

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/scotus-mandatory-life-without-parole-for-juveniles-unconstitutional>

Public Facing Advocacy Writing

On June 25, the U.S. Supreme Court handed down [a decision](#) that held mandatory sentences of life without the possibility of parole for juveniles unconstitutional. Prior to this decision, judges in 28 states (and federal judges) were statutorily prohibited from considering mitigating factors such as family background, histories of abuse and neglect, and severe emotional disturbance in determining a sentence for a juvenile offender convicted of homicide. According to the Court, these mandatory sentences violate the Eighth Amendment, which protects people from disproportionate and excessive punishment.

Evan Miller, one of the petitioners in [Miller v. Alabama](#), was 14 at the time of his offense and had been in and out of foster care because his parents were drug-addicted and abusive. Evan had attempted suicide four times, beginning when he was six years old. In the case of [Jackson v. Hobbes](#), Kuntrell Jackson, also 14 at the time of his offense, did not shoot the gun that killed the victim during a video store robbery in Arkansas and was not even aware that his accomplice was carrying a gun until the offense was underway. Because of state legislation, the judge had no choice but to sentence Evan and Kuntrell to die in prison.

The *Miller v. Alabama* decision essentially returns discretionary authority to the judge in determining whether life without parole is an appropriate sentence for a juvenile convicted of homicide. While advocates consider this decision an important step in the right direction, Miller does not mark the end of juvenile life without parole. The decision merely requires the sentencer to take into account how children are different but acknowledges the hope that these sentences will be uncommon. Despite national trends toward a more rehabilitative model of juvenile justice, the United States remains the only country that sentences youth to life imprisonment without the possibility of release. More than 2,500 people are currently serving life sentences for crimes they committed as juveniles, some when they were as young as 11. Approximately 80 percent of them were sentenced under mandatory sentencing schemes that preclude the judge from imposing more lenient sentences.

The Court drew on prior rulings invalidating death penalty sentences for juveniles ([Roper v. Simmons](#)) and prohibiting life without parole for non-homicide offenses ([Graham v. Florida](#)) in their holding that juveniles are constitutionally different from adults for the purposes of sentencing. Justice Elena Kagan, writing for the five-justice majority, reasoned that children are more vulnerable to negative influences and outside pressures and they lack the ability to extricate themselves from horrific, crime-producing settings. Kagan cited [many scientific studies](#), including those relied upon in the Courts opinions in *Roper* and *Graham*, to support the position that adolescent brains are less able to control behavior and assess consequences. She stated that because of this developmental difference, these behavioral deficiencies can likely be reformed and thus, a life-without-parole sentence forswears altogether the rehabilitative ideal.

The *Miller* decision underscores a growing consensus among policy makers and practitioners disfavoring a harsh, punitive scheme that fails to take account of the unique characteristics of adolescents. Across the country, juvenile justice systems are adapting to acknowledge the findings that harsh punishments do little to rehabilitate youth or heal communities. In fact, [research](#) shows that youth deteriorate in correctional environments and that only a relatively small proportion of youthful offenders develop a proclivity toward ongoing criminal behavior if the intervention is early and rehabilitative in nature.

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