

Youth Violence and Juvenile Justice

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Prosecutor Decision-Making Following Juvenile Life Without Parole Sentencing Reform

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Abstract

Prosecutors play an integral role in implementing sentencing reform measures in the United States. Following the Supreme Court’s recent restrictions of the use of life without parole sentences for juveniles (JLWOP), county prosecutors in Michigan were tasked with initiating resentencing proceedings by filing sentencing motions for individuals who were currently serving JLWOP (so-called “juvenile lifers”). These motions intimated whether, following the changes in sentencing policy, the prosecutor sought a new life without parole sentence or if they consented to the default term-of-years sentence that would allow a juvenile lifer an opportunity for release. In this paper, we analyze the best-fitting characteristics predicting prosecutor filing decisions. Guided by the focal concerns framework, we ultimately find evidence that prosecutors made filing decisions in ways that were consistent with their existing decision-making schema, relying on characteristics that aligned with typical conceptions of blameworthiness and dangerousness. Prosecutors’ decisions were not associated with characteristics reflecting the new guidance or mitigative logics provided by Supreme Court’s rulings, such as age and immaturity. We conclude that prosecutors’ implementation of sentencing reform measures is constrained by the extent that new policy parameters overlap with existing focal concerns and provide several policy recommendations for addressing this issue.

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