

Life without the Possibility of Parole

Approximately 160,000 people are serving life sentences in the US. Of these, about one-third are serving life without the possibility of parole.⁴⁰¹

Before the 1970's, this sentence was "virtually nonexistent." Today, 49 states have it in some form⁴⁰², and the population subject to it has increased one hundredfold.⁴⁰³ The result is that prisons are becoming "maximum security nursing homes,"⁴⁰⁴ which has consequences both for the incarcerated person and for the taxpayer; elderly patients are much more expensive to incarcerate, owing to their medical needs.

The idea of long sentences is not inevitable. In Europe, a 10 year sentence for murder is considered severe.⁴⁰⁵ By contrast, in 2000 the average prison sentence for murder in the US was 20 years, eight months.⁴⁰⁶

Who is serving these sentences?

Repentance in Old Age

...Even if one sinned all her days and repented on the day of her death, dying having atoned, all of her sins are pardoned, as it says, [Remember your Creator...] Before the sun, and the light, and the moon, and the stars, are darkened, and the clouds return after the rain" (Ecclesiastes 12:1-2)—which is the day of death. As long as she has remembered her Creator and repented before she dies, she is forgiven. (Maimonides *Hilchot Teshuvah* 2:1)



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The life-sentenced population in the United States is extremely heterogeneous. It includes not only drug offenders but also middle-aged serial killers, getaway drivers in convenience store robberies gone awry, aging political radicals from the 1960's and 1970's, women who killed their abusive partners, third-strikers serving twenty-five years to life for trivial infractions such as stealing two slices of pizza, and men who, as teenagers decades ago, killed their girlfriends in a fit of jealous rage.⁴⁰⁷

The Supreme Court forbade sentencing juveniles to life in prison—except in cases of homicide—in 2010.⁴⁰⁸ Indeed, the nonpartisan American Law Institute

recommends that juvenile lifers be eligible for parole after

401 Gottschalk, p. 170

402 Nellis, "Life Goes On," p. 3. http://www.sentencingproject.org/detail/publication.cfm?publication_id=514

403 Appleton and Grover, p. 600. "THE PROS AND CONS OF LIFE WITHOUT PAROLE" http://www.cj-resources.com/CJ_Corrections_pdfs/pros%20and%20cons%20of%20life%20without%20parole%20-%20Appleton%20et%20al%202007.pdf

404 Gottschalk, p. 171

405 <https://www.themarshallproject.org/2015/03/04/how-to-cut-the-prison-population-by-50-percent>

406 <http://www.bjs.gov/content/pub/ascii/Fssc00.txt>

407 Gottschalk, p. 178.

408 <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/17/AR2010051701355.html>

10 years.⁴⁰⁹ Advocates have often invoked new findings in brain science—that the parts of the brain responsible for impulse control and long-term planning don’t mature until the mid-twenties—in these arguments. Others, however, point out that doing so implies that adults who commit serious crimes should have known better and deserve life sentences.⁴¹⁰

Similarly, the anti-death penalty movement has embraced life without parole as a humane alternative to execution. Advocates for mass incarceration reform who take a wider lens have called this argument a false choice. In particular, the *Other Death Penalty Project*, founded in 2008 and composed exclusively of incarcerated people, has called for the end of this characterization. Kenneth E. Hartman, the group’s founder, is serving life without parole for killing a man in a drunken fistfight when he was 19 years old.⁴¹¹ He describes a life sentence as an “execution in the form of a long, deliberate stoning that goes on for as long as I draw breath.”⁴¹²

409 Gottschalk p. 176

410 Gottschalk, p. 180

411 <http://www.kennethehartman.com/about.htm>

412 <http://www.theotherdeathpenalty.org/our-founding-document/>

413 <http://www.nytimes.com/2015/12/28/opinion/when-dying-alone-in-prison-is-too-harsh-a-sentence.html>

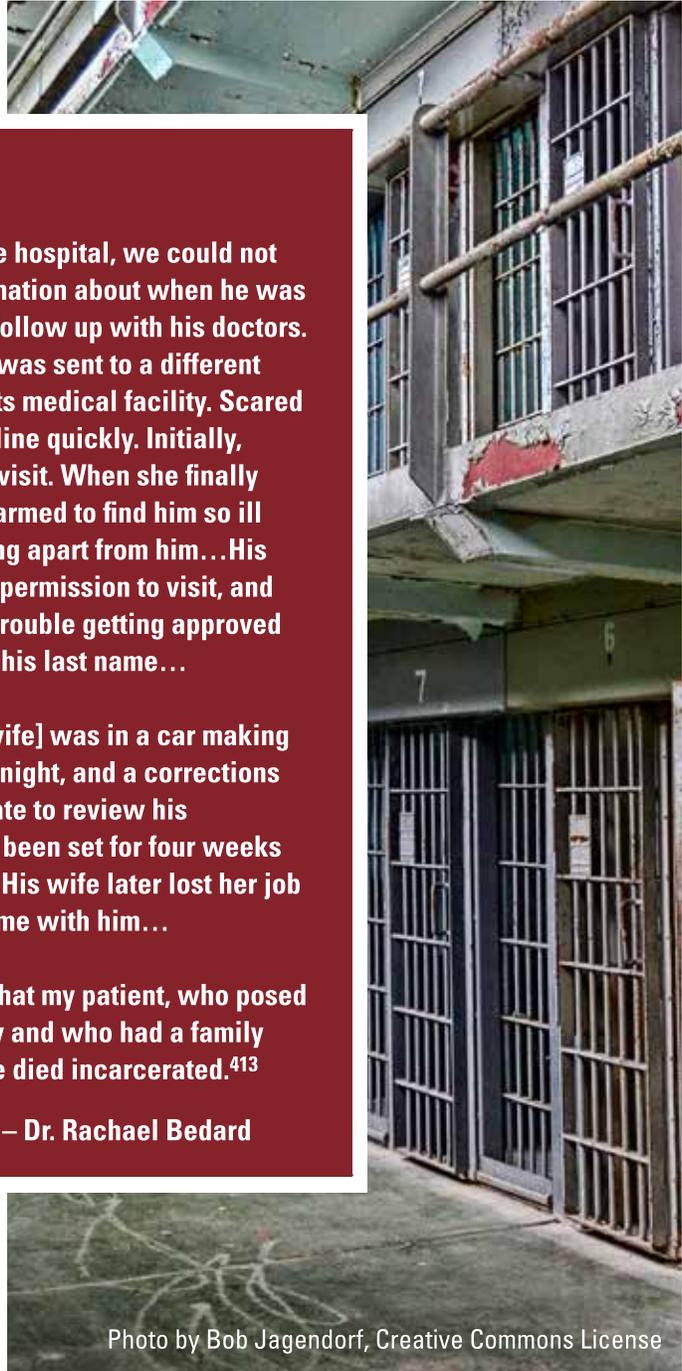


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Dying in Prison

While my patient was in the hospital, we could not provide him with any information about when he was leaving or when he would follow up with his doctors. After being discharged, he was sent to a different prison and was housed in its medical facility. Scared and alone, he began to decline quickly. Initially, his wife wasn’t allowed to visit. When she finally got permission, she was alarmed to find him so ill and she struggled with being apart from him... His children had to get special permission to visit, and his daughters initially had trouble getting approved because they did not share his last name...

When his time came, [his wife] was in a car making the long drive home for the night, and a corrections officer was at his side. A date to review his application for release had been set for four weeks after the night that he died. His wife later lost her job for having spent so much time with him...

It shouldn’t be acceptable that my patient, who posed no danger to the community and who had a family who loved him, should have died incarcerated.⁴¹³

– Dr. Rachael Bedard