



DROP LWOP! NEWS

CLEMENCY NOW!

If you have news, stories, or information for sharing or if you have questions, please feel free to reach out to us. Looking to send the *Drop LWOP! News* to a friend? Feel free to send them to our [website \[droplwop.com\]](http://droplwop.com) where news will be updated regularly. The Coalition is working hard to expand our reach to every corner of California. We are hoping to connect with folks who live in or have connections to **East LA, Orange County, or San Diego**. Please reach out to droplwopoutreach@gmail.com if you have someone with ties to these areas. **You can also write to: Drop LWOP Coalition, P.O. Box 308, Apple Valley, CA 92307**

CALIFORNIA SUPREME COURT RULES ON HARDIN

After much anticipation, a disappointing ruling was issued on March 4, 2024 in the case of [People v. Hardin](#). In this case, the court considered whether the exclusion of people serving life without parole (LWOP) from youth offender parole hearings violates the Equal Protection Clause of the Fourteenth Amendment. After an incredible effort by attorneys representing Mr. Hardin and many others who submitted amicus briefs in support of his case, the Court decided not to rectify this glaring inequity impacting those sentenced to LWOP for offenses committed between the ages of 18 and 26.

The *Hardin* case was sent to the California Supreme Court because the [lower court found](#) that there is “no rational basis” for the distinction between those sentenced to 25 years to life and those sentenced to LWOP for crimes committed when they were under 26 years old. The purpose of youth offender laws is to account for profound differences in brain development between youths and adults. People serving LWOP for offenses that occurred as youth are no different than any other group of people within the prison system - so youth offender laws should apply equally to them as well.

Unfortunately, the California Supreme Court [did not agree](#) with this perspective, voting 5-2 that it was not an equal protection violation to deny the opportunity of youth offender parole to people sentenced to LWOP for crimes committed under age 26. Ultimately, the court deferred to the legislature to fix this problem. Two justices, Evans and Liu, disagreed with this decision and wrote dissenting opinions that were nearly 70 pages long. Justice Evans stated that the exclusion “lacks rationality” and “perpetuates extreme racial disparities plaguing our juvenile and criminal justice systems.” Her closing remarks were particularly important: *“This case calls on us to correct the legacy of casting Black and Brown youth as predatory, remorseless, and*

irredeemable, older than they are, and treated differently from White youth. The equal protection clause demands that lawmakers extend the mercy, dignity and grace embodied in the youthful offender parole eligibility scheme to all youth—regardless of the crimes of which they were convicted. As a class, they all are less morally culpable and are more likely to become rehabilitated based on accepted scientific evidence regarding adolescent brain development. The majority has avoided this heed with the hollow promise of another day. I urge the Legislature to correct itself by ridding section 3051 of the LWOP exclusion and extending youth offender parole eligibility to all individuals who were convicted in their youth.” Over 60% of people sentenced to LWOP in California were 25 or under at the time of their offense, and over 68% of those serving LWOP are Black and Brown.

Kelly Savage-Rodriguez, a coordinator of the Drop LWOP coalition said, “The *Hardin* opinion is not what we hoped for. But the fight to end LWOP and death-by-incarceration sentences is growing in California, the country and world—the courts, the legislature, the media, through community-based organizations, and on the international stage, where the United Nations recently urged the United States to place a moratorium on LWOP and make all sentences parole-eligible.” Second look and compassionate release bills continue to gain momentum across the country, including here in California where we are doubling down on our efforts to pass Senate Bill 94. The *Hardin* opinion has little effect on most of these efforts- it is a bump on the road to ultimately ending LWOP for all.

“The *Hardin* decision is based on an arcane, out of touch law and a very narrow, highly legalistic issue that has nothing to do with whether LWOP is right or wrong,” **said Elizabeth Calvin, senior advocate with Human Rights Watch.** “While the court’s decision ignores the harms of LWOP and the racism on which the US criminal legal system is built, this opinion is not going to slow down our efforts to end LWOP, whether in the courts or legislature. The movement to stop death by incarceration has never been stronger.”

When people sentenced to death by incarceration refuse to give up hope and earn their way home against all odds, all of society benefits from their transformative success stories of community service, mentorship, and violence prevention. These are well documented in the Human Rights Watch report, “[I Just Want to Give Back: The Reintegration of People Sentenced to Life Without Parole.](#)” The report focused on the lives of over 110 people who had LWOP sentences, but were paroled either due to a change in law or commutation. The recidivism rate of people coming home from LWOP sentences is nearly 0%.

“I was sentenced to die in prison with an LWOP sentence and the judge granted me mercy. I was 26 years old at the time of my crime,” **said Joseph Bell, an advocate with Drop LWOP and Human Rights Watch and a founding member of the National LWOP Leadership Council.** “It’s a travesty that the California Supreme Court did not choose mercy for 18 to 25-year-olds, but I am confident that the arbitrary nature of LWOP sentencing will continue to be challenged through the courts and every other avenue.” There is no question that ending LWOP for all will be difficult, but we have already made monumental progress that we were told was

impossible. **We cannot and will not give up!** Please know that there are thousands of people who are thinking of you, believing in you, and continuing to fight for you.

United Nations Human Rights Committee Recommends Moratorium on LWOP in the United States

In October 2023, a delegation of people formerly sentenced to DBI (including Drop Lwop’s Kelly Savage-Rodriguez and Susan Bustamante), people with loved ones currently serving DBI, and other advocates traveled to Geneva, Switzerland during the UN Human Rights Committee’s (“HRC”) review of the United States. We urged the HRC to recommend that the US abolish DBI sentences in our testimony and submitted a report on why DBI is a cruel and racist practice.

On November 3, 2023, the UN Human Rights Committee took the unprecedented action of issuing recommendations calling on the United States to: (1) “prohibit and abolish the sentence of life imprisonment without parole for juveniles, irrespective of the crime committed,” (2) prohibit and abolish “the mandatory and non-homicide-related sentence of life imprisonment without parole,” (3) “make parole available and more accessible to all prisoners, including those sentenced to life imprisonment,” and (4) “consider establishing a moratorium on the imposition of sentences to life imprisonment without parole.”



Oct. 2023 Geneva Delegation

The United States has signed and ratified the International Convention on Civil and Political Rights (“ICCPR”). The HRC is tasked with interpreting the ICCPR and making sure that all countries who have signed onto it are complying with it. The HRC’s November 2023 findings

mean that the authoritative interpreter of the ICCPR has found that the United States' policy of DBI is a violation of international law and has recommended abolishing, or at the very least imposing a moratorium on, DBI sentences, in particular LWOP sentences. It is up to us to fight to make sure that the United States pays attention to this statement from the United Nations to change its laws on DBI. While the UN cannot force the U.S. to take any particular action, it is significant to call the US out on the international stage.

In May 2023, the Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (EMLER, also known as the "George Floyd Mechanism") visited the United States and we submitted a complaint arguing that DBI is racially discriminatory and a form of torture, in violation of international human rights law. Stanley Jamel Bellamy, who is a member of our coalition and who had just been released from New York State prison after serving 37.5 years of a 62.5 years to life sentence, testified to EMLER about the cruelty of DBI sentences.

On September 26, 2023, the EMLER issued a report acknowledging the practice of "death by incarceration," and issued recommendations to the United States, that: "All prison sentences in the United States should include parole eligibility within a reasonable number of years, and always below life expectancy. Federal and state executive branches should keep exercising clemency powers in favour of persons already serving sentences beyond life expectancy, especially benefiting children and persons who committed crimes when they were children and older persons."

We have also made it clear that sentences allowing for parole must allow for a *meaningful* opportunity for parole—in other words, parole boards must not function as repeated prosecutions but rather as release mechanisms.

Other United Nations Experts, including the UN Special Rapporteur on Racism and the UN Special Rapporteur on Torture have asked the United States to respond to their concerns that DBI sentences violate international law, including the prohibition on torture and racism.

The background to all of this work began in September 2022, when our national coalition submitted a complaint to UN experts, including the UN Special Rapporteurs on Racism and on Torture. We argued that DBI is a racially discriminatory sentence that deprives individuals of a "right to hope" for a life outside of prison - *a right that is protected under international law* - and for this reason it violates the prohibition on torture.

In response to our complaint, the UN experts sent a letter to the United States government on June 19, 2023, raising concerns about "prison sentencing policies and practices such as life without parole, life with parole, 'virtual life' (i.e., any sentence that exceeds life expectancy), and other term-of-years exceeding life expectancy. These practices are sometimes referred to collectively as death by incarceration sentences." The United States has not as yet responded to this letter, but we continue to apply pressure and uplift these victories that affirm what we know to be true: DBI sentences, including LWOP, are inhumane and must be abolished. For more info, check out: <https://www.deathbyincarcerationistorture.com/>

GOOD NEWS!

A recent ruling by the Massachusetts Supreme Court found that sentencing individuals under 21 to LWOP is “cruel and unusual punishment.”, This means that in the future the LWOP sentence cannot be given to individuals under 21 years of age. The ruling paves the way for individuals serving LWOP who were under 21 at the time of their offense to have their case reviewed by the state’s parole board. You can read more about the decision [here](#). This ruling gives those of us fighting LWOP on the West Coast hope and we stand in solidarity with our comrades serving LWOP on the East Coast.

Work Group Updates

**To join any of these workgroups contact us: Drop LWOP! Coalition,
POB 308, Apple Valley, CA 92307 OR online: www.droplwop.com**

Legislative Work

SB94 is currently being held on the Assembly floor and will be voted on by the Assembly in late March/early April of this year. The Coalition wants to do everything in its power to ensure SB94 passes, as this bill will allow judicial review for individuals serving LWOP who meet the following criteria: their offense occurred before June 6, 1990, and they have served at least 25 years of their sentence. If you are interested in helping move this bill forward, please contact us.

Media

We have some exciting developments from our Media workgroup. Check out the Coalition’s [Freedom Stories](#), which highlight individuals who formerly served LWOP. These stories give us hope! Media is also developing a plan for rapid responses to developing stories connected to LWOP. They will also be setting up trainings for writing Op-eds and Letters to the Editor.

Outreach

Outreach now has subcommittees working on specific projects. We are working on organizing in-person events to expand our community-building and educational online events so we can collaborate with organizations, communities, and academic institutions to support the movement against LWOP. Both online events planning and in-person event coordinating subcommittees are meeting monthly. If you are interested in joining either of these subcommittees, please email droplwopoutreach@gmail.com. Outreach is also working on plans to do an outside of prison Walk-a-thon in conjunction with walk-a-thons inside prisons. This can be a great way to highlight the issue of LWOP and also raise some money for the coalition.

Inreach

Our Inreach team is working tirelessly to correspond and uplift the ideas, aspirations, and hard work of advocates on the inside. Individuals who are inside are constantly creating incredible ideas for outreach, narrative control, and outside priorities that the Drop LWOP Coalition relies on for our movement. At the DROP LWOP 2023 strategy session, the Inreach team decided to prioritize identifying an LWOP point person for each institution and helping each prison build an LWOP support group.

International Advocacy



Oct. 2023 Drop LWOP Reps in Geneva: Courtney Hanson, Kelly Savage-Rodriguez, Susan Bustamante

Since 2022, a national coalition of organizations including Drop LWOP has been advocating with the United Nations to recognize that life imprisonment is *death by incarceration* (DBI) and that it violates international human rights laws which prohibit torture, racial discrimination and protect the right to life and liberty. **In 2023, the United Nations made some key findings that the United States has violated international law in its use of DBI and recommended some changes to U.S. policy.** We hope that you and your community can use some of these statements from the United Nations in your advocacy.

- Death by incarceration refers to: life without parole (LWOP), life with parole, and “virtual” life imprisonment. These sentences condemn people to permanent incarceration and violate their human rights.

- In the United States, over 200,000 people, or 15 percent of the total U.S. prison population, are serving death by incarceration sentences.
- 46 percent of those sentenced to death by incarceration are Black, although only 12.4 percent of the total U.S. population is Black.
- The increasing reliance on death by incarceration sentences has led to the creation of nursing homes behind bars. For example, there are 56,000 people serving LWOP sentences in the United States. Almost half are over 50 years of age, and a quarter are over 60 years of age.

Member Organization Updates

The **National Life Without Parole Leadership Council (NLC)** seeks to create a society that recognizes the human capacity for transformation, promotes true accountability, and creates opportunities for healing and making amends; a society in which no person is condemned to death by incarceration with a sentence of life without the possibility of parole. The NLC is a group of committed advocates and community leaders guiding and growing the movement to end LWOP. The council's 14 members are people who were sentenced to LWOP but later had the chance for release. We bring our skills, knowledge, and compelling testimony to the fight to end LWOP in the US. We support efforts across the country working to create second chances. <https://www.hrw.org/>

Californians United for a Responsible Budget (CURB) is a Black-led coalition of 80+ grassroots organizations dedicated to reducing incarceration, shrinking prisons and jails, and reallocating funds from incarceration to community investments. CURB is dedicated to amplifying community leaders' efforts in sentencing reform, justice reinvestment, and prison closure. Our invest/divest

Member Organization Updates continued:

framework connects movements for environmental, social, racial, and economic justice. CURB recognizes budgets as moral documents shaping healthcare, education, housing, and incarceration. We demystify budget processes, empowering communities to redirect funds from prisons to community-based care, advocating for a new vision that prioritizes well-being for all Californians. <https://curbprisonspending.org>

FUEL (Families United to End LWOP) is dedicated to ending all forms of the death penalty, including death by incarceration. We stand in solidarity with incarcerated individuals serving LWOP and their families, empowering them with skills and knowledge to advocate for ending the use of LWOP sentences. We are committed to developing inside organizers, fostering leadership and agency among those directly affected by LWOP. Our initiatives encompass a diverse range of actions, from rallies and community gatherings to webinars and commutation workshops. Through these efforts, we raise awareness and foster advocacy to end LWOP, promoting a more just and compassionate society. www.fuelwop.org

The **Ella Baker Center for Human Rights** advances racial and economic justice to ensure dignity and opportunity for low-income people and people of color. EBC has a variety of guides and resources available including: *Inside Policy Newsletter*, which discusses new laws and pending policy reforms in the CA State Legislature; *Back to Court: A Resentencing Guide*; *RJA 4 All: Information about the Racial Justice Act 4 All* (AB 256 - Kalra); and many more. Our toolkit and RJA guide are available in both English and Spanish. Incarcerated individuals can write to us: *EBC, 1419 34th Ave, Suite 202, Oakland, CA 94601* to request a copy of these resources. Our Program team also responds to emails from family members and loved ones on the outside: policy@ellabakercenter.org

California Coalition for Women Prisoners is an abolitionist organization that for almost 30 years has challenged the abusive conditions inside California women's prisons, building power and solidarity across the walls through collective care and grassroots organizing. We see the struggle for racial and gender justice as central to dismantling the prison-industrial complex and prioritize the leadership of the people, families, and communities most impacted in building this movement. Learn more about our many programs at: womenprisoners.org, including our prison visiting program, our advocacy and lawsuit supporting survivors of staff sexual abuse, and an exciting new campaign to make women's prison obsolete altogether, *#Closure Is Possible*.

Felony Murder Elimination Project is a grassroots organization of families and community members impacted by incarceration. Our goal is to eliminate the felony murder rule from California law and bring an end to extreme sentences, particularly the death penalty and life without the possibility of parole. We are working on Senate Bill 94 (see pg. 5), and on AB2354 - legislation that will allow domestic violence survivors to petition for vacatur relief post incarceration. FMEP strives to bring together survivors of violent crime, family members of those incarcerated, and formerly and currently incarcerated people to learn from each other, unite on common ground, and move forward together. www.endFMRnow.org

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California Coalition for
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COMMUTE ALL 5200+ PEOPLE SERVING LWOP



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