

# OREGON YOUTH JUSTICE PROJECT

Summer 2018 | Volume 1, Issue 2

## OREGON YJP SUMMER UPDATE

**We are Oregon Youth Justice Project, a coalition made up of community stakeholders including currently and formerly incarcerated youthful offenders, their loved ones, and advocates.**

Thank you to all of you who found time to write to us and share your stories, personal insights, and questions. As we all know, the mail system is imperfect – please let us know if you or someone else has not received the newsletter and we'll get

another copy sent out! We've had an exciting several months! We hosted our first public event *When Our Youth Harm: How Communities Heal* featuring restorative justice, victim advocacy, psychology, and law perspectives. We recorded the event and look forward to sharing it with you all! We also managed to get Dr. James Garbarino (author of *Lost Boys* and *Miller's Children*) to OSCI where he met with more than 50 men, many of whom are youthful offenders. See Tony's reflection on Dr. G's visit at bottom right of this page.

## JUVENILE REGISTRY RELIEF

In May, I attended a conference where I learned about an important and invaluable program here in Oregon called the CLiF Project. They are a pro-bono Project out of Tonkon Torp Law Firm in Portland working to get people off the Oregon SO registry who committed a sexual offense as a juvenile. OR has the highest rate of SO registry per capita in the entire US. Juvenile offenses make up almost 10% of those on OR's registry. Write to us for more information about the CLiF Project. - AS

## DR. GARBARINO VISITS OSCI: A REFLECTION

Some guys are huge fans of star athletes like Stephen Curry, musicians such as Jimmy Hendrix or actors like John Travolta. For a kid who grew up in prison feeling as though the outside world rejected me, listening to Dr. James Garbarino speak at OSCI was like watching Curry drain threes, Hendrix play Purple Haze and Travolta dance to disco, all reflected in the friendly smile of a 71 year-old developmental psychologist from Illinois. "Dr. G" is my rock star. While I'm honored to have had the great fortune of meeting him and hearing him speak, I would be remiss if I didn't pass on the message he had for all the "Lost Boys" in prison still paying decades later for mistakes they made as children: "You are always in my heart, I carry you with me wherever I go." His words remind us that there are people out there, who not only care, but who are fighting daily on our behalf. People like him are the reason why the guy doing 180 days in seg or the one who hasn't had a visit in months because his family can't make the drive out east, should not give up on himself. Seeing his passion and dedication made me feel like I had an obligation to live up to the honor of knowing he carries all of us with him in his heart. Sometimes all it takes is knowing someone believes in you when the rest of the world has written you off, and we all have that in Dr. Garbarino. In his closing remarks, he mentioned meeting some "extraordinary human beings" in the work he's done with juvenile lifers, so in the words echoed in schoolyards everywhere, and which a developmental psychologist might appreciate, to Dr. Garbarino I say "it takes one to know one!" - AR

## PART OF OUR COMMUNITY: TREVOR WALRAVEN



My name is Trevor Walraven and I am one of the founders of the Oregon Youth Justice Project. In 1998 I made some horrific choices at 14 years old that devastated my community leaving a family traumatized and without their loved one. I try to live every day in service to a debt that I cannot repay – for me that means being thoughtful, giving back to my

community, and caring for those around me. After waiver to the adult court and a Life-30 sentence for Aggravated Murder I was fortunate to gain release through Oregon's Second Look Statute after nearly 18 years. This was not an easy process and I am still in litigation as the State of Oregon has never agreed to my release suggesting that I was / am ineligible for Second Look consideration. My roll in advocacy came around 2011 after my first Inside-Out class through OSU. At the conclusion we were told "once you know, you owe" – that message sunk in for me and I soon after became the youngest elected President of the Lifers' Unlimited Club at OSP, a position I took seriously serving to the best of my ability until released in 2016. Since my release I have continued to advocate – I have given over 50 presentations in a variety of venues that include Youth facilities, County Jail, Universities, Advocacy Organizations and Oregon Corrections based groups. I hope to bring a deeper understanding of the criminal justice system to my community. This work is near and dear to my heart as I strive to be an example of what's possible and why more individuals should receive second chances. I don't take my freedom for granted. - TW

## OREGON SUPREME COURT GETS IT WRONG IN KINKEL: WE ARE NOT IRREPARABLY CORRUPT

For our legal review this issue we turn to an opinion impacting one of our own, and thus all of us: Two weeks prior to the 20th Anniversary of the Thurston High School tragedy in Springfield, Oregon, the Oregon Supreme Court issued its decision in *Kinkel v. Persson*. In an opinion by Justice Kistler, the court ruled that the Eighth Amendment was not violated by multiple sentences for murder and attempted murder that cumulatively led to an effective life without parole sentence (112 years in prison). The court observed that the trial court had determined that Kinkel suffered from a permanent mental illness that distinguished him from ordinary homicide youth offenders. The court concluded that “no person could reasonably dispute, that [Kinkel’s] actions are the sort of heinous crimes that, if committed by an adult, would reflect an ‘irretrievably depraved character’ \*\*\* or ‘irreparable corruption[.]’”

In his dissent, Judge Egan rejected the idea that Kinkel’s crime reflect anything but the transient immaturity of youth. Judge Egan also rejected the majority’s conclusion that that Kinkel was “the rare juvenile offender whose crimes reflect irreparable corruption[,]” explaining that “[t]here is no evidence that [Kinkel] had a disregard for human life before his crimes or that he retained a disregard for human life past the time of his crime.” Judge Egan admonished the majority for validating “onerous and disproportionately severe sentencing

of child offenders” and for “reinforce[ing] notions about mental illness in relation to mass shootings that reflect larger cultural stereotypes and public anxieties about matters such as race, ethnicity, social class, and politics.” The most glaring flaw in the Oregon Supreme Court’s decision is that it arrived at a judgment about Kinkel without giving him the “opportunity to show [his] crime did not reflect irreparable corruption” and demonstrate his maturity and reform. This is exactly what Miller and Montgomery require.

Many of us have experienced courts and district attorneys treating us as the worst-of-the-worst. They have done this as a part of a system that looks through a lens of absolutes – black or white, good or bad, yes or no – a system that often results in outcomes the US Supreme Court have dubbed cruel and inhumane treatment of children over and over again. In spite of this opinion, we recognize the immensely hard work you have done to shake the super-predator labels, rehabilitate yourselves, and work towards positive and healing contributions in your communities inside and out – all in spite of growing up in prison.

Most importantly, this decision is just the latest – certainly not the last and certainly not the end. The US Supreme Court has said repeatedly that youth are entitled to meaningful opportunities for release. Until that happens for every Oregon youth, our work will not be done, and we will continue forward. – CE

### Write to us at:

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### *Quarterly Newsletter of the* **OREGON YOUTH JUSTICE PROJECT**

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### ***Hearing your voice is critical to our work***

Many of you who wrote to us expressed anxiety about the parole process. If you have specific questions about the board process, or other topics, please write to us. We’re excited to announce a parole support project launching in September, 2018 that will give individualized feedback, suggested reading for insight development, and other support to those preparing to see the parole board. The parole support project will be available for anyone that has to see the board, not just youths. If you are interested in learning more, please write to us.

*What other needs do you observe in your youth community?*

Our organization and list of allies is growing all the time. We look forward to understanding your needs better so that our work in the community, at the capitol, and in the prisons is not based on our assumptions of what you need or are experiencing. Have concerns about your sentence? We may be able to connect you with counsel. Need some regular communication? We have members and allies who are interested in pen-palling. Concerned about your release mechanism? Let us know. Seeking additional reading materials? We track these issues and can only fit so much into one newsletter!

*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!*

