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ACLU of Iowa Seeks Better Parole Board Procedures for Juveniles Sentenced to Life with Parole

Des Moines, Iowa – The ACLU of Iowa today filed two petitions for judicial review, arguing that the Iowa Board of Parole is denying the constitutional rights of two inmates – Christine Lockheart and Julio Bonilla – who were both children at the time of their offenses.

In the petitions, the ACLU of Iowa argues that certain procedural rights that ensure “a meaningful opportunity” to demonstrate rehabilitation in seeking parole are being denied.

This is the latest in a legal effort to expand legal protections for people convicted as children to have age-appropriate punishment that takes into account recent scientific and sociological research. This research demonstrates that because young brains are still developing well into the early 20s, youth are more prone to impulsive, risky behavior, but also have a unique capacity for change, are more malleable, and able to learn from their mistakes.

The filing of the petitions follows a recent Iowa Supreme Court decision, *State v. Sweet*, that ruled that sentencing juveniles to life in prison without the possibility of parole is unconstitutional in all cases because it amounts to cruel and unusual punishment.

The petitions seek to require the Board to institute policy changes that would provide certain minimum procedural protections in the parole review process for all inmates convicted as children, specifically:

- Appointment of a lawyer to assist the inmate through the parole process and to competently marshal evidence of the inmate’s rehabilitation and development throughout their incarceration
- An independent psychological evaluation to better assist the Board of Parole in evaluating whether an inmate is rehabilitated
- An in-person parole hearing, rather than a mere paper-only review
- Ability to present evidence of rehabilitation
- Access to all information that the Board will use in making its decision and the opportunity to challenge the reliability or appropriateness of that information
- The ability to exclude any information that would support the inmate’s continuing incarceration if that information is not verifiable and was not subject to a fact-finding procedure at the time it was obtained
- Appropriate consideration of mitigating factors
- Access to treatment and programming during the inmate’s incarceration so that the inmate may work toward rehabilitation
- In the event of a denial, a procedure to ensure a timely, meaningful review in the future

It's important to note that the ACLU's efforts do not advance the right of any particular inmate to actually be paroled; rather, it seeks changes in the process that the Board of Parole uses to evaluate inmates who were convicted as children.

Christine Lockheart, now 49, was convicted of aiding and abetting murder in 1987 when she was just 17. Despite her limited role in the crime, she was sentenced at that time to life without parole – essentially a sentence to die in prison. In 2014, following the recent line of U.S. and Iowa Supreme Court cases on the matter, she was resentenced to life in prison *with* the possibility of parole.

Julio Bonilla was convicted of kidnapping in 2005 for a crime occurring in 2002, when he was only 16. Now 30, Julio has had difficulty getting access to rehabilitative programs necessary for his eventual release. The Board has yet to even interview Julio and provide him with an opportunity to present evidence in support of his release.

As these cases demonstrate, current parole review procedures fail to provide those offenders convicted as juveniles with a meaningful opportunity to be considered for release. Consensus around the world recognizes that children are entitled to special protection under the law and should not be treated the same as adults.

Joseph Fraioli, ACLU staff attorney, said “No child is irredeemable. Our case law now recognizes that it violates the constitution and human rights to sentence children to die in prison. Studies show that young people’s brains continue to develop well into early adulthood. Specifically, they show that childhood behavior is not a meaningful indicator of irredeemable culpability or an accurate predictor of a child’s long-term ability to be rehabilitated. That’s why parole procedures that deny a juvenile offender a meaningful possibility of parole are such a tragedy.”

“The Iowa Board of Parole, like the courts, must enact procedures that will ensure that juveniles have a meaningful opportunity for release. We want to see greater protections and safeguards in place in the parole process so that those Iowans who were convicted as children are given an opportunity to demonstrate that they have matured into responsible adults – instead of spending the rest of their lives in prison with no hope of release upon rehabilitation,” Fraioli said.

Unfortunately, the Iowa Legislature has yet to enact parole reform for juveniles. The ACLU of Iowa and social justice organizations have been working for several years to get legislators to revise Iowa’s harsh and outdated laws.

While the Iowa Supreme Court in *Sweet* struck down the option for judges to sentence a juvenile to life without even the possibility of parole, it did not rule on the other unconstitutional aspects of Iowa’s juvenile sentencing law. Specifically, the law fails to provide adequate procedures to ensure juveniles receive a meaningful opportunity for release, and mandated that judges consider inappropriate factors when sentencing juveniles. This latest action by the ACLU of Iowa seeks to reform parole procedures directly.

Assisting in the ACLU of Iowa’s challenge to the Board’s juvenile parole procedures are Des Moines attorneys Angela Campbell, of the Dickey & Campbell Law Firm, and Gordon Allen.

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The ACLU of Iowa is a private, non-partisan organization that fights to advance civil liberties for all. It is the state affiliate of the national American Civil Liberties Union. The ACLU prides itself in upholding

everyone's civil liberties, no matter who they are or what they believe. We work to assure the rights of all Iowans – from atheists to devout Christians, from labor unions to businesspeople and more – to make sure the constitutional rights of all are preserved. For more information, please go to www.aclu-ia.org.

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