

OREGON YOUTH JUSTICE PROJECT

Spring 2018 | Volume 1, Issue 1

WHO ARE WE AND WHY THIS NEWSLETTER?

We are *Oregon Youth Justice Project* (OR YJP), a budding coalition made up of community stakeholders including currently and formerly incarcerated people who are serving sentences for crimes they committed as youth, their loved ones, and advocates. We believe in science which says that critical brain development finishes at age 25. When we say “youth” we mean through age 25. California and Washington, in addition to other states around the nation, have implemented policies that apply to youth up to age 25. Treating children as anything but children

in the imposition of punishment is a failure to recognize the scientific developments of the last decade as our neighbors have done. Oregon remands youth to the adult system at one of the highest rates in the United States. Youth in Oregon are vulnerable to automatic involvement in the adult criminal justice system as young as 15 years old. Oregon also has the dubious distinction as one of few states that continues to sentence juvenile offenders to life without the possibility of parole. The OR YJP will take a holistic approach to addressing the systemic flaws in Oregon’s

treatment of youth in the adult system. We aim to advocate for Oregon’s youth through a mix of direct action, legal, and systems development approaches. We can’t effectively do that without you. At our core, we believe that your stories of development, hardship, rehabilitation, losses, and successes should define you – not the facts of your crime. Your identity matters. In each issue we will share news and stories from around the nation, as well as what’s going on here in Oregon. This newsletter is a dialogue so we’re all on the same page as we advocate for OR youth.

PART OF OUR COMMUNITY: HENRY MONTGOMERY



Henry Montgomery
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P.O. Box 2029
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Henry Montgomery, now 71, was 17 years old when he received a life without parole sentence. You all should know Henry from the Supreme Court’s opinion, *Montgomery v. Louisiana*, which said that *Miller v. Alabama* should be applied retroactively to all U.S. prisoners who are serving life without parole sentences for crimes committed as children. In February, the Louisiana board of parole and pardons denied Mr. Montgomery’s parole, citing too few classes. The board didn’t mention that for the first 20 years of Henry’s incarceration, classes weren’t available.

Mr. Montgomery was represented by Keith Nordyke of the Louisiana Parole Project, a non-profit that mostly represents individuals who were originally sentenced to life without parole for crimes they committed when they were younger than 18 years of age. Of note, the executive director of the Louisiana Parole Project is a former juvenile lifer who served his time with Henry at Angola State Prison. He was sentenced to “life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence” for a crime he committed at 15 years of age.

I chose Henry’s story for our first issue because it captures well the complexity and close relationship of hope and despair in our system in Oregon and around the country. The work we are all doing together, whether it’s raising public awareness or individually building a meaningful pro-social life in the face of the *hope* of future release, the best we can do is nurture our community, share strength, and practice ceremony at times of both loss and victory. Practice: Write to Henry and give him whatever you have to offer whether it be words of condolences, thanks, or something different. You will find the address for Henry’s attorney above. Please mail letters or cards there. – A

THE COURTS IN REVIEW: YOUTH ISSUES

The United States Supreme Court announced a broad and basic principle grounded in developmental science and common sense: Children are constitutionally different from adults. *Graham v. Florida*, 560 U.S. 48 (2010); *Miller v. Alabama*, 567 U.S. 460, 471 (2012). These distinctive attributes and developmental differences, the Supreme Court found, require States to treat youth differently and less severely than adults in the criminal justice system. *Montgomery v. Louisiana*, 136 S Ct 718, 736 (2016). The Supreme Court requires States to provide all youth a meaningful opportunity to demonstrate reform and obtain parole. In light of those decisions, numerous States have enacted laws banning life without parole (LWOP) and mandatory minimum sentences for youth. California has gone so far as to provide parole hearings for individuals who were under 25 years old when they committed their crimes.

In 1994, Oregon voters passed Measure 11. The primary goal of Measure 11 was to prosecute youth “as adults” in criminal court and require they serve mandatory minimum sentences without any parole. At that time, the Oregon Legislature authorized the punishment of LWOP for 15, 16, and 17 year olds.

Measure 11 is a deeply flawed law when held up to the United States Supreme Court’s words in *Graham* and *Miller*. Under Measure 11, children are *no* different than adults. Oregon’s public officials have, in fact, a history of unlawfully punishing youth more severely than adults in the criminal justice system. Those abuses are well described in cases such as *State v. Davilla*, 280 Or App 43 (2016); *White v. Belleque*, 2010 WL 5625800 (D Or Oct 21, 2010); *State ex rel Engweiler v. Felton*, 350 Or 592 (2011); and *Sexton v. Persson*, 268 Or App 63 (2014).

This section of our newsletter will highlight court cases in Oregon and around the nation dealing with youth in the criminal justice system, 12 through the age of 25. We encourage you to seek out and read these cases. They inform the conditions that you and many other youth around the nation have experienced. And those cases tell a very different story about who you are and your future. – C

OREGON YOUTH, ADVOCATES, LEGISLATORS GO TO WASHINGTON D.C.

Three of us here from Oregon went to Washington DC last November for the Annual Convening of the Campaign for the Fair Sentencing of Youth. CFSY is a non-profit based in Washington, DC that works to “*end extreme sentencing for children, and particularly the practice of sentencing children to life in prison without the possibility of parole. We lead, coordinate, develop, and support efforts to implement just alternatives to these excessive sentences, and we seek to document, challenge, reduce, and eliminate all disproportionately punitive treatment of youth of color.*” This was an amazing and inspiring experience. We met dozens of formerly incarcerated children from all over the country who had served sentences in a variety of ranges, a few with over 40-years inside. One young man we met from Arizona began his sentence on death row, litigated his way to life without, then thanks to Miller v. Alabama, was released a month prior to attending the Convening. In addition to formerly incarcerated children, there were state legislators (including one from the Oregon House and one from the Oregon Senate) alongside advocates, loved ones of those who remain incarcerated, professionals, and survivors of youth crimes. Former Attorney General Eric Holder was one of the Honorees and gave an amazing presentation (as well as made a substantial financial contribution to the effort) during the fundraising portion of the two-day event. Truly an event we all came away from both inspired and further driven to do the work we do! – TW

In my work as an advocate and professional in the criminal justice field, I have only worked with male offenders. One of the most meaningful experiences for me at the Convening was getting to meet one woman from Michigan (one of the only two Michigan youth who have seen any impact from the Miller and Montgomery decisions) who was given a life without sentence at 17 years old for her involvement in a murder. She was pregnant when she went to prison. When she gave birth, her mother took the baby and raised her. Her daughter is now 29 years old. This woman talked about her experience of getting out and returning to her Detroit neighborhood where she grew up. She shared that since her release, she has struggled with anxiety being out in the world because she is unable to protect herself due to her felony conviction. She said that because she can't carry even pepperspray to defend herself, she fears going of the house alone. She felt safer inside prison than she does out. Hearing her story, I was ashamed to never have considered the unique experience of a woman getting out of prison, especially one that fell as a child. As a woman, I could relate to her story – I've often felt safer and more respected inside prison walls than out, but I had never extended that to the experience of a woman getting out of prison. For me, the big takeaway of the Convening was that every story is worth listening to – no matter how similar to yours or ones you know – because it will teach you something. Every individual story is important and no youth should be left behind. – A

We highly encourage your loved ones to connect with CFSY. They have a regular email newsletter that is inspiring, educational, *and* empowering. They also have a family network that offers tangible opportunities for your loved ones to advocate for your interests with a national community. Your loved ones can find CFSY at: www.fairsentencingofyouth.org.

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Hearing your voice is critical to our work

We believe that youth justice reform should include the voices most impacted – currently and formerly incarcerated youth – and should not leave *any* youth behind. Our intention with this newsletter is to connect with those of you in Oregon who are serving sentences for crimes committed as children. We want to know what you would like to hear about, what your needs are, what your struggles are, and what part you play in your youth community.

- We are actively working on efforts in all directions from Transitions to Reform to Humanizing those in custody and Educating Society –***what specifically do YOU need?***
- Each of us have unique experiences associated with the Criminal Justice System – ***what are your experiences?***
- Creating and pursuing specific goals are paramount to continued growth development and ultimately success – ***what are your specific goals and how can we help?***
- This is the first of what we hope to be a *quarterly* Newsletter for 2018 and a *monthly* Newsletter starting 2019 – ***what content should we include in our publications?*** (Please share this document and encourage others who are interested and willing to engage)

If you know someone who should receive a copy of this newsletter, *please let us know!* If you know someone on the outside who would like to receive a copy of this newsletter by email, *write to us!*

