
Adolescence Squared

WHY ARE KIDS WHO KILL DIFFERENT?

This chapter outlines how the Supreme Court ruling in *Miller v. Alabama* in 2013 (and the follow-up decisions that made this ruling universally retroactive) changed the lives of juvenile murderers originally sentenced to life without the possibility of parole. I also look at how it changed my own life.

COOK COUNTY COURT, CHICAGO, ILLINOIS: Two decades ago, seventeen-year-old Javell Ivory, fifteen-year-old Darnell Foxx, and two other members of a gang called the Mafia Insane Vice Lords stole a van to transport them on a mission of retaliation. Days earlier, a member of their gang had been shot by their archenemies—the Gangster Disciples—who controlled the adjacent territory. Now it was time to restore the balance of power, avenge their loss, and uphold their honor. The four “soldiers” carried three weapons among them on their mission—two pistols and a semiautomatic rifle. Crossing Cicero Avenue on Chicago’s South Side, they entered into “enemy territory” and zeroed in on a gas station, where they identified someone they *thought* was an appropriate target: twenty-one-year-old Joshua Thomas (who, it was later reported, was not a member of the rival gang). While Javell (who was carrying a .22 caliber pistol) sat in the van, both Darnell and one of the other “soldiers” opened fire in classic drive-by-shooting style. Joshua Thomas was killed in a hail of bullets, but he was not the only victim. Standing next to him was twenty-four-year-old Salada Smith, six months pregnant with her second child. She, too, was killed in the fusillade. Two other innocent bystanders, both male, were also hit but survived. Thus, as is sometimes the case in such attacks, the “collateral damage” exceeded the “intended damage.” Within days, Javell and his three companions were identified and arrested. They soon confessed. Javell was tried for murder, despite the fact that he did not fire a shot in the fatal attack, under the legal principle of “felony murder” (which

considers everyone involved in a felony in which homicide occurs accountable for the crime and guilty of murder, regardless of whether they wielded the weapon). Under the law in effect at the time, although they were juveniles, Javell and Darnell received mandatory sentences of life without the possibility of parole. Now, two decades later, both of them sat in a courtroom in the Cook County Courthouse for a resentencing hearing. They hoped for a decision that would open the prison door for eventual release if presiding judge James Obbish imposed a limited number of years, rather than the existing sentence that would have them dying in prison.

I have served as a psychological expert witness in murder cases since 1994, focusing on issues of child and adolescent development (as chronicled in my 1999 book *Lost Boys* and my 2015 book *Listening to Killers*). As a result, I was asked to serve as a psychological expert witness for Javell Ivory. In court on May 24, 2016, my testimony focused on the immature brains and behavior of juveniles, the power of peer influence on teenagers, the destructive impact of growing up in a socially toxic family and community environment, *and* the reality of rehabilitation and transformation that exist in the minds and hearts of adolescent killers despite the severity of the crimes they commit. I prepared a twenty-four-page, single-spaced report, in which I laid out a developmental analysis of the life that brought Javell to that terrible day in 1997. This analysis included his experience with childhood trauma in an urban “war zone,” the effects of that experience on his judgment and feelings (what I called the “war zone mentality”), and the larger picture of abuse, neglect, social deprivation, drug abuse, and crime that shaped his life. I also laid out the evidence that he had become rehabilitated and transformed during his twenty years in prison. I summarized my conclusions in this way:

All of these factors must be understood in the context of him being a seventeen-year-old adolescent from a traumatic and unsupportive social environment when he committed the crime for which he is being sentenced, and thus plagued by the kind of developmental immaturity characteristic of teenagers in general, and most especially of teenagers with traumatic histories. . . . What is more, he exemplifies the principle that because of the “malleability” of even adult brains, there are possibilities for rehabilitation inherent in juveniles, even juveniles with traumatic life experiences and who grew up in social environments loaded with trauma and antisocial influences.

It worked. Here’s how the *Chicago Tribune* reported on the resentencing decision handed down by Judge Obbish, which replaced life without parole with eventual release dates:

Obbish said he weighed several factors before returning the new sentences, including the men's impoverished upbringing and early initiation into street gangs. The judge also said he took into consideration what Foxx and Ivory have accomplished during their incarcerations. Both men earned high school equivalency diplomas and completed a program that seeks to teach young offenders to appreciate the consequences of their actions. Obbish also cited a growing body of scientific evidence suggesting that teenage brains aren't fully developed and therefore lack the impulse control and the understanding of consequences that come with maturation . . . "I think by and large both of these men have displayed serious potential for rehabilitation," Obbish said Monday.

But why were Javell Ivory and Darnell Foxx in court for a resentencing hearing in the first place? After all, they had been sentenced to life without the possibility of parole. They weren't seeking clemency or a pardon. They were in court that day for resentencing because of the U.S. Supreme Court's 2012 *Miller v. Alabama* decision, in which the justices ruled 5–4 that mandatory sentences of life without the possibility of parole for juveniles who commit murder are unconstitutional. This was one of a series of rulings by the court that recognized juveniles as a class of defendants who merit special attention in the criminal justice system. These cases are outlined in box 1.

The *Miller v. Alabama* decision set in motion the process that brought me to the courtroom to testify on behalf of Javell, and it stimulated the writing of this book. As psychologist-lawyers Tom Grisso and Antoinette Kavanaugh wrote in 2016, in their excellent review of the legal and psychological issues arising in and from the *Miller v. Alabama* decision and its follow-up legal and policy development:

Developmental science now faces a new challenge. Its research served well to provide normative information with which the U.S. Supreme Court distinguished adolescence as an immature class. Now we must consider what role developmental science can play when applied, case by case, to describe legally relevant developmental characteristics of young people as evidence for individual mitigation in *Miller* sentencing and resentencing cases.

This book arose from my work to do that case-by-case application of developmental science, which includes forty such individual cases at the time of this writing.

A year before I testified on behalf of Javell Ivory, the first resentencing hearing of this kind was held in Illinois, and the judge in that case, Angela Petrone, reimposed the sentence of life without the possibility of parole

**BOX 1. RECENT U.S. SUPREME COURT DECISIONS ON
SENTENCING OF JUVENILES**

Roper v. Simmons (2005). Ruled that capital punishment for crimes committed by juveniles is unconstitutional.

Graham v. Florida (2010). Ruled that juvenile offenders cannot be sentenced to life without the possibility of parole for non-homicide offenses.

Miller v. Alabama (2012). Ruled that mandatory sentences of life without the possibility of parole are unconstitutional for crimes committed by juveniles.

Montgomery v. Louisiana (2016). Ruled that the ban on mandatory life-without-parole sentences for crimes committed by juveniles was to be retroactively applied to the cases of all juveniles sentenced to mandatory life-without-parole sentences.

Tatum v. Arizona (2016). Reaffirmed that life-without-parole sentences for juveniles are to be imposed only for the “rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility.”

upon Adolfo Davis, who, at age fourteen, was involved in a gang-related double murder. I didn't participate in that case. As for Darnell Foxx, although I wasn't a witness for him, since his and Javell's cases were heard by the same judge simultaneously, it seems likely that whatever influence I had on him in considering Javell's fate probably spilled over to his sentencing of Darnell.

After the judge delivered his verdict, I received this email from David Owens, the lead attorney working on Javell's behalf:

Today Judge Obbish issued his decision. . . . He ultimately sentenced Javell to 30 years for the 2 murders and 12 for each aggravated battery, which were required to be consecutive, giving him a total sentence of 54 years. That's at 50-50 time, so it's a total sentence of 27 years and he's served 19 already. It's probably best to describe this as bittersweet. One thing is clear: the Judge was deeply influenced by, and took to account, your testimony. He pointed to it repeatedly during his decision. It was crucial to this result.

I quote this message not to draw attention to myself, but to highlight the point that when the “adolescent development” case is made, it is possible for judges to hear it and incorporate it into their thinking as they make these weighty decisions (which, as we will see, has even led to some of these juvenile offenders walking out of prison soon after their resentencing hearings with “time served”). That, in turn, leads to a more complete report of the Supreme Court’s thinking in the decision that put David Owens, Javell Ivory, and me in Judge Obbish’s court and opened the door for thousands of others. It created a new legal category that I call “Miller’s Children.”

MILLER v. ALABAMA

The Supreme Court decision in the case of *Miller v. Alabama* specifically dealt with the case of Evan Miller, a fourteen-year-old boy who had been subject to an Alabama law that provided for an automatic sentence of life without the possibility of parole for a murder he committed in 2003. Along with a friend, Miller beat up his neighbor and set fire to his trailer after an evening of drinking and drug use. The neighbor died. Miller was originally charged as a juvenile, but his case was removed to adult court, where he was charged with murder in the course of arson, while his friend pled guilty to a lesser crime.

Although it is the *Miller* case that has given the name to the decision banning mandatory life-without-parole sentences for juvenile killers, there were actually two cases considered by the court in reaching its landmark decision. The other (*Jackson v. Hobbs*) came out of Arkansas, where fourteen-year-old Kuntrell Jackson accompanied two other boys (one of whom was his cousin) to a video store to commit a robbery. On the way to the store, he learned that one of the boys was carrying a shotgun. Jackson stayed outside the store for most of the robbery, but after he entered, one of his co-conspirators shot and killed the store clerk. Arkansas charged Jackson as an adult with capital felony murder, as Illinois had done with Javell Ivory. The jury convicted Jackson of both murder and aggravated robbery, and this resulted in a statutorily mandated sentence of life in prison without the possibility of parole.

In *Miller v. Alabama*, the jury likewise found the defendant guilty, and the trial court likewise imposed statutorily mandated life without parole. The sentence was affirmed by the Alabama Court of Criminal Appeals. This

decision was itself appealed and eventually reached the U.S. Supreme Court. The court's 5–4 majority opinion struck down the Alabama law, reasoning thus:

Two strands of precedent reflecting the concern with proportionate punishment come together here. The first has adopted categorical bans on sentencing practices based on mismatches between the culpability of a class of offenders and the severity of a penalty. See, e.g., *Kennedy v. Louisiana*, 554 U.S. 407. Several cases in this group have specially focused on juvenile offenders, because of their lesser culpability. Thus, *Roper v. Simmons* held that the Eighth Amendment bars capital punishment for children, and *Graham v. Florida*, 560 U.S. —, concluded that the Amendment prohibits a sentence of life without parole for juveniles convicted of a non-homicide offense. *Graham* further likened life without parole of juveniles to the death penalty, thereby evoking a second line of cases. In those decisions, this Court has required sentencing authorities to consider the characteristics of a defendant and the details of his offense before sentencing him to death. See, e.g., *Woodson v. North Carolina*, 428 U.S. 280 (plurality opinion). Here, the confluence of these two lines of precedent leads to the conclusion that mandatory life without parole for juveniles violates the Eighth Amendment.

In addition to the legal arguments presented, the justices cited the scientific evidence presented to the court in *Miller v. Alabama* and in earlier, related decisions (such as *Roper v. Simmons* in 2005, which outlawed capital punishment for juveniles). This included an amicus brief by the American Psychological Association. It's important to note that the court ruled that *mandatory (but not discretionary)* sentences of life without the possibility of parole for murderers under the age of eighteen are unconstitutional. This is the loophole that permitted the Chicago judge in the Adolfo Davis hearing to simply “resentence” him to the sentence of life without parole that he started out with. As we will see, however, that too may be coming to an end.

In its 2016 ruling in the case of *Tatum v. Arizona*, the majority summarily reversed the convictions of five juveniles who had been sentenced to life without parole, writing: “On the record before us, none of the sentencing judges addressed the question *Miller* and *Montgomery* [*v. Louisiana*] require a sentencer to ask: whether the petitioner was among the very ‘rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility.’” In an opinion written by Sotomayor, the majority instructed:

It is clear after *Montgomery* that the Eighth Amendment requires more than mere consideration of a juvenile offender's age before the imposition of a sentence of life without parole. It requires that a sentencer decide whether the juvenile offender before it is a child "whose crimes reflect transient immaturity" or is one of "those rare children whose crimes reflect irreparable corruption" for whom a life without parole sentence may be appropriate. . . . There is thus a very meaningful task for the lower courts to carry out on remand.

Alito and Thomas dissented, but their dissent appears to make it clear that the court has now extended the principles articulated in both *Miller v. Alabama* and *Graham v. Florida* to *all* life-without-parole sentences for juveniles, not just such sentences when they are mandatory rather than discretionary. Alito wrote:

In any event, the Arizona decisions at issue are fully consistent with *Miller's* central holding, namely, that mandatory life without parole for juvenile offenders is unconstitutional. . . . A sentence of life without parole was imposed in each of these cases, not because Arizona law dictated such a sentence, but because a court, after taking the defendant's youth into account, found that life without parole was appropriate in light of the nature of the offense and the offender.

Alito goes on to say:

It is true that the *Miller* Court also opined that "life without parole is excessive for all but 'the rare juvenile offender whose crime reflects irreparable corruption,'" . . . but the record in the cases at issue provides ample support for the conclusion that these "children" fall into that category.

Then, of course, he highlights what he sees as the most egregious facts of each crime. By granting that even Alito thought that this was the issue (i.e., the nature of each individual juvenile's case), it appears that the court has made clear now that the sentencing court is required to make the "irreparable corruption" finding before imposing life without parole for any juvenile offender. This rule still leaves open the possibility of life-without-parole sentences for juveniles (which, I believe, is a wrong yet to be righted), but it effectively nullifies the mandatory/discretionary distinction. That's progress, even though it does leave the loophole that permits discretionary sentences of life without parole for juveniles.

MY HOPE

From my perspective, the loophole that allows teenage killers to receive *discretionary* sentences of life without the possibility of parole is why I hope the court will take the next steps in the process of the United States joining the rest of the “civilized” world in exempting *all* juveniles from life sentences without the possibility of parole. Amnesty International put it this way: “The United States is believed to stand alone in sentencing children to life without parole. Although several countries technically permit the practice, Amnesty International knows of no cases outside the United States where such a sentence has been imposed in recent years” (www.amnestyusa.org/).

The Eighth Amendment precludes punishments that are “cruel and unusual.” Acknowledging that the court has not yet gone far enough to bring us forward to where the rest of the world is, why did the court (five of the nine justices, anyway) find automatic life-without-parole sentences for juveniles cruel and unusual? Because juvenile killers are “less guilty by reason of adolescence” and are more capable of rehabilitation as their brains and personalities mature. That was 2012.

Then, four years later, in 2016, the Supreme Court ruled in the case of *Montgomery v. Louisiana* that the *Miller* decision was to be applied retroactively throughout the country. This made it applicable to about 2,500 men, according to data collected by The Sentencing Project—a national advocacy group dealing with criminal justice issues (www.sentencingproject.org). This decision opened the floodgates for these men to seek resentencing hearings in the thirty-one states that have had mandatory life-without-parole sentences for juvenile murderers on the books, although it still did nothing whatsoever directly for the 7,500 inmates who are serving *discretionary* life sentences for murders they committed (or were involved in) as juveniles. That was a matter for another day in court. In my view, also in need of a Supreme Court ruling are what might be called “Methuselah” sentences (so called after the Biblical figure who reportedly lived to be 969 years of age). These are sentences so long that they exceed the expectable life span of any human being—as in the case of Paul T., who at the age of fifteen received a sentence of 120 years before he would be eligible for parole. Having noted them here briefly, I will return to these issues in chapter 6, where I consider how to translate this hope into law and practice.

HOPE BREEDS REHABILITATION AND TRANSFORMATION

One important consequence of the *Miller v. Alabama* decision (and the follow-up cases) was to send a message of hope to men who previously had no earthly basis for hope. My colleague Kathleen Heide wrote movingly about this in a letter to me in 2017, which I will quote here because her observations are crucial:

One of the problems with giving juveniles life without parole is that it may take away hope, which can be a significant motivator for change. Many juvenile homicide offenders (JHOs) have had a multitude of adverse events, which affects their ability to mature to the level of their counterparts who have grown up in healthy families and good neighborhoods and who have been blessed with positive role models and excellent opportunities. These JHOs may feel intense anger and despair when sentenced to life without parole, thinking that it is just one more “unfair break” in their lives. From my experience, sometimes this anger continues and escalates in prison. These youths feel “what is the point” of bettering themselves when they are denied access to many prison programs and will never get out of prison. So instead of examining themselves and moving forward, these individuals act out, that is, they rebel against the correctional authorities, for years. For some, it is one of the very few choices that they see themselves as having. Many of their transgressions are minor. For example, they may refuse to make their bed, sit on their bunks during count, etc.

Miller v. Alabama brought these individuals hope that someday they might be released. For some, their thinking, decision making, and behavior changed when the possibility of having a chance to start over suddenly appeared on the horizon. Individuals in their thirties who had defied rules since being incarcerated as teens started to reevaluate their behavior. For them, the decision to grow came late, but it eventually arrived.

I recall a conversation I recently had with the parole commissioner of a northeastern state. He was relating how dramatic the change was in the behavior of juveniles sentenced to life without parole when the *Miller* decision came down. He stated that prior to the court’s decision, these kids were unruly and acted out, making supervision in the prisons very difficult. After *Miller*, their behavior radically improved. I am reminded of the words of Nobel Prize winner Archbishop Desmond Tutu: “Hope is being able to see that there is light despite all of the darkness.” Amen to that.

HOPE FOR REHABILITATION IS NOT ENOUGH

But this hope is not the whole story. Before going any further, I should say two things. First, waiting until after a teenager commits a murder is hardly good social policy, no matter how humane the sentencing guidelines are. Preventing the murders in the first place is the first priority. There is some good news on this front to be found in the empirical work of Chicago psychologist Robert Zagar. Zagar developed an extremely effective approach to identifying youths at high risk for committing murder—correctly identifying more than 90 percent of the youths who eventually did commit murder and correctly ruling out more than 90 percent who did not (in contrast to the success rates of other measures, which rarely achieve 70 percent accuracy).

Based on Zagar's identification of such high-risk youths, the City of Chicago spent \$50 million to support a preventive program that screened twenty thousand youths and identified nearly five thousand of them as being "at high risk." The intervention involved three components: anger management, mentoring, and job opportunities. In the wake of participating in the program, the murder rate was reduced by 47 percent among the high-risk group (from what it was predicted to have been)—saving 193 lives and \$1.4 billion. Javell Ivory and many other kids like him might well have profited from participating in such a program. Unfortunately, he did not have such an experience *before* he was incarcerated. Nonetheless, the prevention message is clear. What is more, as we will see at a later point, these findings offer some guidance in understanding what kind of programming focus can help Miller's Children after they are incarcerated, namely the important role played by mentoring, anger management programs, and occupational opportunities in prison.

The second point I want to make here concerns the implications of the *Miller* decision for sentencing juvenile killers in general (assuming it leads eventually to a prohibition of *discretionary* life-without-parole sentencing). A number of important questions arise. What *is* the developmentally appropriate length of the sentence for a juvenile killer? Should there be minimums as well as maximums? Must it all be done on a case-by-case basis? What is the prognosis for teenage killers when they are released—is recidivism likely? Could Zagar's approach to screening play a role in sentencing decisions? How soon should eligibility for parole kick in? What are the appropriate grounds for granting parole? Again, can Zagar's approach provide a scientific foundation for making these decisions? I will address these questions at various points throughout this book, and return to them systematically in the con-

cluding chapter. But this entire discussion hinges on the recognition that teenagers are not yet adults, and teenagers who grow up with high levels of adversity tend to be *less* rather than *more* mature than their fortunate peers.

TEENAGERS ARE DIFFERENT,
AND TRAUMATIZED TEENAGERS
ARE MORE DIFFERENT

Put most simply, the *Miller v. Alabama* ruling (like the *Graham* and *Roper* decisions before it) requires the courts to consider the fact that a teenage killer is not just any defendant, not just any violent criminal. The teenage killer is in court because of an insidious interaction of his (or her) adolescence and background. For a start, teenage killers are not playing with a full deck when it comes to making good decisions and managing emotions because of their immature brains. But many of them are also playing with a *stacked* deck because of the developmental consequences of adverse life circumstances.

Both their immaturity and their social histories impair their capability to make good, prosocial decisions and manage their emotions effectively. This is why so many of Miller's Children represent a kind of "adolescence squared." The psychologically traumatic and socially toxic nature of their families and communities exacerbates the immaturity of thought and feelings intrinsic to adolescence, not just additively ($4 + 4 = 8$) but exponentially ($4 \times 4 = 16$). Research on the developmental impact of "childhood adversity" makes this clear.

The CDC—the federal government's Centers for Disease Control and Prevention—has endorsed an approach to risk accumulation that focuses on the impact of ten "adverse childhood experiences" (ACEs). These risk factors are assessed through a series of ten questions, including inquiries about childhood experience of physical, sexual, and psychological maltreatment, poverty, domestic violence, household substance abuse, parental separation or divorce, depression or suicide in a family member, and incarceration of a family member. While not encompassing all possible negative influences on development (for example, the impact of racism and educational impairment), these ten factors have proved to be powerful in accounting for differences in negative outcomes extending into adulthood.

Among these are a constellation of problems involving precisely the issues of "executive function" and "affective regulation" with which teenagers

struggle by virtue of having their behavior shaped by adolescent brains, namely violent behavior directed at self or others, substance abuse, and depression. ACE scores account for 65 percent of the variation in suicide attempts, 40 percent of the variation in violence toward others, 55 percent of the variation in substance abuse, 45 percent of the variation in depression, and 30 percent of the variation in violence. When you consider that exposure to secondhand smoke accounts for only about 15 percent of the variation in lung cancer rates, these are very impressive numbers.

For purposes of understanding the lives of the “general population,” it may be sufficient to report measures of health and well-being in which the lives of adults who had a score of zero (some 35 percent of the general population), one (26 percent), two (16 percent), or three (10 percent) ACEs are compared with those with four or more (13 percent). But to appreciate the developmental damage experienced by many killers, it is necessary to understand the impact of extraordinarily high scores that are rare in the general population but relatively common in this group—38 percent having more than five of these risk factors (vs. 10 percent in the general population) according to a 2014 study conducted by Michael Baglivio and colleagues.

Prosecutors sometimes try to dismiss the importance of childhood adversity by saying, “Lots of kids have tough childhoods and *they* didn’t kill anyone.” Data on the ACE scores of teenage killers can provide a powerful rejoinder. Of the approximately 27 million kids ages twelve to seventeen in the United States, only about 270,000 (1 percent) have ACE scores of seven or more (and 27,000 have scores of eight, nine, or ten—about 0.01 percent). Of course, only a small minority of youths with high ACE scores commit murders—about seven hundred in total per year (about three in one hundred—3 percent—of the kids experiencing the greatest adversity in the form of eight, nine, or ten ACEs). Among all 27 million kids ages twelve to seventeen, the homicide rate is more like three in a million (0.0003 percent), *making the murder rate for kids in the highest category of ACE scores one hundred times higher*. Most kids who grow up with high levels of adversity do not become killers, and some juvenile killers do not have high ACE scores. But elevated adversity scores are as common among killers as they are rare in the general adolescent population.

What differentiates those with high levels of adversity who kill from those with high ACE scores who do not? It is only when we can see the complete picture of a juvenile’s pre-murder life that the specific path he took becomes clear as an interaction of adversity, temperament, social environment outside

the family, substance abuse, and idiosyncratic circumstances that led to the moment when a gun, a knife, a club, or a fist made that juvenile into a juvenile killer. Exploring these complex interactions was my principal focus in *Listening to Killers*. I cover some of that same ground here as a basis for understanding how these factors affect the process of rehabilitation and transformation in the lives of Miller's Children after they arrive at the point where they become killers. Psychology is about the accumulation of probabilities. The more you know about negative and positive factors, the closer you get from an "it depends" to a "yes or no" answer about who becomes a juvenile killer.

One way to provide an empirical context for this discussion is to note the results of a study conducted by Patrick Tolan and colleagues in Chicago. This study revealed that among abused children living in the most violent and impoverished neighborhoods who were exposed to racism, *100 percent exhibited significant psychiatric and/or academic problems between the ages of thirteen and fifteen*. No one was spared. Most kids experiencing a lot of childhood adversity may not kill, but certainly they all do suffer—even the "good" ones who demonstrate miraculous resilience in the face of extreme adversity.

The good news is that most kids overcome the damage eventually, and few take the path that leads to murder. But we must all be humble about the connection between childhood adversity and a troubled adolescence—whether it takes the form of violent behavior or not. I have heard more than one man who grew up with abuse and adversity on the mean streets of Chicago and avoided going to prison admit, when hearing the stories of Miller's Children, that "there but for the grace of God go I." Only the ignorant and the self-deceptive are smugly judgmental about this connection.

Moreover, the same trauma and social toxicity that exacerbate the risk posed by high levels of adversity (as measured by ACE scores) also mean that the *consequences* of adolescent immaturity and waywardness are more serious. It's one thing to have typical teenage problems with executive function and affective regulation when you are being raised by competent and loving parents, have a low ACE score, and are living in a safe, high-resource, middle-class community where second chances abound if you make a mistake. It's quite another to have these same adolescent issues when you are being raised by parents who themselves have compromised functioning due to substance abuse, mental health problems, and poverty and you live in a gang-dominated urban war zone where guns are common and second chances rare.

Think of this: if a boy has developed a chronic pattern of aggression, bad behavior, acting out, and violating the rights of others by age ten he can be

diagnosed officially as a case of “conduct disorder.” I must note at this point that although these are the criteria for diagnosing so-called conduct disorder, I resist using the term. Why? Because it is a mere name for an observation (of a chronic pattern of aggression, bad behavior, acting out, and violating the rights of others). As we will see in more detail later, it doesn’t really explain anything. It is true, however, that this *childhood pattern* is often the gateway to seriously violent delinquency (leading to that outcome in some 30 percent of cases on average).

Does displaying conduct disorder at age ten strongly predict violent juvenile delinquency at age seventeen? According to research conducted by criminologists Rolf Loeber and David Farrington, the answer is that “it depends.” If a ten-year-old displaying a pattern of aggression, bad behavior, acting out, and violating the rights of others lives in a “bad” neighborhood, he is *four times* more likely to end up as a seriously violent juvenile offender than if he lived in a “good” neighborhood (60 percent vs. 15 percent). Most teenage killers do not come from “good” neighborhoods.

This kind of finding makes sense from the perspective of “human ecology.” As elaborated by my mentor Urie Bronfenbrenner, an ecological perspective on human development focuses on the critical importance of context—social, cultural, historical, biological, and psychological. One way to capture this idea is to point out that when the question is “Does X cause Y?” the best scientific answer is usually “It depends.”

We must remember this when we look at the developmental impact of *temperament*, the package of attributes that a child arrives in the world with: “impulsive vs. reflective,” “reactive vs. easily soothed,” “stress allergic vs. stress resistant.” Do these genetically originating predispositions affect development? The answer, of course, is “It depends.” One important illustrative example of this latter temperamental issue is to be found in the operation of the *MAOA* gene.

About 30 percent of males (vs. 9 percent of females) have a form of the *MAOA* gene that reduces the levels of an important neurotransmitter (monoamine oxidase A), and this impairs their ability to deal effectively and prosocially with stressful situations (like living in an abusive family or being bullied at school). Thus, according to research conducted by Avshalom Caspi, Terrie Moffit, and their colleagues, 85 percent of males who have this genetic vulnerability *and* who live in abusive families (an environment of chronic and severe stress) end up engaging in a chronic pattern of aggression, bad behavior, acting out, and violating the rights of others by the time they are ten years old. That is to say, they exhibit conduct disorder.

It is worth noting here that recent research by R. James Blair, Ellen Leibenluft, and Daniel Pine demonstrates that a majority of children who develop conduct disorder are characterized as “anxious and reactive” to stress rather than “callous.” Even in the case of those who are “callous,” the origins are usually in a reaction to abuse and trauma, rather than some inherent emotional insensitivity.

On the other hand, relatively few males who grow up in well-functioning, non-abusive families end up exhibiting problems with severely violent behavior, *whether they have the MAOA vulnerability or not*. In good family circumstances, within a supportive environment, their genetic vulnerability is “neutralized” by a positive environment and effective child rearing. Neuroscientist James Fallon provided an illuminating demonstration of this in his 2014 book *The Psychopath Inside*. Fallon addresses the question of why, although he was born with the vulnerable *MAOA* gene, he nonetheless escaped a childhood and adolescence of conduct disorder and became a prosocial adult. It took him ten years to complete his analysis, and this is his conclusion: he grew up with very positive and effective parenting, in a community with very positive and effective community institutions and schools. As a result, he was tamed, whereas other boys who enter the world with the risky “warrior” version of the *MAOA* gene are faced with abuse, neglect, and community violence. That describes a lot of Miller’s Children, of course.

DEVELOPMENTAL ASSETS

On the positive side, the Search Institute’s research on “40 Developmental Assets” provides a compelling picture of the role that positive influences and attributes have in prosocial development in general, and in violent and aggressive behavior in particular. The 40 Developmental Assets include positive elements within the family (e.g., “family provides high level of love and support”), the school (e.g., “school provides clear boundaries”), the community (e.g., “at least three people who are not your parents take an interest in you”), mainstream cultural activities (e.g., “three hours a week of music, art or theater lessons”), and positive belief systems (e.g., “my life has a purpose”).

Only 6 percent of youths with thirty-one to forty of these assets are involved in antisocial aggression, as opposed to 61 percent among youths with zero to ten of these assets. The same pattern emerges with respect to some of the factors that either contribute to aggression or prevent it. Thus, as

the number of assets goes down, substance abuse increases; and as the number of assets goes up, delay of gratification and being successful in school also increase. The average number of assets reported by American youths is seventeen. As we will see, most teenage killers report fewer.

THE MALLEABILITY OF ADOLESCENT BRAINS WORKS IN BOTH DIRECTIONS

In an important way, the same factors that make juveniles likely to “choose” to kill also point toward considering the possibilities for rehabilitative intervention that are particularly promising in the case of young defendants. Not being fully formed, adolescents are highly malleable. This includes their brains, which don’t really mature until their mid-twenties for the most part, as outlined by psychologist Laurence Steinberg in his 2015 book *Age of Opportunity: Lessons from the New Science of Adolescence*. In general, adolescent brains are more malleable than those of adults, although even the brains of adults are responsive to changes in environment, as amply demonstrated by Norman Doidge in his 2007 book *The Brain That Changes Itself*.

Being especially susceptible to peer influence is usually thought to reduce prosocial behavior and increase antisocial behavior, but that can change when kids are put in alternative environments and given positive direction. By the same token, to the best of my knowledge, there is no evidence that the severity of an adolescent killer’s actions in committing a murder predicts less capacity for eventual rehabilitation. This means that in statistical terms, there is no evidence (of which I am aware) that the severity of a teenager’s lethal behavior is strongly and negatively correlated with the possibility of socially significant improvement in thinking, feeling, and behaving in prosocial ways to the point where he will be “safe” for release into the community.

For example, although the magnitude of the crimes they have committed is enormous, “school shooters” may in fact be quite amenable to rehabilitation, because their violent outburst is generally not rooted in a long history of criminal behavior and violence. Rather, it is generally linked to an unfortunate intersection of crises in adolescence, crises that could have been resolved—and, in many cases, would have been resolved—had they not taken the dramatic action that led to multiple deaths and injuries. This seems clear to me in the analysis presented by Katherine Newman and colleagues in

Newman's book *Rampage: The Social Roots of School Shootings*. They identify five necessary conditions for a school shooting to occur:

- shooter's perception of himself as extremely marginal in the social worlds that matter to him
- shooters must suffer from psychological problems that magnify the impact of marginality
- cultural scripts—prescriptions for behavior—must be available to lead the way toward an armed attack
- a failure of surveillance systems that are intended to identify troubled teens before their problems become extreme
- gun availability

Setting aside the issue of prevention, each of these factors represents a “cause” that could be addressed and neutralized after the crime has been committed, and thus lead to the rehabilitation of a school shooter despite the magnitude of his crime. (It's almost always a male who does the shooting, so male pronouns are correct 99 percent of the time.)

How could this be done? Through changed circumstances, such that the teenage shooter no longer feels so socially marginal. Maturation will accomplish some of this as he gains perspective on just how little high school really matters in the big picture of life. Efforts to help the shooter find a positive place in life will help too—even in prison, where he can become involved in educational and service activities. Psychological intervention and treatment can deal with the psychological problems that Newman and colleagues note are a direct contributor in the first place. Education and “consciousness-raising” efforts can reduce the allure and perceived validity of the cultural scripts that “rationalize” the murderous behavior of the school shooter. Administrative procedures that provide better accounting for the social and mental health status of the shooter in adulthood—including an assessment using Robert Zagar's algorithm—can help. Limiting access to guns can play a role. High-quality probationary services when he is released can offer the surveillance needed to make sure the community is safe.

My point is that while the school shooter's crime is severe and morally enormous, the task of rehabilitating him is manageable in most cases. I have met some of these school shooters in the course of my work, and they verify my hypothesis on this score. My larger point is that the horror of violent crimes committed by school shooters does not mean they are impossible to rehabilitate; they can be made “safe.” The overt correlation between the

severity of a teenager's crime and his prospects for rehabilitation is weak, where it exists at all.

THE SCIENTIFIC FOUNDATION OF
MILLER v. ALABAMA

In its sixty-two-page ruling in *Miller v. Alabama*, the Supreme Court did more than make legal and moral arguments. It laid out five scientific grounds for rejecting mandatory life without parole for juveniles, grounds that have become the focal point in the resentencing and parole hearings that have been ordered as a result. These five grounds are related to decision making, dependency, the context of the offense, legal competency, and rehabilitation potential:

- Immaturity, impetuosity, less capacity to consider future consequences, and related characteristics that impair juveniles' ability to make decisions
- A family and home environment from which a child cannot extricate himself or herself
- The circumstances of the offense, including the role the youth played and the influence of peer pressure
- Impaired legal competency that puts juveniles at a disadvantage in dealing with police or participating in legal proceedings
- The youth's potential for rehabilitation

Considering each of these five grounds in turn—decision making, dependency, context of the offense, competency, and potential for rehabilitation—I will illustrate them with examples from actual *Miller* cases.*

Decision Making

Thompson State Prison, Pittsburgh, Pennsylvania: As a fifteen-year-old, Martell A. joined a group of older boys on their way to rob the home of

*. Names and identifying information have been altered for purposes of confidentiality here, as they have been throughout the book—with a few exceptions, such as the Javell Ivory case with which I began this chapter (in which my role was a matter of public record in the mass media).

sixty-seven-year-old Ronald Paul, a retired social worker. While two of the older boys had a long history of drug abuse, violence, and antisocial behavior, Martell did not. When the crime was discovered on April 17, 1997, even the police were struck by the “mystery” of why a teenager like Martell, without a history of prior violence, would come to be involved in the brutal murder of a man who was a stranger to him. I was trying to unravel that mystery myself as I sat with him nine years later.

What I discovered was a case study in what the Supreme Court called the “immaturity, impulsiveness, and less capacity to consider future consequences and related characteristics that impair juveniles’ ability to make decisions.” Martell has lived his whole life in the shadow of the fact that his mother died in his presence when he was four years old. This was compounded by the fact that he has lived his life without any knowledge of his father, except that he was murdered. In figuring him out, we must add to that the fact that Martell was moved around from relative to relative after his mother died, and some of this moving around felt like rejection to him. In any case, the instability of care meant that by the time he reached adolescence, Martell says he “never had a best friend” and “felt lonely a lot” and “wanted to be accepted by my peers.” Thus, he was socially estranged and craved peer acceptance. He was outwardly placid but nonetheless volatile and carrying a load of rage. When asked of his childhood, “Did you often feel that no one in your family loved you or thought you were important or special or your family didn’t look out for each other, feel close to each other, or support each other?” Martell said “yes” and was moved to tears.

When it is touched directly even now (as it was in my interview with him), Martell’s residual sadness is hard to bear. Looking back, he admits that sometimes “I didn’t want to live anymore” and that he had thoughts of suicide. When asked about his role in the fatal assault, Martell admitted that he hit Mr. Paul with a baseball bat “fifteen times.” Such a prolonged assault requires substantial emotional energy to sustain it. Where did that come from in Martell’s case? After all, Ronald Paul was a stranger, a nonaggressive old man. When asked what he did when he hit Paul, Martell said, “I was shouting.” When asked how he felt when he hit him, he said, “I was full of anger.” That’s about all he had to say in the way of explanation. Even nine years after the crime, he demonstrated an infantile interpretation of himself and his life, driven by his extreme emotional neediness.

Martell was fifteen at the time of the incident for which he was sentenced, and twenty-four when I met him in 2015. Like many adolescents, under the

stress of the situation created by his older co-conspirators, he engaged in criminal behavior that was both impulsive and stupid. Listening to him closely reveals a wellspring of sadness—even despair—about the lack of intimate connection in his life, and correspondingly (and ironically) his intense yearning for connection—friendship and care. I think Martell’s rage came out of his chronic suffering from feelings of abandonment, rejection, and shame. His conduct is very much the behavior of an untreated traumatized child inhabiting and controlling the body of a teenager.

The rage directed at Ronald Paul was infantile. It was a kind of lethal temper tantrum, provoked in part by the emotional neediness that led him to follow his older friends into Paul’s house in the first place to participate in the robbery. The group’s twenty-year-old leader and instigator thought that Paul had a substantial amount of cash hidden in the house. Martell’s behavior in the fatal attack was classically immature, impulsive, and undertaken without an appreciation of future consequences. It was thus classically adolescent.

Problems with “emotional regulation” are observed frequently among children who have had disrupted childhood relationships as Martell did. Of course, he had an especially heavy load of powerful emotions to regulate, and it should come as no surprise that he evidenced many problems with emotional regulation—for example, anger and depression. In this, he is typical of adolescents who have had to cope with unprocessed psychological trauma and neglect in childhood. All this put too much pressure on his limited ability, as an adolescent, to think clearly about the consequences of his behavior, and thus represented problems with “executive function.” This limited his ability to process information effectively, particularly in stressful situations. It also undermined his ability to form a coherent sense of himself. That he has a fractured self even now, in his mid-twenties, is evident in the contradictory nature of many of his behaviors (caring and hostile) and feelings (rage and fondness)—and testimony to the work he needs to do to become a man at peace with himself and safe to release into the community. I think all of this contributes to Martell’s characteristic suspiciousness of people. As he says, “I don’t trust nobody.”

Children facing traumatic loss must accommodate their psychic realities so that they allow for the processing of life’s atrocities (like witnessing the death of your mother when you are four years old). Lev Vygotsky’s model of development provides additional dimensions to this analysis. By focusing on the intrinsically social nature of development, this approach highlights the role of adults in mediating the child’s experience of trauma. The key is the

concept of the “zone of proximal development,” which posits that children are capable of one level of functioning on their own, but a higher level in relationships with the “teacher” (i.e., anyone who guides the child toward enhanced development by offering responses that are emotionally validating and developmentally challenging).

This provides a developmental grounding for understanding the “natural” therapeutic efforts of adults (as parents, relatives, and neighbors) and for the “programmatic” efforts of professionals (as teachers and therapists). It is why having even one parent who is psychologically available, stable, and nurturing can go a long way toward helping a child heal from even chronic trauma. Often the people available to help children and adolescents by serving as a source of support and care for them are unable to do the job that needs to be done. This happens for a variety of reasons, most notably because their own issues make it impossible for them to be “psychologically available.” Martell A. was let down by his peers who led him astray in adolescence *and* by the adult world that should have helped him cope with his tragic and excruciating childhood losses.

Dependency

Lima State Prison, Cleveland, Ohio: Ronald B. experienced father absence growing up. The identity of his biological father was unknown to him, and this mystery plagued him. He says, “I’ve always had questions, but my mom kept me in the dark.” His mother, Luanda, exposed him to her multiple partners (who did not operate as father surrogates), and he lived in chronic poverty that translated into sporadic neglect of his basic needs for food and shelter. More importantly, Ronald experienced traumatic family disruption and rejection when he was fifteen years old. He was “expelled” from his mother’s household when he intervened in a violent conflict between his mother and her then partner, Tyrone. As Ronald put it, “She chose him over me,” and he was sent to live with his older sister, Judy—whom Ronald describes as a “second mother.” His junior year in high school went well, and he held a part-time job. However, because of a change in her family situation, Ronald’s sister told him he had to leave her household when he was a senior in high school, a rejection made all the more powerful because Ronald was strongly attached to his nephew. He says of this time, “I was hurting. I had become so attached to my little nephew.” When he tried to return to his mother’s home, he found conditions difficult to live with (she was still with

Tyrone), and he soon left again, becoming essentially homeless until he was arrested for his part in a robbery gone bad. It is worth noting that Ronald had accumulated enough credits to graduate from high school, even though his arrest precluded his attendance for the latter part of his senior year.

Ronald's precipitous descent into criminal violence is a testament to the power of family rejection (the lifelong abandonment by his biological father, the adolescent rebuff by his biological mother, and the ejection by his sister). The neglect at home was related to the structural factors that defined his family's existence as well as his mother's erratic behavior with respect to money and residence. Ronald reports that "we moved around a lot, got evicted, and all that, and sometimes didn't have food in the house." As a result, school was an oasis of stability and care for Ronald all through childhood and into adolescence. He says, "I'd be taken care of there." However, in a period of months he went from being vice-president of his sophomore class in high school and a columnist for his high school newspaper to being charged with murder and sentenced to life without the possibility of parole.

In a very important sense, child development is about building brains that are effective in guiding prosocial behavior, moral development, intellectual competence, emotional regulation, and a sense of meaningfulness and positive identity—in short, becoming fully human. Thus, child development is, first and foremost, brain development. Modern neuroscience is demonstrating that the initial neurological status of the newborn infant provides the raw material, but that the quality of the physical and social environment of the infant plays a crucial role in building that raw material into an ever more sophisticated brain, and thus an ever more advanced human being.

All the elements of the social environment influence this process of development through childhood into adolescence—family, neighborhood, school, community, and the larger society. An "ecological" perspective on the "family and home environment" is essential in understanding how and why some infants become prosocial, smart, ethical, and emotionally effective teenagers, and why others develop the kinds of intellectual and emotional limitations and chronic patterns of antisocial behavior and mental health problems that dramatically increase their risk of becoming teenage killers.

In the first year of life, perhaps the most important of the core challenges for children is to develop secure and positive attachment relationships (initially with immediate family members but increasingly with other human

beings). Accomplishing this task creates a model for future relationships. Developing negative, ambivalent, or insecure attachment relationships puts the child at risk for later social and emotional problems. Failure to develop any attachment relationships at all can prove developmentally catastrophic, putting the individual at heightened risk for many mental health and social problems, and for becoming a teenage killer.

Parental “psychological availability” and acceptance are crucial to child development. Children cannot develop on their own. They need social support; neglect stifles child development in all domains. They need and thus crave acceptance; it is an essential psychological nutrient. Researcher Ronald Rohner and colleagues call parental rejection a “psychological malignancy” and report that it accounts for about 25 percent of negative development outcomes.

Chronic trauma in early childhood (fear, violent assault, witnessing domestic violence, torture, etc.) can lead to pervasive psychological problems—because the child’s brain is “incubated in terror,” as one leading researcher, Bruce Perry, puts it—and to an adolescence plagued by problems with emotional regulation and executive function. Teenage killers did not choose to be born into families that are abusive and neglectful or to live in “socially toxic” neighborhoods and communities from which “the child cannot extricate himself or herself” (to quote the Supreme Court’s language on this matter).

Chronic trauma tends to lead to the overdevelopment of the more primitive parts of the brain (e.g., amygdala) that process emotions (particularly anger and fear), to the detriment of the more sophisticated parts of the brain (e.g., cortex) that are involved in reasoning. This negative effect is most clear when chronic trauma is experienced in early childhood, but given the malleability of the brain even in adulthood, adolescents who experience chronic trauma can also be affected.

The Supreme Court’s majority was moved by this kind of evidence in *Miller v. Alabama*, describing Evan Miller this way:

No one can doubt that he and Smith committed a vicious murder. But they did it when high on drugs and alcohol consumed with the adult victim. And if ever a pathological background might have contributed to a 14-year-old’s commission of a crime, it is here. Miller’s stepfather physically abused him; his alcoholic and drug-addicted mother neglected him; he had been in and out of foster care as a result; and he had tried to kill himself four times, the first when he should have been in kindergarten.

When I went into court to testify in the resentencing hearing for Ronald, I could only hope his judge would show the same insightful compassion that five of the nine Supreme Court judges did in that landmark case.

Context of the Offense

Raulston State Prison, Philadelphia, Pennsylvania: On July 2, 1999, Alonzo W. drove to the corner of Downy Lane and Sixth Street, with his ten-year-old son, James, in the car. It was well known in the neighborhood that Alonzo was a drug dealer who moved a considerable volume of drugs, wore expensive jewelry, and typically carried a large amount of cash at all times. As he stopped to chat with a former girlfriend who was standing at the corner, three teenagers approached the car and attempted to rob him. One of them pulled James out of the car and entered it on the passenger side. Another went to the driver's side and attempted to take Alonzo's necklace. Alonzo resisted, drew a gun, and both teens started shooting during the struggle. The third teen was standing by as a lookout. Alonzo was killed by a bullet to his head.

One of the shooters was seventeen-year-old Joshua B., who was indicted for first-degree murder; he was subsequently convicted and sentenced automatically to life in prison without the possibility of parole. All three teens say that they never thought that the robbery would be anything other than “easy money.” The crime itself appears to be a case study in how adolescents engage in impulsive and stupid behavior—particularly when in a group. Joshua was part of a group of kids, one of whom suggested they commit a robbery. They had a couple of guns available to them. They were high from smoking weed. They had a simple plan—“point the gun at the guy and tell him to give up his money”—and did not anticipate that the victim might refuse to comply with their demand and draw his own weapon in response. Joshua “panicked” and, in the presence of his peers, stupidly shot their victim because “I didn't know what else to do.” Now, seventeen years later, Joshua says of his adolescent crime,

I didn't have the courage to say “no.” I just wanted to be accepted. I did it to please somebody else. Loyalty is love. I realized as I got older that you expect to get it from your parents, but when you don't get it you want it from someone. I realize now that there is a different way of thinking and living.

Adolescents are particularly prone to the effects of their peers, whose mere presence can degrade the quality of adolescent decision making. For example,

a study conducted by Laurence Steinberg found that when teenagers are placed in a driving simulator by themselves, they can make good decisions (in this case responding to a yellow light by stopping and thus being rewarded for not continuing through the light when it turns red). However, simply the presence of two teenage friends leads to the irresponsible behavior of running the red light, thereby forgoing the prizes due them for “responsible behavior” that they were able to claim when peers were not present.

But it goes beyond the *physical* presence of peers. Sociologist Erving Goffman developed the concept of “imaginary audience” to refer to the fact that many people believe the world around them is so focused on what they are wearing, saying, and doing that their behavior is based on unrealistic anticipation of how that imaginary audience will respond to them. Adolescents are particularly prone to this effect, as is clear in the accounts of many teenage killers, including Joshua. His behavior in the murder appears to have been linked to the kind of impulsive and stupid behavior often demonstrated by adolescents in general when in crisis, particularly in the presence of peers—that is, with an audience.

Competency

Barrington State Prison, St. Louis, Missouri: Thomas M. was sixteen in 1995 when he was brought in for questioning by police in connection with a gang-related shooting, for which he was eventually convicted and sentenced to life without parole. They questioned him for six hours. They slapped him and threatened him with the death penalty. They lied about the crime (which they are legally permitted to do during an interrogation). They told him that if he cooperated he could go home with his mother, who had been waiting outside the interview room for the last hour of the interrogation. After all of this, Thomas confessed to pulling the trigger on the gun found at the scene, despite the fact that he hadn’t done it and knew who really had. Years later, he says of that time:

I was scared that they would hit me some more. I heard stories about what the police would do to you if you didn’t tell them what they wanted to hear. They lied to me and told me I could go home if I just signed a statement. And I knew if I didn’t take the rap the guy who really did it would come after my family.

Almost everyone would have a hard time responding well in such a situation, but most teenage killers are not just “anyone.” Again, although they may look

grown-up and talk tough, guys like Thomas are best understood as untreated traumatized children inhabiting teenage bodies. As such, they are impaired in their ability to represent their interests effectively in the criminal justice system unless they are treated with compassion.

One of the ways in which juveniles are at a disadvantage in dealing with police or participating in legal proceedings is that they are prone to provide incriminating information without regard to their long-term interests. This includes false confessions. FalseConfessions.org is a public advocacy organization committed to raising awareness of the incidence of false confessions in criminal prosecutions leading to wrongful convictions. Their analysis of the data concludes that false confessions are particularly likely to occur in homicide cases and particularly likely to involve young men. The rise of DNA evidence analysis has brought this to light: more than two-thirds of the DNA-cleared homicide cases documented by Northwestern University's Innocence Project involved false confessions that led to wrongful conviction.

Why do people make the "choice" to confess to serious crimes (like murder) that they did not commit? While some do it on the basis of a demented desire for attention or in a state of delusion in which they really believe they are guilty, for the most part they make this choice because of the pressure and manipulation generated by police interrogation techniques, to which adolescents are particularly vulnerable. As Douglas Starr found when he looked into this matter, common interrogation techniques inadvertently convince investigating detectives that the interviewee is guilty and lead to escalating pressure to confess. After hours of interrogation, afraid and confused detainees often confess out of desperation and exhaustion, usually with the "guidance" of police and the promise of being released.

All of these issues are particularly problematic for adolescents (and especially so for African American kids, because research by Jennifer Eberhardt and Phillip Atiba Goff reveals that police officers tend to misperceive them as being four years older than they really are). The general tendency of teenagers to see the short-term benefits of acting while ignoring the long-term negative consequences of their actions plays into the hands of some actors in the criminal justice system. This includes police who are inclined to manipulate juveniles by making promises that offer relief from interrogation in the short run ("Just tell us what happened and you can go home") but result in disastrous consequences in the long run ("You confessed to the crime, now you have to do the time").

Potential for Rehabilitation

Cook County Court, Chicago, Illinois: There are two Eric G.'s. There is the sixteen-year-old boy who, in 1990, shot and killed two gang rivals "execution style." But there is also the forty-year-old man I sat with in 2015. This Eric is mild mannered, studious, respectful, and positive in his outlook on life.

When he was thirteen, Eric's parents divorced and he lost the constant presence and monitoring of his father. He says that when his father left, it was a "fork in the road, no father there meant no monitoring." With his father gone and his mother working all the time, Eric felt emotionally bereft. "If you ain't getting love or attention at home you go to the streets," he says. In the world in which Eric grew up, it was natural for him to be drawn into the gang-dominated street life, with all the adverse consequences that come from taking that path. Eric became affiliated with the Vice Lords as a matter of "geography." Like most kids growing up in such an environment in an American city, he carried a gun consistently and served as a soldier in the Vice Lords' drug enterprises (in which violence was an important currency). Two years later, he committed the crime that resulted in an automatic sentence of life without the possibility of parole.

Not surprisingly, Eric had issues with violent behavior early in his prison "career"—during 1992–98, when he had not yet matured into adulthood and reached the golden years, from the perspective of brain maturation. But after that period, the "second" Eric began to emerge—or, perhaps more accurately, began to be constructed. According to prison records, this Eric began to have a good record and has consistently improved since then. He has had only one incident since 2004—for fighting with a "delusional" cell mate whose mental health problems precipitated a conflict. He now speaks of how he has developed a mature understanding of himself and his life as a teenager. This Eric received his GED, and he now reads for pleasure and education (which he didn't do as a teenager). This Eric has become a student of American society through his independent reading and formal classes, and this Eric has increased his understanding of self and the social dynamics of his life. With his growing insight and self-awareness, this Eric even began to have an appreciation for the level of victimization he had experienced, and how it directed him toward the murders he committed back in 1992. He reports that he eventually was able to move away and distance himself from the Vice Lords while in prison.

Thus, Eric is now a good candidate for parole, ready to leave prison and engage in a prosocial life on the outside, with the guidance and support

provided by the agencies and facilities indicated in the release program that has been developed for and in consultation with him. This post-release plan can build upon Eric's maturation and adult development to be the capstone experience in his rehabilitation and transformation from the dangerous seventeen-year-old boy of 1992 to the "safe" forty-year-old man of 2015. As this latter Eric puts it, "My spiritual life helps keep my mind out of prison. Despair is the enemy here." Looking back on the adolescent Eric, the adult Eric says that he realizes now that "I didn't know my impact, my responsibility—I was being selfish."

The most highly regarded review of research on the implications of psychological development for appropriate treatment of legal culpability issues among youths is found in a report in the journal *American Psychologist* in 2003 ("Less Guilty by Reason of Adolescence" by Laurence Steinberg and Elizabeth Scott). This report documents the way adolescent brains are immature (extending into young adulthood), how the presence and influence of peers tends to short-circuit the moral thinking of youths, how the ability to assess the consequences and weigh the risks and benefits of actions is often out of balance, and how adolescents often make mistakes in interpreting the emotional messages of adults. All these factors are subject to improvement with maturation, but during the teenage years they create a serious vulnerability, one that can be exacerbated by traumatic social environments and life experiences. As I've argued above, this makes for a kind of "adolescence squared" in the lives of some kids and is the developmental key to understanding Miller's Children.

Adolescence—most particularly age fourteen—is the period in human brain development when the area of the brain involved in regulating the intensity of sensation (the nucleus accumbens) reaches its peak (declining after mid-adolescence and into adulthood). Thus, in mid-adolescence *everything*—whether it is positive or negative—feels more intense than it does before or after. Shakespeare recognized this when he wrote *Romeo and Juliet*, with Juliet being thirteen and Romeo not much older. Melodrama and pathos are not far away when adolescents confront emotionally loaded situations. And, as in the case of *Romeo and Juliet*, people can die as a result.

The part of the brain most involved in rational thought and reality testing—the frontal lobe—is generally immature in adolescents, and this is one reason why they are notorious for doing "dumb" things. They character-

istically have difficulty appreciating the consequences of their actions, being prone to overestimate positive outcomes and underestimate negative ones. Thus, they tend to do impulsive and stupid things without an adequate appreciation for long-term and negative consequences, seeing only the immediate benefits of their action.

The cause-and-effect relationship between behavior and brain development is a two-way street; each can cause the other. The bad news is that this means there is often a downward spiral in the lives of kids who experience psychologically and socially toxic environments: their brains adapt to the negativity and become more compatible with that negativity. The good news is that this same brain malleability provides the basis for a positive upward spiral toward the light when kids are involved in prosocial behavior, educational activities that foster more mature thought, and spiritually enhancing experiences that raise consciousness. Eric G. is a poster child for precisely that potential for an upward spiral of maturity and transformation.

LISTENING TO REHABILITATED KILLERS

The goal of my book *Listening to Killers* was to understand how and why lethal violence arises in human beings in America. This book goes beyond that, seeking to understand how and why teenage killers are a special category of lethally violent people—and, more importantly, how and why they can, and in many cases do, “get better” in the years that follow their terrible crimes. This chapter’s exploration of the five “Miller factors” sets the stage for a more in-depth look at the lives of Miller’s Children, with a focus on where they have gone and who they have become during their time in prison. In the next chapter, we will pursue these lives in more detail, with each case chosen to represent one of the distinct pathways that kids take to leave behind the “lost boys” they were, to become the good men they are today. It may take many years—at least two decades in most cases—but it does happen. I have seen it in the records of their changed behavior—their positive, prosocial behavior within the limited confines of adult prison. I have heard it in their mature voices and their insight as they talk about who they were *then* and who they are *now*.