



The Harmful Rise in Life Imprisonment in the United States

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In recent years, states around the country have been reconsidering incarceration as the primary response to criminal behavior. After a decades-long surge, America is seeing modest declines in prison populations and various state legislatures have reformed sentencing laws to reduce prison sentences for people convicted of certain kinds of offenses. In 2011 and 2012, 17 states actually closed some of their prisons. Despite these developments – and even though serious violent crimes have been declining for the past two decades – the number of U.S. prisoners serving life sentences continues to grow. This makes little sense, because research shows few public safety benefits from more lengthy sentences.

In a recent report for The Sentencing Project, I detail the rise of the “lifer” population in America’s prisons, which grew from 34,000 in 1984 to now nearly 160,000, with almost 50,000 of the current lifers serving sentences without parole. Data for the report come from a survey of departments of corrections on the number of persons serving life sentences in all 50 states and the Federal Bureau of Prisons as of year-end 2012. The survey collected information on the number of persons serving life sentences, their demographic characteristics and types of offenses. The report offers the only national data tracking trends, dating back to 1980, on the use of life sentences across all states and the federal government.

The Upward Creep of Life Sentences

Upward trends in life sentences originated in the “tough on crime” political environment of the 1980s, which saw growing skepticism about possibilities for rehabilitating serious criminals. Punishment and incapacitation became the primary goals as many legislators abandoned the idea of reforming offenders and the public grew more comfortable with the idea of putting offenders away either for long terms or the rest of their lives. Imprisonment became a matter of retribution as public fears were stoked by sensationalized media accounts of new offenses by formerly incarcerated persons. Proliferating life sentences were the result. Even today, as diverse coalitions of lawmakers and stakeholders reexamine corrections policy, the fate of prisoners serving life sentences continues to be largely excluded from discussions of sentencing reforms.

Additional factors also spurred increases in life sentences:

- Starting in the late 1970s, various states either eliminated or greatly curtailed the use of parole. Along with the federal government, six states – Illinois, Iowa, Louisiana, Maine, Pennsylvania, and South Dakota – eliminated parole entirely, requiring all life-sentenced inmates to spend the remainder of their days in prison with no possibility for review or release.
- Across the country, life sentences for non-homicides have also increased. In eight states, more than 30% of the life-without-parole population consists of inmates convicted of non-homicide offenses. Oklahoma, for example, has the third highest rate of incarceration in the nation, with 27% of the prisoners overall serving time for drug offenses. In that state, 6.4% of the inmates serving life without parole are drug offenders, because Oklahoma’s especially harsh drug laws require a life-without-parole sentence for anyone with two previous felony convictions.

Racial Disparities and Juvenile Life Sentences

Racial disparities among America’s lifers mirror those in the general prison population. Nationally, almost half (47%) of life-sentenced inmates are African American, and the black population of lifers reaches a remarkable 77% in Maryland, and 72% in Georgia and Mississippi. In the federal system, 62% of the life-sentenced population is African American and non-whites add up to two-thirds of the total population serving life

sentences. Racial disparities become even more significant when we look at racial groups serving life without parole. Although they are 47% of lifers overall, African Americans are 58% of prisoners condemned to life without parole and account for at least two-thirds of those serving such harsh sentence in seven states.

Remarkably, approximately 2,500 juveniles are serving a sentence of life without the possibility of parole. The United States is the only country in the world that imposes this sentence on youth – although the Supreme Court has recently ruled that juveniles cannot be sentenced to life without parole for non-homicide crimes, nor can a sentence of life without parole be imposed on juveniles under a mandatory sentencing scheme. While much of advocacy and litigation around juvenile life sentences centers on those serving life without parole, my recent census reveals that there are an additional 8,000 juveniles in the United States serving sentences of life *with* parole, which often condemn them to spend decades behind bars before the possibility of release can be considered.

What Should be Done?

Life sentences are costly, shortsighted, and ignore the potential for growth or rehabilitation. Reinstating the possibility, but not a guarantee, of parole would mean that each life-sentenced prisoner is individually evaluated, to consider whether he or she has reformed during incarceration and to weigh the changing public risks of parole. When someone is killed or serious harm is done by crime, it is natural to respond by saying the victim has lost the chance to grow, heal or change. So why give such offenders any second chances? This response is understandable in some ways. But, as a matter of public policy, Americans need to ask themselves if they want our society to allow offenders who pose no future risk zero opportunities to move beyond the worst mistakes in their lives. Allowing for eventual parole requires society to apply widely shared values of mercy and courage.

When the United States insists on imposing life sentences with no reasonable chance at parole, it deprives offenders of all possibilities to make things right in their lives. All of society benefits from watching malefactors redeem themselves and contribute in positive ways, even after they have earlier committed very serious offenses. Locking all serious offenders up and throwing away the key makes little sense. Leaving the door open to show mercy in meritorious cases would do little harm to public safety, according to the best available research. This reform would benefit society by reducing unnecessary prison costs and allowing society to express mercy to those lifers who have proved through their own conduct in prison that they are capable of redemption.

Read more in Ashley Nellis, “[Life Goes On: The Historic Rise in Life Imprisonment in the United States](#),” The Sentencing Project, 2013.