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by Pat Nolan

Would you put this 11 year old in prison for the rest of his life?

Prosecutors in Pennsylvania have charged an 11-year-old boy as an adult for murdering his father's girlfriend. They said that they intend to ask that he be imprisoned for the rest of his life under Pennsylvania's Juvenile Life Without the Possibility of Parole (LWOP) statute. Let me be clear: what the boy did is awful, and there should be consequences for it. But those consequences should include reforming his moral compass, rather than writing him off as unsalvageable. Putting him in an adult prison for the rest of his life is essentially denying the young boy the possibility of redemption and rehabilitation.

It surprises most people to realize that in forty-two states and under federal law, a child under 18 who commits a serious crime is classified as an adult for prosecution and punishment. In some states, children as young as ten are transformed instantly into adults for criminal justice purposes. Remember, these children are too young to buy cigarettes and alcohol, too young to shave, often too young to drive. Many of these kids still have stuffed animals on their beds. Yet, they are tried as adults, and if convicted, they are sent to adult prison, often for life without any possibility of parole.

There are currently at least 2,225 people incarcerated in the United States who are imprisoned for the rest of their lives for crimes they committed as children. These are not "super-predators" with long records of vicious crimes. In fact, an estimated 59 percent of these youngsters received the sentence for their first-ever criminal conviction.

The crime this boy committed was horrible. He hid a shotgun under a blanket and calmly walked downstairs and shot his father's girlfriend in the back of her head. This is a shocking crime. But it was also his first run-in with the law. Despite his clean record, state law requires that he be charged as an adult. And the District Attorney said he expects the boy to spend the rest of his life in prison.

Remember, this is an 11-year-old child. Yet he was imprisoned in the local jail with other adults. The jail had no orange jumpsuit that could fit his slight frame. To isolate him from the adult prisoners, the boy was held in a 10x10 cell. He could not take a shower because that would require the jail to lock down every prisoner to allow him to walk to the showers without coming in contact with the adult prisoners. Mercifully, after several days the sheriff insisted that the boy's needs be taken care of, and he was transferred to a juvenile facility.

This brief bit of common sense and mercy may soon be eliminated by a justice system intent on keeping him in prison until he dies.

You can hear the cry of frustration in the voice of a father facing a similar future with a child in an adult prison:

I'm a former cop. I'm a true believer in law and order. But my son was a child when this happened. He wasn't thinking like an adult, and he wasn't an adult...how is it that the law can treat him as if he is one?

-- Frank C., father of youth offender sentenced to live without parole, October 22, 2004.

The terrible crimes committed by children can ruin lives, causing injury and death to the victims and grief to their families and friends. Sentencing must reflect the seriousness of the crime, but it also must acknowledge that culpability can be substantially diminished by reason of the youth and immaturity of the perpetrator. Child offenders should be given the possibility of freedom one day when they have matured and demonstrated their remorse and capacity for rehabilitation.

There is a movement across the country to eliminate life sentences for youthful offenders. The bills would not automatically release the offenders at a certain age, but rather offer the possibility that they could be released if they had shown they were prepared to lead a law-abiding life in the community.