

# Throwing Away the Key: The Expansion of Life Without Parole Sentences in the United States



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Among the 1.6 million people incarcerated in U.S. prisons lives a rising population of people who will spend the remainder of their natural lives there because they have received a sentence of life without parole (LWOP). The rising number of LWOP prisoners is the end result of three decades of tough-on-crime policies that have made little impact on crime but have had profound consequences for American society.

Changes in crime policies over the past few decades have been wide ranging and include such features as an increased emphasis on drug enforcement and determinate sentences and, most significantly, a vastly expanded use of imprisonment. Simultaneously, diminishing value has been placed on the principle of rehabilitation that once guided the nation's correctional philosophy, however flawed it may have been in its implementation.

Foremost among the changes affecting the prison population in recent years are laws and policies regarding the expansion of LWOP sentences.<sup>1</sup> Today 140,610 individuals—one of every eleven individuals in prison—are serving life sentences and just over 29 percent of them (41,095) will never be eligible for parole. The number of individuals serving life without parole sentences increased roughly 22 percent between 2003 and 2008, from 33,633 to 41,095, nearly four times the rate of growth of the parole-eligible life sentenced population.

Even though various types of life sentences have existed for a long time in the United States, they were generally indeterminate, with the possibility of parole to serve as an incentive for self-improvement. Over the past few decades, some notable changes have made life sentences more common. First, legislators have dramatically expanded the types of offenses that result in a parole-ineligible life sentence. Second, policymakers have established a wide range of habitual offender laws that subject a growing proportion of defendants to potential life terms of incarceration with no chance for parole. Finally, prison terms that extend beyond the expected life span (e.g., 90 years) are far more common today than twenty years ago. Combined, these changes help to explain the rise in life sentences among U.S. prisoners.

Sentencing considerations for individuals who have been convicted of serious acts of violence will clearly focus

on goals of punishment and incapacitation. For individuals who have taken lives or who pose a serious threat to public safety, incapacitation as a means of ensuring public safety is a legitimate and compelling concern at sentencing. Yet, the issue of parole-ineligible life sentences is far more complex and cannot be regarded as merely strict sentencing for a deserving population of individuals convicted of serious offenses.

As discussed subsequently, the expanding use of LWOP sentences reflects a loss of confidence in personal reformation, which guided prison reforms as far back as the late 1800s, in favor of a misguided preference for retribution. It also rejects the view that individuals who commit crimes—even serious crimes—often mature out of their criminal behavior and become a reduced threat to public safety over time, despite social science, medical, and behavioral research that has reliably established this outcome. Knowledge of this fact leads one to question the rationale behind incarcerating those who present a minimal crime risk at the expense of a high tax burden on the public.

## I. The Increasing Use of LWOP Sentences

In 2008, 41,095 people, or one in thirty-nine individuals in prison, were serving a sentence of life without parole. Most LWOP prisoners are male; women comprise slightly more than 3 percent of this group (1,333). The number of people serving LWOP has increased dramatically in recent years. In 1992, 12,453 individuals—one in sixty-eight—were serving LWOP sentences.<sup>2</sup> In the intervening sixteen years, that figure has tripled. (See the appendix for the number of prisoners serving life and LWOP sentences.)

Although most individuals serving LWOP sentences have been convicted of murder, depending on state law, LWOP can be used for a variety of offenses. In at least 37 states, LWOP is available for nonhomicide convictions, including convictions for kidnapping, burglary, robbery, carjacking, and battery.<sup>3</sup> LWOP is mandatory in many states upon a murder conviction, but in other states—such as Alabama, California, Florida, Georgia, Louisiana, South Carolina, Virginia, and Washington—LWOP is mandatory upon conviction of serious habitual offender laws. Under Florida's Prison Releasee Reoffender Law, for instance,

*Federal Sentencing Reporter*, Vol. 23, No. 1, pp. 27–32, ISSN 1053-9867 electronic ISSN 1533-8363.  
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the state requires the mandatory maximum sentence upon conviction of a serious crime if it occurs after release from prison within the previous three years. In 2010, a 22-year-old defendant convicted of robbing a sandwich shop received an LWOP sentence under this law as a result of his having been released from prison for a previous drug conviction.

In six states—Illinois, Iowa, Louisiana, Maine, Pennsylvania, and South Dakota—and in the federal system, all life sentences are imposed without the possibility of parole.<sup>4</sup> Only Alaska provides the possibility of parole for all life sentences, whereas the remaining forty-three states have laws that permit sentencing defendants to life with or without parole. In twenty-seven states, LWOP is mandatory upon conviction of at least one specified offense.

In Louisiana, where all life sentences lack the possibility of parole, one of every nine (10.9 percent) people in prison is serving an LWOP sentence. Pennsylvania, another LWOP-only state, incarcerates 9.4 percent of its prison population for the rest of their lives. Nationally, there are nine states in which more than 5 percent of individuals in prison are serving an LWOP sentence. On the other end of the spectrum, there are fifteen states in which less than 1 percent of prisoners are serving LWOP sentences.

It has long been recognized that racial disparities permeate the justice system, from the point of contact with law enforcement through sentencing and incarceration. Prison sentences tend to be more likely, as well as lengthier, for African Americans as compared with Whites. Keeping with this pattern, people of color also represent a disproportionate share of LWOP sentences. Overall, Blacks comprise 56.4 percent of the LWOP population; state-level analysis shows that in some states, the proportion of Blacks serving LWOP sentences is as high as 73.3 percent, as is the case in Louisiana. In the federal system, 877 (71.3%) of the 1,230 LWOP prisoners are African American.

## II. Misguided Justifications for the Use of LWOP

A number of recurring themes emerge among the debates surrounding the use of LWOP. The main justifications typically offered for LWOP sentences center on distrust of the criminal justice system, a lack of confidence that offenders can reform their lives, and a powerful desire to punish. Yet, these justifications must be considered in the light of strong evidence that LWOP sentences impose unnecessary costs on the public, deny this population of prisoners the opportunity to demonstrate that they have reformed their lives, and do not necessarily keep the public safer.

### A. Distrust of the Criminal Justice System

Support for the expansion of LWOP sentences grew out of the same lack of trust in the judicial process that led to determinate sentencing, mandatory minimums, and truth-in-sentencing laws that restrict parole eligibility. Mounting public dissatisfaction with the justice system, particularly in the late 1980s and 1990s, was part of a

larger movement toward more legislative control of the criminal justice process at the expense of the discretion of judges and parole boards. The overarching sentiment was that the system was broken. The expansion of LWOP sentencing and enhanced restrictions on parole-eligible life sentences were intended to ensure that life means life.

LWOP and other excessively harsh sentences have often been politically inspired and fueled by sensationalized accounts of people sentenced to life, often for violent crimes, who were released on parole after what was perceived to be too short a period in prison. A recent demonstration is the case of Maurice Clemmons, a convicted felon with an unusually long and violent criminal career that ended with the murder of four law enforcement officers in Parkland, Washington, in late 2009.

A case like Clemmons's is quite disturbing, but also quite rare; this case was riddled with missteps by criminal justice practitioners in their response to his violence over the years. Yet such cases attract media attention, instill fear in the public, and are often cited by legislators in order to garner support for tougher sentencing laws. Crime policies should not be based on rare events that, although tragic, do not reflect the typical behaviors of the people who leave prison.

### B. Personal Reformation

The incentive to incapacitate rather than rehabilitate is also driven by a lack of confidence in offenders' ability or willingness to turn their lives around. The assumption with this line of thinking is that those who commit crimes—especially serious crimes—will repeat their illegal behavior once given the opportunity, thus making incapacitation the ideal choice.

However, lifers are uniquely situated to desist from crime upon release because of the duration of their imprisonment, the maturity they are likely to gain in prison, and their age upon reentry into the community. For these reasons, recidivism rates are low among older inmates, including lifers, who are released.<sup>5</sup> Unfortunately, a popular belief is that once sent to prison, a person should be ineligible for another chance at a law-abiding life.

Prisoners who serve a substantial period of time in prison after committing a serious crime generally have a diminished likelihood of reoffending. A difference between a long sentence (e.g., fifteen years) and a life sentence in terms of public safety has not been established, yet the cost difference between the two sentences is quite large, forcing taxpayers to bear the burden of housing those who pose minimal public safety risks.

Recidivism rates for individuals serving a life sentence are considerably lower than for the general released prison population. A 2004 analysis found that individuals who were released from a life sentence were less than one third as likely to be rearrested within three years as all released individuals.<sup>6</sup> Whereas two thirds of all individuals released in 1994 were rearrested within three years, only one fifth of those released from a life sentence were rearrested.<sup>7</sup>

Other research confirms the low recidivism rate of offenders who serve long sentences. Although not specifically addressing recidivism rates for individuals sentenced to life, a study in Ohio of twenty-one people released in 2000 who were 50 years of age or older and had served twenty-five years or more at the time of release found that none of these individuals committed a new crime during the three years after their release. In Pennsylvania, the recidivism rate of individuals convicted of new offenses who were 50 years of age or older and released in 2003 was 1.4 percent in the first twenty-two months after release. Although Pennsylvania does not permit parole for individuals convicted of a life sentence, research on 285 individuals who had their life sentences commuted and were released from prison found a recidivism rate for a new criminal conviction of just 1 percent.<sup>8</sup>

These studies do not evaluate life sentences directly, but they are drawn from a similarly situated population, such as older people who have served upwards of twenty years in prison. Thus, they are illustrative of likely outcomes among individuals who have been sentenced to life should they be released. In fact, the research literature is replete with support for the perspective that individuals serving a life sentence are some of the most well-adjusted individuals in prison.<sup>9</sup> For these individuals, prison becomes their social universe for the long term, and maintaining order becomes a priority. Whereas the assumption is that life-sentenced individuals with nothing to lose will be the most difficult population to manage, individuals serving a life sentence in fact are frequently lauded by correctional administrators as easy to manage. For instance, Alabama officials reported that LWOP inmates are half as likely to commit disciplinary offenses as other inmates.<sup>10</sup>

### C. The Desire for Retribution

Another justification for the use of LWOP is to exact revenge for harms done. Especially in more recent times, policymakers and the public have favored overly punitive and often irrational crime policies, usually derived from fear. Too often, these policies appear to be driven by political motivations to sound tough on crime. It is not difficult to find statements from elected officials such as the following, issued by a former assistant attorney general from Alabama: “[L]ife without parole in Alabama means just that—no parole, no commutation, no way out until the day you die, period.”<sup>11</sup>

Yet practitioners frequently note the excessively harsh penalties that are required by some of these policies. In a review of federal judges’ opinions on sentencing, repeated concern was voiced about extremely long sentences for nonviolent and first-time offenders. According to one judge, sentences that held nonviolent offenders past the age of 60 years old were “pointless.”<sup>12</sup> Moreover, some judges were troubled that, with no likelihood of release before death or old age, these defendants would have no hope and, therefore, little incentive to be model prisoners. A good number of federal judges, self-identified as Republicans,

also remarked on the financial carelessness of LWOP and other excessive sentences. They noted that to give “thirty years when fifteen would accomplish the same goal does not make sense to appointees from a party which preaches fiscal conservatism and reduced federal spending.”<sup>13</sup>

Federal judges have expressed much frustration with their limited discretion at the sentencing stage. Even individuals who pose little threat of physical harm are nevertheless subjected to LWOP sentences under harsh federal sentencing structures; often, these offenses are drug related. At the sentencing hearing for one case, a federal judge remarked to the defendant: “The mandatory life sentence as applied to you is not just, it’s an unfair sentence, and I find it very distasteful to have to impose it.”<sup>14</sup> The judge stated elsewhere that in this particular case he would have sentenced the defendant to ten to twelve years had he the discretion to do so.

Parole and earned sentence reductions can serve as an incentive for reform and a measure of a prisoner’s suitability to be returned to society. Historically, life sentences were seen as indeterminate, with the possibility of parole as a catalyst for personal reflection and growth. The widespread decline in considering parole, even in cases of clearly demonstrated personal change, undermines the incentive for reform and sends a message to individuals in prison that any attempt at self-improvement will not be acknowledged. Even when LWOP prisoners seek self-improvement, they are often denied enrollment for prison programming because their self-improvement is not considered a priority.<sup>15</sup>

Although concerns about public safety may fade as an individual ages in prison and becomes less of a threat, the rationale for punishment and retribution, frequently linked to the heinousness of the crime, does not diminish at nearly the same rate. In the case of many, the decision to deny the opportunity for parole is grounded in the retributive desire to continue to punish based on the details of the crime.

### III. Concerns About LWOP Sentences

Imprisonment for the remainder of one’s life with no hope for even a review of one’s case raises a number of ethical and practical concerns. Some important considerations discussed in this section include the exorbitant costs of incarceration, the reduced scrutiny in the LWOP sentencing process, and the international perspective on this practice.

#### A. The Rising Costs of an Aging Prison Population

The aging prison population that is in part a function of life sentences is of concern due to declining health and higher health care costs. Older individuals in prison frequently exhibited higher rates of health problems than the general population when they were originally sentenced to prison.<sup>16</sup> This poorer health is the result of a number of factors, including higher rates of substance abuse and

physical abuse and less access to health care. Higher rates of incarceration among individuals from low-income communities of color mean that disparities in overall health are elevated for the incarcerated population and magnified further among older, incarcerated individuals. The cumulative effect of an unhealthy lifestyle coupled with a prison environment that is not conducive to healthy living accelerates health problems among aging prisoners. This effect is particularly pronounced in the population of individuals over the age of 50.

Older prisoners are substantially more expensive to incarcerate. Higher rates of chronic illness among individuals over the age of 50 result in an increased frequency of medical visits, procedures, and dispensed medication. In one facility in Pennsylvania, estimated costs for prisoners receiving long-term care total \$63,500 per year of incarceration.<sup>17</sup> Analyses of California inmates have estimated that the cost of incarcerating an inmate who is 55 years old or older is three times higher than the cost of incarcerating someone under 55.<sup>18</sup>

As the number of individuals serving LWOP sentences rises, costs also rise. An estimate by The Sentencing Project found that a state will spend upwards of \$1 million to incarcerate a life-sentenced person for forty years (from age 30 through 70).<sup>19</sup> Unsurprisingly, the intersection of increasing health care costs and a rapidly aging prison population has placed an enormous burden on corrections systems to pay for these required services. In no state has this struggle been starker than in California, where the correctional system is under federal receivership and has recently been ordered to cut the current prison population by as much as 40,000 prisoners.

#### **B. Insufficient Scrutiny Used in Many LWOP Cases**

The only punishment more severe than a parole-ineligible life sentence is the death penalty. Many precautions are taken in death-eligible cases because of the gravity and permanency of this punishment, and yet even with these in place the death penalty has been clearly documented to be plagued with deficiencies. It is worrisome that the same precautions are not taken in cases that could result in a parole-ineligible life sentence, what some call a living death sentence.<sup>20</sup>

One of the differences deals with the importance of assessing mitigating factors in death penalty cases. Whereas mitigating factors such as the defendant's role in the murder play a pivotal role in death penalty cases, the influence of mitigating factors in LWOP cases can be minimal. In New Jersey, for instance, once an aggravating factor has been introduced in case proceedings, mitigating factors can no longer be introduced. Although not possible in death-eligible cases, a defendant can receive an LWOP sentence in instances of felony murder, in which the defendant was present during the commission of felony that resulted in a murder, but did not actually commit the murder. Even cases in which the defendant was the lookout in such scenarios can result in LWOP sentences.

Another distinction relates to the quality of defense counsel. Although defense counsel in death penalty cases is frequently inadequate, capital defendants often benefit from highly specialized legal counsel in certain jurisdictions or at the appellate level. LWOP cases have no similar specialized bar. Many attorneys who specialize in postconviction appeals focus exclusively on capital appeals. According to one analysis, "Given the failure rate of noncapital appeals, not to mention the infrequency with which they are filed, the vast majority of life-without-parole prisoners have almost no chance of having their sentences reversed."<sup>21</sup>

#### **C. The United States Is Out of Step with Other Nations**

In many other industrialized nations, serious offenders are typically released after a maximum prison term of no more than thirty years. For instance, in Spain and Canada, the longest sentence an offender can receive is twenty-five or thirty years. In Germany, France, and Italy, LWOP has been declared unconstitutional. In the United Kingdom, it is allowable, but used quite sparingly; according to a recent estimate, only twenty-three inmates were serving this sentence.<sup>22</sup> In Sweden, parole-ineligible life sentences are permissible, but never mandatory.<sup>23</sup> The Council of Europe stated in 1977 that "it is inhuman to imprison a person for life without the hope of release," and that it would "be compatible neither with the modern principles on the treatment of prisoners . . . nor with the idea of the reintegration of offenders into society."<sup>24</sup>

#### **IV. A More Sensible Response to Serious Crime**

Those who support eliminating LWOP sentences on moral or practical grounds do not view the abolition of LWOP as a guaranteed release from prison. A parole-eligible life sentence does not give prisoners the *right* to be released, merely the opportunity for review at a reasonable point in their sentence. Case-by-case review of a variety of pertinent factors, conducted by a professional parole board, will allow for the release of those prisoners who no longer need to be incarcerated and the continued incarceration of those who do.

LWOP sentences are costly, shortsighted, and ignore the potential for transformative personal growth. The forty-nine states that allow LWOP—and among these, the six states and the federal system with LWOP-only sentences—should replace this structure with parole-eligible terms. An example may come from Canada, where all individuals serving life sentences are considered for parole after serving ten to twenty-five years.

Again, such a change would not necessarily mean that all parole-eligible individuals would be released at some point during their term. In the interest of public safety, many individuals sentenced to life will serve the remainder of their natural lives in prison. However, this reform would delegate that decision to those who could periodically review prison sentences and prisoner progress since entering prison, taking into account a person's prospects for a successful transition to the community.

**Appendix**  
**Life Population and LWOP Population in U.S. Prisons**

STATE	Life Sentences	Percentage of Prison Population	LWOP	Percentage of Prison Population
Alabama	5,087	17.3%	1,413	4.8%
Alaska	229	6.6%	na	na
Arizona	1,433	3.7%	208	0.5%
Arkansas	1,376	9.5%	541	3.7%
California	34,164	20.0%	3,679	2.2%
Colorado	2,136	9.3%	464	2.0%
Connecticut	430	2.2%	334	1.7%
Delaware	526	13.8%	318	8.3%
Florida	10,784	11.3%	6,424	6.7%
Georgia	7,193	13.1%	486	0.9%
Hawaii	412	11.6%	47	1.3%
Idaho	523	8.3%	102	1.6%
Illinois <sup>a</sup>	103	unknown	103	unknown
Indiana	250	0.9%	96	0.4%
Iowa	616	7.1%	616	7.1%
Kansas	806	9.2%	2	0.0%
Kentucky	1,073	7.8%	66	0.5%
Louisiana	4,161	10.9%	4,161	10.9%
Maine	58	2.6%	54	2.4%
Maryland	2,311	9.9%	321	1.4%
Massachusetts	1,760	17.1%	902	8.7%
Michigan	5,010	10.0%	3,384	6.7%
Minnesota	496	5.4%	48	0.5%
Mississippi	1,914	8.5%	1,230	5.4%
Missouri	2,582	8.7%	938	3.1%
Montana	171	5.0%	51	1.5%
Nebraska	515	11.8%	213	4.9%
Nevada	2,217	16.4%	450	3.3%
New Hampshire	177	6.1%	63	2.2%
New Jersey	1,257	4.8%	46	0.2%
New Mexico	391	6.2%	0	0.0%
New York	11,147	18.0%	190	0.3%
North Carolina	2,390	6.1%	1,215	3.1%
North Dakota	40	2.8%	11	0.8%
Ohio	5,202	10.4%	216	0.4%
Oklahoma	2,135	8.5%	623	2.5%
Oregon	719	5.3%	143	1.1%
Pennsylvania	4,349	9.4%	4,343	9.4%
Rhode Island	182	4.8%	32	0.8%
South Carolina	2,056	8.4%	777	3.2%
South Dakota	169	5.1%	169	5.1%
Tennessee	2,020	10.5%	260	1.3%
Texas	8,558	6.1%	71	0.1%
Utah	unknown	unknown	unknown	unknown
Vermont	89	4.1%	13	0.6%
Virginia	2,145	5.8%	774	2.1%
Washington	1,967	12.5%	542	3.4%
West Virginia	612	10.4%	251	4.3%
Wisconsin	1,072	4.8%	171	0.8%
Wyoming	197	9.5%	20	1.0%
FEDERAL	5,400	2.7%	4,514	2.2%
TOTALS	140,610	9.5%	41,095	2.8%

<sup>a</sup> Illinois did not provide usable data on life sentences or LWOP sentences in 2008. In 2003, the year in which data were previously collected for The Sentencing Project's report, *The Meaning of Life*, Illinois reported 233 individuals serving life sentences, 66 of which were LWOP. The prison population reported at this time was 2,589. Included in this table are 103 juvenile LWOP prisoners, confirmed through an independent report in 2008. The current number of adult life sentences and LWOP sentences in Illinois could not be determined.

## Notes

- <sup>1</sup> The term *life without parole* refers to sentences where parole is not possible. Another large segment of the prison population, comprising more than 140,000 people, are serving life sentences but will be eligible for parole at some point. My definition of life without parole does not include such life sentences; nor does it include lengthy sentences that would normally equate to a person's life (e.g., a sentence of ninety years, after which the individual might be eligible for parole). Figures discussed in this article are therefore conservative estimates of the number of people who will spend the rest of their lives in prison.
- <sup>2</sup> LWOP data are unavailable for 1984.
- <sup>3</sup> PAOLO G. ANNINO ET AL., JUVENILE LIFE WITHOUT PAROLE FOR NON-HOMICIDE OFFENSES: FLORIDA COMPARED TO NATION (2009), available at [http://www.law.fsu.edu/faculty/profiles/annino/Report\\_juvenile\\_lwop\\_092009.pdf](http://www.law.fsu.edu/faculty/profiles/annino/Report_juvenile_lwop_092009.pdf).
- <sup>4</sup> Parole is no longer an option in the federal system, as of 1987. The 886 individuals serving parole-eligible life sentences in the federal system were sentenced before parole was eliminated in 1987.
- <sup>5</sup> See *infra* text accompanying notes 6–8.
- <sup>6</sup> MARC MAUER ET AL., THE SENTENCING PROJECT, THE MEANING OF "LIFE": LONG PRISON SENTENCES IN CONTEXT (2004).
- <sup>7</sup> *Id.*
- <sup>8</sup> ADVISORY COMMITTEE ON GERIATRIC AND SERIOUSLY ILL INMATES, JOINT STATE GOVERNMENT COMMITTEE OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, A REPORT OF THE ADVISORY COMMITTEE ON GERIATRIC AND SERIOUSLY ILL INMATES (2005).
- <sup>9</sup> R. Johnson & A. Dobranska, *Mature Coping Among Life Sentenced Inmates: An Exploratory Study of Adjusted Dynamics*, CORRECTIONS COMPENDIUM, November/December 2005, at 8; R. Johnson & S. McGunigall-Smith, *Life Without Parole, America's Other Death Penalty: Notes on Life Under Sentence of Death by Incarceration*, 88 PRISON J. 328 (2008).
- <sup>10</sup> J. Wright, *Life-Without-Parole: An Alternative to Death or Not Much of a Life at All?*, 43 VAND. L. REV. 529 (1990).
- <sup>11</sup> R.C. Dieter, *Sentencing for Life: Americans Embrace Alternatives to the Death Penalty*, in THE DEATH PENALTY IN AMERICA: CURRENT CONTROVERSIES 116 (Hugo A. Bedau ed., 1997).
- <sup>12</sup> David M. Zlotnick, *The Future of Federal Sentencing Policy: Learning Lessons from Republican Judicial Appointments in the Guidelines Era*, 79 U. COLO. L. REV. 1, 48 (2008).
- <sup>13</sup> *Id.* at 49.
- <sup>14</sup> *Id.*
- <sup>15</sup> A. Coyle, *Replacing the Death Penalty: The Vexed Issue of Alternative Sanctions*, in CAPITAL PUNISHMENT: STRATEGIES FOR ABOLITION (P. Hodgkinson & W. Schabas eds., 2004).
- <sup>16</sup> J.W. Marquart et al., *The Health-Related Concerns of Older Prisoners: Implications for Policy*, 20 AGING & SOCIETY 79 (2000); S. Fazel et al., *Health of Elderly Male Prisoners: Worse Than the General Population, Worse Than Younger Prisoners*, 30 AGE & AGING 403 (2001).
- <sup>17</sup> ADVISORY COMMITTEE ON GERIATRIC AND SERIOUSLY ILL INMATES, *supra* note 8.
- <sup>18</sup> JOAN PETERSILIA, CAL. POL'Y RESEARCH CENTER, UNDERSTANDING CALIFORNIA CORRECTIONS (2006).
- <sup>19</sup> MAUER ET AL., *supra* note 6.
- <sup>20</sup> A. Cockburn, *Worse than Death*, THE NATION, April 20, 2009, at 10.
- <sup>21</sup> Note, *A Matter of Life and Death: The Effect of Life-Without-Parole Statutes on Capital Punishment*, 119 HARV. L. REV. 1838 (2006).
- <sup>22</sup> Coyle, *supra* note 15.
- <sup>23</sup> *Id.*
- <sup>24</sup> COUNCIL OF EUROPE, TREATMENT OF LONG-TERM PRISONERS (1977).