

## The Nature of Juvenile Sentencing in the United States

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The constitutionality of sentencing for minors has evolved significantly over time with the enhancement of legal and scientific understandings of juvenile development. The Supreme Court's landmark decision in *Miller v. Alabama* (2012) completely transformed the nature of juvenile sentencing, ruling that the mandatory life sentences without parole for juveniles violated the Eighth Amendment's prohibition of cruel and unusual punishment. This ruling significantly altered juvenile sentencing, which had previously allowed juveniles to die in prison. The current legislation surrounding parole for minors takes on a more individualized approach, considering factors like age, mental state, circumstances, and their potential for rehabilitation. While some critics of these policies are in favor of harsher sentences, there is a trend in Supreme Court decisions similar to *Miller v. Alabama* that suggests that the U.S. is looking to protect juveniles from unfair punishment.

Historically, juveniles have been sentenced to severe punishments for their crimes, including life without parole. Prior to the landmark Supreme Court Case *Roper v. Simmons* (2005), the legal system sentenced juveniles similarly to the way that adults were, particularly for crimes such as murder. In the case of *Stanford v. Kentucky*, the court upheld the constitutionality of the death penalty for minors. It was widely believed that juveniles are mature enough at the age of 16 or 17 to grasp the consequences of their actions. However, in *Roper v. Simmons*, Christopher Simmons, a 17-year-old boy, was convicted of murder and sentenced to death. In this Supreme Court Case, the United States considered the ruling of *Atkins v. Virginia*, which stated that sentencing the mentally ill to death is a "cruel and unusual punishment" that violates the 8th Amendment. Thus, in line with the reasoning of this case, the court reconsidered

Simmons' case. It was ruled that the death penalty is unconstitutional for individuals under the age of 18. The court cited research that emphasized the fact that juveniles aren't fully developed yet and are susceptible to peer pressure. A juvenile's age also provides leeway in the future for rehabilitation. Thus, juveniles are less culpable than adults in crimes, so they should not be treated the same way. As a result, this landmark case set the precedent for following cases that juveniles could not face the same level of accountability as adults.

The shift towards more lenient sentencing was further advanced by the case *Graham v. Florida* (2010). In this case, 16-year-old Terrence Graham was charged with armed burglary and attempted armed robbery. After serving a 12-month sentence, he was convicted of armed home robbery; he was sentenced to life in prison without parole. In his appeal, it was argued that life without parole for a juvenile violated the Eighth Amendment since it constituted cruel punishment. In the end, the Supreme Court ruled that juveniles convicted of non-homicide crimes could not be sentenced to life without parole. This decision reinforced the notion that juveniles possess the capacity for change. It was emphasized that juveniles should not be deprived of the opportunity for rehabilitation. This ruling was further developed in the decision made in *Miller v. Alabama* (2012). In this case, it was decided that mandatory LWOP sentences were fundamentally unconstitutional for individuals under the age of 18. This marked a significant shift in the legal landscape for juvenile sentencing, highlighting the Court's commitment to ensuring that juveniles are not unreasonably punished without considering their capability for change. This is precisely why, later in *Montgomery v. Louisiana* (2016), the Supreme Court enforced these rulings by retroactively applying *Miller v. Alabama*. Over 2,600 individuals who had been sentenced to LWOP could now reappeal and obtain their freedom. This

ruling marked a significant expansion of legal protections for juveniles, which reflected a growing understanding of juvenile culpability.

Despite the Supreme Court's shift to a more lenient sentencing system for juveniles, there are still debates over this controversial issue. In fact, as many as thirty states still allow life without parole as a sentencing option for juveniles. Many state legislatures continue to impose harsh sentencing rules to limit the impact of these rulings. For example, courts have replaced LWOP with long-term sentences of 50-60 years, which still offer little hope to the juveniles for rehabilitation or release. This would make it nearly impossible for juveniles to reintegrate into society at a reasonable age. However, some do believe that it is important to implement harsh sentences that will demonstrate the brute force and power of the U.S, while making sure to promote public welfare. Yet, on an international level, the U.S. has a comparatively harsher stance on this subject in criminal justice. The United States Convention on the Rights of the Child (UNCRC), which numerous countries, excluding the United States, have signed, explicitly prohibits life sentences without parole for juveniles. The United Nations condemned life without parole for juveniles as a denial of basic human rights. Specifically, many European and Latin American countries focus entirely on rehabilitation and reintegration into society. The fact that the U.S. still continues to sentence juveniles with LWOP even after such landmark cases demonstrates its harsh stance on the topic. While some believe that the cruelty of this sentence will help to promote public safety, it is also important to consider the cost of this form of punishment. Housing prisoners for decades upon decades would cost taxpayers millions of dollars, and even more as these individuals age with time and require more aid. Rehabilitation programs may be more lenient than some would prefer, but it is undeniably more cost-effective and considerate of a juvenile's level of maturity.

Another critical issue that must be addressed in juvenile sentencing is the racial and socioeconomic disparities involved in the sentencing. Studies have consistently indicated that both African American and Latino individuals are likely to experience harsher sentencing, especially in comparison to their white-counterparts. This disparity reflects the systemic biases in the criminal justice system. The Supreme Court's ruling in cases like *Graham v. Florida* and *Miller v. Alabama* may aim to create a fairer system, but they do not entirely address racial disparities. Legislation that seeks to eliminate harsh sentencing should ensure that it considers systemic inequalities in order to address all minors.

A challenge that is faced in juvenile sentencing is the lack of a uniform juvenile justice system. While some states have entirely moved away from harsh juvenile sentencing following the aforementioned landmark cases, others still have prosecutors who bear the authority to charge minors in adult court. Some states have enacted "direct file" laws that allow prosecutors to completely bypass the juvenile court system and charge minors as adults. This marks a significant disparity in juvenile sentencing. In one state, a juvenile may receive a comparatively more lenient punishment than in another state for committing the exact same offense. The Supreme Court has yet to set clear guidelines that will prevent inconsistent sentencing outcomes. The lack of national standards on this issue only further complicates the efforts to create a fair juvenile justice system.

Victim rights advocacy also plays an important role in shaping the policies that govern juvenile sentencing. While juvenile sentencing reform has evolved significantly in the last couple of decades, some victim advocacy groups argue that sentence reductions and parole opportunities diminish the suffering of victims' families. Many victims advocate for the harshest sentencing possible for an offender, hoping to minimize the crime committed. This has led to opposition

from lawmakers who believe that leniency undermines justice. However, research also suggests that extreme sentencing may not be as beneficial as it may seem. While an extreme sentence demonstrates the power of the Supreme Court, it does not serve public safety as much as it seems to. Neuroscientific and psychological research consistently suggests the fact that juvenile brains are not developed in areas like the frontal cortex, an area related to impulse control and risk assessment. Unlike adults, juvenile defenders are far more likely to make irrational decisions based on peer pressure or emotion. Considering this, it doesn't make sense for LWOP to dramatically decrease youth crime. Youth crime is predominantly driven by a juvenile's inability to properly weigh future punishment before acting. Instead, sentencing should be considered a rehabilitative intervention and community-based programs that will help the juvenile's mind to learn and mature.

While the Supreme Court has made significant strides in recognizing and adapting to the immaturity of juveniles in sentencing, the determination of whether or not a juvenile was rational in their decisions and has the competency to face sentencing is still widely regarded as a subjective decision. A juvenile's mental health and intellectual capacity must be fully evaluated to ensure both fair sentencing and that they truly understand the charges they are faced with. In many cases, a juvenile may not fully grasp the complexity of their situation due to cognitive impairments, trauma, etc. Thus, a juvenile may not be able to properly defend themselves in court.

The United States has come a long way when it comes to juvenile sentencing. The transformation in juvenile sentencing better reflects the modern understanding of how minors develop. Landmark Supreme Court cases such as *Miller v. Alabama*, *Roper v. Simmons*, and *Graham v. Florida* have helped to shift the focus from harsh sentences to more rehabilitative

ones. This shift in sentencing means that juveniles are now widely granted the chance for growth and change. However, there are still many critics of this lenient form of juvenile sentences.

States continue to impose harsh sentences even after landmark Supreme Court rulings. Issues like racial bias and inconsistent laws plague the justice system and make the system even more unfair for minors. Despite this, it is clear that the justice system is moving towards a fair and lenient approach when it comes to sentencing juveniles who have committed severe crimes.

Ultimately, the goal should be to help young offenders learn from their actions and reintegrate into society, so that they can hopefully contribute positively to it in the future.

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