An Introduction to the Special Issue on the Death Penalty Among Teen-Aged Offenders

Robert A. Leark¹

Published online: 9 April 2021

© American Academy of Pediatric Neuropsychology 2021

Welcome to this special edition of the *Journal of Pediatric Neuropsychology*, the journal of the American Academy of Pediatric Neuropsychology (AAPdN). As the current President of the AAPdN, I encourage you to visit our website at theaapdn.org where you will find information for membership, board certification, and other documents related to the topic of this special issue.

Since the reinstitution of the death penalty in the USA (*Gregg v. Georgia*, 1976), the Supreme Court of the United States (SCOTUS) has delineated limitations or restrictions to impose on the class of individuals who could receive the ultimate penalty. The imposed penalty, widely accepted as the ultimate expression of the authority of the state (i.e., the taking of your life), could be applied providing there were safeguards to prevent arbitrariness and capriciousness. The death penalty for juveniles has also undergone evolution within the courts, and from 1973 to 2005, there were 227 death sentences imposed on juveniles, only 22 resulted in execution (del Carmen et al., 2008). The Court has sought to apply evolving standards of decency to such decisions.

Drs. Robert J. McCaffrey and Cecil Reynolds provide an introduction to the current issues related to the application of the death penalty to late adolescent class, i.e., those ages 18 years through 20 years. They provide an eloquent description of the intersection of law and neuroscience apparent within the decision-making process of the Courts. They provide a succinct review of psychometrics of the data demonstrating continuous development of executive functions through mid-twenties. An explanation of the statistical results are integrated with current findings from brain imaging and brain scanning data. This is

followed by an introduction to the changes in federal and state laws regarding various restrictions upon juveniles. From the neurosciences to the law, attorney Karen Steele brings forth legal case law and social issues relevant to modern death penalty law, and discusses why developmental neuroscience is so important to the issues.

The data from the neuropsychological measures leads directly to the results from large-scale studies of brain maturation. Erin Bigler and Ruben Gur, in separate articles, provide complimentary summaries of 3 decades of magnetic resonance imaging and related anatomical and physiological research that demonstrate continuous maturation of brain structure and function. They detail MRI and diffuse tensor imaging (DTI) research to show how juvenile and late adolescent brain maturation is continuous from cellular histology to full frontal lobe development. These data clearly show the relationships between brain maturation and complex human behavior and provides an important link and argument asserting brain immaturity is associated with immature behavior, impulsivity, and impetuosity, which impact the degrees of criminal culpability. Their overview is followed by a presentation by Horton and Reynolds of statistical modeling data demonstrating rather remarkable data curvature extending data points of developing executive functioning within juveniles through their mid-twenties. This data is substantive in statistical acumen with multiple graphs providing explanation for demonstrating the continuing brain growth.

Attorney Alex Meggitt summarizes the laws and codes creating restrictions of privileges of persons through age 21 over the last decades. These laws restrict those individuals whose brains remain immature as a protection from the harm derived from impulsivity and impetuosity of that immaturity as well as provide protections for society at large regarding their ability to perform certain jobs where their immaturity might make them an inadvertent danger to others. Yet, they remain unprotected from the ultimate penalty for their immature, unreliable

✉ Robert A. Leark
rleark@yahoo.com

¹ American Academy of Pediatric Neuropsychology, La Jolla, San Diego, CA 92037, USA

decision-making, the death penalty, which is to be reserved for the unredeemable, the worst of the worst, yet members of the late adolescent class cannot be reliably predicted to belong to any such class of offenders.

We provide this special edition to prompt discussion and promote a change in consensus, regarding the death penalty as applied to members of the late adolescent class, ages 18 through 20 years. It is our intent to bring forth the summaries of scholars and researchers from neurosciences and the law.

As guest editor and President of AAPdN, I thank the authors for their generous time and efforts to bring forth these scholarly articles. Your efforts are appreciated by

the readers, professionals, and by those whose lives may well be impacted by application of the ultimate sentence in the courts.

Reference

del Carmen, R. V., Vollum, S., Dial, K. C., Frantzen, D., & Miguel, C. S. (2008). *The Death Penalty. Constitutional Issues, Commentaries and Case Briefs*. LexisNexis.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.