



Statement from the Hispanic Neuropsychological Society on the imposition of the death penalty for persons ages 18 through 20 years

The Hispanic Neuropsychological Society is a proudly pluralistic organization made up of clinical and research neuropsychologists in the U.S. and abroad who are committed to promoting the competent practice of neuropsychology with Spanish-speaking populations. In doing so, we also strive to ensure that Spanish-speaking populations are obtaining the socially responsible care and treatment they deserve.

In working towards our mission, it is important that we raise the issue of juvenile capital punishment, in solidarity with our colleagues in the Society for Black Neuropsychology and the Asian Neuropsychological Association.

The American Psychological Association (APA) has made explicit statements against the death penalty, calling on an end to the death penalty in the U.S. until jurisdictions can implement policies that have scientific evidence to improve the numerous deficiencies involved with the procedure (APA, 2001). Namely, incompetent counsel, qualifying appropriate jurors, the role of race and ethnicity in the crimes being charged and how they are being prosecuted, the role of serious mental illness and intellectual disabilities, and the level of competency of the person being prosecuted, particularly if they are 18 years of age and younger (APA, 2001).

In *Roper v. Simmons* (2005) the US Supreme Court eliminated the death penalty for defendants who were under age 18 at the time of the crime on that grounds that juveniles have less maturity, an underdeveloped sense of responsibility, are more vulnerable to social influence such as peer pressure and other outside pressures, and their character is not as fully formed as that of adults. In the 15 years since *Roper*, neuroscience has advanced rapidly and has found that the human brain does not fully develop and mature until about age 25; this is particularly true regarding the myelination of the prefrontal cortex, which is critical to judgment, abstract thinking, organization/planning, and the regulation of correct/appropriate behavior (Arain et al., 2013). This finding is seen not only in the physical structure of the brain, but also in its functioning. Synchronous with this process of brain maturation into the mid 20s, international research has found that humans only gradually develop the capacity to engage in logical reasoning, impulse control, and anticipation of consequences through the later teen years and early 20s. People in this age range do not have the same degree of these abilities and behaviors as older adults and they are more easily influenced by peers (Burke, 2011; Kambam & Thompson, 2009). Following the Supreme Court's reasoning in *Roper*, individuals ages 18-20 also have diminished criminal culpability compared to adults. On the basis of this science, we assert that the reasoning that the Supreme Court used to decide *Roper* should be properly extended upward in age, at least to age 21. In our opinion, sentencing a person who was younger than 21 years of age at the time of the crime with death is inhumane; the science supports

extending the Roper judgment to that age. Of course, these individuals are not exempt from less extreme criminal sanction.

Therefore, together with our colleagues in the Society for Black Neuropsychology, the Asian Neuropsychological Association, the National Academy of Neuropsychology, and the School Psychology Leadership Roundtable we also call upon the courts and the State and Federal legislative bodies in the U.S. to ban the application of the death penalty to persons committing what is considered a capital offense when the offense was committed prior to the age of 21 years.

Approved by the Hispanic Neuropsychological Society Executive Board on December 11, 2020

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