reflection which is the foundation for remorse, renewal, and rehabilitation. A young person who knows that he or she has no chance to leave prison before life’s end has little incentive to become a responsible individual.”

MILLER V. ALABAMA

2012

This landmark ruling declared that the automatic or mandatory sentencing of juvenile homicide offenders to life without parole constitutes cruel and unusual punishment. The Court stated:

“Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features—among them, immaturity, impetuosity, and failure to appreciate risks and consequences. It prevents taking into account the family and home environment that surrounds him—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional. It neglects the circumstances of the homicide offense, including the extent of his participation in the conduct and the way familial and peer pressures may have affected him.”

MICHIGAN COURTS AND LEGISLATION

Although the life without the opportunity for parole sentence for juveniles has been eliminated prospectively in Michigan, court cases will decide the possibility of parole for those who were sentenced before the new law went into effect and the U.S. Supreme Court decision was handed down. Lawmakers did include language in the Michigan legislation that would allow those decisions to be applied retroactively if and only if the U.S. or Michigan Supreme Court allow so. Three cases have been brought to the state Supreme Court that may or may not lead to a change for those previously sentenced to juvenile life without parole.

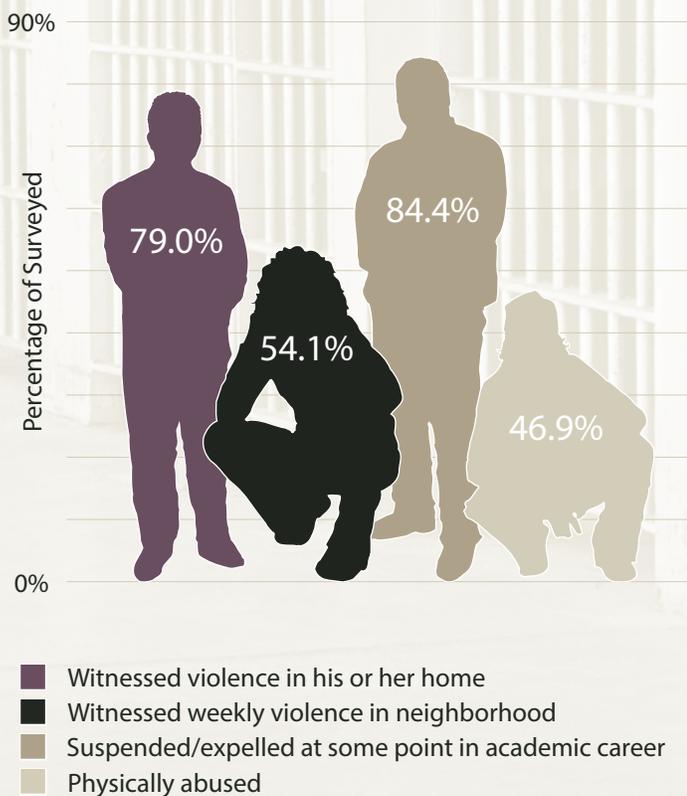
The question of retroactivity and further examination of past cases demonstrates the importance of a careful consideration of the use of this sentence. According to a report in 2013, approximately one third of those sentenced to juvenile life without parole in Michigan did not commit murder, but were convicted for involvement “as tagalongs, lookouts,

or in following orders of adult co-defendants.” In many of those cases, adult co-defendants were able to arrange plea bargains and receive reduced time in prison while their juvenile counterparts, even those who did not “pull the trigger,” will remain in prison for life without an opportunity to petition for release.² Minors have shown to have a lessened reasoning capability and difficulty understanding their legal rights and the role of the counsel, yet Michigan has routinely sentenced minors to similar, if not harsher, sentences for their crimes.

Allowing juveniles the opportunity for parole after a lengthy sentence does not mean that they will automatically be released, as the nature of the offense, public safety, and the expression of remorse continue to be factors that must be considered. Providing the *opportunity*, however, for these individuals to demonstrate their human remorse and genuine rehabilitation fosters a return of dignity and upholds the true purpose of criminal justice. ■

STATISTICS REGARDING JUVENILE LIFE WITHOUT PAROLE OFFENDERS

Data from a 2012 national survey of 1,579 individuals serving juvenile life without parole sentences shows:²



RESTORATIVE JUSTICE AND THE CATHOLIC CHURCH

The Church’s perspective on crime and restorative justice is focused on the inherent human dignity of all persons. Catholics have a role to play in “[restoring] civility and responsibility” to the community, caring for victims, preventing future crime, protecting public safety and promoting genuine rehabilitation in offenders.⁴

The U.S. Catholic bishops have stated that Catholics must be supportive of victims and those who assist them, along with peace and correctional officers who regularly encounter serious crimes and offenders.⁵ The devastation that these individuals feel should never be ignored or downplayed. Offenders, even those under the age of eighteen, should be held accountable for their crimes, and, when entering into discussion about sentencing and the possibility of parole, society should not allow them to avoid the responsibility of their actions.

At the same time, the Church cannot give up on those who have violated the law. America’s criminal justice system must recognize the dignity of offenders and “seek justice, not vengeance.” Punishment does not only defend public order and safety, but also “has a medicinal purpose: as far as possible, it must contribute to the correction of the guilty party” (*Catechism of the Catholic Church*, 2266). Offenders must be allowed the opportunity to demonstrate remorse and be accountable for their crimes, as well as complete programming, such as counseling or classes, that will help prove they are able to reintegrate back into their communities. Religious worship must also be afforded to those who are incarcerated, as it assists in rehabilitation, and also because every person, even in prison, has the constitutional right to religious practice. Denying religious presence in prison is a violation of religious liberty.

The question of age and maturity is an important aspect of crime and restorative justice, particularly regarding the sentence of juvenile life without parole. All factors must be considered in the sentencing of juveniles in order to provide meaningful opportunities for offenders to take responsibility for their crimes and demonstrate growth, including mental development and emotional maturity. Similar to the majority opinion of the U.S. Supreme Court in the *Miller* case, the bishops have pointed out that minors have not developed a fully formed conscience and awareness of their actions, unlike adults. As judicial and policy discussions continue to take place concerning the juvenile sentence, it is important that these factors and all the circumstances of the case are considered before sentencing. ■

In December 2012, the U.S. Conference of Catholic Bishops' Committee on Domestic Justice and Human Development endorsed the *Statement of Principles for the Fair Sentencing of Youth*, recognizing that sentencing guidelines should not treat children the same way they treat adults. Over 100 organizations have come together to endorse the following principles:

STATEMENT OF PRINCIPLES: THE CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH

We believe that young people convicted of serious crimes should be held accountable for the harm they have caused in a way that reflects their capacity to grow and change. We believe in fair sentencing for youth that reflects our human rights, values and moral beliefs, and as such, the fundamental difference between youth and adults. Research has proven that youth are still developing both physically and emotionally and their brains, not just their bodies, are not yet fully mature. Because of these differences, youth have greater potential to become rehabilitated. Therefore, we believe that youth under the age of 18 should never be sentenced to prison for the rest of their lives without hope of release.

We believe that a just alternative to life in prison without parole is to provide careful reviews to determine whether, years later, individuals convicted of crimes as youth continue to pose a threat to the community. There would be no guarantee of release—only the opportunity to demonstrate that they are capable of making responsible decisions and do not pose a threat to society. This

alternative to life without parole sentencing appropriately reflects the harm that has been done, as well as the special needs and rights of youth, and focuses on rehabilitation and reintegration into society.

We know that victims and survivors of serious crimes committed by youth endure significant hardship and trauma. They deserve to be provided with supportive services, and should be notified about sentencing reviews related to their cases. We believe in restorative practices that promote healing for the crime victims as well as the young people who have been convicted of crimes.

Sentencing minors to life terms sends an unequivocal message to young people that they are beyond redemption. We believe that society should not be in the practice of discarding young people convicted of crimes for life, but instead, should provide motivations and opportunities for healing, rehabilitation, and the potential for them to one day return to our communities as productive members of society.⁶

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