

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/349377858>

Resentencing of Juvenile Lifers: The Philadelphia Experience

Technical Report · April 2020

CITATION

1

READS

217

2 authors:



Tarika Daftary-Kapur
Fairleigh Dickinson University

17 PUBLICATIONS 205 CITATIONS

SEE PROFILE



Tina M. Zottoli
Montclair State University

27 PUBLICATIONS 249 CITATIONS

SEE PROFILE

Some of the authors of this publication are also working on these related projects:



Differences in plea-deal decision-making of youth and adult defendants in a large urban jurisdiction [View project](#)



Life After Life: Reentry Experiences of Philadelphia Juvenile Lifers [View project](#)



RESENTENCING OF JUVENILE LIFERS: THE PHILADELPHIA EXPERIENCE

Tarika Daftary-Kapur, Ph.D. and Tina M. Zottoli, Ph.D.



MONTCLAIR STATE
UNIVERSITY

Please direct all correspondence to:
Tarika Daftary-Kapur

Montclair State University
1 Normal Avenue, Montclair, NJ 07043
Phone: 973-655-4142
Email: daftarykaput@montclair.edu

EXECUTIVE SUMMARY

We examined the Philadelphia District Attorney Office's approach to juvenile lifer resentencing, which began in 2017 under the administration of District Attorney Seth Williams and has continued under the administration of District Attorney Larry Krasner. For cases resentenced as of December 31st, 2019, we describe similarities and differences between the Williams and Krasner administrations in decision making and sentence length reductions, and we report on the recidivism rate and estimated cost savings for Pennsylvania as a result of release.

In June 2012, the Supreme Court of the United States (SCOTUS) ruled in *Miller v. Alabama* that mandatory life without-parole (LWOP) sentences were unconstitutional for individuals who were under the age of 18 at the time of their offense (hereafter, juveniles). In January 2016, SCOTUS, ruled in *Montgomery v. Louisiana* that *Miller* applied retroactively. Following *Montgomery*, individuals previously sentenced to mandatory LWOP as juveniles (hereafter, juvenile lifers) became eligible for resentencing. Accordingly, in almost all such cases, the district attorney's office makes an offer for a new sentence to the defendant, who is free to accept the offer or to have his new sentence decided by the judge.

At the time *Miller* was decided, Philadelphia had the largest number of juveniles sentenced to LWOP in the country (approximately 325). Yet, they have been at the forefront of the resentencing process nationally, and at the time of this writing have only 10 juvenile-lifers left to re-sentence; the main reasons for delay being an open Post Conviction Relief Act petition or a pending appeal.

In Philadelphia, re-sentence offers are decided by The Juvenile Lifer Resentencing Committee ("The Lifer Committee"), which comprises 8 members of the executive staff at the District Attorney's Office. The Lifer Committee's decisions are based primarily on the consideration of case-summary memos prepared for the Committee by the Assistant District Attorney leading the resentencing process. Memos include information on the facts of the original case, demographic information on

the victim and offender, mitigating information, the offenders' prison adjustment (e.g. misconducts, rehabilitative programming), information on acceptance of responsibility and remorse, the victim's family's perspective on release, and reentry plans.

In January 2018, as the resentencing process was underway, Larry Krasner was sworn in as the District Attorney of Philadelphia after having run on a reform platform, ushering in dramatic change to the culture and policies of the District Attorney's Office. This change in administrations, during a crucial resentencing project, provided us with a unique opportunity to examine how the priorities and policies of the new administration have affected prosecutorial decision making. Moreover, in light of the growing recognition that addressing the incarceration epidemic will necessitate re-evaluation of long-term prison sentences for individuals who were convicted of violent offenses, these outcome data have implications far beyond just those that pertain to the resentencing and release of juvenile lifers.

This project had 3 objectives:

1. To understand the process by which the Lifer Committee arrives at resentencing offers.
2. To quantify recidivism rates of released juvenile lifers and potential cost savings of release.
3. To identify and quantify differences between the prior and current administrations in terms of factors considered by the Lifer Committee, the weight assigned to these factors and, controlling for case-specific differences, the average difference in resentencing offer lengths.

METHODS

We conducted semi-structured interviews with four members of the Lifer Committee to understand the resentencing process and then performed a content analysis of the case-summary memos prepared by the lead ADA for each case to identify the case facts that were available for consideration by the Lifer Committee. Resentence offers were obtained from records maintained by the Philadelphia District Attorney's Office, and recidivism data were compiled from public records. We employed regression analyses to identify the case factors that best predicted resentence offer lengths for each administration.

KEY FINDINGS

- Pennsylvania has resentenced 88% of its juvenile lifers as compared to Michigan (52%) and Louisiana (approx. 15-22%); the three states in combination account for 2/3rd of all juvenile lifers in the United States.
- Juvenile lifers can be considered low-impact releases in terms of risk posed to public safety. At the time of our analyses, 269 lifers have been re-sentenced in Philadelphia and 174 have been released. Six (3.5%) have been re-arrested. Charges were dropped in four of the cases and two (1%) resulted in new convictions (one for Contempt and the other for Robbery in the Third Degree). In comparison, nationally, an estimated 30% of individuals convicted of homicide offenses are rearrested within two years of release¹.
- A subset of 38 cases were considered for resentencing by both the prior and current administrations. The average sentence offered in these cases by the prior administration was 38.8 years; under Krasner, the average offer in these cases was 27.6 years. Across all cases, this difference equates to an additional reduction of 394 years.
- Overall, release of Philadelphia's juvenile lifers, to date, will result in an estimated minimum \$9.5M savings in correctional costs for Pennsylvania over the first decade.
- For both the Williams and Krasner administrations, Lifer Committee offers were explained by years in custody at time of resentencing, charge severity, whether the defendant was the primary actor, and whether a re-entry plan is in place. There were some differences. While both administrations considered the maturity of the offender, the Williams administration relied on defendant age at the time of the offense and the level of planning, whereas the Krasner administration relied on a more holistic evaluation of the juvenile nature of the crime (e.g., involvement of an adult co-defendant, presence of peers, context in which the murder was committed). Prior convictions also weighed more heavily under Krasner than the prior administration.

¹ <https://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>

RESENTENCING OF JUVENILE LIFERS: THE PHILADELPHIA EXPERIENCE

The national movement to end the crisis of mass incarceration has focused almost exclusively on non-violent felony offenders. Little to no consideration has been given to individuals serving long-term sentences for violent crimes, even though these individuals make up more than half of those who are in prison and tend to be the most well-adjusted segment of the prison population (Kazemiam & Travis, 2015). In fact, research shows that individuals released after having served very long sentences, including life-sentences, have the lowest recidivism rates of any category of previously incarcerated individuals (Weiberg, Mukamal, & Segall, 2011).

There are over 160,000 individuals across the country serving life sentences, and approximately another 45,000 serving “virtual life” (longer than 50 years). Considering that the overwhelming majority of individuals who commit crime—even serious crime—“age out” of criminal behavior, the societal benefits of continued incarceration are called into question, especially in comparison with the costs. A 50-year

sentence for a 16-year old can cost a state approximately \$2.25 million (Henrichson & Delaney, 2012).

Although the idea of releasing lifers has not gained momentum among policymakers or the public at large, the U.S. Supreme Court (SCOTUS) forced consideration of this question for one sub-group of inmates. In 2012, SCOTUS held in *Miller v. Alabama* that mandatory life without parole sentences for juvenile offenders violate the Eighth Amendment. Specifically, the Court emphasized that adolescence is marked by “transient rashness, proclivity for risk, and inability to assess consequences²,” and that courts must consider such developmental factors when sentencing juvenile defendants. Then, in *Montgomery v. Louisiana* (2016), the Court retroactively invalidated all juvenile life-without-parole (JLWOP) sentences that had been mandated by statute. Pennsylvania, which had incarcerated more juvenile lifers than any other state (521 individuals, with 325 in Philadelphia), has become the nation’s leader in releasing them. At the time of this



² *Miller v. Alabama* 132 S. Ct. 2455 (2012), at 2465.

report, 459 juvenile lifers (88%) have been resentenced in Pennsylvania across all counties. Of these, 323 have become parole eligible and 230 of those eligible have been released, for a parole rate of 71%³. Other states have not moved as quickly toward resentencing and release. For example, Michigan has resentenced 52% of its 363 juvenile lifers⁴ and estimates for Louisiana range from 15-22% percent of their 300 juvenile lifers (the state does not track resentencing). Additionally, both Michigan and Louisiana have requested continued life sentences for a significant proportion of the juvenile lifers that have been resentenced (66% in Michigan and 33% in Louisiana), as compared to only a handful in Pennsylvania⁵. Along with Pennsylvania, Michigan and Louisiana account for 2/3rd of all juvenile lifers in the country⁶. As states grapple with the reality that ending mass incarceration will eventually require releasing individuals who are serving long sentences for violent crimes, policymakers can look to Philadelphia as a test case.

In Philadelphia, offers are decided by The Lifer Resentencing Committee (hereafter "the Lifer Committee"), which comprises 8 members of the District Attorney's Office, all of whom are attorneys. The Lifer Committee members include the District Attorney, the two First Assistant District Attorneys, the Supervisor of the Conviction Integrity Unit, the Juvenile Unit Supervisor, two policy advisors, and is chaired by the Assistant Supervisor of the Homicide and Non-Fatal Shootings Unit (who was also involved in the resentencing process during the Williams administration). The Committee bases its decisions on the consideration of case-summary memos prepared for the committee by the lead-ADA. Memos include information on the facts of the original case, demographic information on the victim and offender, mitigating information, the offender's prison adjustment (e.g., misconducts, rehabilitative programming), information on acceptance of responsibility and remorse, the victim's family's perspective on release, and reentry plans.

In an effort to make Philadelphia's approach accessible to other jurisdictions, we partnered with the Philadelphia District Attorney's Office to document and investigate how they arrive at resentencing recommendations and to examine whether there have been significant changes in process and outcomes from the prior administration.

This project had 3 objectives:

1. To understand the process by which the Lifer Committee arrives at resentencing offers.
2. To quantify recidivism rates of released juvenile lifers and potential cost savings of release.
3. To identify and quantify differences between the prior and current administrations in terms of factors considered by the Lifer Committee, the weight assigned to these factors and, controlling for case-specific differences, the average difference in resentencing offer lengths.

³ <https://www.cor.pa.gov/About%20Us/Initiatives/Pages/Juvenile-Lifers-Information.aspx>

⁴ https://www.southbendtribune.com/news/local/michigan-s-juvenile-lifers-get-a-second-look-and-maybe/article_bfc8a82c-33c4-11ea-b9f0-e7d5c32a448b.html

⁵ https://www.theadvocate.com/baton_rouge/news/crime_police/article_ade5f902-c282-11e8-9ed0-ab7428f9acf9.html

⁶ *The Rest of Their Lives: Life without Parole for Child Offenders in the United States*, Human Rights Watch and Amnesty International, October, 2005, p. 1, available at: <https://www.hrw.org/report/2005/10/11/rest-their-lives/life-without-parole-child-offenders-united-states>

METHODOLOGY

We reviewed 269 cases from Philadelphia that had been resentenced at the time this project launched. At the time of our analyses, 174 juvenile lifers had been released.

Phase I:

*Administrative data analysis and interviews
with the Lifer Resentencing Committee.*

- Collection of Administrative Data: We worked with the District Attorney's Transparency Analytics (DATA) Lab to cull data from existing administrative datasets including demographic characteristics of the juvenile lifers, offer lengths, release dates, rearrests and convictions (cross referenced with public records).
- Contextualizing the resentencing process and its impact: We conducted semi-structured interviews with 4 of the 8 members of the Lifer Committee to contextualize this work.

Phase II:

*Analysis of factors considered by the Lifers Resentencing
Committee in their decision making process.*

- We conducted a content analysis of the case-summary memos prepared by the lead ADA for the Lifer Committee and on which the Committee's offer decisions are largely based. Each memo was coded for approximately 100 variables which were subsequently reduced to a subset of 14 non-redundant variables. These variables were subjected to regression analyses to identify those that best explained sentence offer lengths for each administration.

A PORTRAIT OF JUVENILE LIFERS

The case-summary memos provided the Lifer Committee with various factors to consider, including information on charges, case facts, information about the juvenile’s living situation at time of the arrest, and information on prison adjustment. Demographic information available to the committee included age at the time of arrest and resentencing, and gender. In order to avoid any potential bias, race of the lifer was not included on case summary memos. This practice was followed by both administrations.

AGE AT ARREST AND RESENTENCING

Of the 269 Lifers included in our analyses, the average age at the time of offense was 16 years and 4 months, ranging from 13 years to 17 years and 11 months. The average age at the time of resentencing was 45 years, ranging from 17 years to 66 years. The average age at the time of release (of the 174 that have been released) was 51 years and ranging from 35 years to 68 years.

CHARGES

Forty-nine percent of the juvenile lifers were first time offenders and 48% had one prior adjudication. Only 3% of the sample had more than two prior adjudications.

Sixty-two percent of the juvenile lifers were convicted of 1st degree murder and 38% were convicted of 2nd degree murder. First degree murder generally requires proof of malice, and is the intentional killing of another person that is willful, deliberate, and premeditated. In contrast, a defendant can be convicted of 2nd degree murder (sometimes referred to as felony murder) for any level of participation in a felonious crime that results in a death. Pennsylvania’s statute reads: “a criminal homicide constitutes murder of the second degree when it is committed while defendant was engaged as a principal or an accomplice in the perpetration of a felony.” A 2nd degree murder conviction can occur when an individual was present during a felony that resulted in death, but played an auxiliary role. For example, serving as a getaway driver in a convenience store hold-up—even if one never enters the store—can result in a felony murder charge if someone is killed during the course of the robbery. Felony murder convictions involving multiple defendants typically result in identical punishments for all involved, even if only one defendant committed the actual homicide. Of the juvenile lifers convicted of felony murder, the top-charged felonies were robbery (78%), home invasion (16%) and drug-related offenses (6%). In 55% of the cases the juvenile lifers were charged with multiple felonies.

MITIGATING FACTORS

As is typical among criminal justice involved youth (OJJDP, 2015), the majority (80%) of the juvenile lifers in our analysis had been exposed to one or more developmental and psychosocial risk-factors for criminal behavior, with 42% exposed to three or more⁷. The cumulative risk model (Dean, Fuller-Rowell & Evans, 2012) posits that an accumulation of risk factors (as opposed to any one individual factor, no matter how severe), increases the risk for negative behavioral, cognitive and psychological outcomes in adolescents, including juvenile offending. Table 1 displays the various risk/mitigating factors reported across the cases and the percentage of juvenile lifers exposed.

Table 1. Risk/Mitigating Factors and Frequency

Risk Factor	Percent
Family instability	42%
Exposure to drugs/alcohol	40%
Parent(s) had drug/alcohol addiction	34%
Parent(s)/family criminality	34%
Witnessed domestic violence	27%
Exposure to violence	24%
Experienced physical abuse	22%
Limited adult supervision as a child	20%
Personal use of drugs/alcohol	17%
High-crime neighborhood of residence	15%
Removed from home as a child	8%
Experienced sexual abuse	8%
Gang involved	7%
Parent(s) had mental health issues	5%
Incarcerated parent	5%

⁷ Risk factor information was missing for approximately 20% of the population making these estimates highly conservative. Additionally, oftentimes risk factors are not reported and available in official records, and tend to be significantly underestimated. This does not mean that there were no risk factors present in those cases. This information was gathered by the ADA from secondary sources (e.g. Department of Correction records, mitigation packets prepared by defense attorneys) and may be incomplete.

CASE FACTS

We coded for case facts that might have been relevant to sentencing decisions under *Miller*, for all juvenile lifers resentenced in Philadelphia as of this report:

- The juvenile lifer was the primary actor in 82% (n = 220) of the cases. Primary actor was defined as the individual who planned the murder, or was the lead actor in an unplanned murder.
- The majority of the cases (64%, n = 172) involved multiple defendants. This is in line with existing research findings that most adolescent offending occurs in groups.
 - The number of co-defendants varied from one to nine, with a single accomplice the most common (40% of cases).
 - In 39% of the cases involving multiple defendants, the co-defendants were same-age peers.
 - In 59% of the cases involving multiple defendants, at least one co-defendant was an adult.
- When an adult co-defendant was involved (n = 102), the juvenile lifer was the primary actor in only 28% of the cases.
- Approximately 66% of the murders were unplanned. This data point comports with consistent research findings that, in emotionally charged and time-pressured situations, adolescents are at increased risk for impulsive decision-making that fails to account for long-term consequences (Casey, 2015).
- There was no documented evidence of drug or alcohol intoxication in 97% of the cases.
- Ten percent of the murders were gang related, and one was classified as a hate crime.
- In the overwhelming majority of cases (95%, n = 246) there was one murder victim. In 4% of cases (n=10) there were two victims. Three cases (~1%) involved more than two victims.

PRISON ADJUSTMENT

During their incarceration, the majority (approx. 90%) of juvenile lifers participated in some form of rehabilitative programming. These programs included violence prevention, self-help (e.g. coping skills), drug and alcohol education, vocational training and anger management. On average, those that engaged in programming participated in four programs during their incarceration. Additionally, 65% (n = 137) completed their GEDs.

The modal number of misconducts reported was 7 (ranging from 0 to 107). On average, the last incident reported was approximately 8 years prior to resentencing (ranging from 1 to 31 years). Figure 1 shows the type and number of misconducts reported, aggregated across all cases⁸.

Figure 1. Total number of each misconduct across cases, as reported to the District Attorney's Office by the Department of Corrections



⁸ Misconduct data were available for 236 of the 269 cases we reviewed. All data on prison misconduct comes from the Pennsylvania Department of Corrections records, which were requested by the Philadelphia District Attorney's office during the re-sentencing process. We did not independently verify this information with DOC.

FINDINGS

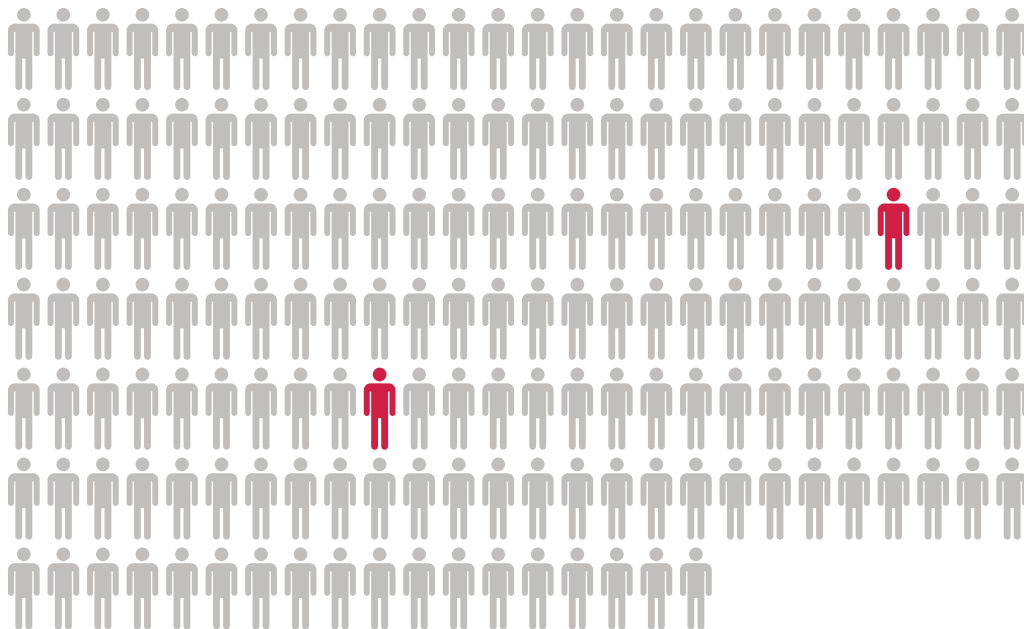
RECIDIVISM AND COST SAVINGS

Recidivism

In terms of risk to public safety, **juvenile lifers can be considered low-impact releases**. We analyzed data from 174 releases and as of December 2019, only 3.45% (n=6) have been re-arrested. Four cases were dismissed. The other two cases resulted in convictions, one for Contempt for Violation of Order of Agreement and one for Robbery, yielding a reconviction rate of 1.14%. The remaining 168 individuals (96.5%) have been living in the community for an average of 21 months (as of December 2019) without any known law enforcement contacts. In comparison, among persons convicted of homicide offenses nationally, an estimated 30% are rearrested within two years of release, a rate that is 8.72 times higher than that of juvenile lifers released in Philadelphia⁹.

The rearrest rate of released lifers is 3.45%; in comparison, among persons convicted of homicide offenses nationally, an estimated 30% are rearrested within two years of release.

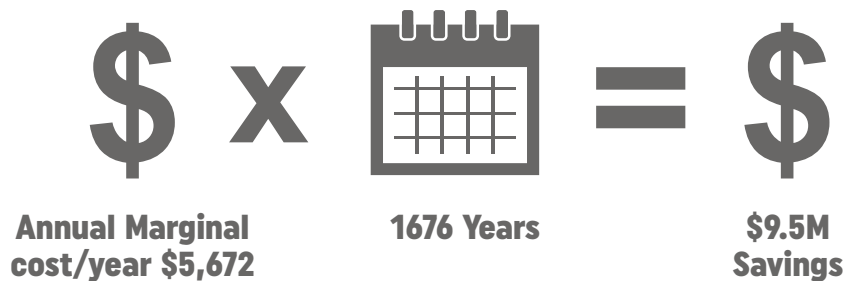
Only **2** of **174** people released were re-convicted



⁹ <https://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>

Cost Savings

The release of lifers will result in approximately \$9.5M savings in correctional costs over the first decade. The average age of the 174 juvenile lifers released to date in Philadelphia is 51 years. To estimate costs savings linked to release, we relied on per capita mortality rate data for state prisons, broken out by age demographics, published by The Bureau of Justice Statistics (February, 2020)¹⁰. Accounting for the number of deaths expected in each year of the next decade, we estimated that 1,676 years of incarceration will be saved¹¹. Using the estimated annual short-run marginal cost of \$5,672 for housing an inmate in Pennsylvania¹², release of these 174 juvenile-lifers in Philadelphia can be expected to save Pennsylvania an estimated \$9,506,272 in correctional costs over the first decade. This does not take into account the increased cost associated with the incarceration of elderly prisoners. A recent report by the American Civil Liberties Union¹³ found that annual costs could be expected to roughly double for prisoners over age 50; thus, savings for the State could be significantly higher.



¹⁰ Carson, E. A. & Cowhig, M.P. (2020) Mortality in State and Federal Prisons, 2001-2016 – Statistical Tables. Retrieved from <https://www.bjs.gov/content/pub/pdf/msfp0116st.pdf>

¹¹ We used the average per capita mortality rate (converted to percentage) over the years reported in the BOJ report for each age demographic relevant to this population (>55 years, 44-55years, 34-45 years, 24-35 years) to estimate the expected number of deaths in each year for each demographic group. For each year's calculation, we accounted for prior year changes in age-demographic group membership (i.e., aging) and the reductions based on the prior year's estimated deaths. A death in a given year was counted as a loss in the subsequent year, such that a death in year three, for example, resulted in a decrement of one from the total population in years four and beyond, and counted as saving the city three total years of incarceration. For simplification of calculations, we assumed the same release date for all 174 individuals, but used their age at time of release.

¹² Collins, K., Kulick, E., Zhou, C., & Dalton, E. (2014). Calculating Unit Costs in Allegheny County: A Resource for Justice System Decision-Making and Policy Analysis. Available here: (<https://www.alleghenycountyanalytics.us/wp-content/uploads/2016/06/Calculating-Unit-Costs-in-Allegheny-County-A-Resource-for-Justice-System-Decision-Making-and-Policy-Analysis.pdf>). The average cost to house an inmate for one year in Pennsylvania has been estimated at \$42,727 (Vera Institute of Justice), however, this average cost per inmate includes many fixed costs such as administrative services and facility maintenance, which do not change with small decrements to the population. When the population decreases by one person, a state's savings comes from variable costs, which include things like food, clothing, laundry, and health care payments. Short-run variable costs are those most immediately impacted by a small number of releases. Long-run variable costs are associated with changes that have a larger impact on workload, such as a substantial reduction in beds. Short-run marginal costs are most likely to be impacted by the release of juvenile lifers.

¹³ ACLU (2012, June 13). "At America's Expense: The Mass Incarceration of the Elderly." Available at <https://www.aclu.org/criminal-law-reform/report-americas-expense-massincarceration-elderly>.

WILLIAMS & KRASNER ADMINISTRATIONS: DIFFERENCES IN OUTCOMES AND PROCESS

Sentence Length Outcomes

Of the 269 cases analyzed, 140 were resentenced under the Williams administration, and 112 were resentenced under the Krasner administration. Seventeen cases were decided by the interim administration; these cases were excluded from all analyses directly comparing the Williams and Krasner administrations.

Controlling for length of time-served at resentencing, the average sentence offer made under the Williams administration was 33 years and the average offer made under the Krasner administration was 27 years. At the time of Krasner's election, a subset of 38 cases had already been considered for resentencing by the Williams administration and remained to be finalized by the new administration. For each case, an initial offer had been made by Williams and a revised offer was made by Krasner. Thus, these cases provide a unique opportunity to directly compare differences in sentence length decisions between two administrations while controlling for potentially confounding case factors. The average sentence offered in these cases by the Williams administration was 38.8 years; the average revised offer under the Krasner administration was 27.6 years. This difference is equivalent to 394 years of incarceration, saving an estimated \$2.2M in correctional costs¹⁴.

Of the subset of 38 cases that were considered for resentencing by both the Williams and Krasner administrations, the average sentence offered by the Williams administration was 38.8 years and the average revised offer under the Krasner administration was 27.6 years, for an estimated savings of \$2.2M in correctional costs.

¹⁴ It is plausible that the initial offers made by the Williams administration would have been reduced further in negotiation with defense counsel. Based on our analysis of all cases processed by the Williams administration prior to these 38 cases, the typical range for reduction following negotiation was 1-3 years. Assuming all 38 cases would have been reduced by an additional three years under Williams (a liberal estimate), then the estimated cost savings following the offers made by Krasner reduces to \$1.6M. Both this estimate and the 2.2M reported in text refer to the explicit difference in years between the sentence offered by the Williams administration and the sentence offered by Krasner. As such, these figures reflect the actual cost (assuming no deaths) that the State would have incurred had these 38 lifers been resentenced under the prior administration. The estimated cost savings of \$9.5M reported on page 11 reflects the projected savings over the first decade of release for the 174 juvenile lifers that had been released as of the date of this report. None of the individuals in the 38 overlapping cases had been released at that time.

Decision Process

There was significant overlap in the factors that influenced resentence offers across the administrations. For both administrations, Lifer Committee offers were explained by years in custody at time of resentencing, charge severity (1st or 2nd degree murder), whether the defendant was the primary actor, and whether a re-entry plan was in place. There were some differences. While both administrations considered the maturity of the offender, the prior administration relied on defendant age at the time of the offense and the level of planning, whereas the Krasner administration relied on a more holistic evaluation of the “juvenile nature” of the crime¹⁵, considering whether the crime was committed with others, whether there was an adult co-defendant and the context in which the crime was committed. Prior convictions also weighed more heavily in cases resentenced under Krasner than the prior administration. Finally, the range of resentence offers under Krasner was wider than it was under Williams, and the explanatory factors we identified accounted for more of the variance in the decisions made by the Krasner administration than they did for the prior administration. These findings point to two important conclusions:

- Both administrations relied most heavily on factors that would have been relevant at the original sentencing hearings (i.e., charge severity & facts of the case, as well as the juvenile nature of the crime) as opposed to those that could not have been known at that time (e.g., prison adjustment).
- The differences in sentence variability and the explanatory power of case facts between administrations suggests that the William’s administration may have utilized case facts to make upward or downward adjustments from an initial sentence offer that was relatively consistent across cases, whereas the Krasner administration may have utilized case information in a more discretionary manner, arriving at sentence offers that were not tied as strongly to a pre-determined range. This increased use of discretion might have been due, in part, to the fact that the Krasner administration was by nature of the process, tasked with handling the more challenging cases; for example, cases in which offenders had been sentenced more recently, and had thus served a relatively shorter time in prison.

In sum, while the data suggest that the Krasner administration may have taken a somewhat more discretionary approach, both administrations appear to have approached resentencing in the spirit of *Miller*, in that they were primarily influenced by the developmental maturity of the offender and the facts of the case. The primary difference between the current and prior administrations is with respect to the length of resentence offers. Offers made under Krasner were considerably lower than those made under Williams, even after controlling for time served at resentencing. As a result, juvenile lifers were made eligible for release much sooner under the Krasner administration, saving considerable taxpayer dollars and with no adverse impact on public safety to date.

¹⁵ This term was used by the Lifer Committee to reflect their subjective evaluation of the facts of the case that suggested developmental immaturity: whether there was an adult co-defendant, whether the offense was committed with one or more accomplices the circumstances of the offense that led to an unplanned murder.

Table 2. Factors Explaining Resentencing Offers

Williams Administration	Krasner Administration
Years in custody at the time of resentencing	Years in custody at the time of resentencing
Charge severity (1st or 2nd degree Murder)	Charge Severity (1st or 2nd degree Murder)
Whether the defendant was the primary actor	Whether the defendant was the primary actor
Whether the defendant has a re-entry plan	Whether the defendant has a re-entry plan
Age of the defendant at the time of the original offense	Prior convictions
Whether the original offense was planned vs spontaneous	Juvenile nature of the crime

CONCLUSION

The purpose of this report was to conduct an independent evaluation of the juvenile lifer resentencing process in Philadelphia and make Philadelphia's approach to resentencing juvenile lifers accessible to other jurisdictions. As demonstrated in Philadelphia, resentencing does not guarantee release, but allows for the possibility of eventual parole for a juvenile lifer whose crime is deemed to have been the product of transient developmental factors and not incorrigible character. The similarities across the two administrations suggest that judgments regarding which factors are relevant under *Miller* are fairly straightforward. Philadelphia's experience also shows that when this review process leads to release, successful reintegration (as evidenced by negligible recidivism rates) is not just possible, but is the most likely outcome. Some of this success can most likely be attributed to strong community networks and reintegration programs that have absorbed these individuals back into the community. Understanding how

different factors combine to lead to this successful rate of reintegration (as evidenced by low recidivism) would be helpful for jurisdictions going forward.

These releases also come with substantial cost savings for the jurisdiction. We estimated a savings of \$9.5M in correctional costs for Pennsylvania over the first decade, just for the 174 juvenile lifers released. Release of the remaining 347 juvenile lifers will result in a multifold increase in savings, especially in light of the fact that many of these individuals are elderly.

Nationally, there are approximately 200,000 persons serving life and virtual life (50 or more years) sentences. Considering that the overwhelming majority of individuals who commit crime—even serious crime—"age out" of criminal behavior, the societal, financial, and public safety benefits of continued incarceration are called into question by the Philadelphia experience.

REFERENCES

- Alper, M., Durose, M. R., & Markman, J. (2018). 2018 Update on prisoner recidivism: A 9-year follow-up period (2005-2014). *Bureau of Justice Statistics*: <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>
- Casey, B. J. (2015). Beyond Simple Models of Self-Control to Circuit-Based Accounts of Adolescent Behavior. *Annual Review of Psychology*, 66, 295-319.
- Development Services Group, Inc. 2015. "Risk Factors for Delinquency." Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. <https://www.ojjdp.gov/mpg/litreviews/Risk%20Factors.pdf>
- Doan, S. N., Fuller-Rowell, T. E. & Evans, G. W. Cumulative risk and adolescent's internalizing and externalizing problems: The mediating roles of maternal responsiveness and self-regulation. *Dev. Psychol.* 48, 1529–1539 (2012)
- Henrichson, C., & Delaney, R. (2012). *The price of prisons: What incarceration costs taxpayers*. New York: Vera Institute of Justice.
- Kazemian, L., & Travis, J. (2015). Imperative for inclusion of long termers and lifers in research and policy. *Criminology and Public Policy*, 14, 355-395.
- Weisberg, R., Mukamal, D. A., & Segall, J. D. (2011) *Life in limbo: An examination of parole release for prisoners serving life sentences with the possibility of parole in California*. Stanford, CA: Stanford Criminal Justice Center.

ABOUT THE AUTHORS

Tarika Daftary-Kapur

Associate Professor of Justice Studies
daftarykaput@montclair.edu

Tina Zottoli

Assistant Professor of Psychology
zottolit@montclair.edu

RESEARCH ASSISTANTS

Tristin Faust

Doctoral Student, Psychology

Ryan Schneider

Doctoral Student, Psychology

ACKNOWLEDGEMENTS

We thank our partner, the Philadelphia District Attorney's Office for allowing us to conduct this project in their office. We are grateful to the prosecutors who took time to speak with us, the cooperation of the DATA Lab, and the high level of transparency and data sharing by the Philadelphia DAO.

ABOUT MONTCLAIR STATE UNIVERSITY

Montclair State University is a research doctoral institution ranked in the top tier of national universities. Building on a distinguished history dating back to 1908, the University today has 11 colleges and schools that serve 21,000 undergraduate and graduate students with more than 300 doctoral, master's and baccalaureate programs. Situated on a beautiful, 252-acre suburban campus just 12 miles from New York City, Montclair State delivers the instructional and research resources of a large public university in a supportive, sophisticated and diverse academic environment.