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Growing Up Behind Bars: Pathways To Desistance For Juvenile Lifers

Laura S. Abrams

Kaylyn Canlione

D. Michael Applegarth

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GROWING UP BEHIND BARS: PATHWAYS TO DESISTANCE FOR JUVENILE LIFERS

LAURA S. ABRAMS,* KAYLYN CANLIONE,** & D. MICHAEL APPLGARTH***

In the wake of the landmark Supreme Court decision Miller vs. Alabama, a variety of state laws have paved the way for the resentencing and potential release of “juvenile lifers.” Desistance theories pertaining to youth with histories of violent offending suggest that a blend of maturation, internal motivation and identity shifts, and opportunities to adopt and fulfill adult roles will lead to cessation of criminal behavior. Yet, these theories may not apply to young people serving life sentences, as they have limited opportunity to adopt adult responsibilities while imprisoned, less motivation to desist if freedom is not viewed as attainable and live in conditions in which criminal behavior and violence is often essential for survival. This qualitative study explored pathways to desistance behind bars for adult males (now aged 40–65), all of whom were convicted of a homicide offense at age 20 or under and were recently paroled under one of several California youth offender resentencing laws. The phenomenological design included two in-depth individual interviews and inductive thematic analysis. Analysis identified three patterns of desistance, all of which converged to core themes of moral reckoning, making meaning of life in prison, finding hope, and proving one’s worth for release. The results have implications for youth offender resentencing policies and theories of criminal desistance.

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* Laura S. Abrams is Professor and Chair of Social Welfare at the UCLA Luskin School of Public Affairs. Address correspondence to: 3250 Public Affairs Building Box 951656, Los Angeles, CA 90095-1656; E-mail: abrams@luskin.ucla.edu; Phone: (310) 825-5932.

** Kaylyn Canlione is a joint MSW/MPP student at the UCLA Luskin School of Public Affairs.

*** D. Michael Applegarth is a PhD student in Social Welfare at the UCLA Luskin School of Public Affairs.

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I. INTRODUCTION

In the United States, there are over 11,000 people in state and federal prisons who were sentenced to die in prison for a crime they committed as a “minor,” legally defined as under eighteen years of age.¹ The vast majority of these cases involve a homicide, often as the primary perpetrator but sometimes as an accomplice.² Roughly 80% of youth serving life without parole or “de-facto” life sentences (i.e., the length of the sentence exceeds the offender’s

1. ASHLEY NELLIS, THE SENTENCING PROJECT, STILL LIFE: AMERICA’S INCREASING USE OF LIFE AND LONG-TERM SENTENCES 5 (2017), <https://www.sentencingproject.org/publications/still-life-americas-increasing-use-life-long-term-sentences/> [https://perma.cc/CK58-D8CW].

2. *Id.* at 12.

natural life) in U.S. prisons are persons of color.³ Yet, in the wake of federal and state policy changes, many of these (now) adults are becoming eligible for resentencing and/or parole.⁴ These “juvenile lifers” have spent the majority of their lives behind bars in conditions that are antithetical to criminal desistance, meaning the termination of offending mindsets and behaviors. Hence as states are in the midst of crafting sentencing policies and making critical decisions about resentencing for specific cases, this Article addresses a primary question: *How does desistance occur among juvenile lifers in the context of growing up behind bars?* In addressing this question, we hope to shed light on a mostly invisible population, where smart policies have the potential to contribute to decreasing mass incarceration and offering freedom to many who did not anticipate experiencing life outside of prison walls.

A. Juvenile Life: Supreme Court History

Over the last fifteen years, several U.S. Supreme Court decisions have dramatically altered our legal understanding of culpability as it pertains to minors who have committed serious violent crimes. The first was *Roper v. Simmons*, which established that juveniles differ from adults in key ways, namely in their lack of maturity and sense of responsibility, unformed character, and relative lack of control over their own environments.⁵ These mitigating factors established the unique rehabilitative potential of youth in the eyes of the Court, resulting in the determination that capital sentences for minors (under age 18) violate the Eighth Amendment’s prohibition on cruel and unusual punishment.⁶ Building upon the *Roper* decision, *Graham v. Florida* equated life without parole sentences for juveniles convicted of non-homicide offenses to the death penalty, establishing these sentences as unconstitutional under the Eighth Amendment.⁷ Further, *Graham* set precedent that the characteristics of youth must be taken into account when considering the appropriateness of extreme sentences.⁸

Following *Graham*, *Miller v. Alabama* held that mandatory life without parole sentences for juveniles convicted of homicide violate the Eighth Amendment as well, and that juveniles must be given “some meaningful

3. Michael L. Leiber & Jennifer H. Peck, *Race in Juvenile Justice and Sentencing Policy: An Overview of Research and Policy Recommendations*, 31 *LAW & INEQ.* 331, 331 (2013); NELLIS, *supra* note 1, at 17.

4. *See infra* Table 3.

5. 543 U.S. 551, 569–70 (2005).

6. *Id.* at 578.

7. 560 U.S. 48, 81–82 (2010).

8. *Id.* at 67–68.

opportunity to obtain release based on demonstrated maturity and rehabilitation.”⁹ Additionally, *Miller* requires that judges give weight to the hallmark features of youth in determining the appropriateness and proportionality of a sentence.¹⁰ This decision effectively eliminated *mandatory* juvenile life without parole (JLWOP) sentences. Lastly, *Montgomery v. Louisiana* held that the decision in *Miller* applies retroactively and that everyone currently serving a mandatory JLWOP sentence is entitled to an opportunity for case review.¹¹ That said, how these resentencing and parole determinations are made is left to the states to decide. This often proves problematic, as some states function with fully discretionary parole systems, meaning they have no stated standards and are not subject to examination under the Due Process Clause.¹² States with presumptive parole systems, in which a statute directs parole boards to vote in favor of release unless certain factors are found, also provide little assurance of relief despite the Due Process Clause, as the factors are often so ambiguous that they provide little restraint on discretion.¹³ As a result, parole decisions are wildly inconsistent, frequently granting different outcomes to similarly rehabilitated youth offenders.¹⁴

B. *Juvenile Life by the Numbers*

The series of Supreme Court decisions referenced above created an opportunity for release for the 2,100 people serving JLWOP sentences in the United States.¹⁵ Of these 2,100 imprisoned individuals, 1,700 are estimated to have been resentenced and nearly 400 released, largely due to changes in state policy prompted by *Miller*.¹⁶ For those who have had their sentences impacted by legislative reforms, the average sentence length that they served was twenty-five years.¹⁷

Despite this significant paradigm shift, there are two other groups of “juvenile lifers” who are not directly impacted by this series of Supreme Court

9. 567 U.S. 460, 479 (2012).

10. *Id.* at 480.

11. 136 S. Ct. 718, 728, 736 (2016).

12. Kristen Bell, *A Stone of Hope: Legal and Empirical Analysis of California Juvenile Lifer Parole Decisions*, 54 HARV. C.R.-C.L. L. REV. 455, 464 (2019).

13. *Id.*

14. *Id.* at 519.

15. *See* Leiber & Peck, *supra* note 3, at 331.

16. CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, TIPPING POINT: A MAJORITY OF STATES ABANDON LIFE-WITHOUT-PAROLE SENTENCES FOR CHILDREN 2, 6 (2018), <https://www.fairsentencingofyouth.org/wp-content/uploads/Tipping-Point.pdf> [<https://perma.cc/L46N-VY3S>].

17. *Id.*

decisions: those sentenced to an *indeterminate* life sentence, also called juvenile life with parole (JLWP), such as twenty-five to life, fifty to life, etc., and those sentenced to de-facto life sentences. As of 2018, there were 7,346 people serving JLWP in the United States and an additional 2,089 serving de-facto life sentences for crimes committed as minors.¹⁸ While these two groups of juvenile lifers have not been directly impacted by *Miller*, several states have enacted policies on behalf of these groups that align with *Miller*'s reasoning.

C. State Policies

As states continue to respond to *Miller*, a patchwork of policies has emerged, resulting in different processes and outcomes for those sentenced to JLWOP, JLWP, and de-facto life sentences. As required by *Miller*, those sentenced to mandatory JLWOP must be given a reasonable opportunity to obtain release, though it is up to each individual state to determine what is "meaningful."¹⁹ Since the *Miller* decision, seventeen states plus the District of Columbia have abolished all JLWOP, and four states have nearly eliminated the use of JLWOP sentences.²⁰ Previously, this type of draconian sentencing was permitted in forty-five states.²¹ This said, it is important to acknowledge that policy changes regarding JLWOP sentencing can be deceiving, as the abolition of JLWOP in many cases has simply meant a shift to de-facto life or long-term indeterminate sentencing. Further, resentencing and parole decisions are highly discretionary, may be tainted by racial and judicial biases, and require complex petitions and an understanding of legislative changes, making release uncertain and difficult to obtain. Research has found that even when inmates meticulously prepare for youth offender parole board hearings, decisions are often arbitrary and capricious.²²

Moreover, while states are required to provide a meaningful opportunity for release for juvenile lifers, this is only the case for those sentenced to life without parole under mandatory sentencing schemes.²³ This leaves the 7,346 youth offenders sentenced to JLWP and de-facto life legally unaffected by the *Miller* decision, unless a state voluntarily decides to carry *Miller*'s intent further.²⁴ Should states decide to create release opportunities for JLWP and de-facto

18. NELLIS, *supra* note 1, at 17.

19. *Miller v. Alabama*, 567 U.S. 460, 479 (2012).

20. See CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, *supra* note 16, at 2.

21. *Id.*

22. Bell, *supra* note 12, at 455, 519.

23. NELLIS, *supra* note 1, at 26.

24. *Id.* at 17.

juvenile lifers, they can do so through judicial resentencing or the creation of commutation policies.

D. California

In California, the legislative response to *Miller* has been quite robust, with the passage of several bills that create release opportunities for juvenile offenders.²⁵ Further, California policymakers have applied the intent of *Miller* beyond just JLWOP cases, creating a path to release for JLWP, de-facto juvenile lifers, and most “youth” offenders, which according to the most recent 2017 legislation, includes those whose offense occurred at age twenty-five years or younger.²⁶ In the case of de-facto juvenile lifers, several California superior court decisions have furthered their inclusion in reform efforts. *People v. Caballero*, for example, found de-facto juvenile life for non-homicide cases unconstitutional, and *People v. Franklin* found mandatory de-facto juvenile life unconstitutional for homicide offenders.²⁷

TABLE 1: SUMMARY OF CALIFORNIA STATE LAWS RELATED TO JUVENILE (AND YOUTH) LIFERS

Senate Bill 9 (2012)	Allows for a person who was sentenced to JLWOP to seek review of his/her sentence after serving 15 years. Those eligible still must serve at least 25 years before they are eligible for parole. S.B. 9, 2011–2012 (Cal. 2012).
Senate Bill 260 (2014)	Established Youth Offender Parole Hearings (YOPH), requiring the board to give “great weight” to the diminished culpability of youth in making their parole decisions. This applies to youth offenders who have received either an indeterminate life sentence or a lengthy determinate sentence. S.B. 260, 2014–2015 (Cal. 2014).
Senate Bill 261 (2015)	Extends YOPHs to those convicted of a controlling offense that occurred when the offender was under 23 years of age. S.B. 261, 2015–2016 (Cal. 2015).
Assembly Bill 1308 (2017)	Extends YOPHs to those convicted of a controlling offense that occurred when the offender was under 25 years of age. A.B. 1308, 2017–2018 (Cal. 2017).
Senate Bill 394 (2017)	Makes individuals sentenced to life without the possibility of parole as juveniles eligible for parole on their 25 th year of incarceration through a YOPH. S.B. 394, 2017–2018 (Cal. 2017).

25. See *infra* Table 1.

26. See *infra* Table 1.

27. 282 P.3d. 291, 295 (Cal. 2012); 370 P.3d 1053, 1059 (Cal. 2016).

Legislative action in California resulted from years of advocacy, largely advanced as a response to previous decades of harsh sentencing of youth and the crisis of prison overcrowding. For context, 301 youth were sentenced to JLWOP in California before *Miller*.²⁸ Additionally, 2,717 individuals were serving indeterminate life sentences for crimes they committed as juveniles.²⁹ This latter group comprises 37% of all such sentences in the nation.³⁰ In the year 2017, Nellis reported that 3,025 people were serving either JLWOP, JLWP, or de-facto life sentences in the state.³¹ California thus provides a prime area to examine how “juvenile lifers” have been able to earn their parole despite spending the vast majority of their lives in prison.

II. DESISTANCE BEHIND BARS: THEORY AND RESEARCH

A robust body of research has identified several key factors and processes that lead young people who have engaged in violent or illegal behaviors toward the termination of offending. Aging out is a straightforward theory of desistance that Moffitt coined as the “age-crime curve.”³² In simple form, according to this theory, the vast majority of young people who have engaged in violence and crime will simply age out as they mature.³³ Scholars have refined and elaborated this theory to identify key mechanisms that occur in the transition to adulthood that contribute to this desistance.³⁴ These include the adoption and exercising of adult roles, such as employment, marriage, and parenthood.³⁵ These roles, in addition to “hooks for change,” such as social supports and positive reinforcement, eventually translate to cognitive transformation and long-term behavioral shifts.³⁶ Moreover, some have

28. ELIZABETH CALVIN, HUMAN RIGHTS WATCH, WHEN I DIE . . . THEY’LL SEND ME HOME: YOUTH SENTENCED TO LIFE WITHOUT PAROLE IN CALIFORNIA, AN UPDATE 1 (2012), <https://www.hrw.org/sites/default/files/reports/crd0112webwcover.pdf> [https://perma.cc/WTD9-Y65F].

29. NELLIS, *supra* note 1, at 17.

30. *Id.*

31. *Id.* at 16.

32. Terrie E. Moffitt, *Adolescence-Limited and Life-Course-Persistent Offending: A Complementary Pair of Developmental Theories*, in DEVELOPMENTAL THEORIES OF CRIME AND DELINQUENCY 11, 12 (Terence P. Thornberry ed., 1997).

33. *Id.* at 28.

34. *See id.* at 25–28; Robert J. Sampson & John H. Laub, *Desistance from Crime over the Life Course*, in HANDBOOK OF THE LIFE COURSE 295, 306 (Jeylan T. Mortimer & Michael J. Shanahan eds., 2003).

35. Sampson & Laub, *supra* note 34, at 306.

36. Peggy C. Giordano, Stephen A. Cernkovich & Jennifer L. Rudolph, *Gender, Crime, and Desistance: Toward a Theory of Cognitive Transformation*, 107 AM. J. SOC. 990, 992, 1002 (2002).

theorized that in addition to practicing adult roles, one must have internal motivation to change and a desire to adopt a new identity.³⁷ These identity shifts might be motivated by an internal drive but are also exercised gradually in conjunction with opportunities and encouragement to sustain change.³⁸

A. *The Impact of Life Sentences*

Theories of desistance from crime have largely been constructed with data concerning those who have been or who will be released into society, rather than those who are sentenced to life in prison. Hence, with the exception of the idea that most violent youth will “age out” of criminal thinking and behavior, we start with the premise that life sentences create a set of unique circumstances that would likely prevent them from moving toward desistance. In this Section, we review the evidence that supports this assumption.

1. Adult Roles and Responsibilities

Although youth and juvenile lifers may naturally age out of crime, serving a life sentence in its nature restricts the types of adult roles and responsibilities that may further their desistance. A primary adult responsibility that often leads people to desistance is employment, but only about 50% of state and federal prisoners have a job during incarceration.³⁹ Even for those who maintain employment during incarceration, other adult roles and responsibilities, such as paying their own bills or mortgage and cultivating a career, are denied.⁴⁰ Moreover, the prison environment itself can be viewed as the antithesis of personal agency and self-determination, which is part of taking on adult roles. Liem and Richardson’s study of desistance among “lifers” noted this central paradox: lifers are placed in an environment that systematically strips them of agency and mandates conformity; yet, after an extended period, these same

37. SHADD MARUNA, MAKING GOOD: HOW EX-CONVICTS REFORM AND REBUILD THEIR LIVES 7–10 (2001).

38. LAURA S. ABRAMS & DIANE J. TERRY, EVERYDAY DESISTANCE: THE TRANSITION TO ADULTHOOD AMONG FORMERLY INCARCERATED YOUTH 5–6 (2017).

39. ROB ATKINSON & KNUT A. ROSTAD, CAN INMATES BECOME AN INTEGRAL PART OF THE U.S. WORKFORCE? 4 (2003), <https://www.urban.org/sites/default/files/publication/59411/410854-Can-Inmates-Become-an-Integral-Part-of-the-U-S-Workforce-.PDF> [<https://perma.cc/KGF3-PK3A>]; ELAINE M. HOWEL, CAL. DEP’T OF CORR. AND REHAB., EMPLOYEES AND INMATES GENERALLY RECEIVED NECESSARY MEDICAL CARE FOR WORK-RELATED INJURIES WITHIN REASONABLE TIME FRAMES 7 (2019), <http://www.bsa.ca.gov/pdfs/reports/2018-128.pdf> [<https://perma.cc/E9HX-7885>].

40. Brent A. Paterline & Douglas Orr, *Adaptation to Prison and Inmate Self-Concept*, 4 J. PSYCHOL. & BEHAV. SCI. 70, 76 (2016).

individuals are required to eventually show an ability to function independently in order to earn release.⁴¹

2. Opportunities to Work Toward Change

Individuals who receive life sentences, particularly those with the stipulation of “without the possibility of parole,” often do not have access to education or rehabilitative programming under the justification that those who will be released are more in need of this investment. For example, Nellis’ national survey of juvenile lifers found that 61% of participants indicated they were not receiving rehabilitative services at that time.⁴² Participants noted that they were restricted due to the life sentence itself as well as exhausting the limited programming available to them.⁴³ Systematically denying individuals rehabilitation may deny them meaningful hooks for change.⁴⁴

3. Identity Shifts

Circumstances of a life sentence, namely the prison setting and lack of opportunities for rehabilitation, can create an environment that leaves lifers absent of possibilities for pro-social identity shifts. In a qualitative study of men serving indeterminate sentences conducted in two European prisons, lifers reported that they felt they had to become two different people.⁴⁵ In one identity, they needed to demonstrate to correctional staff a theoretically newly adopted prosocial identity; and with other inmates, they needed to retain a tough reputation for survival.⁴⁶ Further, the powerlessness and alienation associated with a life sentence can contribute to prisonization, wherein survival behaviors and hopelessness can obscure opportunities for meaningful personal change.⁴⁷ Lifers often struggle with maintaining a sense of self while they attempt to

41. Marieke Liem & Nicholas J. Richardson, *The Role of Transformation Narratives in Desistance Among Released Lifers*, 41 CRIM. JUST. & BEHAV. 692, 709–10 (2014).

42. ASHLEY NELLIS, THE SENTENCING PROJECT, THE LIVES OF JUVENILE LIFERS: FINDINGS FROM A NATIONAL SURVEY 4, 23 (2012), <https://sentencingproject.org/wp-content/uploads/2016/01/The-Lives-of-Juvenile-Lifers.pdf> [<https://perma.cc/7DQW-FK5V>].

43. *Id.*

44. ELIZABETH CALVIN, IAN KYSEL, & ALISON PARKER, HUMAN RIGHTS WATCH, AGAINST ALL ODDS: PRISON CONDITIONS FOR YOUTH OFFENDERS SERVING LIFE WITHOUT PAROLE SENTENCES IN THE UNITED STATES 12 (2012), https://www.hrw.org/sites/default/files/reports/us0112ForUpload_1.pdf [<https://perma.cc/D8SK-TDTD>].

45. Jason Warr, *‘Always Gotta be Two Mans’: Lifers, Risk, Rehabilitation, and Narrative Labor*, 22 PUNISHMENT & SOC’Y 38 (2020).

46. *Id.*

47. Paterline & Orr, *supra* note 40, at 71, 76.

adjust to life with a rigid correctional environment.⁴⁸ Consistent feelings of being unsafe and not being able to trust their environment can hinder desistance as individuals are so focused on day-to-day survival that they cannot meaningfully engage in personal change.⁴⁹

4. What Motivates People to Desist Behind Bars?

Although many factors can indeed impede desistance, studies have identified ways that those serving a life sentences can locate pathways to positive change. Crewe, Hulley, and Wright interviewed 146 individuals in various stages of life sentences (e.g., early, mid, and late).⁵⁰ They found that early-stage inmates often focused on what had happened to them in the past and were reactive to their current environment.⁵¹ By contrast, those who were further into their sentences were more future-oriented and tended to focus on their internal sense of control rather than the absence of external control.⁵² It was also common for lifers to develop hope through spirituality in order to develop new identities.⁵³ Jarman's study of individuals serving life sentences found that although formal opportunities for rehabilitation were limited, they were still able to locate opportunities for change outside of formal programs, such as engaging in spirituality, reading and self-education, reevaluating emotional commitments, and subscribing to new identities.⁵⁴

In sum, theories of desistance for youth who have engaged in violent crimes are rooted in the assumptions that they will eventually rejoin society, adopt adult roles and responsibilities, and gain a sense of agency over their lives. It is unknown whether theories of maturation, adult roles, or identity shifts apply to those who essentially form and experience their transition to adulthood behind bars. Extant literature shows that "lifers" do find hope and meaning through spirituality, education and other means, but this research has not been specifically focused on individuals who were sentenced at a young age. As these resentencing policies are a relatively new phenomenon in the United

48. Ben Crewe, Susie Hulley & Serena Wright, *Swimming with the Tide: Adapting to Long-Term Imprisonment*, 34 JUST. Q. 517, 538 (2017).

49. Ben Jarman, *Turning Points or Dead Ends? Identity, Desistance and the Experience of Imprisonment* 8–9, 28 (unpublished Masters dissertation, Univ. of Cambridge Inst. of Criminology, 2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3353143 [<https://perma.cc/P3W4-9ZE6>].

50. Crewe, Hulley, & Wright, *supra* note 48, at 522.

51. *Id.* at 527–28.

52. *Id.*

53. *Id.* at 528, 534.

54. Jarman, *supra* note 49, at 42–43.

States, we thus sought to understand how “juvenile lifers” located pathways to desistance within the prison context.

III. METHOD

This study is grounded in the epistemological approach of constructivism, which understands individuals’ reflections on lived experience to be the primary way in which they construct meaning of their world.⁵⁵ The authors conducted this study using a phenomenological design, which attempts to get at “core” common experiences through in-depth interviewing. It centers on lived experiences and participants’ subjectivities. Through in-depth, repeated interviews, we aimed to understand how participants located their own pathways to desistance while serving a life without parole or indeterminate life sentence (hereinafter referred to as “life sentence.”)

A. Recruitment and Sampling

Participants were recruited purposively through presentations at several halfway houses in Los Angeles and through advocates who are trusted amongst the juvenile lifer community. To be eligible for participation, participants met the following criteria: (a) sentenced to life without parole, de-facto life, or life with the possibility of parole for a homicide offense committed as a young person (age twenty or under), (b) obtained release through one of California youth offender re-sentencing polices;⁵⁶ and (c) released from prison for at least one month. In total, twenty-two men expressed interest in the study. Of those, we prioritized recruitment of those under eighteen at the time of the crime and who fit the other eligibility criteria. Although we did not seek a sample of all men, we did not encounter any women in the course of recruitment who fit these criteria.

Table 2 provides demographic information for the sample. The ten participants were African American ($n = 3$), Hispanic ($n = 4$), and White ($n = 3$). The age of the participants ranged from thirty-nine to sixty-five, with a mean of 47.8. The average length of time since release from state prison ranged from three to fifty-three months with a mean of 14.8 (and a median of 6). The number of years that participants spent incarcerated ranged from 21 to 44.5 years, with a mean of 29 years.

55. PETER L. BERGER & THOMAS LUCKMANN, *THE SOCIAL CONSTRUCTION OF REALITY: A TREATISE IN THE SOCIOLOGY OF KNOWLEDGE* 1 (1967); ANDY LOCK & TOM STRONG, *SOCIAL CONSTRUCTIONISM: SOURCES AND STIRRINGS IN THEORY AND PRACTICE* 2, 5 (2010); ALFRED SCHUTZ & THOMAS LUCKMANN, *THE STRUCTURES OF THE LIFE-WORLD* 22–23, 35 (Richard M. Zaner & H. Tristram Engelhardt Jr. trans., 1973).

56. *See supra* Table 1.

TABLE 2: SAMPLE DEMOGRAPHICS (N = 10)

	N	Mean	Range
Race/Ethnicity			
Hispanic	4	N/A	N/A
African American	3	N/A	N/A
White	3	N/A	N/A
Age		47.8	39–65
Years Incarcerated		29	21–44.5
*Months Since Release		14.8	3–53

B. Data Collection

The research team, comprised of a professor (PI) and two graduate student research assistants, conducted two in-depth narrative life-history interviews with each of the ten study participants. The total number of interviews for analysis was twenty. The interviews were comprised of open-ended questions on various segments of the participants' lives, loosely split by pre- and post-homicide charge that resulted in a life sentence. The first interview explored questions about participants' childhoods, family life, education, juvenile delinquency, life-crime, sentencing, transition to prison life, desistance, and survival in prison. The second interview consisted of questions about resentencing, reflections on victim impact, release, and transition to society. Each interview lasted between 90–160 minutes, was digitally recorded, and conducted with one or two interviewers present. The interviews were conducted in private meeting rooms. Researchers also collected basic demographic information from participants and compiled publicly available court documents and media pertaining to individual cases, when available.

Prior to the interview, each participant signed an informed consent document. Each received a \$35 gift card for the first interview and a \$40 gift card for the second, although some declined these incentives. All procedures

were approved by the Office of Research Protection for Human Subjects at the sponsoring institution.

C. Analysis

All interviews ($n = 20$) were transcribed verbatim by a professional service. The research team read and reviewed each transcript and compiled life history summaries for each participant, filling in gaps with participants' court records when necessary. Life histories and transcripts were then coded inductively with a focus on experiences behind bars involving the desistance process. After coding, the team constructed matrices to look across cases at timing of desistance, attributions of external and internal events that precipitated movement toward desistance, and the meaning that the participants ascribed to their own process. Common and divergent themes were identified and refined until we reached a conceptual model that fit all cases.⁵⁷ This technique is meant to go beyond merely listing or describing themes to arriving at a fuller conceptual model.⁵⁸

IV. RESULTS

All ten participants⁵⁹ had served life without the possibility of parole or an indeterminate life sentence for a homicide offense. Three participants were resentenced under Senate Bill 9, five under Senate Bill 260, and two under Senate Bill 261.⁶⁰ For all participants, their categorization as "youth offenders" by California state law made their cases eligible for review due to their age at conviction. All were successfully resentenced and then paroled after one or more attempts, meaning that they had proven to their sentencing judge and/or the parole board that they were rehabilitated and no longer a threat to society. As these men relayed, desistance by and large occurred prior to having any glimmer of hope for release, as these policy shifts were enacted often decades into their lengthy sentences.

57. MATTHEW B. MILES & A. MICHAEL HUBERMAN, *QUALITATIVE DATA ANALYSIS: AN EXPANDED SOURCEBOOK* 9 (1994).

58. Pat Bazeley, *Analysing Qualitative Data: More than 'Identifying Themes'*, 2 MALAY. J. QUALITATIVE RES. 6, 9–10 (2009).

59. See *infra* Table 3.

60. See *supra* Table 1 for a definition of each law.

TABLE 3: PATHWAYS TO DESISTANCE

Name	Pathway	Race	Age at Crime	Years Imprisoned	Release Law
Miguel	Immediate	Hispanic	17	21	S.B. 9
Allen	Immediate	White	17	25	S.B. 9
Bill	Immediate	White	20	44.5	S.B. 261
Darryl	Gradual	Black	17	32	S.B. 260
Julian	Gradual	Black	17	28	S.B. 260
Roberto	Gradual	Hispanic	17	32	S.B. 260
Hector	Gradual	Hispanic	16	22.5	S.B. 260
Christopher	Critical Event	Black	17	21	S.B. 9
Kent	Critical Event	White	17	30	S.B. 260
Oscar	Critical Event	Hispanic	20	34	S.B. 261

In this Part on our Results, we present the three observed pathways to desistance (gradual, non-linear; critical event; and immediate) and then relay the common themes and experiences of the sample as a whole.

A. Pathway 1 – Gradual, Non-Linear Desistance

“Everything was gradual, I was just a hard head, it takes me a long time you know to figure it out, to get out of my own way”

– Darryl

For four of the men in this study, desistance can best be characterized as gradual, non-linear, without containing a particular turning point. Darryl, Roberto, Hector, and Julian, all described a long arc of time that they took to contemplate their life goals, find glimmers of hope, and then reckon with their own victimization as well as the hurt and pain they caused others. Gradual,

non-linear desistance occurred in the context of multiple state prisons and cycles of violence, survival, and punishment.

1. Survival in Prison

Upon his homicide arrest at age seventeen, Darryl took a plea deal for twenty-five years to life. The day he turned eighteen he was transferred from the local juvenile hall to state prison, where he was quickly initiated into a Black prison gang. He described how a gang membership along racial lines was critical to survival in state prison: “You couldn’t be a lone wolf. Part of my survival was—even with the first staff assault, I was taught you don’t disrespect this race, that race, this way. Everything is race, even from the administration on down.” Within the first few weeks of his sentence, he earned “respect” by assaulting an officer, getting badly beaten by five officers in return, and being placed in solitary confinement. For Darryl, this was just part of a cycle of anger and self-destruction that he carried with him into the prison, as he explained: “When I went to jail, even though I got crossed, [by his fellow gang members] I was there already livin’ to die. It didn’t matter. Even when they gave me the time, it didn’t even hurt.”

Similarly, Roberto and Hector, both Hispanic and gang-involved during adolescence, immediately joined gangs upon their transfer to adult prison. Roberto described, similar to Darryl: “Man when you walk into that yard and you feel that tension—the Blacks are here; the whites are here; the Hispanics are here and the others are here—you automatically know where you belong and yeah, it is a choice, but it’s not.” For Hector, upon entry to prison, his first cellmate (an older lifer) stressed that his survival would depend upon his gang allegiance and abiding by the racial politics and segregation of the prison. Somewhat contradictorily, this cellmate also impressed upon Hector the importance of education in prison, telling him to always focus on reading and learning. Perhaps another aspect of survival, this allowed Hector to keep his mind occupied and exercise agency—however small—through his education. These dual messages spurred a long identity struggle for Hector, which largely characterized his nonlinear path toward desistance. Violent behavior and rule infractions led both of these men to be excluded from most rehabilitation or educational opportunities during the first decade or more of their time in prison. All of these experiences amounted to periods where both participants experienced an absence of hope and spiraling cycles of recklessness wherein they succumbed to the pressures of gang activity.

2. Anger

Julian’s background was quite different from the other three in this group in that his crime was not part of his former lifestyle, identity, or gang

membership. However, he was convicted of homicide at age seventeen, took a plea deal for an indeterminate life sentence, was placed at the state youth authority and then transferred to state prison. As a self-described loner who suffered from parental neglect, he didn't get into trouble while in prison but reported he felt that he belonged. He stated:

I finally found a place that—even from Juvenile Hall to the Youth Authority to even state prison, man, it's the most selfish, hateful environment ever, man, and I fit right in, man. I fit right in, man. I was one of those individuals. I was filled with all that *hate and anger* and all that stuff. It was a perfect environment. Everybody was the same. (emphasis added)

In this passage, Julian recognizes that although he had limited criminal history, his “hate and anger” allowed him to finally feel that he “fit in.” While not in a gang per se in the prison, he felt at home simply by being around the hatefulness that resulted from the pain of his own traumas.

3. Peeling Away the Calluses

Eventually for all four of these men, these cycles gave way to shedding the anger and their old way of being, finding moral, personal, or spiritual motivations for personal growth. This process occurred in different ways and at various times: for Darryl, with the help of a clinician who finally took him seriously; for Hector, through education and a victim impact group; for Roberto, by being moved to a prison with more opportunities for education; and for Julian, through educational degree programs and structured peer groups.

Hector described his change as a slow process and an internal tug of war, wherein he was one person on the yard—a gang member focused on moment to moment survival—and another in the classroom—an engaged student who thought about his future. He characterizes his change as “little by little” as he moved toward caring about something beyond immediate needs and gains:

I believe that I didn't care, and little by little I molded myself to be this person that didn't care about another human being. It was just me, and my gain, and my acceptance, my status. That actually blinded me, whatever I do, whoever I step on, I'm gonna do it as long as I get to that. Now, going back to what you're saying, as I did time in prison, little by little, I think what happened to me is little by little I started feeling different as far as people getting hurt. I believe to me I want to say it's more when I see my family, and I connect to them and knowing if somebody hurt them, how would I feel. When I started noticing my mom getting a little older, my heart opened up a little bit more I want to say. *My callus peeled off, so I started caring about people.* (emphasis added)

His shift away from his gang identity into what he describes as a caring person was largely paralleled by growing older. Julian's narrative also brought up the concept of maturation and starting to peel off the layers of self-protection, as, "I just got brave enough and just told my story or shared a little part, a little bit about myself, and shared a little bit more."

In sum, along a rocky road to adjustment to life in prison as a young man, survival and gang pressures, these men all described a slow process of shattering a cycle of destruction, setbacks due to survival, and change that had to start from within. The metaphor of pulling off a "callus," representing the pain and anger they had built over the years, had to be accomplished gradually in order for these men to care about their victims as well as themselves.

B. Pathway 2 – Critical Event

"In prison, you have to do what you gotta do to survive, and I had that attitude again, reinforced, until I had my wakeup call, and I realized that I have to do things different."

– Oscar

For Christopher, Kent, and Oscar, internal change was also gradual, but the cycles of anger and violence were starkly interrupted by a critical incident. These men were deeply entrenched in gang involvement and racialized prison politics, largely due to a need for survival and as an outlet for the anger they brought with them from childhood. Anger and recklessness resulted in many years of disciplinary action and little concrete evidence of rehabilitation prior to the critical incident that moved them out of this cycle.

Critical and influential events for this group occurred both inside and outside of prison walls. These events included witnessing senseless violence and struggles with mental health, as well as the death of loved ones. These internal and external events served as the impetus for a clear decision to shed their previous identities in favor of new ones. Critical incident desistance can in large part be characterized as a deliberate decision to change after many years of gradual moral growth, along the way experiencing setbacks into anger and denial, implicating the importance of the "turning point" in sparking clarity on the past and agency moving forward.

1. Solitude and Contemplation

For two of the men, critical incidents occurred in the security housing unit (SHU), after many years of seclusion from the general population. These men faced many years either alone or with one cellmate, confined to their cell for twenty-three hours a day. Both men whose critical incident(s) occurred while they were being held in the SHU experienced an episode of panic as a result, which triggered their introspection. For example, Oscar learned of the death of

his younger brother in the midst of serving an indeterminate SHU sentence for prison gang association. This death was the beginning of his desire to change, though he did not have access to any programming to bring his aspirations to fruition. Instead, he began correspondence with a therapist, which he believes aided in his moral development and reflection. A few years after the death of his brother (while still in the SHU, despite his efforts towards reform), Oscar experienced a panic attack. He characterized it as such:

All the sudden . . . my ear started ringing. I take my earphone off and it just starts getting louder and louder and louder. At that moment, I thought a moment of dread. I started feelin' like I was out of breath. I said, "I gotta get out of here" I thought I was havin' a panic attack. . . . It just clicked. "Man, somethin's gotta change. Man, I gotta get out of here. I gotta get out of here, man." It was that moment that—*that was my turning point, that, right there. My brother being murdered, my moment right there, that was my turning point. I said, "I can't do this no more."* (emphasis added)

After this incident and eleven years in the SHU, Oscar petitioned to have his designation as a prison gang member reexamined and was found inactive, meaning he was no longer considered an associate in a prison gang. Upon release to the general population, Oscar fully changed course for the next twenty years until his resentencing and release, with the exception of one minor rule violation during this time period.

Similarly, Kent experienced a deep moral shift while serving a term in the SHU. His critical moment stemmed from connecting a rape he witnessed as a youth in county jail with a tragedy he watched live on the news in the SHU. Connecting these two decade-apart critical incidents triggered an episode of panic, causing Kent to look critically at the disconnect between his perceived/desired character and his own violent actions. Upon this realization, Kent decided to reform his actions. He characterized this change as "trying to be a nice person. The best I knew how. I didn't know how, but I was trying to be a genuinely good person." Kent's focus on being "good," however, allowed him to segment his desistance, resulting in a commitment to positive interpersonal interactions but an avoidance of restraint from what he perceived as victimless forms of illegal activity, such as dealing drugs. Full desistance did not occur for Kent until he witnessed another lifer face a parole date revocation for similar conduct. At this point, Kent began to take moral issue with his own dealings in the underground economy, ultimately making the judgement that he would never be "good"—and therefore never be released—until he fully turned his life around.

2. Bottoming Out

Christopher's critical event was witnessing a stabbing in his cell roughly a decade into his sentence. He had been able to make sense of the previous violence he witnessed by largely believing it to be within the bounds of typical prison politics. This stabbing, however, was different for Christopher, as he recognized it as senseless violence—unjust even in the context of prison. This sent him into a deep depression, leading him to a suicide attempt. Christopher had experienced depression years earlier during his incarceration, however previously he had always been able to bring himself “out of it.” He understood this depression to be related to abuse and neglect he experienced as a child. Further, these childhood traumas were a factor that fueled his violent behavior up until the critical incident: “That’s how it is. Then you get to this stage, without dealing with all the trauma in your life, you prey on the younger people, and it just goes like that.” This most recent episode of depression, however, caused Christopher to begin thinking critically about the culture of violence within the prison more broadly. Finding this culture demoralizing, he decided he no longer wanted to participate in this toxicity. Ultimately, this reflection led to an internal moral shift.

In sum, locating desistance for these men was characterized by cycles of survival and violence that were disrupted by defining moments that the men described as propelling them to almost instantly cross over to a new mindset and identity. Each participant in this group recognized these critical incidents as pivotal in their moral development, helping them bring their desired self and identity in line with their current actions. Considering where these men began—all spending roughly a decade deeply entrenched in anger, violence, and gangs—their determination to shed this criminal identity is particularly remarkable, as it likely put them in danger with their prison gangs to do so. Further, it is noteworthy that Christopher, Oscar, and Kent all believed at the time of their critical incident(s) they would likely never be released, indicating that their behavioral shift was genuinely driven by an internal desire to be a virtuous, “good” person.

C. Pathway 3 – Immediate Desistance

“I said never again will you use these hands to do any harm to anyone. No longer will I ever spill any blood no more. . . . I’m just ready to do good now. And if I’m going to die, I’m going to die being a good person.”

– Miguel

In contrast to the other two pathways, three of the men went through a near immediate process of desistance that did not waver throughout their decades in prison. Two of these men, Miguel and Allen, had JLWOP sentences and were

among the first cases to be released on account of Senate Bill 9. Bill and his case were atypical due to his older age in the sample and having received the death penalty as an initial sentence in 1976. Three years after the sentence, a new law reverted his sentence to life with the possibility of parole, so he was transferred off of death row and into a general population. Despite facing the most extreme sentences, for different reasons, “criminal” was not an identity that any of these three men wanted to hold onto. Even in the stark absence of any hope, they sought to make the most of their lives in prison.

1. An Awakening

Miguel and Allen both vividly described where and when they considered how they wanted to lead their lives despite their life without parole sentence. Miguel said the gravity of the life sentence didn’t hit him until seven years into his prison life. Nevertheless, his awakening—as he describes it—occurred while he was in county jail awaiting trial. He said: “I felt like something had disconnected with my loyalty to my gang and friends, and I’m like, I threw everything away for this? Like, this is not what I want. I don’t want the rest of my life to be this.” He turned to Christianity at that time and found a larger spiritual purpose, remembering this thought process: “. . . this is where I’m going to die but like, I still remember, like I’m going to shine in this corner because God needs people to be this light in a dark place.”

For Allen, it was shortly after committing the homicide and even before his arrest that he realized that he wanted to lead a better life. He described his change as a moral awakening but not a religious or spiritual one, in the sense that he realized right away the gravity of his crime and committed himself to leading a better moral life, albeit one in prison. The following excerpt describes his immediate will to change:

Right after I committed my crime. Right after I found that [the victim] was killed by my hand, I broke down. I completely had this whole purging of all of the pent-up emotions that I had been dealing with all of my life. And knowing that I was now responsible for the death of another person. Right? I was now the perpetrator of that act, knowing what I had gone through with my father being killed. Right? . . . So, making that connection at that young of an age, I made a commitment to myself. Like, I don’t wanna hurt people. This isn’t who you are, as a person. I had this talk with myself. Right? “This is not who you are as a person. Find who you are and make a commitment not to hurt people.” So, that right there was a really good foundation that I could draw from through the years. Of reminding myself, don’t get involved in other people’s business. Don’t get involved in these other activities

that are gonna set me up for that.

Allen was not able to join educational programs due to his life without parole status; nevertheless, he worked on his moral self by educating himself. He stated: "I was voracious in my reading. I loved to read. So, I started developing an identity and principles and morals through the characters that were crawling across the pages of these books for me . . . I couldn't go to the classes because of my custody status." Miguel similarly was barred from formal classes but persisted in educating himself in philosophy and religion, which he attributes to his spiritual growth and development. Both of these men immediately sought whatever education they could find in order to pursue their moral and spiritual quests.

Bill, who is also unique in the sample in being openly gay and coming from a wealthy background, clung to his education, work ethic, and spirituality to find hope and purpose. He also kept to himself so as "not to make trouble." He suggested, "I had to learn how not to talk down to people or appear to talk down to people." He never considered himself a criminal or similar to other incarcerated people to begin with and avoided harassment by other inmates due to the reputation of his crime. In sum, he spent his near forty years in prison trying to maintain his hope, separating himself from others, and keeping himself educated.

2. Being Useful

Another common theme for the immediate desistance pathway was that they sought and maintained good standing with correctional officers and managed to avoid prison politics throughout their time in various prisons. All three were able to find meaningful work in prison and as they suggested, making themselves useful and of service to others got them out of prison politics. Allen used his humor to get out of sticky situations as he described: "So, I developed an ability. 'Cause as I was getting bullied in growing up, I developed an ability to talk my way out of things. And being able to joke and have this type of communication. And nobody wants to beat somebody up that's making them laugh." To avoid being part of racialized prison gang as a Latino man, Miguel spent large portions of time with "elders" and in the prison chapel, trying to learn everything he could about religion. Bill and Allen both sought out and attained jobs as a "clerk" shortly after prison elders told them that being a clerk was the best way to keep out of trouble and also made you "invaluable to everybody."

In sum, the immediate pathway was characterized by a wake-up call that occurred upon arrest and/or sentencing, full acceptance of responsibility for taking a life, and a desire to make meaning of a life behind bars by being useful to staff and fellow inmates. It is noteworthy that all three of the men in the

immediate pathway were united by having an extreme sentence (JLWOP or death penalty), a point we will address in the discussion.

D. *Common Themes*

1. Moral Reckoning

“Who is this person that has committed such an atrocious crime? That is now sitting before you looking in the mirror?’ Like, ‘Are you still that person?’ Or, ‘Why were you that person?’”

– Allen

As the quote above relays, all of the narratives converged with the theme of morally and spiritually reckoning with having taken a life or participating in an incident that resulted in a loss of life. While those in the gradual and critical incident pathways took longer to grapple with these more existential issues, they eventually reached a similar process of recognition of victim impact along with an understanding of the personal issues that brought them to not care about another person’s life (such as sexual abuse, physical abuse, neglect, foster care, and childhood trauma). The only exception to this moral reckoning was Oscar, who maintained that he did not commit the murder. Even still, he experienced moral transformation regarding his lifestyle and behavior in prison, rather than as a direct result of victim impact.

A core part of moral reckoning was coming to terms with victim and family member impact, including empathy, remorse, and responsibility. For example, participating in a victim impact group contributed to Hector’s moral shift, even though he fought this shift at first due to his competing need to maintain respect in prison. He stated: “It was not just one life. It was a big impact, you know, a big impact. Even just the people around when we committed the crime . . . when I started seeing that and I started seeing my mom come and visit me, it started hitting me.” Christopher likewise explained that taking responsibility for victim and survivor impact was the biggest step in his growth:

Then you have to ask yourself, at what points were you responsible now? Right? This hurts, this, this, and I go through that part, now and I see where I was responsible. I did this, I did that. I let them do this, I let this, I seen this. Then you heal from that. That’s the only way you’re gonna heal from that.

Part of this understanding was the realization that they were young at the time of the crime and needed time to mature in order to really face their actions. The men used phrases to refer to their past, younger selves such as “filled with anger,” “in a lot of pain,” “young and ignorant,” and “uncaring.” Roberto, for

example, talked about grappling with the crime by placing an emphasis on his youthfulness and recklessness at the time of the crime:

I realize the pain I caused this man's family. When you go through the—at first, I didn't understand. Back then, I was so angry, and I didn't care. Not until later did I start realizing the way I was. I was that angry young man that didn't care about nothing. Little by little, as that anger started—I started growing up, basically, matured, and I realized what I did.

As this quote conveys, an important part of this process was not only taking responsibility but being able to see that their previous self, the angry impulsive person, was no longer a core part of who they were now as an adult.

2. Finding Meaning

Finding meaning within the context of the prison was challenging given that most made a choice to desist from criminal identities and behaviors without hope for release. This meaning often came later—through the process of desistance itself. All ten participants identified strongly with their reformed selves, finding great meaning and purpose in knowing they had changed and were now able to contribute something to the world—even if that contribution was within the prison, such as mentoring younger prisoners or working in the law library. In addition to earning over twenty educational certificates, Julian, for example, made meaning by serving as an “informal mentor” to those who didn't want to get involved in prison politics or use drugs. He derived meaning from sharing his wisdom and feeling that “the guys can trust me.”

Participants reached this place of meaning and desire to give back through many venues, such as with religion and spirituality, education, and being of service to others. For example, Miguel and Allen both became active in creating and serving community within prison. This contributed to their ability to maintain a sense of purpose and locate meaning in the absence of any possibility for release. They both understood the prison environment as their home/life and made a conscious decision to invest in that environment, making it as fulfilling as possible. Allen recalled:

I can remember as the other juvenile LWOPs were a part of this community that we had built, would go to different lawyer meetings, or whatever. People would be waiting for them to come back. To absorb some of that hope that their lives maybe had meaning. And had worth.

Seemingly, their LWOP status informed their decisions to invest in their communities in a unique way, as they understood their roles within these communities as enduring.

3. From Hopelessness to Hope

Another major theme that united the men was a process of moving from hopelessness to hope. For the seven men with indeterminate life sentences, although the possibility of release was built into their sentence, the cycle of violence, survival, and anger eclipsed glimmers of hope—in some cases for decades. Many figured that they would die in prison even with the possibility of parole. Yet once they decided to engage in rehabilitation and other programming in the prison, they began to envision a possibility of life beyond the prison walls. For example, Darryl stated, “Even though I was there, and I was existing, once that lightbulb went off, I started thinkin’ about the process of gettin’ out. I started thinkin’ of scenarios and what I would do if I was out of here.”

For those with LWOP sentences, hope was often derived through external sources, such as the friends and family who did not give up on them, and the advocates that reached out to them during their sentences. It should be noted that the JLWOP bill (Senate Bill 9) was voted down in various forms for a number of years; however, participants’ advocates and lawyers kept them informed and stuck by them throughout the uphill battle. Referencing his first meeting with the lawyer working on Senate Bill 9, Allen talks about how his hopelessness turned into hope:

She [the lawyer] looked across the table from me. It was either our first or our second meeting. And she says, “I’m not gonna let you die in prison.” *That type of belief for somebody that has come to a terms of hopelessness, it’s meaningful.* And I think that that right there was the, and is, the missing component. It’s the missing component of most of the people in there. And taking that away from that meeting with her, *it was the spark to the fuel of the determination of not only believing that there was a possibility of rebirth, or birth.* But that there was a possibility to lend that same flame to others. So, from that moment on, *there was an added drive and determination to try to reduce the lack of hope, the pain and the suffering of the community that we had built.* (emphasis added)

Holding onto hope, Miguel, Christopher, and Allen all had to go through what seemed to be an arduous process of earning their release once Senate Bill 9 passed. As Miguel explained, even after he was successfully resentenced, he still had to go before a parole board and then wait another 120 days before being released. Despite encountering major stumbling blocks, these three men were infused with hope by lawyers and advocates who continually reassured them that they weren’t going to “die in prison.”

4. Proving Worth

A major component of the desistance process was a theme of “proving worth,” which was an internal and external process of believing and showing that one deserved their freedom. With the exception of three participants released under Senate Bill 9, all others faced rejections by the parole board numerous times before they were finally released. Despite the men having made and demonstrated conscious decisions to change, many struggled to convey this to the board. Kent stated: “The problem with that is, it took me a while to change, but it took me a while to learn how to convey that to ‘em. . . . I gotta prove to you that I changed, which is cool, but my actions speak for themselves.” Complicating this process, as Kent described here concerning “actions,” were the violations and write ups that had mounted over the years.

Moreover, most had limited access to formal resources to prepare for their board hearings, relying primarily on advice from other lifers. This often resulted in years of trial and error, with several failed board attempts. In between hearings, the men would study their board transcripts, analyzing where they went wrong and seeking alternate ways to convince the board of their worthiness. Roberto had eleven denied parole hearings before Senate Bills 260 and 261 paved the way for his resentencing and release. Even with prior denials and possibilities for parole being opened up with Senate Bill 260, Roberto observed, “I mean the [denials] brought me down a little bit. It didn’t discourage me because for the most part, like I mentioned before, it was inside me as doing the vocational program, the study and all that. That motivation came way before I started going to the board.”

Proving one’s worth before the board was complicated by the presence of victims’ families. Seemingly, it did not matter how effectively the men were able to communicate their worthiness if victims’ families were present. For example, all of Kent’s parole attempts were denied up until the victim’s family stopped attending the hearings.

I knew I was getting released whenever I came back and the victim’s family wasn’t there. . . . The victim’s family shows up a lot, a lot more than you think. It’s probably about equal actually. Could you, if you were a commissioner, could you in your right mind and heart tell somebody’s going home in front of the family?

With this added layer of complication and emotion, it was near impossible for the men to demonstrate their worth. The presence of the families shifted the focus of the hearing away from rehabilitation and maturation, which was supposed to be the *primary* concern of a Youth Offender Parole Hearing under Senate Bills 260 and 261.

Parole denials sent many to places of deep thought where they had to gather strength in the thought that they had done the work they needed to do for their release. When he was denied in his first Senate Bill 260 hearing, Kent agreed with the decision stating:

I knew I needed insight. I knew I needed insight and remorse and to find out why I did what I did. What I did is I, basically, started at the beginning, and I started at my childhood, and I relived it, and I thought about the reasons why I did what I did. You gotta dig deep. It hurts. It sucked, man. I was a blubbering idiot.

With these experiences of having parole denied, “proving worth” also had to come from within, developing a view of the self as having served their time, expressed remorse, and truly being worthy of freedom. Like desistance itself, this was not always a linear process.

V. DISCUSSION

In the wake of the *Miller* and *Graham* decisions, states are left now to create policies providing a meaningful path to reconsider extreme juvenile sentencing. These policies specifically concern mandatory JLWOP sentences but can also extend to JLWP, de-facto life, and “youth” over age eighteen, as evidenced by California’s array of youth sentencing laws passed since 2012.⁶¹ Researchers have amassed some data on this patchwork of state policies, including their slow and varied implementation patterns.⁶² Yet scant research has focused on those who have been released since *Miller* and who have spent the vast majority of their lives behind bars.

Our primary question driving this study was: *How does desistance occur among juvenile lifers in the context of growing up behind bars?* One of the major rationales behind *Miller* and ensuing state laws is that violent youth offenders are capable of rehabilitation and a second chance at free society.⁶³ While we certainly agree with this premise, we also realized that young people who have grown up behind bars have essentially been fully socialized as an adult within a prison in conditions that are often antithetical to such “rehabilitation.” Particularly once branded a “lifer,” programs geared toward

61. See *supra* Table 1.

62. CAMPAIGN FOR THE FAIR SENTENCING OF YOUTH, *supra* note 16, at 7; JOSHUA ROVNER, THE SENTENCING PROJECT, SLOW TO ACT: STATE RESPONSES TO 2012 SUPREME COURT MANDATE ON LIFE WITHOUT PAROLE 3–4 (2014), <https://www.sentencingproject.org/publications/slow-to-act-state-responses-to-2012-supreme-court-mandate-on-life-without-parole/> [https://perma.cc/6ZTX-JTMJ].

63. *Miller v. Alabama*, 567 U.S. 460, 478–79 (2012).

rehabilitation are often restricted.⁶⁴ Indeed, the major tenets of desistance theories suggest that maturation, adult roles and responsibilities, identity shifts, and hooks for change can all contribute to desistance for youth with histories of violent offending.⁶⁵ However, the literature on desistance often includes samples of young people who have reentered society at some point, leaving a research gap on youth who have spent decades imprisoned.⁶⁶

The first finding from this study is that desistance occurred according to three different pathways (gradual, non-linear; critical event; and immediate). Although all of these men experienced violent and racially divided prison contexts and difficult conditions, their narratives showcased different timings and pathways to change. For example, while those in the gradual pathway did not identify any specific catalyst for change, those in the other two pathways were motivated either by their arrest/sentence or an event that occurred often decades into their time in prison. Moreover, those in the gradual and critical incident pathways often spent many years in cycles of violence, anger, and criminality, while those in the immediate pathway managed to circumvent those influences, even while being in many of the same prisons.

These differences in pathways are not entirely surprising, as narrative desistance research has found that patterns and timings of desistance among youth are quite varied and non-linear.⁶⁷ However, it is notable that those with immediate desistance, and who claimed the most “agency” from the start were faced with the most extreme sentences (LWOP and the death penalty). The only exception to this pattern was Christopher who had an LWOP sentence yet fell into cycles of violence and self-destruction that were very similar to those with LWP sentences. Whether or not this pattern of “immediate desistance” is related to facing an extreme sentence or rather characteristics of these individuals is unknown. However, it is interesting and worthy of future study that those with seemingly the least hope expressed the most agency, faith, and will to desist even before being sent to their lives in prison.

The second major finding is that all participants converged in regard to the major themes of moral reckoning, making meaning, finding hope, and proving worth. Getting to the point of reckoning with the crime appeared to entail a blend of maturation as well as major internal contemplation, all while having scant hope for release and experiences of parole denials and other setbacks. These findings lend support to the notion that desistance, at least for those in

64. NELLIS, *supra* note 42, at 23.

65. Giordano, Cernkovich, & Rudolph, *supra* note 36, at 991–92; Paterline & Orr, *supra* note 40, at 76.

66. See e.g., Sampson & Laub, *supra* note 34, at 306; Giordano, Cernkovich, & Rudolph, *supra* note 36, at 991–93; MARUNA, *supra* note 37, at 10.

67. ABRAMS & TERRY, *supra* note 38, at 205; MARUNA, *supra* note 37, at 7–8.

harsh conditions, is in many ways more of an internal process than an external one. In other words, desistance did occur with maturation (albeit sometimes well into the thirties), yet without the presence of many opportunities to fulfill adult roles and responsibilities or with external hooks for change. Without abundant external reinforcements, narratives were consistent that internal process of taking responsibility for the pain they caused others and reckoning with the past, including personal traumas, was a critical part of self-transformation. Moreover, the spiritual and moral transformation that many described emerged without the assistance of structured programs, and instead through a connection they forged with prison peers, focused self-contemplation, and a will to make a better life. These themes are similar to other research on life imprisonment that finds faith and moral development to be a consistent growth experience.⁶⁸

It is also important to note that all of these men had to first earn their standing in the prison over the course of many years in order to enroll in rehabilitation programs. Education, religion, and victim impact programs all had a potent effect on facilitating long lasting desistance but were withheld for major periods of time on account of their sentence, prison yard interactions, and often, behavior. It is conceivable that many could have reached the second part of the journey (hope, meaning, and moral reckoning) even earlier with the help of those supports that they were systematically denied. Thus, one practical implication of this study is that in order to prepare youth convicted of violent felonies for parole and/or release, these programs ought to be accessible far earlier in the imprisonment process.

Moreover, the three patterns of desistance and themes that we identified may be unique to this rare sample of imprisoned men with life sentences for crimes committed as youth. However, they do provide optimism that desistance for young people convicted of homicide is entirely possible, even within conditions that are highly antithetical to desistance and in very early stages of imprisonment (such as, in the cases of the immediate pathway). These means that resentencing policies can be attuned to individuals and their unique abilities to change, which may occur even earlier than the twenty-five year minimum time served that states such as California have imposed as mandatory prior to case review.⁶⁹ In addition, these resentencing laws can and should take into account those impacted by life sentences beyond JLWOP.

68. Crewe, Hulley, & Wright, *supra* note 48, at 528, 534.

69. *See supra* Table 1.

A. *Limitations*

This is an exploratory qualitative study that is limited by the nature of the design and sample. While we initially sought to recruit a full sample of resentenced JLWOP (Senate Bill 9) cases, we had to broaden our criteria due to limited numbers of released cases. This means that the sample is too small to fully understand what patterns in the data may be attributed to different sentences (JLWP vs. JLWOP); or due to being under or over eighteen at the time of the crime. Moreover, since all members of the sample were recruited following sentences in California, they shared similar experiences in the prison system (e.g., violence, prison gangs, many moves among prisons). It is unknown if prisons in other contexts are similar in their degree of violence, gangs, and prison rehabilitation offerings. In sum, the findings ought to be interpreted as an exploratory study with theories and findings that ought to be built upon in future research.

VI. CONCLUSION

In conclusion, this exploratory study sought to understand how young people growing up behind bars could locate desistance in conditions that are theoretically antithetical to moving away from criminal thoughts and behaviors. We found that despite the odds, and without a great deal of formal rehabilitation in the earlier part of their sentences, these men all carved out pathways for personal change that eventually allowed them to be released to free society. As the United States struggles with the dire consequences of mass incarceration, it is notable that 5.7% of those currently serving life sentences were minors at the time of the crime and hence may become eligible for case review.⁷⁰ This study provides evidence, albeit not conclusive, that extreme sentences for youth convicted of homicide do not preclude rehabilitation; and moreover, that those in similar circumstances are likely worthy of consideration for resentencing. Longitudinal studies will be needed to track how these individuals fare in the months and years following their release. Nevertheless, it is remarkable that with limited possibilities for change, pathways to desistance are possible.

70. NELLIS, *supra* note 1, at 16.