

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Kenniston v. Department of Youth Services

453 Mass. 179 (2009) · No. SJC-10215 · Decided February 10, 2009

SUMMARY

The Massachusetts Supreme Judicial Court held that G. L. c. 120, §§ 17-19, governing extended commitment of juvenile offenders beyond age eighteen, violates substantive due process. The statute permitted continued detention based solely on the Department of Youth Services’ opinion that release would be physically dangerous to the public, without requiring a connection to mental illness, abnormality, or inability to control behavior, and without adequately defining dangerousness. The court declined to reach the reported procedural due process question and ordered entry of a declaration that the statute is unconstitutional.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Cowin, J.
JURISDICTION	Massachusetts
DECIDED	February 10, 2009
DOCKET	SJC-10215
DISPOSITION	remanded
PROCEDURAL POSTURE	Three juveniles challenged Massachusetts's extended commitment statute after the Department of Youth Services issued orders seeking to retain them beyond their eighteenth birthdays. After the Juvenile Court divisions denied their motions to dismiss, a single justice of the Supreme Judicial Court reserved and reported constitutional questions to the full court.
STANDARD OF REVIEW	Strict scrutiny for a statute impinging on the fundamental liberty interest in freedom from bodily restraint; statutes are presumed constitutional, but the court considered whether the statute could be construed consistently with substantive due process and vagueness requirements.
PRECEDENTIAL VALUE	Published precedential opinion of the Massachusetts Supreme Judicial Court

PARTIES

Cameron Kenniston, Steve Stephen, Jonathan Maldonado v.
Department of Youth Services

TOPICS

substantive due process procedural due process void for vagueness constitutional law
statutory interpretation

PRACTICE AREAS

constitutional law juvenile law civil commitment civil rights statutory interpretation

QUESTIONS PRESENTED

1. Whether G. L. c. 120, §§ 16-19, violates substantive due process by permitting extended civil commitment of a juvenile based solely on the department's opinion that release would be physically dangerous to the public, without requiring a link to mental illness, mental abnormality, or inability to control behavior.
2. Whether the statutory phrase "physically dangerous to the public" is unconstitutionally vague.
3. Whether the statute's extension procedure violates procedural due process and, if so, what judicial-review procedure is required.

HOLDINGS

1. G. L. c. 120, §§ 17-19, violates substantive due process because it authorizes extended civil commitment based solely on dangerousness and does not require a link between the alleged dangerousness and a mental condition or defect that causes a serious difficulty in controlling behavior.
2. The statutory requirement that a juvenile be "physically dangerous to the public" is unconstitutionally vague because it supplies no guidance concerning the nature, degree, or required certainty of dangerousness and leaves the decision to unbridled discretion.
3. The court did not answer the reported procedural due process question because the statute was already unconstitutional on substantive due process and vagueness grounds.

KEY QUOTATIONS

"Civil commitment is constitutional only in "certain narrow circumstances" where the individual's dangerousness is linked to a mental illness or abnormality that causes the individual to have "serious difficulty" in controlling his or her behavior." (453 Mass. at 184-185)

"A weakness in the present statute is that it permits extended detention based solely on dangerousness, without any link to a mental condition or defect or an inability to control one's behavior." (453 Mass. at 185)

"In addition to the statute's failure to comport with substantive due process, the statutory requirement that a juvenile be found "physically dangerous" is unconstitutionally vague." (453 Mass. at 187)

“To satisfy due process requirements would require a complete rewriting of the statute; this responsibility belongs to the Legislature.” (453 Mass. at 189)

FACTUAL BACKGROUND

Each plaintiff was adjudicated delinquent and committed to the Department of Youth Services before turning eighteen. Shortly before their eighteenth birthdays, the department obtained psychological evaluations and filed extended commitment orders based on its opinion that releasing the plaintiffs would be physically dangerous to the public. The evaluations relied on custodial behavior and delinquency histories, but the plaintiffs had not been diagnosed with mental illness and the reports did not establish a statutory link between dangerousness and a mental condition or inability to control behavior.

PROCEDURAL HISTORY

Each plaintiff was adjudicated delinquent and committed to the Department of Youth Services before age eighteen. The department filed extended commitment orders and applications for judicial review before each plaintiff's eighteenth birthday. Following denial of motions to dismiss in the respective Juvenile Court divisions, the plaintiffs sought relief from a single justice, who reserved and reported three constitutional questions. The single justice also ordered preliminary review of the evidentiary sufficiency of the orders; two plaintiffs were released without conditions pending trial and one was detained. The Supreme Judicial Court declared the statute unconstitutional and remanded to the county court.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The matter was remanded to the county court for further proceedings as appropriate, following entry of a declaration that G. L. c. 120, §§ 17-19, does not comport with the Due Process Clause of the Fourteenth Amendment.

CASES CITED

- United States v. Salerno, 481 U.S. 739 (1987)
- Dutil, petitioner, 437 Mass. 9 (2002)
- Foucha v. Louisiana, 504 U.S. 71 (1992)
- Kansas v. Crane, 534 U.S. 407 (2002)
- Kansas v. Hendricks, 521 U.S. 346 (1997)
- Department of Youth Servs. v. A Juvenile, 384 Mass. 784 (1981)
- Commonwealth v. Mathews, 406 Mass. 380 (1990)
- Addington v. Texas, 441 U.S. 418 (1979)
- Commonwealth v. Bruno, 432 Mass. 489 (2000)
- Commonwealth v. Clerk-Magistrate of the W. Roxbury Div. of the Dist. Court Dep't, 439 Mass. 352 (2003)

- Aime v. Commonwealth, 414 Mass. 667 (1993)
- In re Howard N., 35 Cal. 4th 117 (2005)
- Roper v. Simmons, 543 U.S. 551 (2005)
- Mathews v. Eldridge, 424 U.S. 319 (1976)
- Spence v. Gormley, 387 Mass. 258 (1982)

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