

A woman with a short haircut, wearing a green short-sleeved button-down shirt and green pants, is sitting on a yellow-painted curb. She is wearing black boots and has her hands clasped in her lap. She is looking directly at the camera with a neutral expression. The background is a plain, light-colored wall with a dark door frame.

# In The Extreme

**Women Serving Life Without Parole and Death Sentences in the United States**



**THE SENTENCING PROJECT**

RESEARCH AND ADVOCACY FOR REFORM



**National Black Women's Justice Institute**



**Cornell Law School**

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We are deeply grateful for the contributions of Sara Bennett, whose professional photography focuses on dozens of women serving life sentences in New York. Her online exhibit, including the cover image, is [available to the public](#).

The Sentencing Project promotes effective and humane responses to crime that minimize imprisonment and criminalization of youth and adults by promoting racial, ethnic, economic, and gender justice.

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Society's view of those serving LWOP tend to be negative even more so if you are a woman. Regardless people can change. My choices of the past do not define me today. Although I wear a "scarlet letter" I am so much more. Rehabilitation is within. It's the desire & ability to change. I choose to change, to grow & to better myself. Mentally, emotionally & physically. This journey gives me the strength to survive my past & be someone who is more than a number or statistic. LWOP is not a remedy.

— KAT

Sentenced to life without parole and incarcerated at the age of 34 in 2009. Her image is featured on the cover of this report outside her housing unit at Bedford Hills Correctional Facility in 2019. Photo courtesy of Sara Bennett.

# PREVALENCE OF EXTREME SENTENCES SERVED BY WOMEN

Extreme punishments, including the death penalty and life imprisonment, are a hallmark of the United States' harsh criminal legal system. Nationwide one of every 15 women in prison – over 6,600 women – are serving a sentence of life with parole, life without parole, or a virtual life sentence of 50 years or more. The nearly 2,000 women serving life-without-parole (LWOP) sentences<sup>1</sup> can expect to die in prison. Death sentences are permitted by 27 states and the federal government, and currently 52 women sit on death row.<sup>2</sup> This report presents new data on the prevalence of both of these extreme sentences imposed on women.<sup>3</sup>

Across the U.S. there are nearly 2,000 women serving life-without-parole (LWOP) sentences and another 52 women who have been sentenced to death. The majority have been convicted of homicide. Regarding capital punishment, women are sitting on death row in 15 states (Table 1). As shown in Figure 1, women are serving LWOP sentences in all but six states.<sup>4</sup> Three quarters of life sentences are concentrated in 12 states and the federal system. It is notable that in all states with a high count of women serving LWOP, there is at least one woman on death row as well. Two exceptions to the overlap are Colorado and Michigan which do not have anyone serving a death sentence because it is not statutorily allowed.

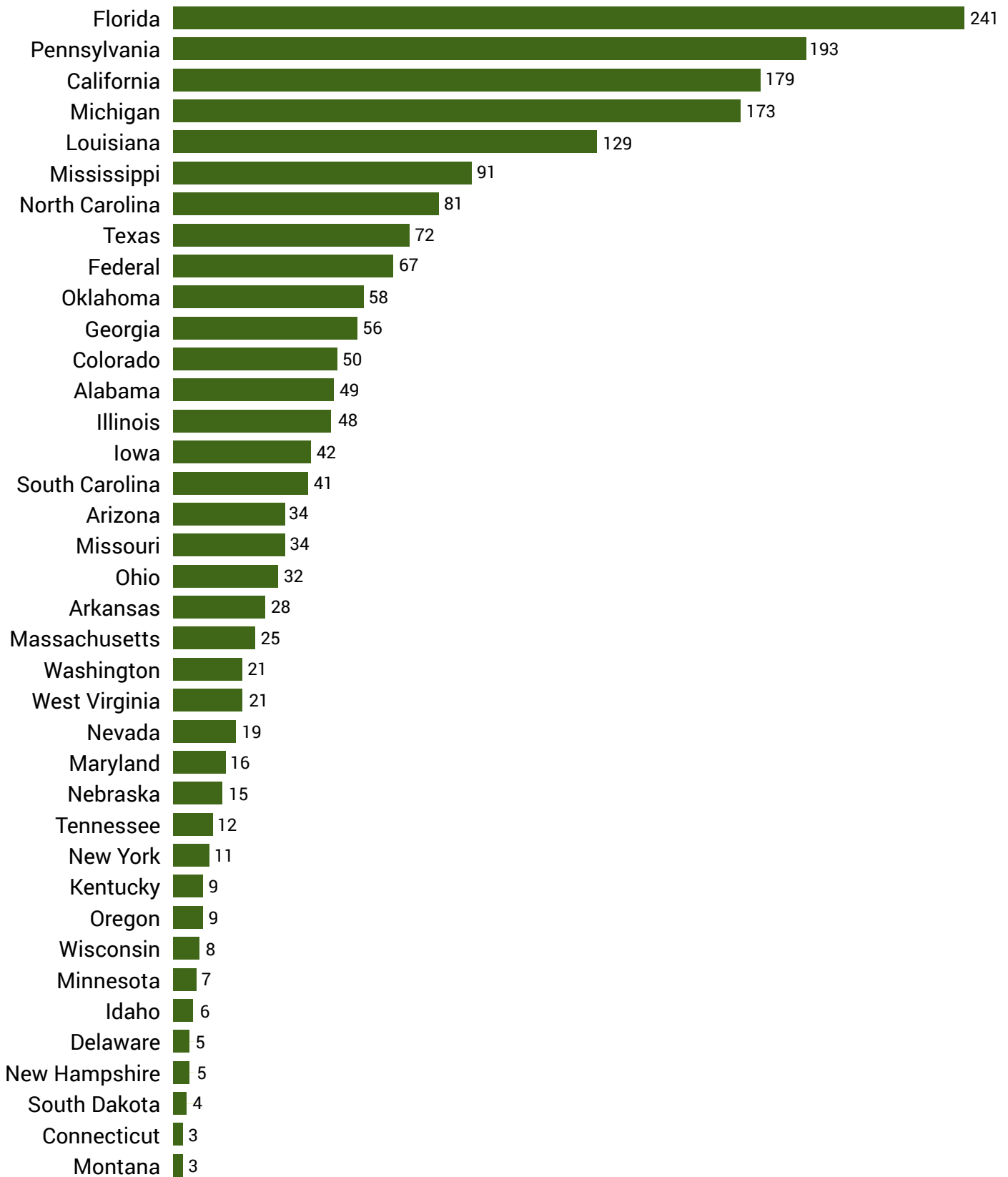
Table 1. Women Serving Death Sentences

State	Women on Death Row
California	21
Texas	6
Alabama	5
Florida	4
Arizona	3
North Carolina	3
Ohio	2
Georgia	1
Idaho	1
Kentucky	1
Louisiana	1
Mississippi	1
Oklahoma	1
Pennsylvania	1
Tennessee	1

Source: Cornell Center on the Death Penalty Worldwide, 2021.

**The nearly 2,000 women serving life-without-parole sentences can expect to die in prison.**

Figure 1. Women Serving Life without Parole in the United States



Source: Nellis, A. (2021). *No end in sight: America's enduring reliance on life imprisonment*. The Sentencing Project.

# CHARACTERISTICS OF WOMEN SERVING EXTREME SENTENCES

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## RACE AND ETHNICITY

Women of color are disproportionately subjected to extreme sentences compared to their white peers. Nationally, one of every 39 Black women in prison is serving life without parole compared with one of every 59 imprisoned white women.<sup>5</sup> In Pennsylvania, one in 9 Black women in prison is serving LWOP; in Michigan it's one in 11, in Mississippi it's one in 12, and in Louisiana one in 14 Black women in prison have an LWOP sentence.

Latinx women comprise 6% of the total number of LWOP sentences being served by women. States with substantial proportions of Latinx women serving LWOP sentences are New York (36%), Texas (26%), California (20%), and Arizona (15%). Among the 52 women serving death sentences, 58% are white, 25% are Black, and 11% are Latinx.<sup>6</sup> Forty-two percent of women on death row are women of color.

The Federal Bureau of Investigation's Supplemental Homicide Report provides incident-based details regarding the race of persons arrested for homicide. According to this data source, Black women account for 49% of reported homicides committed by women and white women account for 48%.<sup>7</sup> Therefore while Black women serving extreme sentences are overrepresented in relation to the general population (13%), they appear to be underrepresented in relation to the representation in homicides reported to law enforcement. Black women also represent a declining proportion of women in prison in recent years because of an increase in imprisonment among white women.<sup>8</sup> However, there is evidence of disproportionately longer prison sentences being served by Black people.<sup>9</sup>

## AGE AT OFFENSE

Analysis of homicide arrest data finds that women who commit homicide do so somewhat later in life than men. Whereas 48% of men who reportedly commit homicide are under age 25 at the time of their offense, nearly two thirds of women are at least 25 years old when they commit homicide.<sup>10</sup>

The Sentencing Project received individual-level data on persons serving life sentences, including LWOP, from 16 states and conducted a separate analysis of women serving LWOP using this information. The states included in the sample include 75% of the women serving LWOP nationwide.<sup>11</sup> States included in the sample are Arizona, Colorado, Florida, Georgia, Illinois, Louisiana, Massachusetts, Mississippi, Montana, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, and Wisconsin.

Our analysis shows that on average women commit offenses that result in extreme sentences of LWOP or the death penalty in their early to mid thirties. The average age at offense for people on death row was 36 years old<sup>12</sup> and the average age at offense among women serving LWOP sentences is 33 years old.

Thirty-two women serving LWOP sentences were under 18 at the time of their crime.<sup>13</sup> One woman is serving an LWOP sentence for a murder she committed at 14 years old. While the U.S. Supreme Court ruled the death penalty unconstitutional in 2005 for people who committed their offense under 18,<sup>14</sup> two women - Christa Pike in Tennessee and Maria Alfaro in California are awaiting execution for offenses they committed when they were 18.

# AGING IN PRISON

Our sample of more than 1,000 women’s detailed demographic and offense data reveals that 20% were under 25 at the time of the crime.<sup>15</sup> This age delineation is important because science on adolescent development commonly identifies 25 as the point at which the brain is fully developed. Before this point, individuals are less able to regulate their behaviors and foresee consequences from their actions.<sup>16</sup> Though a series of United States Supreme Court rulings has distinguished youth under 18 as categorically different in terms of culpability for violent crime, emerging science suggests a more accurate age for this cutoff should be 25.<sup>17</sup>

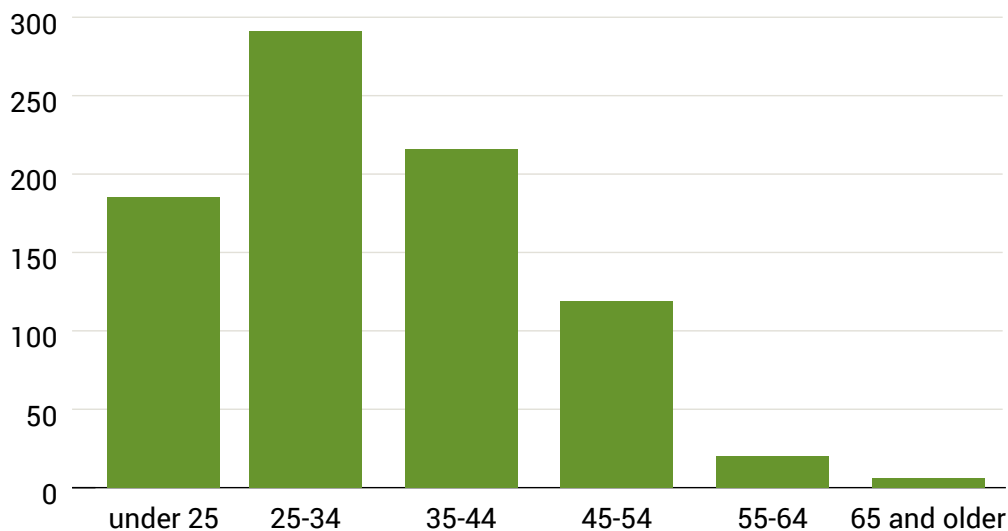
One third of the women serving LWOP are Black. Among women in our sample of over 1,000 women across 16 states we find that Black women were on average 4.5 years younger at sentencing compared to white women.<sup>18</sup> Recent research on misperceptions of the age and culpability of Black people may shed light on this disparity. For example, using a college-age sample of survey respondents, researcher Phillip Goff and colleagues tested his theory that young people are not all afforded a level of leniency by the legal system and that Black youth specifically are excluded from this leniency. They hypothesized that Black youth would be perceived as both older than their chronological age and more culpable for crimes than similarly situated white youth. Their findings revealed strong empirical support for both of these claims.<sup>19</sup> Though restricted to analyzing males, it is possible based on the data trends we observe that Black women are perceived as more culpable and older as well.

The average current age of women serving LWOP is 52. Alice Green, 91, is the oldest female lifer. She has been imprisoned for 45 years in Pennsylvania for her role in a 1977 murder. The oldest woman on death row is Blanche Moore in North Carolina, who is 88 years old.

The number of people in prison today who are age 55 or older has tripled since 2000.<sup>20</sup> The tough-on-crime policies that expanded life sentencing, prolonged the time to review cases for possible parole releases, or abolished parole altogether, have accelerated the build-up of elderly people in prison.<sup>21</sup> The Sentencing Project’s national census of people serving life sentences found that 27% of people serving LWOP are at least 55 years old, part of a growing trend of elderly imprisoned Americans. Among the sample of women we analyzed, a shocking 44% are currently at least 55 years old.

Preeminent scholars on the worldwide use of life imprisonment Dirk van zyl Smit and Catherine Appleton argue that the United States’ general acceptance of sentencing people to die in prison contradicts international human rights standards and practices.<sup>22</sup> Indeed, several countries prohibit life sentences for elderly persons and most countries place limits on elderly persons being sentenced to prison.<sup>23</sup>

Figure 2. Age at Offense among Women Serving Life without Parole Sentences





# CRIME OF CONVICTION

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All women on death row have been convicted of a first degree or capital murder. Though a high standard of involvement must be met before a death sentence is imposed, several women have been sentenced to death for crimes in which they did not personally kill the victim.<sup>24</sup> This circumstance is even more common among women sentenced to LWOP. The number of cases for which a defendant pled guilty to a lesser crime in order to receive LWOP instead of a death sentence is unknown at this time.

Within the sample of women serving LWOP, we find that three quarters of the women have been convicted of first degree murder and 95% have been convicted of some type of murder (Table 2). One in 5 women serving LWOP has been convicted of a homicide category below the most egregious one available in the state's criminal statutes. Detailed homicide data show that approximately half of victims killed by women between 2000 and 2015 were family members or intimate partners. By way of comparison, 20% of homicides by men involve family members or intimate partners.<sup>25</sup>

Table 2. Crime of Conviction among Sample of Women Serving Life Without Parole

Offense	Frequency	Percent of Total
First Degree Murder/Capital Murder	828	76%
Second Degree Murder	181	17%
Murder (Other, Non-Negligent)	35	3%
Sexual Assault	23	2%
Aggravated Assault	13	1%
Drug Offense	4	0%
Robbery/Aggravated Robbery	2	0%
Property Offense	1	0%
Kidnapping	1	0%

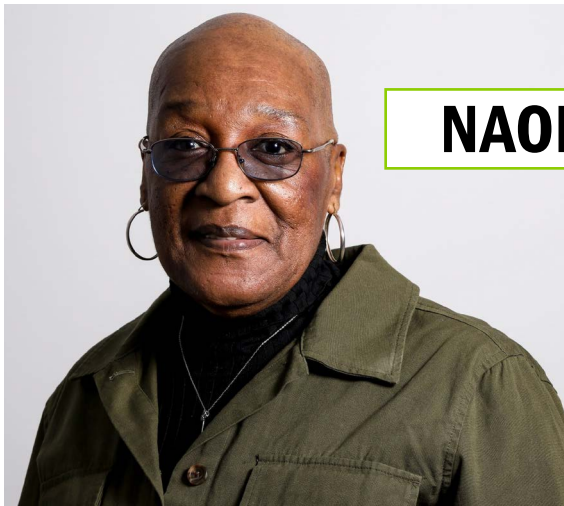


Photo Credit: Joshua Vaughn

## NAOMI BLOUNT WILSON

Naomi Blount Wilson is a Commutations Specialist for the Pennsylvania Board of Pardons, the arm of the state that hears clemency pleas. She served 37 years of an LWOP sentence for a 1982 homicide. In 2019 she was commuted by Governor Tom Wolf after forensic evidence revealed that the victim had been killed by someone else.<sup>26</sup>

Allegedly gender-neutral sentencing policies, such as mandatory minimums that do not account for differential involvement in crime between major participants and minor participants place women at an extreme legal disadvantage.<sup>27</sup> For instance, sentencing laws require the same punishment regardless of a defendant's role in the crime, but women are frequently responsible for a comparatively smaller role in certain violent crime scenarios such as being a getaway driver.<sup>28</sup> Because they are sometimes coerced into involvement in such crimes by romantic partners or husbands, they are also often disproportionately punished where laws require identical punishments for all defendants regardless of their role in the crime.

Consider so-called "felony murder" laws, which account for situations where a death occurs during the commission of a felony and as a result, all persons involved in the underlying felony can be convicted of homicide regardless of their role or even presence at the crime.

In Michigan, 57 of the 203 women serving LWOP - over one-quarter - have been convicted under the state's statute requiring this sentence for felony murder in the first degree statute. In Pennsylvania, 40 of the 201 women reported to be serving LWOP have been convicted of felony murder, amounting to one of every five women serving LWOP.

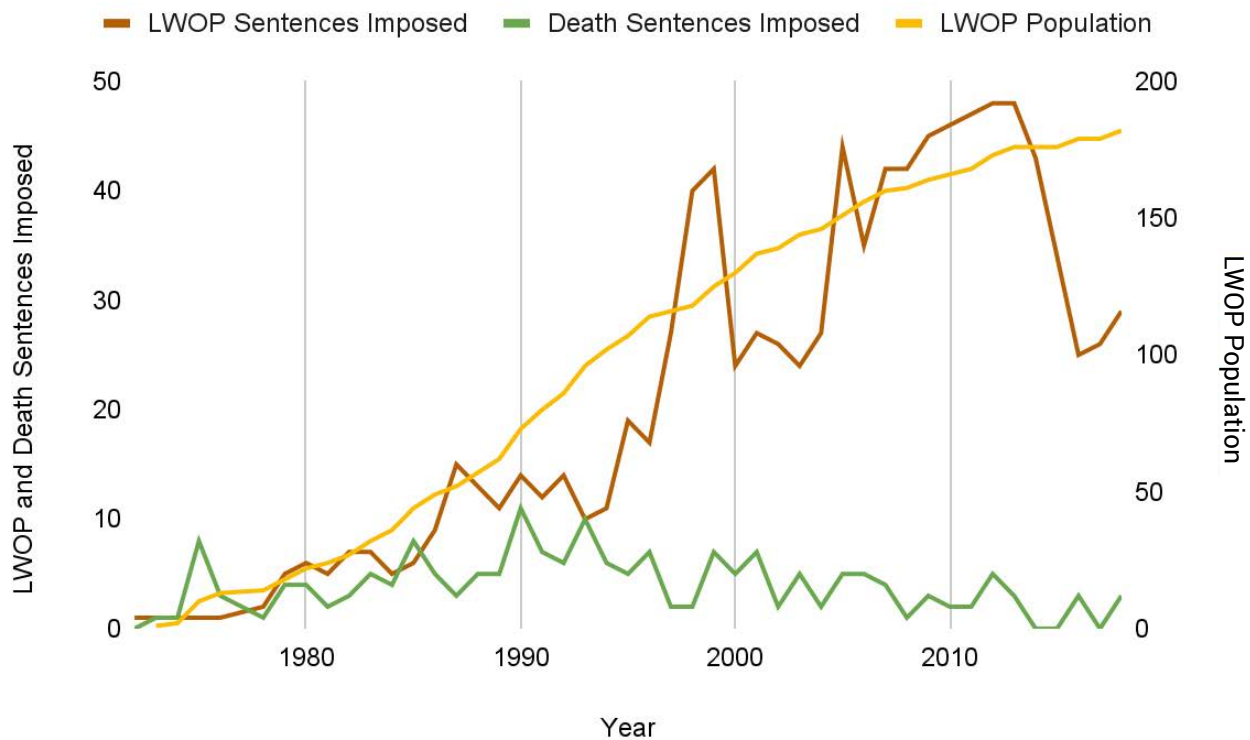
# SENTENCING TRENDS

Between 2008 and 2020 there was a 2% increase in the number of women imprisoned for a violent crime, and a 19% increase in the number of women serving a life sentence. This includes a 10% increase in the life with parole (LWP) population and a staggering 43% rise in the number of women serving LWOP sentences.<sup>29</sup>

Death sentences imposed on women reached their highest level to date in 1990 and have declined since.<sup>30</sup> Today 52 women sit on death row awaiting execution. In January 2021 federal death row prisoner Lisa Montgomery was executed despite pleas worldwide to stop her execution on the grounds of well-documented evidence of severe mental health issues related to a long history of trauma and abuse.<sup>31</sup>

LWOP sentences reached their peak in 2013, the year in which 48 new LWOP sentences were imposed on women.<sup>32</sup> Yet even though new LWOP sentences imposed on women have declined since 2013, the cumulative nature of these death-in-prison sentences means there were more women serving LWOP in 2020 than ever recorded. Some states, like Florida, have imposed LWOP on women at an alarming annual average of 11 per year since 2007. In 2018 alone Florida sentenced 15 women to LWOP.

Figure 3. Extreme Sentences Imposed on Women, 1972-2018



Note: The LWOP sentences included in this figure represent 15 states and 75% of the national population of women serving LWOP. Readers should note that California, which accounts for 20% of the national population, is not included here because data were not obtained from this state.

# TRAUMA PLAYS A PIVOTAL ROLE

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The circumstances that lead women to commit violent crimes are often complicated by a history of sexual and/or physical trauma.<sup>33</sup> Women serving life sentences report high levels of psychiatric disorders, histories of physical and sexual violence, and previous suicide attempts. One study finds that more than one third of women serving life sentences have attempted suicide.<sup>34</sup>

“Every prosecutor describes women convicted of murder as cunning, diabolical, monster, and evil,” [Kwaneta Harris] wrote. “I’ve yet to encounter these ‘monsters,’ although I’ve met plenty of women with mental illness, untreated and undiagnosed.”<sup>35</sup>

Some women commit violence in response to intimate partner victimization. A seminal study of 42 survivors of intimate partner abuse convicted of murder in California found that all but two had received life sentences: six were sentenced to life without parole, and the remaining 34 received life sentences with minimums that ranged from seven to 15 years, but at the time of the study all these women had already served 25 years.<sup>36</sup> Additionally, interview data from 99 women serving life sentences showed that 17% had been convicted of killing their former or current intimate partner.

Today we know more about the short- and long-term impact of physical, sexual, and verbal abuse on criminal conduct. We know, for instance, that almost all who commit violence have first experienced it.<sup>37</sup>

Yet allowance for trauma as a mitigating factor in culpability and punishment is still rarely recognized in court. Lawmakers in New York have attempted to correct for this omission with the 2019 passage of its Domestic Violence Survivors Justice Act (DVSJA), Penal Law Section 60.12. The law allows relief for defendants and currently incarcerated persons who have been sentenced

to at least eight years in prison for a crime in which domestic abuse was a significant contributing factor to the crime. Some crimes are excluded, including first-degree murder, certain forms of second-degree murder,<sup>38</sup> aggravated murder, terrorism, or any attempt or conspiracy to commit these offenses. People who are required to be on the state’s sex offense registry are also excluded from applying for review. Though the law is flawed in its restrictions, it is a first step in the legal acknowledgement that trauma and abuse correlate with violent crime, a fact which has been demonstrated clearly by many government and academic reports.

Scholar Beth Richie documents the higher incidence of abuse endured by Black women and comments that some of the unique vulnerabilities of being both Black and female include reduced access to crisis intervention programs, a greater likelihood that a weapon will be used in an assault, and legitimate distrust in police to respond effectively to violence by an intimate partner.<sup>39</sup> The well-documented outcomes of the domestic violence movement, including pressing for law enforcement solutions such as mandatory arrest and sentencing enhancement policies,<sup>40</sup> also extend to extreme punishments imposed on individuals who commit homicide to escape domestic violence. These limited approaches have likely contributed to a disproportionate share of women of color receiving extreme punishments in response to homicides committed in order to escape domestic violence.

Richie also asserts that Black women’s arrest and incarceration is often the result of gender entrapment, a concept she uses to theorize how Black women’s experiences of intimate partner violence, racism, sexism, economic marginalization, and stigma led them to participate in illegal activities. Black women’s circumstances heighten their risk of contact with the criminal legal system.<sup>41</sup>

All women who encounter the criminal legal system face institutions that are designed principally by men and for men. Stephanie Covington, an internationally-recognized clinician on trauma-informed responses to violence, writes the following with Professor Emeritus Barbara Bloom in their research on women who commit

violence: "Women offenders are being swept up in a system that appears to be eager to treat women equally, which actually means as if they were men. Since this orientation does not change the role of gender in prison life or corrections, female prisoners receive the worst of both worlds."<sup>42</sup>



## ERICA SHEPPARD

Erica Sheppard is facing execution in Texas. Like many women embroiled in the criminal legal system, her past consists of child abuse, domestic violence, rape, and chronic neglect.

Erica Sheppard (right) pictured here at age 24 with long-time death penalty abolitionist Sister Helen Prejean (left).

Erica's childhood was characterized by unrelenting poverty and savage violence. Her father was an alcoholic who beat her mother in front of the children. Her mother physically assaulted the children as well. Sheppard's teenage pregnancy was a result of a rape and forced her to drop out of high school. A series of romantic relationships followed that were dominated by emotional, sexual, and physical abuse.

In 1993, at the age of 19, she was coerced by a friend of her brother's to take part in a burglary in which a woman was killed. At the time of Erica's prosecution, the Harris County, Texas prosecutor's office was imbued with racism, and had a well-documented history of seeking the death penalty more frequently in cases involving a Black defendant and white victim. As a Black teenager accused of killing a white woman, her death sentence appeared to be a forgone conclusion. Her lawyer was inexperienced and unprepared. He declined to present evidence about Erica's extensive history of rape and domestic violence, and failed to explain the effects of trauma on her mental health.

Sheppard is now 47 years old and has been on death row for 26 years. She is physically disabled and needs a walker to move around her cell. A grandmother now, she maintains connection to her children as well as she can. Her death sentence serves no purpose but to perpetuate the cycle of trauma and discrimination that led to her involvement in the criminal legal system.

# CONCLUSION

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Women represent a small but growing portion of the prison population facing extreme sentences. Reforms advanced to end the use of extreme sentences will need to pay attention to the nuanced life experiences of women serving life in prison, as these have shaped their behaviors as well as their prison experiences.

A wealth of evidence suggests that women encounter gender-based stigma and bias that negatively affects their court outcomes. Their experience of violence—both as victims and as perpetrators—are distinct from the experiences of men, but women are subjected to a criminal legal system that does not acknowledge these important differences.



**MONICA SZLEKOVICS**

Monica in the college office at Bedford Hills Correctional Facility in 2018. Photo courtesy of Sara Bennett.

Monica Szlekovics arrived at Bedford Correctional Center in New York when she was 20 years old to serve a life sentence for contributing to crimes for which she had been forced to participate by her abusive husband.

In her two decades of imprisonment, she committed a life of purpose and underwent a profound internal transformation. Her accomplishments include earning her college degree (with honors), immersing herself in counseling, and maintaining a near spotless disciplinary record. Former New York Governor Andrew Cuomo commuted her sentence in 2019 and she was released.

## ENDNOTES

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2. Cornell Center on the Death Penalty Worldwide (2021). [Country reports](#). Cornell University; Death Penalty Information Center (n.d.) [State by state: States with and without the death penalty-2021](#). DPIC.
3. Data used in this report include data collection by The Sentencing Project from state departments of corrections as part of its quadrennial census of people serving life sentences. In addition, The Sentencing Project has obtained detailed data from departments of corrections in 16 states on 1,098 women serving life without parole. Combined these data represent 75% of the total population of women serving LWOP but do not include California which is 20% alone. Data on the number of women serving death sentences was obtained through the Death Penalty Information Center as well as the Cornell Center on the Death Penalty Worldwide.
4. The six states where there are no women currently serving LWOP are Alaska, Hawaii, New Jersey, New Mexico, Rhode Island, and Wyoming. Virginia did not provide data on its life-sentenced population but is known to have women serving LWOP. LWOP is not authorized in Alaska.
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11. California, which accounts for 20% of the life-sentenced population, is not included in this sample because data were not obtained from this state.
12. To our knowledge age at offense for the women serving death sentences has not been published.
13. Nellis, A. (2021). [No end in sight: America's enduring reliance on life imprisonment](#). The Sentencing Project.
14. The U.S. Supreme Court ruling in *Roper v Simmons*, 543 U.S. 551 (2005) invalidated all death sentences imposed on individuals who were under age 18 at the time of the crime.
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# In The Extreme: Women Serving Life Without Parole and Death Sentences in the United States

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September 2021



The report is a joint publication of The Sentencing Project, National Black Women's Justice Institute and the Cornell University Center on the Death Penalty Worldwide who together in 2020 formed the Alice Project. The collaboration seeks to highlight the experiences of incarcerated women and girls, to eliminate extreme sentences, and to reduce the influence of racial and gender bias in the criminal legal system.

Related publications by The Sentencing Project:

- No End In Sight: America's Enduring Reliance on Life Imprisonment (2021)
- A Second Look at Injustice (2021)
- The Next Step: Ending Excessive Punishment for Violent Crimes (2019)

