Is it Constitutional to Execute a Defendant with Dementia?
In a recent case, the Supreme Court clarified when a defendant with a mental disability may be sentenced to death. In a 5-3 decision, the court held that the death penalty is unconstitutional if a defendant’s dementia deprives him of “the capacity to understand why the state is exacting death as a punishment.” Read the full case here.

Jury Selection
A recent study out of North Carolina confirmed once again that racism is embedded in jury selection, finding that prosecutors remove twice as many black jurors as white jurors.

Speaking of juries, the Supreme Court recently heard a case tackling this issue. Keep an eye out for a SCOTUS ruling on whether the District Attorney of Mississippi unconstitutionally excluded black jurors from the sixth trial for a man accused of committing a murder in 1996. This case is already getting buzz because Clarence Thomas broke a three-year silence to ask a question from the bench.

Protections for Juvenile Offenders
Before leaving the Supreme Court, Justice Kennedy ensured constitutional protections for juvenile offenders, encouraging lower courts to establish a presumption against sentencing juveniles to life without parole. However, given the new make-up of the Court, such protections for juveniles may be diminished (rather than formalized) in an upcoming case addressing heinous crimes committed by minors.

Can the Insanity Defense Be Abolished?
The U.S. Supreme Court just decided it will hear Kahler v. Kansas, a case focused on whether the 8th and 14th Amendments permit a state to abolish the insanity defense. Several states do not have an insanity defense, and the U.S. Supreme Court has never squarely addressed whether states are required to make an insanity defense available. As you may expect, this case will likely have lasting implications for mentally ill defendants.

Suicidality
Researchers are floating the idea of an acute suicidal diagnosis -- Suicide Crisis Syndrome (SCS) -- to better understand and treat individuals with suicidality. This diagnosis could also help clinicians better identify early warning signs of suicidality and understand the interaction between substance use and suicidal ideation, which is highly relevant in treating forensic populations.
Trying to Get Published?
For those of you hoping to get something published in the near future, take a look at this recent article outlining Law and Human Behavior’s newest initiatives.

In Corrections

Should we be Video Recording Interrogations?
A new research study by Kassin and colleagues showed that recording interrogations does not impact content, quality, or outcome of cases. While these results cannot yet be generalized to juvenile, homicide, or drug cases, this an incredibly important finding with implications for how interrogations should be conducted.

Is Mass Probation the new Mass Incarceration?
Since taking office in 2018, Philadelphia District Attorney Larry Krasner has rolled out several policies aimed at ending mass incarceration. His new mission? Addressing the numerous Philadelphians on probation and parole (Pennsylvania has the second highest supervision rate in the country). Keep an eye on Philly as Krasner executes his plan to drastically cut back on the length of imposed supervisions for a variety of crimes.

Success in Cutting Back on Bail
Legislators in New York are fighting to pass a bill that would formally abolish the use of bail throughout the state. However, in the meantime, it seems that a culture shift has resulted in New York City judges drastically cutting back on their use of bail. A recent study shows that the percentage of cases in which bail is imposed has dropped from 48% to 23%.

Media Roundup

This podcast episode features Larry Krasner, Philadelphia’s new(ish) DA, his experience trying to reform the system, and the system’s response to reform.

Final Thoughts

And lastly, on a positive note....
Check out NPR’s Criminal Justice Collaborative – a special series consisting of reporting on the nation’s criminal justice system. Check out this story about returning citizens being welcomed home to host families to help them transition. Or read about the states that are expanding the law to allow for more expungements and ultimately help those with criminal records get a clean slate and a second chance.

Until Next time!
If you have any questions, or see or read something that you would like to be included in future updates, please feel free to contact us! Alice Thornewill (alice.thornewill@gmail.com) and Shelby Arnold (shelby.a.arnold@gmail.com).