

Massachusetts: Chism case highlights prosecution of juveniles as adults

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2 December 2013

On November 21, an Essex County, Massachusetts, grand jury indicted Philip Chism on charges of first-degree murder in the death of Danvers High School teacher Colleen Ritzer. Chism, 14, was also indicted on charges of aggravated rape and armed robbery. He pleaded not guilty to the murder charge. Under Massachusetts law, the murder charge carries a mandatory sentence of life without parole and must be tried in an adult court. The law allows him to be tried as a juvenile for the other charges, but it is likely that they will be transferred to an adult court.

The crime, as described in the search warrant application sworn by the arresting state police detective, was gruesome and apparently senseless. Despite pressure from the *Boston Globe*, the *Associated Press* and others, Judge Michael C. Lauranzano of the Salem District Court kept the contents of the search warrant affidavit sealed for several weeks, out of deference to the victim's family and in an attempt not to influence grand jury witnesses. The affidavit was made public shortly after the indictment was handed down.

News reports, both local and national, then sensationalized the alleged sexual aspects of the crime and the fact that Chism went to the movies right after the incident. Predictably, not a word has been published since then by these media outlets, which have moved on to the next "shocking" headline. The story has appeared, however, on white supremacist web sites seeking to exploit the fact that Chism is a black teenager.

Chism is said to have left a note stating "I hate you all" next to Ritzer's body. He and his mother had lived in Danvers—in the basement apartment of a relative's house—only since the summer. Originally from Tennessee, the Chisms moved to Massachusetts after a reportedly "stressful" divorce between the boy's mother and father.

The grand jury proceeding happened very quickly, with the indictments being handed down only one month after

the crime. Philip Chism is being represented by a public defender. While Massachusetts no longer executes prisoners, the mandatory sentence of life without parole for juveniles is both reactionary and a denial of the well-documented differences between adolescent and adult mental capabilities.

In its 2005 *Roper v. Simmons* ruling that the execution of minors violates the Eighth Amendment in the Bill of Rights, the US Supreme Court wrote: "[T]he reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character. From a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed."

In its subsequent 2010 *Graham v. Florida* decision against sentencing juveniles to life without parole, the Court was heavily influenced by an amici curiae brief submitted jointly by the American Medical Association (AMA) and the American Academy of Child and Adolescent Psychiatry (AACAP). That brief details the developmental differences between adolescent and adult brains.

Citing more than 80 scientific articles from the last 25 years, the brief concludes that adolescents do not have fully developed impulse control or emotional regulation, and that they ignore risk if a behavior seems to bring reward.

The brief states that "brain imaging studies reveal that adolescents generally exhibit more neural activity than adults or children in areas of the brain that promote risky and reward-based behavior." It finds that biological differences exist not just in the prefrontal cortex—which regulates impulse control—and the amygdala, but also in the brain's production of dopamine and myelin.

The AMA and AACAP write that "the brain continues

to mature, both structurally and functionally, throughout adolescence in regions of the brain responsible for controlling thoughts, actions, and emotions.” In fact, some brain regions affecting behavior do not fully mature until a person is in his or her 20s.

Significantly, the brief states that “the interplay among stress, emotion, cognition, and voluntary behavior control in teenagers is particularly complex.... Adolescents are more susceptible to stress from daily events than adults.”

A motive has not yet been established in the Ritzer murder, but Chism was clearly under a lot of family stress. His mother’s divorce papers cite physical, emotional, and alcohol abuse by his father, Stacy Chism.

Despite its reputation for being liberal, and the state’s 1984 abolition of the death penalty, Massachusetts is one of only two US states with laws that require both the transfer of juvenile murder cases to adult courts (for suspects as young as 14) and a sentence of life without parole for first-degree murder. Connecticut is the other. Until September 13 of this year, when a law was signed raising the age to 18, Massachusetts was also one of only 12 states that tried 17-year-olds as adults no matter what the crime.

A 2009 report by the Children’s Law Center of Massachusetts (CLCM), titled “Until They Die a Natural Death,” states that the two practices combined are a violation of international law, and that “outside the United States, there are no youth incarcerated with no hope of release anywhere in the world.”

The report cites article 37 of the 1989 United Nations Convention on the Rights of the Child, which only the US and Somalia have not ratified: “No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age.”

While analyzing recent scientific research and Supreme Court decisions documenting the developmental differences between adolescent and adult brains—and stressing that juveniles are more amenable to reform than adults—the CLCM report also describes the brutal consequences of locking teenagers up with adults: “[A]s compared to youth in juvenile detention facilities, youth in adult facilities are eight times more likely to commit suicide, five times more likely to be sexually assaulted, and nearly twice as likely to be attacked by other prisoners or by staff.”

Juveniles tried as adults, along with those tried in

Massachusetts juvenile courts as “Youthful Offenders,” also lose the confidentiality they would otherwise be afforded. Even those convicted of lesser crimes confront the reality that sealing a record of adult conviction is more difficult than sealing a juvenile one, resulting in lifelong effects on employability.

A December 2012 report by Citizens for Juvenile Justice (CFJJ) complained that information on the needs of juvenile offenders “is not currently tracked in any systematic way.” As a result, CFJJ wrote, “we have no idea...how many of the youth who are arrested or charged are out of school, have unmet special education, mental health or substance abuse needs, are suffering from trauma, lack adequate housing, or are currently or were previously involved in the child welfare system.” Data appears to be kept by the Department of Youth Services (DYS), but not by correctional facilities.

Nonetheless, CFJJ cites 2011 statistics showing that out of 2,759 juveniles on probation, nearly 75 percent had a “counseling need” and nearly 85 percent an “educational need.”

Massachusetts’ draconian laws were passed in 1996, after then-governor William Weld appointed a new Department of Youth Services (DYS) commissioner, who in turn convened a panel on juvenile corrections. Weld, who had infamously promised to “introduce convicts to the joy of breaking rocks,” signed bond legislation for the building of facilities to house 400 additional adolescents.

Cuts in other parts of the state budget have led to less help for those suffering from mental illness. In 2006, *Boston Magazine* reported that “only 48 hospital beds are allocated to adolescents within the Department of Mental Health statewide, so DYS is not only burdened with the safekeeping of children from abusive homes, but also those who have severe psychological disorders.”



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