The Policy Context

- Last two decades a time of shifting away from traditional juvenile justice policy and toward the “criminalization” of delinquency
- Greater transfer of juveniles to criminal court
- Harsher punishment of adolescents adjudicated in juvenile court
- Less individualization of dispositional decision-making
- Zero-tolerance policies in schools have widened the net
- Use of justice system to “treat” juveniles with mental health problems
MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice

- Brings a developmental perspective to questions of law and public policy
- Asks how adolescents differ from adults in ways that might inform policy and practice
- Three central questions:
  - Do adolescents have necessary abilities to participate as competent trial defendants?
  - Do adolescents have capacities necessary to be held fully responsible for their conduct?
  - What is known about altering the developmental course of offending during adolescence and early adulthood?
Three Questions, Three Studies

- MacArthur Juvenile Competence Study
- MacArthur Juvenile Culpability Study
- Pathways to Desistance
Competence to stand trial generally an issue in cases involving mentally ill or mentally retarded defendants

Increased number of juvenile defendants in criminal court

Is developmental immaturity another contributor to incompetence?

Do immature defendants exhibit legal decision-making that differs from that of older defendants?
The Basic Research Questions

- Do adolescents differ from adults in their abilities to participate as defendants in trials?
- If so, what types of youths manifest significant differences from adults?
- What kinds of deficits in their abilities are most relevant for law, policy, and practice?
Data Collection Sites

Philadelphia, PA
Gainesville, FL
Los Angeles, CA
Eastern/Northern Virginia

- Recruitment in detention centers and jails, and in communities in targeted neighborhoods
- Community sample demographically comparable to detained sample, but with no prior detentions
- Centralized, uniform coordination of trained data collectors across all sites
- Final sample size: 1400 individuals between 11 and 24 years old
- Ethnically and socioeconomically diverse
Subject is read a story about a bar room fight between Fred and Reggie, that led to Fred’s arrest for assault.

Let’s say that Fred’s case goes to court for a jury trial. What are some of the jobs of the jury?

Fred’s lawyer tells Fred what will happen if his case is decided at a jury trial. A group of people called a jury will listen to both sides of the case. The jury will decide whether Fred is guilty or not guilty.

In your own words, tell me what Fred just found out about the jobs of the jury.
Percent with Seriously Impaired Understanding or Reasoning

Significance: 11-13 ≠ 14-15 ≠ 18-24; 16-17 = 18-24
Best Interrogation Choice by Age

Percent

Talk/Admit  Talk/Deny  Remain Silent

11-13  14-15  16-17  18-24
Main Findings

- Significantly higher proportion of normal individuals 15 and younger show impairments comparable to those seen among mentally-ill adults found not competent to stand trial.

- Deficiencies especially apparent among younger, lower-IQ individuals.

- No age differences in abilities from 16 on.

- Deficiencies in abilities extend beyond trial competence, into legal decision-making about confessions, consultation with attorney, and plea agreements.
New research on brain development shows continued maturation into mid-20s.

Maturation especially important for:
- "Executive functions" (e.g., planning, thinking ahead)
- Coordination of emotion and thinking (e.g., impulse control, resistance to peer pressure)

Should these developmental differences influence how we treat adolescents under the law?

Does immaturity make adolescents inherently less responsible than adults?
Impairments That Might Mitigate Adolescents’ Criminal Responsibility

- Adolescents are still learning to modulate their impulses and to regulate their emotions.

- Adolescents are still learning to foresee and take into account long-term consequences and to delay short-term gratification.

- Adolescents tend to be more susceptible to peer influence and more dependent on peer approval than adults.

- Impairments not in traditional conceptualization of cognitive ability, but with respect to immaturity in psychosocial functioning.
MacArthur Juvenile Culpability Study

- Are adolescents less mature than adults in ways specifically relevant to mitigation (i.e., self-control, foresight, resistance to social influence)?

- Studied over 900 individuals from ages 10 to 30 in five locales

- Performance and self-report measures of planning, preference for immediate gratification, impulsivity, risk processing, sensation-seeking, susceptibility to peer pressure

- Measures of basic intellectual maturity

- At what age do individuals demonstrate adult levels of maturity?
Individuals Mature Intellectually Before They Mature Socially and Emotionally

% scoring at mean adult level

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<th>Psychosocial Maturity</th>
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Main Findings

- Developmental course of intellectual and psychosocial maturity follow different patterns
  - Intellectual abilities increase in early adolescence but plateau around age 16
  - Psychosocial maturity stable from 10 to 14, then steadily increases from 14 into late 20s (gains in impulse control, delay of gratification, planning, future orientation, resistance to peer influence, risk perception, risk aversion)
- No clear inflection point showing age at which individuals reach “adult” levels of maturity, but on average adolescents are less mature than adults in ways that may mitigate criminal responsibility
Pathways to Desistance

- We know what gets kids involved in crime
- We do not know what gets kids to desist from crime after they have become involved
  - Most of them desist during adolescence
  - Some continue into early adulthood
  - Very few become chronic offenders
- If we can figure out what leads to desistance we can
  - Design better interventions
  - Make better predictions about which kids are risks to public safety
  - Allocate resources more wisely
  - Save money
Study Design

- Two sites: Philadelphia and Phoenix
- Enroll serious adolescent offenders
  - 1,355 felony offenders, aged 14 - 18
  - Sufficient numbers of females and adult transfer cases
- Regular interviews over eight years
  - At baseline
  - Every 6 months for 3 years, then annually
  - Any time released from institutional placement
- Other sources of information
  - Collateral interviews
  - Official records
Measures

- Individual functioning
  - Background characteristics and history
  - Mental health
  - Psychosocial maturity
  - Antisocial behavior (crime, substance use)
  - Attitudes and beliefs
- Social contexts
  - Peer
  - Family
  - Community
- Characteristics of sanctions and interventions
Main Findings

- Dispositional decision-making in juvenile system based entirely on prior record and seriousness of current crime, no different from adult system.

- Majority of juvenile offenders re-arrested at least once within two years (does not include probation violation)

- Good news: Fewer than 10% are chronic, high frequency offenders

- Bad news: We can not predict which of the initially high-offending juveniles will fall into this group
Main Findings

- Incarceration has no impact on reoffending beyond immediate effect of incapacitation
- Transfer to adult system, punitive sanctions, and aggregation with other antisocial individuals have iatrogenic effects
- Perceptions of likelihood of being caught related to offending
- Substance abuse treatment reduces reoffending short-term, but effect disappears if treatment is stopped
- Effective parenting has deterrent impact on reoffending by diminishing contact with antisocial peers
- Community-based programs involving family are most cost-effective
- Long and intensive probation supervision increase engagement in school and/or work
Policy Recommendations

- Set minimum age of criminal court jurisdiction at 18. Permit juvenile court jurisdiction to extend into young adulthood (i.e., overlapping with criminal court jurisdiction).

- Permit judicial waiver to adult court for individuals 14-18, but eliminate automatic transfer provisions, and require competence examinations for all individuals 15 and under before waiver to adult court.

- Screen for mental health and substance use problems at point of intake into system.
Policy Recommendations

- Make punishment certain, but provide rehabilitation

- Use institutional placement only for repeat, violent offenders, and limit length of stay (no LWOP)

- Extend period of probation supervision after release from placement

- Expand use of community-based, family-focused and substance abuse treatment programs
Economic Returns of Proven Interventions