

and ruled that the information contained within the screening report was adequate for probable cause for emergency detention for mental health. Specifically, based on the information in the screening report, Mr. Goines appeared to behave as if he were responding to visual hallucinations and threatened his neighbors in Ms. Rhodes' presence. She used information that she obtained from the officers regarding his behavior before his presentation to the medical center to establish probable cause, and the court determined that there was no constitutional violation committed by Ms. Rhodes or her employer, Valley Community Services Board.

#### Discussion

*Goines v. Valley Community Services Board* highlights various aspects of civil commitment, including the importance of having probable cause to institute an emergency detainment for mental health reasons without constitutional violation. *Bailey v. Kennedy*, 349 F.3d 731 (4th Cir. 2003), notes "the general right to be free from seizure unless probable cause exists is clearly established in the mental health seizure context. . . . An officer must have probable cause to believe that the individual posed a danger to himself or others before involuntarily detaining the individual" (p 741). The court acknowledged the problems that officers have in making "difficult judgment calls" with regard to involuntary detention (*Goines*, p 170) when they have minimal mental health training. Thus, the court recommended that in the absence of "substantial likelihood of harmful behavior" (*Goines*, p171, internal quotation marks omitted), further inquiry is useful in obtaining a better understanding of peculiar scenarios before presuming the presence of a threat.

Although the Fourth Circuit found that the lower court erred in treating the information contained within the officers' report as factual, they did not address whether their report was inaccurate. They remarked that, on remand, the officers should provide the district court with affidavits of their observations from the incident to allow for further consideration of a qualified immunity defense. Finally, Mr. Goines' claim against Valley Community Services Board and Ms. Rhodes did not hinge upon the incorrectness of the screening report information, but upon the assertion that the information was not adequate justification for involuntary detainment.

Disclosures of financial or other potential conflicts of interest: None.

## Impact of Neuroscience and Evolving Standards of Decency on Juvenile Sentencing

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### Adequate Review Required for Juvenile Death Sentences Commuted to Life Without the Possibility of Parole

*Adams v. Alabama*, 136 S. Ct. 1796 (2016), is the most recent in a series of U.S. Supreme Court decisions affecting the sentencing of juveniles and adults who offend as juveniles. In the first case of the series, *Roper v. Simmons*, 543 U.S. 551 (2005), the Court held that the Eighth Amendment prohibits the death penalty for offenders under 18, qualifying it as cruel and unusual punishment. The decision reflected advances in neuroscience about incomplete brain development in juveniles. The Court cited three relevant ways that adolescents differ from adults: lack of maturity, increased impulsivity, and limited judgment; increased vulnerability and susceptibility to external pressure and negative influences; and a personality structure that is less fixed and more open to change. Justice Anthony Kennedy, writing for the majority, cited society's view of children and the developing "national consensus" against execution of juveniles in the decision. The *Roper* decision resulted in the commuting of death sentences to sentences of life without parole, probation, or release for all who were charged as juveniles.

In *Graham v. Florida*, 560 U.S. 48 (2010), with reasoning similar to *Roper*, the Court abolished mandatory life-without-parole sentences for juveniles convicted of crimes other than homicide. Two years later, in *Miller v. Alabama*, 132 S. Ct. 2445 (2012), the Court addressed mandated life-without-parole sentences for juveniles in murder cases. The Court held that a mandatory life sentence is disproportionate for all but the rarest juvenile offenders and ruled that trial courts must consider the appropriateness of life without parole for individual juveniles before sentencing, thereby abolishing automatic mandatory

life-without-parole sentences for juveniles convicted on any charge. Four years later in *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), the Court made the juvenile sentencing prohibitions retroactive requiring lower courts to apply individualized sentencing review for adults who were sentenced as juveniles before *Graham* and *Miller*.

The question before the Court in *Adams* was what constituted adequate review in cases where the death penalty had been commuted to life without parole under *Roper*. Mr. Adams had been convicted as a juvenile of capital murder and sentenced to death; his death sentence was commuted to life without parole under *Roper*. He appealed his automatic life sentence, arguing that, under *Montgomery*, he was entitled to an individualized consideration of his sentence.

#### Facts of the Case

In 1997, Renaldo Chante Adams was 17 years old. Wearing a stocking mask, he climbed through a window into the home of Melissa and Andrew Mills, awakening the couple. He demanded money and remained in the Mills' home with Mrs. Mills, who was pregnant, and the couple's three young children while Mr. Mills withdrew money from a nearby ATM. When Mr. Mills returned with the maximum daily limit of \$375, Mr. Adams demanded more money. While Mr. Mills went to cash a check and call police, Mr. Adams raped Mrs. Mills at knife point and stabbed her repeatedly in the neck, back, and upper and lower chest, piercing her liver and lungs. The wounds were fatal to her and the unborn baby. Mr. Adams fled but was captured shortly thereafter. The evidence against him was incontrovertible: Mrs. Mills' blood was on his clothes, the knife and bloody money were found nearby, one of his sandals was found on the Mills' property, and his DNA matched the semen recovered from the rape kit. At trial, Mr. Adams was convicted of four counts of capital murder for killing Mrs. Mills during the course of a rape, robbery, and burglary and for killing her while robbing her husband. After the *Roper* decision, Mr. Adams' death penalty was commuted and he was sentenced to life without the possibility of parole.

The Alabama Court of Criminal Appeals upheld the sentence when Mr. Adams appealed based on the *Miller* prohibition of mandated life-without-parole sentences for homicides without individual consideration of the sentence. Mr. Adams then appealed to the United States Supreme Court.

#### Ruling and Reasoning

The U.S. Supreme Court unanimously vacated the judgment of the Alabama Court of Criminal Appeals and remanded for further consideration of Mr. Adams' sentence in light of *Montgomery*. Four justices wrote two concurring opinions, each taking a different stance on how the lower court might reconsider the matter of whether Mr. Adams had already received an individualized sentence. Justices Thomas and Alito wrote that Mr. Adams' original sentencing procedures fulfilled the individualized sentencing requirements imposed by *Miller* because juries in capital cases consider "all relevant mitigating evidence" including age and "mental and emotional development." Therefore, Mr. Adams had an individualized review when he was sentenced to death. In the separate opinion, Justices Sotomayor and Ginsburg expressed the view that there was no indication that the fact-finders considered mitigating evidence beyond Mr. Adams' age when they found in favor of the death penalty. The justices further held that the court must "correctly" determine whether Mr. Adams' crimes reflected "transient immaturity" or "irreparable corruption" to fulfill the *Miller* requirement. The justices emphasized the need for individualized reconsideration of the commuted sentences and that a sentence of life without the possibility of parole should be reserved solely for the rarest of juvenile offenders, those who are permanently corrupt and incapable of rehabilitation.

#### Discussion

This series of U.S. Supreme Court decisions has implications for forensic psychiatrists and psychologists. Forensic experts are being asked to assist in the review of cases involving juvenile offenders who were sentenced to death or life in prison without the possibility of parole. The cases are challenging. How does an expert assess maturity, rehabilitation, and the presence or absence of "irreparable corruption" in adults who as juveniles committed heinous crimes and grew into adulthood as inmates? Incarceration interrupts development, thwarts independence, and inhibits the usual social and occupational opportunities. The capacity to demonstrate remorse, make restitution, or contribute to society is hard to demonstrate in correctional environments that may reward strength and intimidation. In addition, resources and conditions of confinement vary across prisons. Indeed, the same hardships and social barriers that the

offending juvenile experienced may be replicated during incarceration. Forensic evaluations, therefore, should assess not only how inmates have matured and developed, but also what opportunities exist to promote that growth and opine about the differences between characterological and environmental flaws.

In a prison that supports rehabilitation, maturation might be indicated by completed General Education Diploma courses, additional coursework, vocational training, and participation in victim awareness and spiritual programs. Behavioral records throughout incarceration also provide valuable data in making new sentencing recommendations for offenders. However, in settings where resources are scarce, the indication of change will be harder to ascertain.

Certainly, one aspect of a forensic resentencing evaluation is assessment of risk and the plan for risk management. Risk assessment of someone confined in a punitive environment since adolescence presents further challenges. Usual risk assessment measures may not apply. Consider, for example, the Psychopathy Checklist-Revised (PCL-R). Incarcerated as juveniles, adults may not have the opportunity to incur many arrests or demonstrate dysfunctional relationships. On the other hand, coming of age in a prison environment may alter the determination of callousness, glibness, and other antisocial personality features. The forensic expert's role in these cases presents opportunities to develop interdisciplinary strategies for assessment. Further, these Supreme Court decisions have created a need for correctional psychology and psychiatry to develop programming to promote maturation and rehabilitation for those who might have a new opportunity for return to society.

Another critical concern arises from the implicit assumptions in the Court's reasoning in these decisions: the criminal behavior is viewed as the result of an underdeveloped person who has the potential to develop and progress toward productive adulthood. What is not addressed by these decisions is the impact of mental illness and cognitive deficits on development, especially development in prison.

In general, individuals with mental illness have a harder time in prison. They often incur disciplinary tickets, even new charges, and are familiar to correctional disciplinary boards. Persons with mental illness may not show a trajectory of maturation and rehabilitation, not because they are irreparably corrupt, but because of untreated psychiatric disorders.

In resentencing considerations, might mental illness be considered a mitigating circumstance, or would poor adjustment in the correctional environment, as the result of mental illness, ultimately be damning? If the latter prevails, a future Supreme Court case considering whether lengthy incarcerations for juveniles with mental illness violates the Eighth Amendment might be expected.

Disclosures of financial or other potential conflicts of interest: None.

## The Weight of a Consultative Psychological Evaluation in Disability Claims

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### The United States Court of Appeals for the Tenth Circuit Rules that the Administrative Law Judge Failed to Evaluate Properly the Consultative Evaluation of a Psychologist in Denying Disability Benefits

In *Ringgold v. Colvin*, 644 F. App'x 841 (10th Cir. 2016), the United States Court of Appeals for the Tenth Circuit considered how to weigh the opinion of a consulting psychologist in determining an individual's eligibility for Social Security disability benefits. The court reversed and remanded an Oklahoma district court's decision to deny benefits, finding that the lower courts and Social Security Administration did not use the proper standard for assessing the weight of the psychologist's evaluation.

#### *Facts of the Case*

Patricia Ringgold was 41 years old in July 2010, when she applied for Social Security disability benefits (hereinafter "benefits"). She had an 11th-grade education and experience working in various jobs before filing her disability claim, including a three-year position in customer service at a telephone company. She had not worked since October 2009, allegedly because of depression and anxiety. She reported experiencing symptoms of insomnia, anxiety, poor motivation, and social