

Life Imprisonment Without the Possibility of Parole in the United States

Introduction

Life without the possibility of parole (life without parole or LWOP) is placed next to death penalty and this might say something about the severity of this penalty. Yet, the LWOP has had a drastic rise in USA since 1972, when a set of policies were developed that extended considerably the length of time that people spent in prison. In another sense, LWOP is cutting off a person from society and the outside world and abandoning them in a cell with no possibility of redemption or release.

In 2024, over 200,000 people, which is statically 1 in every 6 people in prison, were serving life sentences¹. Let's pinpoint this fact that life sentences are 3 types (life with the possibility of parole, life without parole and virtual life sentences) but in this report the focus is on Life without Parole in United States of America to shed light on this matter and investigate the social, economical and human rights impacts it has on people and the society.

This report is being developed with the aim to determine whether sentencing inmates to life without the possibility of parole is the best decision for these convicts and the society, or the long-condemned death penalty is a better alternative. In the light of the information that has been gathered from well-established journals in the world, this report will answer this question of life or death.

¹ <https://www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states>

Definition and Legal Framework

A life sentence is a penalty that requires the convict to stay in prison for the remainder of their natural life. This penalty has 2 major types: Life with the Possibility of Parole and Life Without Parole (LWOP)

1. Life with the Possibility of Parole: In this life sentence, the convict will stay in prison for a specific number of years (normally 25 years) depending on the jurisdiction and the specifics of their sentence. The possibility of parole depends on the behavior of the convict and completion of the rehabilitation programs.

2. Life Without the Possibility of Parole (LWOP): this type of life sentence does not allow parole, and the inmate ought to stay in prison for the rest of their life. In other words, “a life without parole sentence means the prisoner has no hope of release in his or her lifetime, regardless of his or her efforts of rehabilitation.”²

To fully understand the meaning and gravity of this ultimate life sentence, we refer to the Supreme Court of United States in *Graham v* in which the court states that, this life sentence “means denial of hope; it means that good behavior and character improvement are immaterial; it means that whatever the future might hold in store for the mind and spirit of [the convict], he will remain in prison for the rest of his days.”³ Therefore, there is no debate about the definition of this life sentence, although in different states of the US the implementation of the life sentences is different, LWOP is seen as a severe punishment that applies for heinous crimes.

Life sentences have been a part of the US criminal law following the Supreme Court’s 1972 decision in *Furman v. Georgia*⁴ and have temporarily abolished the death penalty; but in the last few decades the legislative and criminal systems have relied heavily on life sentencing more than ever; based on a report in sentencing project organization, US prisons “were initially designed with a focus on reformation, correction, and reintegration” but in the last decades depending solely on life sentences and specially LWOP has changed this philosophy of change and rehabilitation to “exclusion with very little emphasis on rehabilitation”⁵

This report highlights these statements by analyzing the drastic increase in the number of prisoners sentenced to life imprisonment, by stating that “As of 2020, over 203,865 individuals in U.S. prisons are serving life sentences, contrasting

² <https://doi.org/10.1093/oxfordhb/9780199935383.013.25>

³ <https://www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states>

⁴ <https://doi.org/10.1093/oxfordhb/9780199935383.013.25>

⁵ <https://www.sentencingproject.org/reports/no-end-in-sight-americas-enduring-reliance-on-life-sentences/>

with fewer than 200,000 prisoners before the 1970s.”⁶ the number of convicts with life sentence in 2020 are solely higher than the number of the prisoners in total in 1970s and this demonstrates that the penalty of life with parole or without parole has deviated from its primary path and hasn’t contributed to lowering crime rates if not vice versa, specially the violent crimes that lead to life sentences.

Life Without Parole (LWOP) sentences are typically reserved for serious criminal offenses that pose significant threats to public safety and are viewed as particularly heinous, such as: First-Degree Murder, Felony Murder, Aggravated Sexual Assault, Repeated sexual Offends, Drug Trafficking, Terrorism, Aggravated Robbery, Armed kidnapping that results in harming.

Of further importance are the laws that constitute the life without the possibility of parole in United States:

1. State Laws

- **Statutory Provisions:** Although LWOP is available in almost every state, many states have specific laws outlining the circumstances under which a defendant can be sentenced to LWOP. These often include serious offenses such as murder, sexual assault, and drug trafficking. Some states have guidelines that dictate sentencing ranges, including mandatory minimums and the possibility of LWOP for particular crimes; For example, various states retain some release mechanisms for LWOP inmates, such as executive commutation⁷

2. Federal Laws

- **Federal Sentencing Guidelines:** Under federal law, LWOP can be imposed for certain crimes. There are numerous federal criminal statutes authorizing a sentence of life as the maximum sentence allowed, such as for offenses involving drug trafficking, racketeering, and firearms crimes⁸

3. Constitutional Considerations

⁶ <https://www.sentencingproject.org/reports/no-end-in-sight-americas-enduring-reliance-on-life-sentences>

⁷ <https://doi.org/10.1093/oxfordhb/9780199935383.013.25>

⁸ https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2022/20220726_Life.pdf

- **Eighth Amendment:** This rule states as “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”⁹ From this it can be concluded that, LWOP sentences, have been challenged under this amendment.
- **Due Process (Fourteenth Amendment):** This law states that “nor shall any State deprive any person of life, liberty, or property, without due process of law”¹⁰ Legal challenges based on due process arguments often arise if the life sentencing is deemed unfair.

Impacts of LWOP

Life sentence without the possibility of parole seems to be a good option for lowering crime rates and deterring criminals to commit crimes; but can we simply accept the shallow facet and ignore the consequences of this penalty? The impacts of LWOP are multifaceted, affecting individuals, families, and society at large. In this section, our main purpose is to delve deeply into the negative impacts of LWOP and investigate the real depth of life imprisonment as a more humanitarian alternative for death penalty. For this purpose, the main impacts of LWOP are listed below:

Impact on Society

- **Deterrence effect:** There is an ongoing debate about whether LWOP serves as an effective deterrent to crime, with mixed evidence on its efficacy. On this regard, Catherine Appleton and Bent Grover argue that based on the interviews that has been carried out with prisoners and other offenders, “there is little evidence that punishments imposed on convicted offenders have any impact on the behavior of potential offenders”¹¹. This indicates that the severity of the punishment won’t necessarily contribute to the deterrence of more crimes. On the other hand the survey with prisoners who were sentenced to death penalty, showed that “LWOP was perceived by the majority of prisoners to be a harsher punishment than death”¹²; This

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<https://constitution.congress.gov/browse/amendment-8/#:~:text=Eighth%20Amendment%20Cruel%20and%20Unusual,cruel%20and%20unusual%20punishments%20inflicted>

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<https://constitution.congress.gov/browse/amendment-14/#:~:text=No%20State%20shall%20make%20or,equal%20protection%20of%20the%20law>

¹¹ <https://academic.oup.com/bjc/article-abstract/47/4/597/366540?redirectedFrom=fulltext>

¹² <https://academic.oup.com/bjc/article-abstract/47/4/597/366540?redirectedFrom=fulltext>

highlights the fact that the deterrence effect the legislators expect to behold in the number of violent crimes and potential offenders is a psychological miscalculation to the matter that life in any condition is a better choice than death, believing that the LWOP sentence will deter murderers, protect society, without the moral cost of taking more lives¹³. Speaking of calculations, since math never lies, looking at the drastic increase in the amount of LWOP sentences shows that “The number of people serving life without parole, the most extreme type of life sentence, is higher than ever before, a 66% increase since 2003”¹⁴. These numbers speak louder than words and show the so-called deterrence effect is not justified not only in terms of psychology, but also has failed logic and statistics. These miscalculations led to so many other impacts in economic, social and legal issues that are followed.

- **Public Safety:** The main rationale behind LWOP is public protection and retribution by incarcerating violent criminals and imprisoning them for the rest of their lives to prevent them from committing more crimes. It is argued that “LWOP readily accomplishes its goal of preventing further crime by the prisoner and consequently restores public faith in the efficacy of the system”. This alone arises some controversial debates between critics and advocates of LWOP if we look closely at the number of LWOP prisoners in the past decades. The foremost justification for LWOP “is the protection that it offers society from dangerous offenders”¹⁵; However, reconviction studies indicate that life sentence prisoners released on parole have low recidivism rates. A 2011 study by the New York State parole board found that among 368 murder convicts granted parole from 1999 to 2003, only 1.6% (six individuals) were reincarcerated for a new felony within three years, and none were for violent offenses¹⁶. Based on this argument life without parole has failed one of its primary goals, since life with parole has served better for the society considering the goal of life sentences that is rehabilitation and repentance.

¹³ <https://heinonline.org/HOL/LandingPage?handle=hein.journals/cmlwbl27&div=40&id=&page=>

¹⁴ <https://www.sentencingproject.org/app/uploads/2022/08/No-End-in-Sight-Americas-Enduring-Reliance-on-Life-Imprisonment.pdf>

¹⁵ <https://doi.org/10.1093/oxfordhb/9780199935383.013.25>

¹⁶ <https://www.prisonlegalnews.org/news/2011/jul/15/paroled-killers-rarely-re-offend/>

Human Rights: LWOP raises ethical questions about human rights and the morality of life sentences, especially for juveniles or those committing non-violent crimes. In the past few decades, the United States has seen a significant increase in life sentences without the possibility of parole for both adult and juvenile offenders, as well as mandatory life sentences for repeat offenders and drug-related crimes¹⁷. These laws surrounding LWOP are the true evident of human rights violation, since juvenile mind development is different than an adult, yet these laws remained the same till the U.S. Supreme Court's decisions from 2005 to 2021 establishing that minors are constitutionally different from adults, warranting distinct considerations in sentencing¹⁸. This highlights the fact that Advocacy for reform is necessary to align sentencing practices with human rights principles, promoting rehabilitation and second chances for young offenders. Addressing these defects represents a critical step toward a more humane and just criminal justice system.

Based on the findings of The Sentencing Project, 1,465 people are serving JLWOP sentences at the start of 2020, which in this case it shows a 38% decline in the number of people serving JLWOP (Juvenile Life Without Parole) sentences since 2016, indicating a growing trend among states to abolish or revise such unjust sentences¹⁹. These are great news around this subject, yet still these reformatations need to be conducted to every state so that every adolescent finds justice.

Another violation of human rights is the “three strike law”; This issue has been a key debate on the LWOP as an alternative to death penalty that “LWOP has already been widely adopted in the form of ‘three strikes’ sentencing laws for offences less serious than murder”²⁰. This means with three serious crimes, like drug dealing, shoplifting and other non-violent crimes, you as an individual in society are excluded from it, and are bound to serve life sentence without parole, which I again repeat is the harshest penalty next to death penalty.

The Three Strikes law has significantly affected the criminal and legislative landscape in the United States, leading to increased incarceration rates and raising ethical concerns about sentencing practices. While its intent was to deter crime, this law has prompted ongoing debates about justice, fairness,

¹⁷ <https://academic.oup.com/bjc/article-abstract/47/4/597/366540?redirectedFrom=fulltext>

¹⁸ <https://www.sentencingproject.org/policy-brief/juvenile-life-without-parole-an-overview>

¹⁹ <https://www.sentencingproject.org/policy-brief/juvenile-life-without-parole-an-overview>

²⁰ <https://academic.oup.com/bjc/article-abstract/47/4/597/366540?redirectedFrom=fulltext>

and the need for reform in sentencing policies.

- **Cost Implications:** Long-term incarceration is expensive, often costing taxpayers more than other forms of punishment, including the death penalty in some cases. Incarcerating individuals for life without the possibility of parole results in significant long-term expenses for the state. The cost of housing, feeding, and providing medical care for inmates is considerable. Estimates suggest that the lifetime cost of incarceration can exceed \$1 million per individual of hypothetically staying 40 years in prison²¹.

This will be interesting to quote that “Unlike other economically advanced nations where life sentences are rare and more narrowly applied, the U.S. has embraced life sentences over the past four decades at alarming rates, often without apparent regard for fairness or justice.”²². The economic implications of Life Without Parole sentences are profound and multifaceted, affecting state budgets, taxpayers, families, and communities. By understanding these costs, policymakers can advocate for more humane and economically sound approaches that focus on rehabilitation and reintegration, ultimately leading to a more just and efficient criminal justice system.

Conclusion

The exploration of Life without Parole (LWOP) in this report shed light on so many aspects, such as legal, economical, ethical and even logical perspectives of this life sentence. The implication of this law has been a burden to every part of the society, although the primary goal of this law is to deter criminal behavior and protect the society from criminal actions, the statistics show a different result.

Additionally, the considerable personal and social costs associated with LWOP extend beyond the incarcerated individuals to their families and communities to the point that other social programming services like rehabilitation should cut their budgets.

The overall result of this report shows that, life without the possibility of parole as an alternative to death penalty has failed to fulfill its primary goals,

²¹ <https://academic.oup.com/bjc/article-abstract/47/4/597/366540?redirectedFrom=fulltext>

²² <https://www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states>

which is to retain the safety of the society, lead criminals to rehabilitation, and reserve human rights.

All in all, before answering the question of life and death, it is better to take a moment and rethink about the result of the mercy we are imposing on the lives of the people we spare. Maybe changing a person's path from death row to a cell in solitude will soothe our conscious and we think of ourselves as the greatest humanitarians, but looking from a different perspective will give us this picture of decades of torment for these inmates, that a swift death may feel like a road to heaven.

Recommendations

With these recommendations, legislators can walk toward a more just and effective criminal system that prioritizes rehabilitation and reintegration over punitive measures.

1. Reform Sentencing Practices

- States and Federal laws should consider reforming LWOP sentences and limiting their application, particularly for non-violent offenses.

2. Expand Juvenile Protections

- Extend the same protections given to juveniles under the age to 18 to adults around the same age (18-22), since they have the same vulnerabilities and for these age groups focus more on the rehabilitation programs

3. Promote Rehabilitation Programs

- Invest in comprehensive rehabilitation programs, focusing on education, vocational training, and mental health support.

4. Advocate for policy change

- Engage with policymakers and advocates to support legislative changes.

5. Public Awareness Campaigns

- Launch campaigns to raise awareness about the impacts of LWOP on individuals, families, and communities. Highlighting personal stories of affected families can help humanize the issue and promote public

support for reform.