

WHERE ONLINE RETURNS GO

EXTREME
POVERTY

Videos, interactive atlas and almanac, and much more at
upfrontmagazine.com

MARCH 14, 2022 • \$5.15

THE NEWSMAGAZINE FOR TEENS

The New York Times®

upfront

LOCKED AWAY FOR LIFE

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



SCHOLASTIC

LOCKED

AWAY

FOR

LIFE



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

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 crack-cocaine 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 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-year-old 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.

1,465

NUMBER of prisoners in the U.S. serving life without parole for crimes they committed as juveniles.

44%

PERCENTAGE decline in the number of people serving juvenile life without parole since 2012.

SOURCE: THE SENTENCING PROJECT

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



Juvenile court in 1910:
An 8-year-old is charged with stealing a bicycle in St. Louis.

KEY DATES IN JUVENILE JUSTICE

1899

Juvenile Court

The first juvenile court is established in Illinois. By 1925, 48 states have their own juvenile justice systems.

1980s

Rise in Juvenile Crime

After remaining relatively stable throughout the century, juvenile crime rates increase drastically during the decade. The upturn leads to calls for strong action to curb the rise in crime.



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

Research shows that adolescents' brains aren't fully developed, so teens don't have the same ability to weigh risk.

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

*the equivalent of a high school diploma

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

'No one is who they were when they were a teenager.'

resentencing, but each one was rejected.

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." ●

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-on-crime approach to juvenile offenders, instead stressing treatment, education, and rehabilitation.