

10.9: Returning to Rehabilitation in the Contemporary Juvenile Justice System

Empirical research drives recent reform efforts. The past decade has witnessed the identification of key developmental processes associated with delinquent behavior, such as brain development research. Ergo, **evidence-based practices**, which utilize the scientific method to assess the effectiveness of interventions, policies, and programs. In looking at what works, what doesn't, and what is promising, researchers and policymakers alike assess the implementation of interventions to best meet the needs of the individual youth.

Additionally, several noteworthy Supreme Court cases exemplify society's evolving standards of decency and the treatment of youth. These key cases demonstrate a move back to rehabilitation and acknowledge the fundamental differences between children and adults.

Key Supreme Court Cases

Roper v Simmons (2005)

In 2005, a landmark decision by the Supreme Court ruled it unconstitutional to impose a death penalty sentence on any youth who was under the age of 18 when they committed their offense (*Roper v. Simmons*). Although Christopher Simmons planned and committed a capital offense (he murdered his neighbor, Shirley Cook), the court ruled that 18 years of age is where criminal responsibility should rest. That is to say, if a child is too young to vote, sign contracts, or do a number of other things (because society deems them not responsible enough), then they are too young to receive the death penalty. The court stated, "the evolving standards of decency that mark the progress of a maturing society" to determine which punishments are so disproportionate as to be "cruel and unusual." Simmons received life in prison. It was ruled that imposing the death penalty on a person who was under the age of 18 at the time of the crime constituted cruel and unusual punishment. At the time of the *Roper v Simmons* verdict, the U.S. was only one out of a handful of countries that still imposed the death penalty on juveniles (among other countries were Yemen, Saudi Arabia, and Iran).

Graham v Florida (2010)

While the death penalty was taken off the table for youth under the age of 18, they were instead being sentenced to **life in prison without the possibility of parole (LWOP)**. This was until the 2010 case of *Graham v. Florida*. Terrance Graham received life in prison for a felony offense (armed burglary) when he was only 16 years old. Since Florida does not have parole, his sentence de facto became a life without the possibility of parole. The Supreme Court heard his case and ruled that it was unconstitutional to sentence a minor to life without the possibility of parole for a non-homicide offense.

Miller v Alabama (2012)

Two years later, juvenile law again rested in the hands of the Supreme Court. Even though *Graham v. Florida* abolished life without the possibility of parole for non-homicide offenses, youth under the age of 18 were still receiving that sentence for crimes of murder. In 2012, Evan Miller was 14 years old when he killed his neighbor by severely beating him with a baseball bat while attempting to rob him. With contemporary research about brain formation and juvenile culpability, the Supreme Court ruled that youth are not as responsible as adults for their actions because their brains have not fully formed. In the majority opinion, Justice [Elena Kagan](#) wrote that "mandatory life without parole for those under age of 18 at the time of their crime violates the [8th Amendment's](#) prohibition on [cruel and unusual punishments](#)." "Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features – among them, immaturity, impetuosity, and failure to appreciate risks and consequences," Justice Kagan said. "It prevents taking into account the family and home environment that surrounds him – and from which he cannot usually extricate himself – no matter how brutal or dysfunctional."

This seemed like a huge win for juvenile justice reformers. Juveniles could no longer receive the death penalty, life without parole for non-homicide, nor mandatory life without parole for homicide. However, there were still so many people serving LWOP sentences who were juveniles when they committed their crime.

Montgomery v Louisiana (2016)

In 2016, the Supreme Court heard the case of Henry Montgomery, who was 17 years old in 1963 when killed a sheriff's deputy. He initially received a death sentence, but this was overturned because of the racial tension of the time (Montgomery was black youth who killed a white law enforcement officer.) He instead received a life sentence and appealed this sentence after the *Miller v. Alabama* ruling. *Montgomery v. Alabama* barred mandatory life without parole sentences retroactively. This meant that all youth sentenced prior to 2012 with LWOP sentences needed to be retried.

These four major Supreme Court cases identify the differences between adults and juveniles. They recognize the difference in brain formation and culpability, owning the ability for rehabilitation of youth and moving step by step away from a retribution/punishment model for youth.

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