WHERE ONLINE RETURNS GO | EXTREME | Videos, interactive atlas

MARCH 14, 2022 • \$5.15 The newsmagazine for teens Videos, interactive atlas and almanac, and much more at upfrontmagazine.com

The New York Times

LOCKED AWAY FOR LIFE

Should juveniles ever be sentenced to life in prison without the possibility of parole? p. 14

SCHOLASTIC

LOCKED

AWAY FOR

LIF

Cedric Rue with his mother around the time he killed Michael Decker

Should juveniles be sentenced to life in prison without the possibility of parole?

BY JOE BUBAR

WATCH A VIDEO Opinion: Abolish Life Without Parole at UPFRONTMAGAZINE.COM

edric Rue was 16 years old when he committed the crime that put him in prison for the rest of his life.

It was 1998, and Rue was struggling with drugs and alcohol. One day, he was camping with some friends in Arizona when he and another teenager shot and killed a 41-year-old named Michael Decker. Rue was tried as an adult and convicted of first-degree murder. The judge sentenced him to life without the possibility of parole, condemning him to die behind bars. (His friend, William Najar, also got life without parole.)

"I hardly understood what was happening every time we went to court," says Rue, who is incarcerated at Red Rock Correctional Center in Eloy, Arizona. "When we got locked up, I knew we were going to prison—we deserved to for what we did. But I didn't think it would be for the rest of my life. It felt like I was in a haze or *The Twilight Zone.*"

Now 39 years old, Rue has spent more of his life in prison than outside of it. He's one of more than 1,400 people in the U.S. serving life without parole sentences for offenses they committed as juveniles,

The	Eigł	nth	Ar	nei	nd	Ĩ	ient		
Exce	ssi	ve	ba	il	S	h	all		
not	be	req	ui	.re	d,		nor		
exce	ssi	ve	fi	ne	S	i	mpo	se	d,
nor	cru	el	ar	ıd	un	u	sua	1	
puni	shm	ent	S	in	fl	i	cte	d.	

according to the criminal-justice reform group the Sentencing Project.

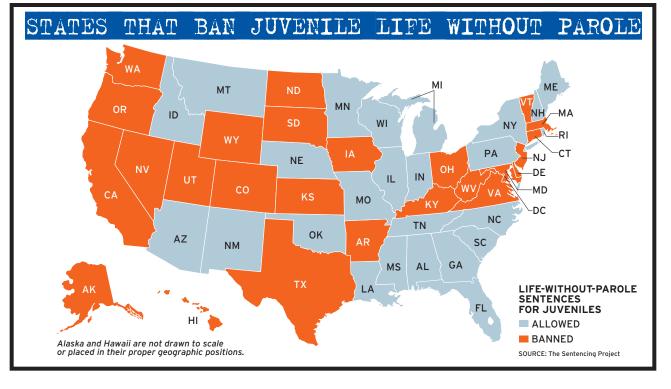
In recent years, there's been a growing trend away from sentencing minors to life without the possibility of parole. Citing scientific research that the teenage brain isn't yet fully developed, the Supreme Court has ruled that life without parole sentences for people under 18 violate the Eighth Amendment's prohibition against "cruel and unusual punishments."

The ban, though, applies only to mandatory sentences—those that a judge is required by law to give to an offender for a particular crime, usually murder. The Court left the door open for judges to still sentence juveniles to life without parole after taking into account their particular circumstances.

There's been a widespread movement on the state level toward banning that as well, though. Ten years ago, only five states prohibited life without parole for juveniles. Today, 25 states and the District of Columbia ban it outright *(see map, below)*. But Arizona, where Rue is imprisoned, is one of several states pushing back against the trend.

Many criminal-justice reform advocates argue it's time to do away with all life-without-parole sentences for juvenile offenders.

"It's an inhumane, unthinkable thing we do," says Heather Renwick, legal



director of the Campaign for the Fair Sentencing of Youth, "that we throw kids into prison and say they are irredeemable and that we don't believe that they deserve a second chance."

But others, including some family members of victims murdered by teenagers, see things differently.

"Dangerous people need to be identified and separated safely, and, if necessary, permanently from society," says Jennifer Bishop-Jenkins, co-founder of the National Organization of Victims of Juvenile Murderers. She says it doesn't matter how old someone is.

Teens vs. Adults

The debate about whether the justice system should treat children and teens differently from adults has a long history in the U.S. The first juvenile court began hearing cases in 1899 in Cook County, Illinois, as part of an effort to stop young children from being

sentenced to adult prisons and jails. The model spread across the country, and by 1945, every state and the federal government had adopted a similar system. Judges were trained to use methods such as probation, restitution to victims, and occasionally incarceration to rehabilitate young offenders.

But the 1980s and 1990s brought a reversal in thinking. Violent crimes committed by youth surged as the crackcocaine epidemic plagued cities around the nation. More states passed "automatic transfer laws," which made it easier for minors to be sent to adult courts for serious crimes. And judges increasingly sentenced juveniles to lengthier stays in

,465

NUMBER

of prisoners in

the U.S. serving life without parole

for crimes they

committed

as juveniles.

PERCENTAGE

decline in the

number of people

serving juvenile

life without parole since 2012.

SOURCE: THE SENTENCING PROJECT prison, including life without the possibility of parole. Critics have charged that Black juveniles were much more likely than White juveniles to receive these sentences when judges had discretion.

In the early 2000s, as juvenile crime rates were plummeting, authorities once again began to rethink their approach. A growing body of scientific research found that the areas of the brain that deal with decision making, impulse control, and consequences are often not fully developed until

people reach their 20s. Research also showed that adolescents are more likely to respond to interventions and grow out of delinquent behavior.

In response, the Supreme Court ruled in 2005 that the death penalty for juveniles was unconstitutional. Then in 2012, in *Miller* v. *Alabama*, the Court barred mandatory life sentences without the possibility of parole for anyone who committed

a crime before turning 18. Justice Elena Kagan's majority opinion cited adolescents' "diminished culpability and heightened capacity for change."

In 2016, the Court made its ruling

retroactive, allowing inmates who had previously been sentenced to mandatory life without parole as juveniles to appeal their sentences. Rue appealed, but his appeals in state court were denied on the grounds that the judge had taken into account his age and other factors before sentencing him. He's now fighting his sentence in federal court.

What About the Victims?

Victims rights groups argue that in the debates about what's fair to juvenile offenders, the victims and their families deserve more attention. Sixteen years before Bishop-Jenkins co-founded the National Organization of Victims of Juvenile Murderers in 2006, a 16-yearold named David Biro shot and killed Bishop-Jenkins's pregnant sister and her sister's husband.

Biro was sentenced to life without the possibility of parole. Bishop-Jenkins says she fears what might happen if he were to ever be set free. That's why she

> believes that courts should still have the option to sentence juveniles to life without parole.

"It doesn't have anything to do with age," she says. "It has to do with the dangerousness of the individual person." Renwick, of the

Campaign for the Fair Sentencing of Youth, disagrees. She says it's unreasonable to have judges try to predict what type of adult a young person is going to become in the future.

Victims' rights groups say dangerous offenders must be locked away regardless of age.

DATES K H Y JUVENILE JUSTICE IN1899 1980s **Juvenile Court Rise in Juvenile Crime** The first juvenile After remaining relatively stable court is established throughout the century, juvenile Juvenile court in 1910: in Illinois. By 1925, crime rates increase drastically An 8-year-old is charged with 48 states have their during the decade. The upturn stealing a bicycle in St. Louis. own juvenile justice leads to calls for strong action systems. to curb the rise in crime.

16 The New Hork Times upfront . upfrontmagazine.com



Instead, she says, we should allow a parole board to make a judgment on how someone has matured when that time comes. During a parole hearing, inmates who've already served a certain amount of time in prison have a chance to argue that they're ready for an early release.

"It makes more sense that we consider a person's growth on the back end," she says, "as opposed to trying to predict which 16- and 17-year-olds will make that growth."

Rue, who has been transferred between multiple prisons and spent time in solitary confinement, says he's trying to show that he has changed. While in custody, he received his G.E.D.,* and he's been taking rehabilitation classes, such as a victim's impact class and a class called Courage for a Change. He's also teaching a painting class to other inmates and is part of a peer mentorship program.

"I used to feel like I belonged in here. Now I don't feel that way anymore," Rue says. "I just want the chance

to get out to try and prove that we're not the same. That we were just stupid kids."

Melissa Nottingham was once engaged to Decker, the man Rue shot. Though at the time of the sentence, she says she thought it was fair—calling it "a cruel sentence on a cruel crime" she has since softened her position.

"I struggle with the idea that they don't have the opportunity for parole, because of the fact that your mind isn't developed at 16," she says. "On the flip side, I think about how Mike brought a lot of joy and what was taken away from me and [his family]. Intellectually, I could say they should be given an opportunity to have parole. Emotionally, it's hard to tell."

'Capacity to Change'

Though Rue is still hoping for a second chance, others have already benefited from the changes in law. Since 2012, the number of people serving life without parole for crimes committed as juveniles has declined by almost 50 percent, with close to 800 people given these sentences returning home from prison.

Marshan Allen is one of them. He was sentenced to mandatory life without parole in 1996, when he was 15, for his involvement in a gang shooting in Chicago. While in custody, Allen began trying to turn his life around. He took law classes and received a law certificate in 2001. He filed several appeals for

> resentencing, but each one was rejected.

'No one is

who they

were when

they were

a teenager.'

Then in 2014, he got a break. Illinois began allowing inmates who'd been given mandatory life-without-parole sentences as juveniles the

opportunity to appeal. Allen typed up a petition and filed it in court right away. Two years later, after nearly 25 years behind bars, he was allowed to walk free.

Now, Allen advocates for criminal justice reform as the policy director of the nonprofit Restore Justice. He says he's living proof that people shouldn't be judged by "their worst mistakes."

"Children especially have the greatest capacity to change," Allen says. "No one is who they were when they were a teenager." •

*the equivalent of a high school diploma

1990s 'Tough on Crime'

New federal "tough on crime" laws push states to adopt harsher sentences for serious offenders. One result is many more juveniles being tried as adults.

2005 Roper v. Simmons

The Supreme Court

eliminates the death penalty for juvenile offenders, saying it violates the 8th Amendment ban on "cruel and unusual punishments."

2012

Miller v. Alabama

The Supreme Court bans mandatory life without parole sentences for juveniles. A second case four years later extends this protection to those already sentenced.

TODAY A New Direction?

Some states are moving away from a tough-oncrime approach to juvenile offenders, instead stressing treatment, education, and rehabilitation.