Testimonial Letter to the Committee  
In Opposition to  
Missouri Senate Bill 377  
"Because Youth Can Change"

Senator Bob Dixon, Chairperson  
Senate Judiciary Committee,  
201 W Capitol Ave., Rm. 332  
Jefferson City, MO  65101

March 14, 2013

Dear Senator Dixon and Committee Members,

My name is Aubrey Edwards-Luce and on March 11, 2013 I testified in opposition to Senate Bill 377. I appeared before the committee not only as a law student, but also as a trained victim’s advocate. Senate Bill 377 seeks to amend RSMo 565.033 in an attempt to comply with the U.S. Supreme Court’s ruling in Miller v. Alabama. Miller found that sentences of life without the possibility of parole (hereinafter “LWOP”) are unconstitutional when mandatorily imposed on juveniles. While I am proud and grateful that our state legislators are acknowledging the Miller ruling, I oppose Senate Bill 377 because it fails to provide a meaningful alternative to sentencing juveniles to LWOP. Instead, Senate Bill 377 provides judges with two inappropriate sentencing options, both of which amount to sentences of death behind bars for juvenile offenders.
I identify as a victim’s advocate because I have dedicated my career to advocating for victims of assault, abuse and neglect. I received a master’s degree in social work and a certificate in violence and injury prevention in 2011 from the George Warren Brown School of Social Work. During my studies, I spent over six months as an intern victim’s advocate at the St. Louis City Circuit Attorney's Office Victim’s Services Unit, where I helped victims of assault, abuse, and homicide navigate the criminal court process. I also worked for three years at the St. Louis Crisis Nursery with children who were at risk of abuse and neglect. After graduate school, I went to law school so that I could be a better advocate for victims.

Currently, however, I am a student attorney in Professor Mae Quinn’s Civil Justice Clinic at Washington University in St. Louis. As part of my duties at the Clinic, I represent individuals who have been sentenced to LWOP after being convicted of committing homicide while they were juveniles. With my history as a victim’s advocate, I was very apprehensive about meeting with my first juvenile LWOP client. I didn’t know how I would feel sitting across the table from someone who had being convicted of the same types of crimes that had profoundly impacted my previous clients and their families.

But I was astonished to learn about the successes and transformations experienced by these individuals. Despite the fact that one in ten youth report being abused by staff while confined\(^1\) and despite the fact nearly every juvenile is abused within the first 24 to 48 hours of entering adult prisons,\(^2\) youthful offenders sentenced to die behind bars have embraced opportunities to make educational, familial, and spiritual advancements.

Youth serving LWOP sentences have attained high-school equivalent degrees and taken college courses. They are supportive fathers from behind bars—making frequent contact


with their children and having conversations every child wants to have with their father. They have engaged in introspection and connected with religious communities that have changed their entire perspective on life. The “irredeemable” have found redemption. They are changing.

Spending time with youthful offenders, I see that there is very little difference between some of my previous victim-clients and those that serve LWOP sentences. Had my previous youthful victim-clients been in situations where they perceived violence as the only way to address a situation, many could have committed the same acts as many of the teens that are imprisoned until death. This similarity exists because all youth are impulsive and struggle to rationally consider alternative courses of action. With time, guidance, and support all youths can grow, mature and change. This is no less true for juveniles who have been sentenced to life without the possibility of parole.

Contrary to what was suggested at the hearing by one committee member, fifty years is a lifetime for most juveniles sentenced to LWOP. Sixty percent of juveniles sentenced to LWOP are Black. The life expectancy at birth for a 15 years-old Black male is 67.6 years. According to more generous measurements, it is estimated that a Black male child who makes it to his 15th birthday will have 57.2 years of life remaining. Under Senate Bill 377, a 15-year-old Black male juvenile sentenced to LWOP could be eligible for parole when he has between 7.6 and 2.6 years of life remaining. For these empirical reasons, I believe that the 50-year alternative to LWOP proffered by Senate Bill 377 is tantamount to an LWOP sentence.

---

The children sentenced to LWOP, on balance, have made serious life changes. Many have been incarcerated for over two decades, but have skills that our communities can use. They have developed relationships that could help them succeed upon release. We are fortunate to have many academic institutions, such as the Civil Justice Clinic at Washington University in St. Louis and its community partners committed to further assisting Missouri’s LWOP-sentenced youth upon release their release. I invite you to learn more about the people who have been sentenced to juvenile LWOP and witness how much transformation juveniles can make in fifteen, twenty, and twenty five years.

Because I have seen that youth can make changes in less than 50 years and because 50 years is a lifetime for juveniles, whom experience sexual assault and an increased risk for suicide while in adult prisons, I ask that the committee re-draft Senate Bill 377. Missouri law should provide a meaningful alternative to sentencing juveniles to die behind bars.

Sincerely,

[Signature]

Aubrey Edwards-Luce, M.S.W., Student Attorney
Civil Justice Clinic-Juvenile Rights & Reentry Project
Washington University School of Law
One Brookings Hall, Campus Box 1120
St. Louis, MO 63130
Aedwards@wustl.edu

---

8 “According to the Campaign for Youth Justice, “[y]outh in adult jails are 19 times more likely to commit suicide than are their counterparts in the general population and 36 times more likely to commit suicide in adult jail than in a juvenile detention facility.” Michele Deitch, et.al., FROM TIME OUT TO HARD TIME: YOUNG CHILDREN IN THE ADULT CRIMINAL JUSTICE SYSTEM 10 (Univ. of Tex. at Austin, LBJ Sch. of Pub. Affairs) (2009), available at http://www.campaignforyouthjustice.org/documents/NR_TimeOut.pdf (citing Campaign for Youth Justice, (November 2007) Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America).