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Kids Incarcerated -- Forever?

I have been in touch with many people who have been sentenced to die in prison for serious crimes committed when they were teenagers. None of them grew up in communities of privilege where they were surrounded by opportunity. Many of them were told by teachers and other adults in their lives that they had no potential. Some of them were victims of crimes themselves.

All of these young people deserve to be held accountable, but not in a way that simply reinforces the hopelessness that has surrounded them from day one. Instead, the responsible thing to do in a civil society is to empower and encourage young people to fulfill their individual potential. Due to fear and political pressure, our nation has moved away from this approach and too often gives up on young people, even for life.

Thankfully, Monday's decision in *Graham v. Florida*, ruling it unconstitutional to sentence young people to life without parole for non-murder cases, brought a glimmer of hope to individuals serving this sentence, their families, and a broad range of other supporters working to reform unfair sentencing laws imposed on youth. The 6-3 judgment reaffirmed what we all know and what the Court has said in the past: kids are fundamentally different from adults and their punishment should reflect these differences. The Court ruled that in some cases, young people cannot be discarded because of crimes they have committed -- instead, they deserve a second chance because they have a greater capacity to grow and change than adults.

Recently I received a letter from a man serving life without parole for being a lookout during a tragic murder when he was fifteen, he wrote, "I am a living example that a decision that I have made while I was considered a child will damn me for the rest of my life despite the changes in my life and character. It will in effect kill me without ever having the opportunity to show the world how I have changed while every day I see people who have done worse, while fully comprehending their actions, have the [opportunities] that I dream [of]."

All children are vulnerable to outside influences, peer pressure, and abusive environments. Therefore, we have a responsibility to protect them and to ensure that our sentencing policies reflect the special needs of youth and their potential to grow up to be exemplary human beings. The Court's ruling this week, on the very narrow issue that was presented to it, reinforces the urgent need for policymakers to take a more rational and humane approach to juvenile crime. We cannot afford to lose another child to the current unjust system.

There are people around the nation and across the globe who agree. California's Aqeela Sherrills has long been an advocate for youth who has spent 15 years fighting for peace. His resolve was severely tested when his son was murdered in 2004, he says, "I decided that revenge shouldn't be Terrell's legacy. I tell people that Terrell's killer is a victim too - a victim of a culture that lacks compassion. You can only kill someone if you have a callous heart, so I want to know why this young man had such a callous heart. It's not enough simply to catch him and throw him away."

Instead of throwing away teenagers who commit serious crimes, the *Graham* decision makes it possible for the individuals serving life without the possibility of parole for crimes other than murder to seek "meaningful review" of their sentences and it strikes down the possibility that any child receive this irrevocable sentence for such crimes in the future.

However, sentencing people under age 18 to life in prison without the possibility of parole for any crime is the most extreme example of our nation's irrational approach to juvenile crime. This practice is a dramatic departure from what our juvenile justice system was founded upon -- the notion that young people involved in crime should be provided opportunities to become rehabilitated while they are still maturing.

I know that this can be a hard issue, but in the end it is clear that the just thing to do is to support sentencing reforms that offer youth the opportunity to change and grow up. Eliminating life without parole sentences for youth will ensure that every child convicted of serious crimes is given a second look later in life.

Science tells us that most young people age out of crime, in fact 90 to 95% of them do. As Justice Kennedy reiterated in the *Graham* opinion, quoting from Roper "it is difficult even for expert psychologists to differentiate between the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption." We must implement rational, science-based sentencing laws and policies so that those who are able may, one day, return to our communities as the productive members of society we know they have the potential to become.