

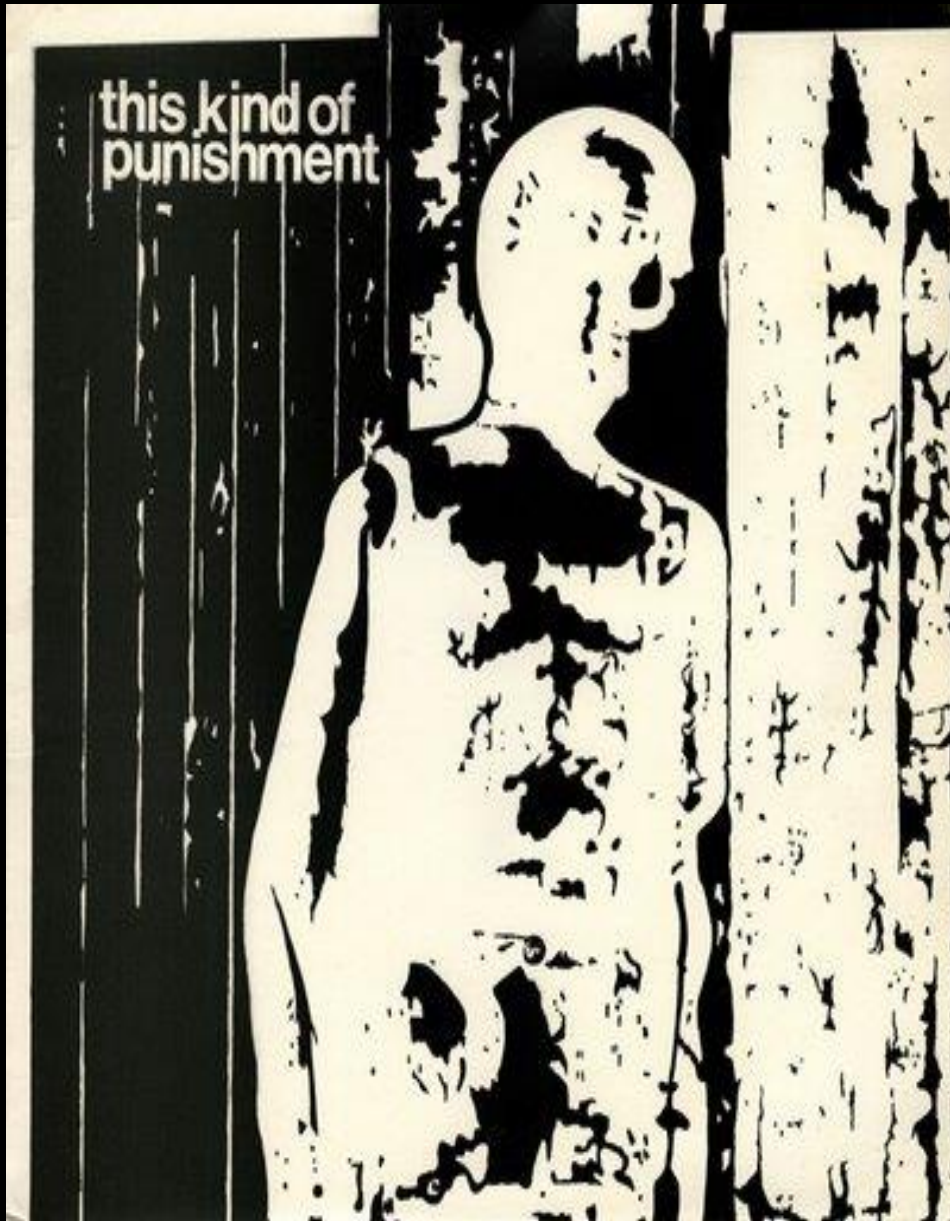
Life Without Parole:  
An American Human  
Rights Crisis

# The History of Life Without Parole (LWOP) in the United States

In 1851, President Millard Fillmore commuted the sentence of convicted murderer William Wells from death by hanging to LWOP.

This was the first time the punishment of LWOP was used in the United States.





Wells appealed his LWOP sentence, arguing that the president did not have the authority to impose a new condition when granting a reprieve from execution.

In Ex Parte Wells, the U.S. Supreme Court disagreed, endorsing LWOP for the first time.

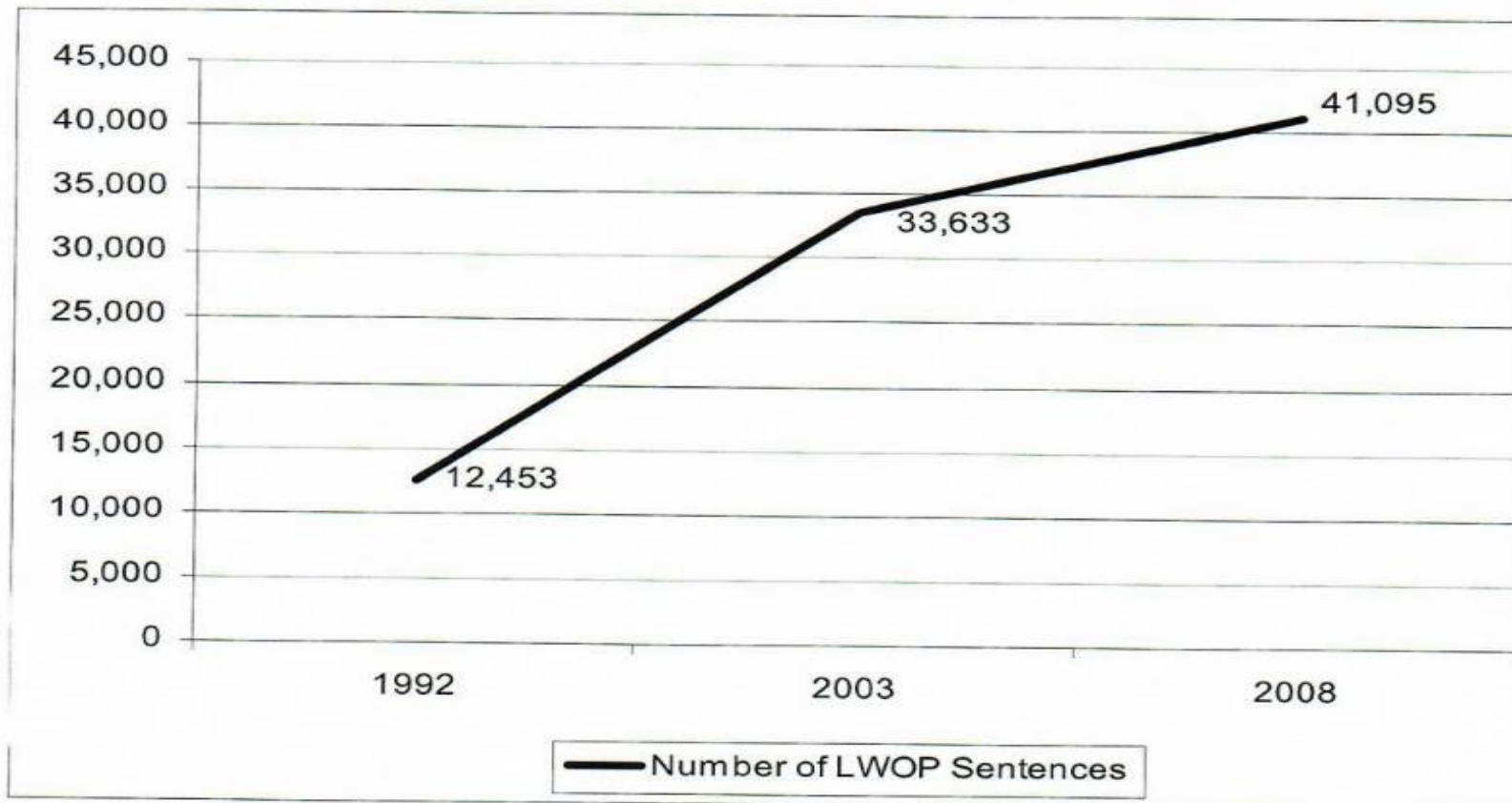
“An act has been done,  
entirely inconsistent  
with reprieve, as that  
only suspends the  
punishment for a fixed  
period...It is a perversion  
of the facts to say that  
Wells has been  
reprieved by the  
President.”

--Justice McLean in Ex  
Parte Wells

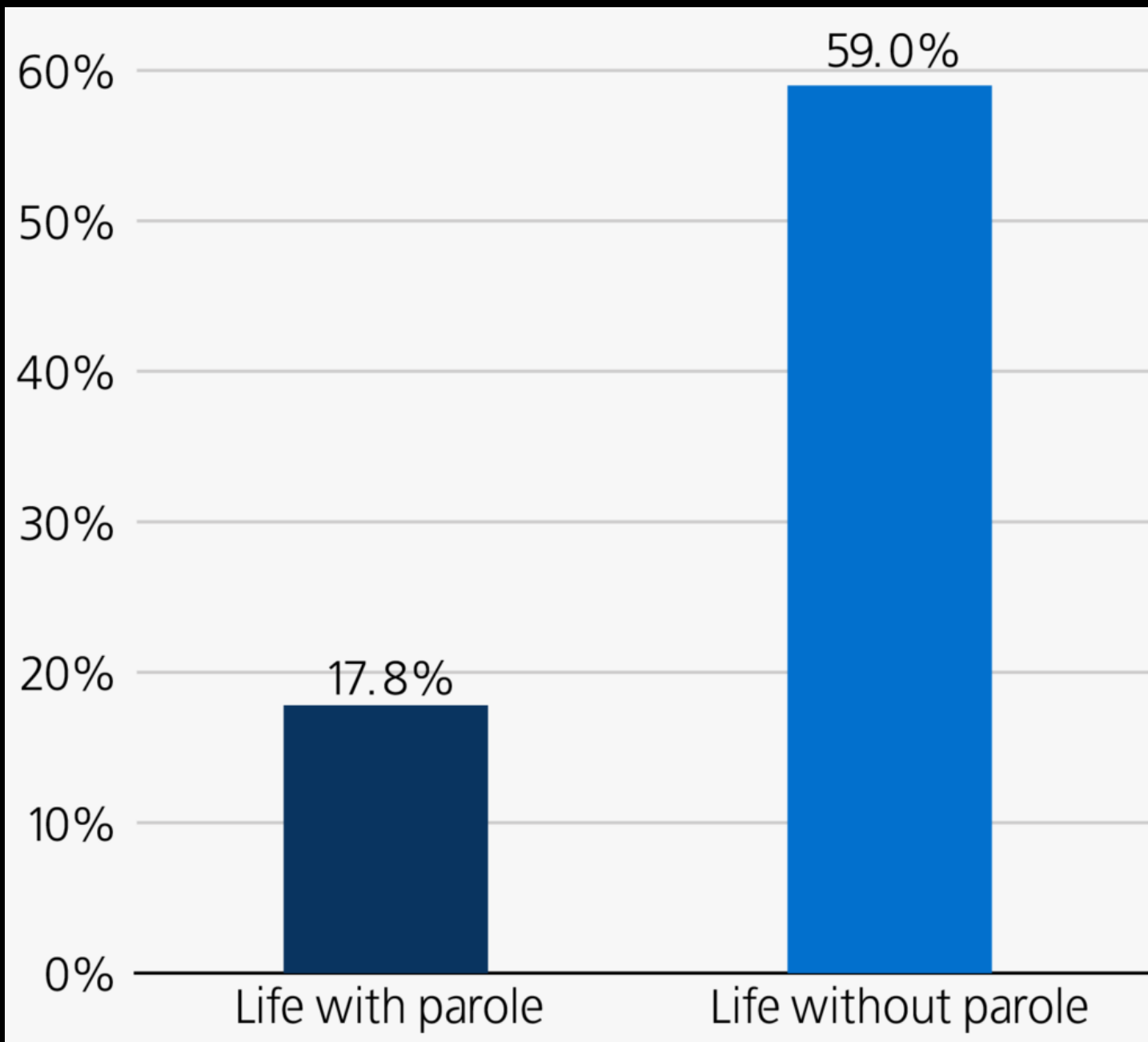


After Wells, LWOP remained a rarity for over a hundred years. Then, in 1972, the U.S. Supreme Court ended the traditional death penalty in Furman v. Georgia, bringing about unintended consequences.

**FIGURE 2: GROWTH IN LIFE WITHOUT PAROLE POPULATION, 1992-2008**



Sources: Figures for 1992 obtained from: Maguire, K., Pastore, A. L., and Flanagan, T. J. (Eds.) (1993). *Sourcebook of Criminal Justice Statistics 1992*. Washington, DC: Bureau of Justice Statistics. Figures from 2003 obtained from: Mauer, M., King, R.S., and Young, M. (2004). *The Meaning of 'Life': Long Prison Sentences in Context*. Washington, DC: The Sentencing Project. Figures for 2008 collected from each state's Department of Corrections by The Sentencing Project.



Between 2003 and 2016, LWOP sentences increased by 59%. In 2016, 53,290 people were serving LWOP in the United States.



# Racial Disparities in LWOP Sentencing



At every stage, the criminal justice system is defined by stark racial disparities. These are most pronounced among people serving LWOP and “de facto” LWOP.

In nine states,  
African-Americans  
make up 2/3 or more  
of the  
LWOP-sentenced  
prisoner  
population.

These are: Alabama, Georgia, Illinois,  
Louisiana, Maryland, Michigan,  
Mississippi, New Jersey, and South  
Carolina.

Source: Still Life,  
The Sentencing Project, 2017





Among people serving “de facto” LWOP sentences, people of color comprise over 65 percent. African-Americans make up more than half, and Latinos nearly 12 percent.

Source: Still Life, The Sentencing Project, 2017





A LETHAL INJECTION EXECUTION CAI

LWOP and the Abolition  
of the Traditional Death Penalty

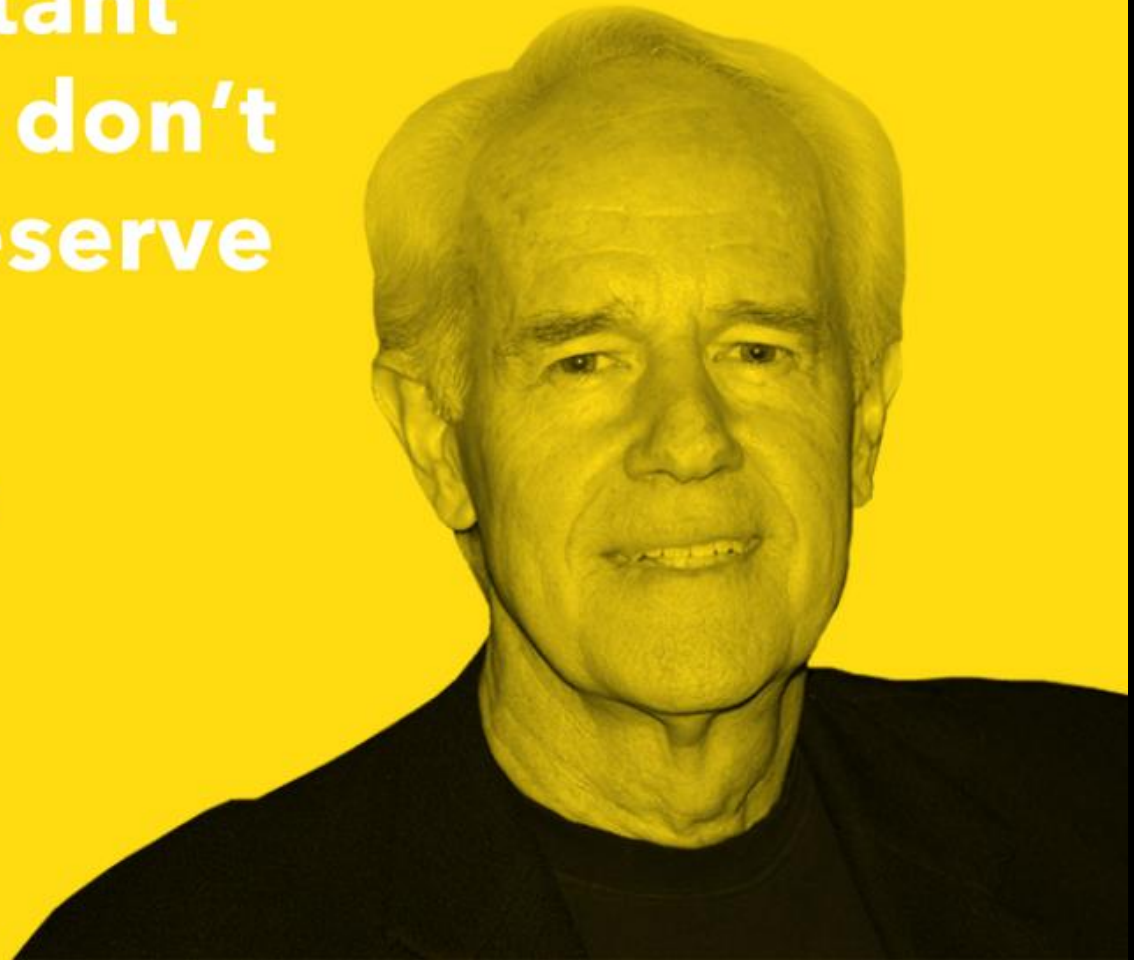


Many activists opposing direct execution (e.g., lethal injection) promote LWOP as a “reasonable alternative,” believing the only way the public would support their cause is if LWOP is firmly entrenched in the law.

**“The really important question people don’t ask is, ‘Do we deserve to kill?’”**

**– Mike Farrell, Actor & Activist**

**YES ON 62**



Returning to end LWOP after the traditional death penalty is abolished?



The Prison-Industrial Complex and the Expansion of LWOP





**The GEO Group, Inc.**

Over the past fourteen years, the Geo Group gave \$6,819,204 in campaign donations. In 2014, Geo contributed \$54,000 to gubernatorial candidates Edmund G. Brown, Jr. of California, and \$50,000 to Greg Abbott of Texas, the states with the largest prison populations.

Over the past nineteen years, CoreCivic contributed \$5,438,958 to political candidates, including \$37,200 to Governor Brown in 2014 and \$20,000 to Texas Governor Rick Perry in 2006.

The Geo Group hired 326 lobbyists during this time period, and Core Civic hired 462.



The prison guards' union has contributed an astonishing \$35,611,053 over the past nineteen years to political candidates in California alone who promised to put more people in prison.



Childhood Trauma  
and LWOP:  
A Perspective From  
the Adverse  
Childhood  
Experiences  
(ACE) Study

# Adverse Childhood Experiences (ACE) Study

- Conducted by the CDC and Kaiser Permanente
- Published in 1998 in the American Journal of Public Health
- Nearly 20,000 participants
- Found a powerful relationship between emotional experiences as children and adult health and the leading causes of mortality

# **What Are Adverse Childhood Experiences (ACEs)?**

**Growing up in a household with:**

- Recurrent emotional, physical, or sexual abuse**
- Recurrent emotional or physical neglect**
- An alcoholic or drug abuser**
- An incarcerated family member**
- A mentally ill family member**
- Situations in which the mother is treated violently**
- One or no parents**
- Note that more subtle forms of trauma, such as attachment trauma, are not included in this list.**



## Trauma Defined:

- \* The unique individual experience of an event or ongoing conditions in which the person's ability to cope is overwhelmed.
- \* Disruption of a relationship without repair.

# ACE Study Findings

- More than half of the (middle-class) Kaiser participants had at least one ACE factor
- One-quarter had two factors
- One-sixteenth had four or more
- Adverse childhood experiences are far more common than is recognized
- They have a powerful correlation to adult health even half a century later



# Significance of ACE Study Findings

## The Higher the ACE Score, the Higher the Risk for:

- Smoking
- Severe obesity
- Physical inactivity
- Depression
- Suicide attempt
- Alcoholism
- Illicit/IV drugs
- >50 sexual partners
- STDs

## Leading Causes of Death

- Heart disease
- Cancer
- Stroke
- COPD
- Suicide (8<sup>th</sup> for men)
- Diabetes
  
- HIV/AIDS/HCV



Life and death in prison: One of the clearest examples of the impact of childhood trauma on society.

# Adverse Childhood Experiences (ACE) and Adult Criminality Study

- Conducted by the Correctional Service of Canada—Psychology, Ontario, and Intrapsychic in San Diego
- Published in 2013 in the Kaiser Permanente Journal
- Small study (151 participants) but first of its kind
- Concluded that childhood adversity is strongly associated with adult criminality, and called for additional studies to be done.

“...the best starting hypothesis in dealing with most killers is that they are ‘untreated traumatized children inhabiting and controlling the dangerous adolescents and adults that stand accused of murder.’”

--James Garbarino, Ph.D.  
The Center for the Human Rights of Children  
Loyola University, Chicago

## Why Should We End LWOP?

- It is a death sentence—death by incarceration—which is imposed with enormous racial disparities.
- Its total deprivation of hope, regardless of degree of rehabilitation, is cruel and inhumane—the antithesis of restorative justice.
- Ending LWOP does not mean all prisoners will be released, only that they will have the chance to be considered for parole.





# THE UNGERS, 5 YEARS AND COUNTING

Studies have documented a very low  
recidivism rate for convicted murderers.



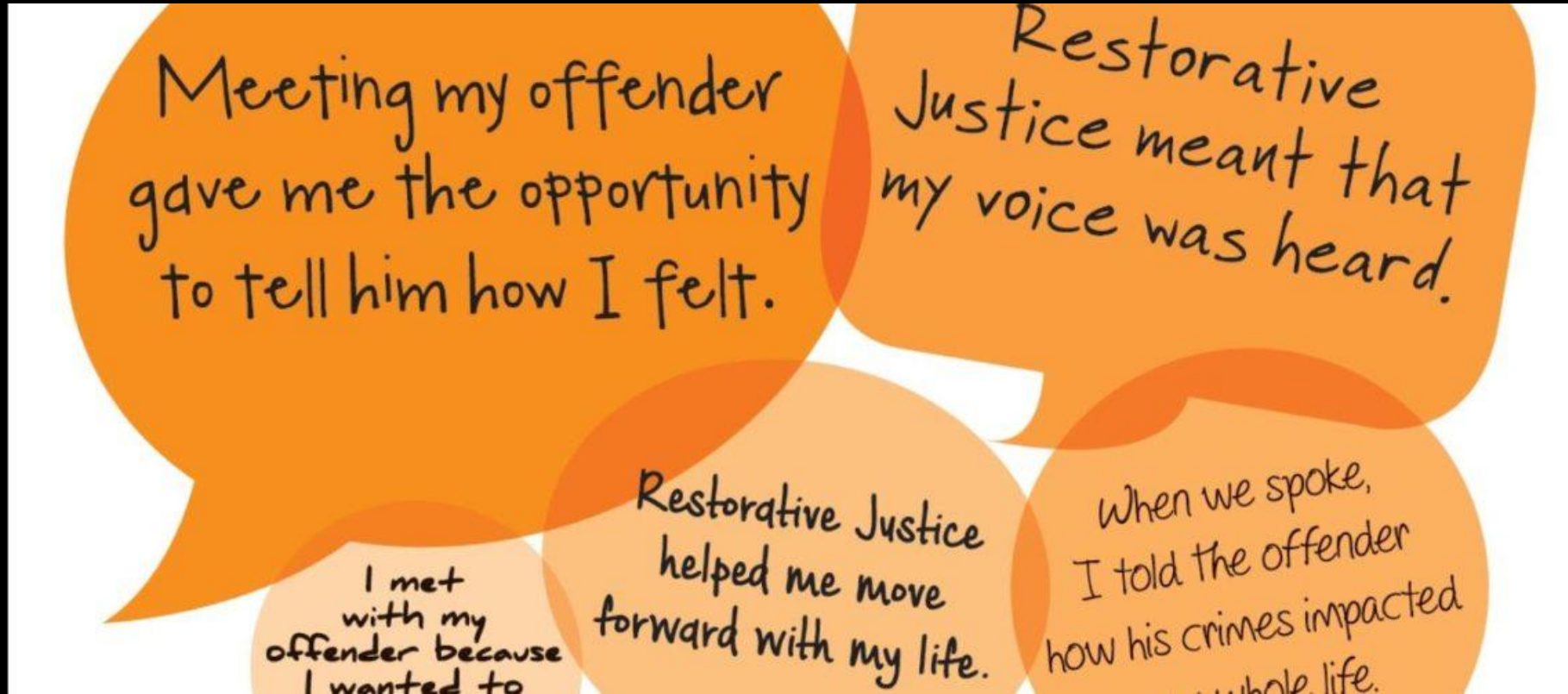
How do we want to treat  
the children  
(now residing in  
adult bodies)  
whom  
our society  
has failed?



Why Should We End  
LWOP in Vermont?







Restorative justice is the law of the land in Vermont.  
LWOP sentences do not conform to the law.

# Why Should Vermont Be The First State To Affirmatively End LWOP for Adults?

- \* In 2015, LWOP for juveniles was removed from its Criminal Code.
- \* Vermont already has progressive criminal justice policies, such as the right to vote for people with felony convictions as well as those inside prison, the lack of felony murder laws, and strong compassionate release policies.
- \* There are only 15 people serving LWOP in Vermont.

# Vermont Legislation To End LWOP

An Act relating to  
eliminating  
life without parole,  
introduced on  
January 8, 2020 by  
Senator Dick Sears.





Thank you for your attendance today  
and for your support! We look forward  
to partnering with you to create  
transformational change in the Vermont  
criminal justice system.

