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Supreme Court moves in the right direction on juvenile sentence

It bans life without parole for crimes short of murder. By doing so, the Supreme Court confirms that youths do not think or behave like adults, and should not be treated like adults under the law.

By the Monitor's Editorial Board

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The Supreme Court took a welcome step Monday when it banned life-without-parole sentences for juveniles convicted of crimes short of murder. The 5-to-4 ruling acknowledges the growing scientific and legal recognition that youths are not simply small adults, and therefore should not be treated like adults under the law.

The ruling also gives juvenile offenders with such a harsh sentence incentive for reform – and thus hope for freedom – during their lifetimes. This has a larger and constructive implication for states: They should focus more on rehabilitation even as budgets push them to cut such efforts and despite a trend to prosecute more juvenile offenders in adult court.

Studies show that teen criminals in community-based programs with caring adults who help train and reform them have a lower rate of returning to crime and also cost taxpayers less than those incarcerated in traditional institutions.

This decision comes five years after the high court overturned the death penalty for those under 18, ruling that immaturity made them less culpable than adults for similar crimes.

This week's ruling overturned the life-without-parole sentence for Floridian Terrance Graham, who, at 16, helped rob a restaurant and, when he was 17, participated in a home invasion robbery. The majority opinion, written by "swing vote" Justice Anthony Kennedy, drew heavily on the 2005 death penalty case, reiterating that there are "fundamental differences between juvenile and adult minds."

Scientific studies show youths are less able to assess risk, control impulses, and process consequences. That makes traditional penal theory – such as retribution and deterrence – "not adequate" to justify life without parole for youths committing nonhomicide crimes, wrote Justice Kennedy.

Juveniles are also more capable of change, Kennedy reasoned. Cutting off that possibility amounts to cruel and unusual punishment, violating the Constitution's Eighth Amendment. "A life without parole improperly denies the juvenile offender a chance to demonstrate growth and maturity," stated Kennedy.

The majority, however, allowed that a state need not guarantee eventual freedom. The possibility still stands that a juvenile may spend a lifetime in prison, but a state must first offer "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

But how to define meaningful? Or demonstrated maturity? And over how many years? The court didn't say, and therein lies the potential for much litigation from inmates who might now argue that sentences for their crimes committed as juveniles are so long that they amount to cruel and unusual punishment.

State legislatures and judges will have to answer these questions, as well as other ones that loom on the horizon. For instance, the ruling preserves homicide as a juvenile crime punishable by life without parole. But if minors as a category are less culpable for their crimes, then does that not make them less culpable for murder as well?

The Supreme Court has drawn a line distinguishing homicide from other violent crimes, and this ruling respects that. But what about a felony murder, in which a juvenile commits a felony in which a homicide occurs, and is then convicted of that murder even though it was carried out by someone else? Kennedy seemed to leave the door open for such a review.

A potentially larger question is this: Will society eventually reconsider the definition of a juvenile? The court put much stock in society's view of life-without-parole as "rare" – borne out in the fact that only 11 states have handed out such sentences to juveniles, while 37 states, the District of Columbia, and the federal government have them on the books. Scientific studies, however, now indicate that the brain does not fully mature until people reach their mid-20s. Will society buy that definition? Will the courts?

As often happens with landmark decisions, this one raises other issues. But it also serves to solidify an important understanding: Youths think and behave differently from adults, and therefore require different treatment.

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