

# Life Without Parole

Presentation to Olympia FOR's Committee for Alternatives to the Death Penalty

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Community Room of Tumwater Apartments

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## Outline of Topics

- A. How Much Is Life Without Parole Used for Murderers and Other Prisoners?
  - B. Life Without Parole: An Alternative to the Death Penalty
  - C. Is L w/o P Too Glib a Response – Too Simplistic an Alternative?
  - D. Pros and Cons of Life Without Parole
  - E. Framing Our Alternatives for Outreach to Various Audiences – and Strategizing for Accomplishing the Public Policies We Really Want
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### A. How Much is Life Without Parole Used for Murderers and Other Prisoners?

The U.S. has approximately 3,300 persons on death row.

Many people in the U.S. are sentenced to life in prison – whether for murder or for other serious felonies – and 33,000 of those prisoners are serving sentences of life without the possibility of parole. This is ten times the number on death row.

Therefore, some people who oppose life without parole, therefore, say that – in effect – we have about 36,000 persons on death row.

One of every 11 offenders in a state or federal prison is now serving a life sentence. This is 9.4% of the prison population – 127, 677 persons. One fourth of these (26.3%) is serving a sentence of life without parole.

From 1992 to 2003 – 11 years – the number of lifers in prison rose by 83%.

For the past few decades, legislatures have imposed longer sentences for various kinds of crimes. This includes an increase in the number of people sentenced to “life without the possibility of parole.”

A report released by The Sentencing Project (“The Meaning of ‘Life’: Long Prison Sentences in Context” documents a dramatic increase in the number of prisoners serving “life without parole” sentences. The report demonstrates that prisoners are serving increasingly longer terms of incarceration. The report includes these facts: (DPIC “The Meaning of ‘Life’” article summary)

- Of the lifers in prison, one in four (26.3%) is serving a sentence of life without parole. This increased from one in six (17.6%) in 1992.
- In six states all life sentences are imposed without the possibility of parole.
- Seven states each have more than 1,000 prisoners serving sentences of life without parole.
- The increase in prison time for lifers is a result of changes in state policy, and not due to increases in violent crime.

Life means life: Note this fact from Georgia in 1998: More life-sentenced inmates had died in prison in 1998 than had been paroled. Parole Board Chair said, “There’s a popular misconception that life in prison doesn’t mean all of one’s natural life. In just the last year, there are 21 Georgia lifers who are no longer around to tell you otherwise. If they could, they’d let you know that parole for a life sentence is a rare commodity.”

Mental illness is more common among lifers than among other prisoners.

When we consider that a sentence of life without any possibility of parole is – in effect – a sentence to die in prison, then the U.S. leaps out ahead of the rest of the world as the harshest sentencer.

In 1913 a “life” sentence in the federal system officially meant 15 years, and state rules were similar.

When parole became more common, initial sentences became longer with the anticipation that the prisoners would likely be paroled (or released through time off for good behavior) before the end of their sentences.

During the past two decades, the big growth in sentences of life without parole seems to have caused longer sentences to be imposed upon people who would not have been eligible for the death penalty.

A prisoner released on parole must follow very strict rules, and any infraction can cause parole to be revoked and the person to be sent back to prison for the remainder of the original sentence.

From the 1910s to the 1970s the nationwide trend was toward more parole and toward “indeterminate sentencing.” This trend shifted nationwide in the 1970s and early 1980s. In about 1980 or 1981 Washington’s Legislature passed HB 440 and imposed “determinate sentencing,” which sharply reduced judges’ discretion, imposed sentences based on formulas related to the crimes and the offenders background, and eliminated parole for new cases sentenced in Washington.

The “three strikes” fad that swept the nation is an extreme form of this rigid sentencing to life.

## B. Life Without Parole: An Alternative to the Death Penalty

A great many people who want to abolish the death penalty say we should replace death sentences with “life without parole.”

This has become our immediate alternative to the death penalty – the fallback position we quickly offer without analyzing what “life without parole” really means – and without figuring out how this alternative fits in with **our larger values of a humane** way to deal with criminal justice.

One researcher says that although a law offering the alternative of life without parole reduces the number of **death sentences imposed**, it has had very little effect on the number of **executions**. This is because “the people who get life without parole might have escaped the death penalty anyway – either because of the jury or because of subsequent appeals, pardons, or other proceedings.”

When New Mexico’s House and Senate passed abolition bills, Gov. Bill Richardson stated that he had struggled over whether to sign the legislation and finally decided that – because “our system for imposing the death penalty can never be perfect,” he chose to sign it because it provide for life without parole, which would still keep society safe. However, journalist Alexander Cockburn wrote, “With the death penalty, irreversible mistakes bring the whole justice system into well-deserved disrepute.” He calls life without the possibility of parole a “living death.”

In the US, more than 2,200 persons are serving life sentences for crimes they committed before the age of 18. Now that the US Supreme Court prohibits executing such persons, is it fair to keep them in prison for the rest of their lives?

## C. Is L w/o P Too Glib a Response – Too Simplistic an Alternative?

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This has become our immediate alternative to the death penalty – the fallback position we quickly offer without analyzing what “life without parole” really means – and without figuring out how this alternative fits in with **our larger values of a humane** way to deal with criminal justice.

An organizing effort called “The Other Death Penalty Project” is working to end the sentence of life without the possibility of parole. That group wants to make it possible for any prisoner to apply for parole, including those who were sentenced to life without any possibility of parole. They say that denying the opportunity to apply for parole from a life sentence is cruel and unusual punishment. Info: [www.theotherdeathpenalty.org](http://www.theotherdeathpenalty.org)

When New Mexico abolished the death penalty in favor of life without parole, New Mexico’s Gov. Bill Richardson said it was changing its form of execution from immediate & shocking to slow & hidden. He said life without the possibility of parole is “worse than death.”

Persons who work to abolish the death penalty know that many persons on death row give up and “volunteer” for execution. To what extent are these truly “volunteers,” and to what extent are they taking a practical way out from a life sentence that is “worse than death”?

A defense attorney tells about his current client who is clearly guilty and doesn’t much care whether he is sentenced to death or to life without parole. “He’s spent much of his life in prison already, will probably spend the rest in one form or another, and why not spend it on death row. He’s in his late 30s, and it takes 20 years to get people from court to the chamber in California, so what the hell, get death, what does it functionally matter? He’s probably going to die a natural death in prison anyways. And life on the row is better than life in the highest security modules he would otherwise be housed in if he’s given life without parole.” The defense attorney will still work hard to save his client’s life, and he is troubled about how **he** will feel if his client is sentenced to death. But he doesn’t know which sentence is better or worse for his client.

A person on death row gets a cell all to himself.

Another capital defense attorney agonizes about this but tries to keep his clients alive because that way they still keep their options open, whereas “volunteering” for execution eliminates all their options, including a change of heart to want to survive.

An expert on the issue says that although life without parole is sometimes called a “true life sentence” because the offender must spend the rest of his or her natural life in prison, it is better to call this sentence “death by incarceration” since these persons are, in effect, sentenced to die in prison.

## D. Pros and Cons of Life Without Parole

### FOR sentences of life without parole:

- First things first: In order to win public support for abolishing the death penalty we need to offer a tough non-lethal alternative. After we abolish the death penalty, we can go on with additional reforms, including reducing life sentences and offering parole. It would be politically futile to attempt to work on both reforms at the same time.
- Legislation that would allow “life without parole” sentences to become eligible for parole would cause a backlash of the public demanding the death penalty.
- In Texas, when life without parole became possible, this has been used, and prosecutors offer it to defendants in a plea bargain instead of seeking the death penalty. (However, this alerts us to the problems with plea bargains that we have recently been studying.)
- The popular notion that “lifers” have nothing to lose and are likely to injure or kill other inmates or prison guards is not true. A substantial body of empirical research shows that lifers are much less likely to break prison rules, including prison rules against using violence. Lifers typically are not dangerous. They know they’ll be in prison for the rest of their lives, and they don’t want to jeopardize the few privileges that allow them to make the best of a bad situation.

### AGAINST sentences of life without parole:

- Life without parole has been called “America’s other death penalty.” It is death by incarceration, instead of death by execution.
- In Illinois, life without parole is handed out 8 times more often than death sentence for serious crimes.
- Life without parole is a merciless and wasteful sentence.
- It will end up housing an enormous number of geriatric prisoners who are no longer a danger to anyone.
- Housing geriatric prisoners for the rest of their lives is a terrible expense – with growing expenses for medical care in addition to the usual costs for custody, housing and food.
- It poisons the prison culture with hopelessness and depression.
- Reforming the justice system in humane ways must create opportunities for lifers to earn their release.
- “There has been a dramatic increase in the number of people being sentenced to life without parole – so many defendants who would have been eligible for parole after, say, 40 years (when they are senior citizens) now will never be released.”

- One expert researcher wrote: “The life of the lifer is a repetitive, bleak, and lonely existence, and that is on the good days. A life confined to prison is not so much a physical punishment – prisoners are given food and shelter – as it is an existential nightmare of meaningless days and nights without end. The lifer faces a lifetime of boredom, doubt, and anxiety punctuated by piercing moments of insight into his or her failings as a human being.”
- The Council of Europe has stated: “A crime prevention policy which accepts keeping a prisoner for life even if he is no longer a danger to society would be compatible neither with modern principles on the treatment of prisoners during the execution of their sentence nor with the idea of the reintegration of offenders into society.”

## E. Where Do We Go from Here? How Should We Frame Our Alternatives for Outreach to Various Audiences? How Should We Strategize for Accomplishing the Public Policies We Really Want?

It seems useful to think about life without parole from several perspectives, including (but not limited to) these:

1. Study to learn about how it really works in practice.
2. Once we understand it thoroughly, reflect on it in light of our own ethics and our own sense about what is good public policy.
3. Consider whether it is good as a policy to support on an ongoing basis, or whether to promote it only as a “lesser evil” than the death penalty – and then moving on to create ways for lifers to apply for parole.
4. When we reach out to the public and politicians, what should we say about life without parole? Should we advocate for it as a good alternative to the death penalty and leave the matter there? Or should we also admit that we don’t like life without parole either, and we have an ongoing agenda of reforms for the entire criminal justice, sentencing, and prison systems?
5. When we advocate for life without parole, are we unwittingly feeding the public mania for longer sentences, as some researchers have suggested? If so, how can we avoid this trap?
6. After abolishing the death penalty (or concurrently), do we as individuals want to work further on reforming the criminal justice, sentencing and prison systems?

Questions?

Discussion?