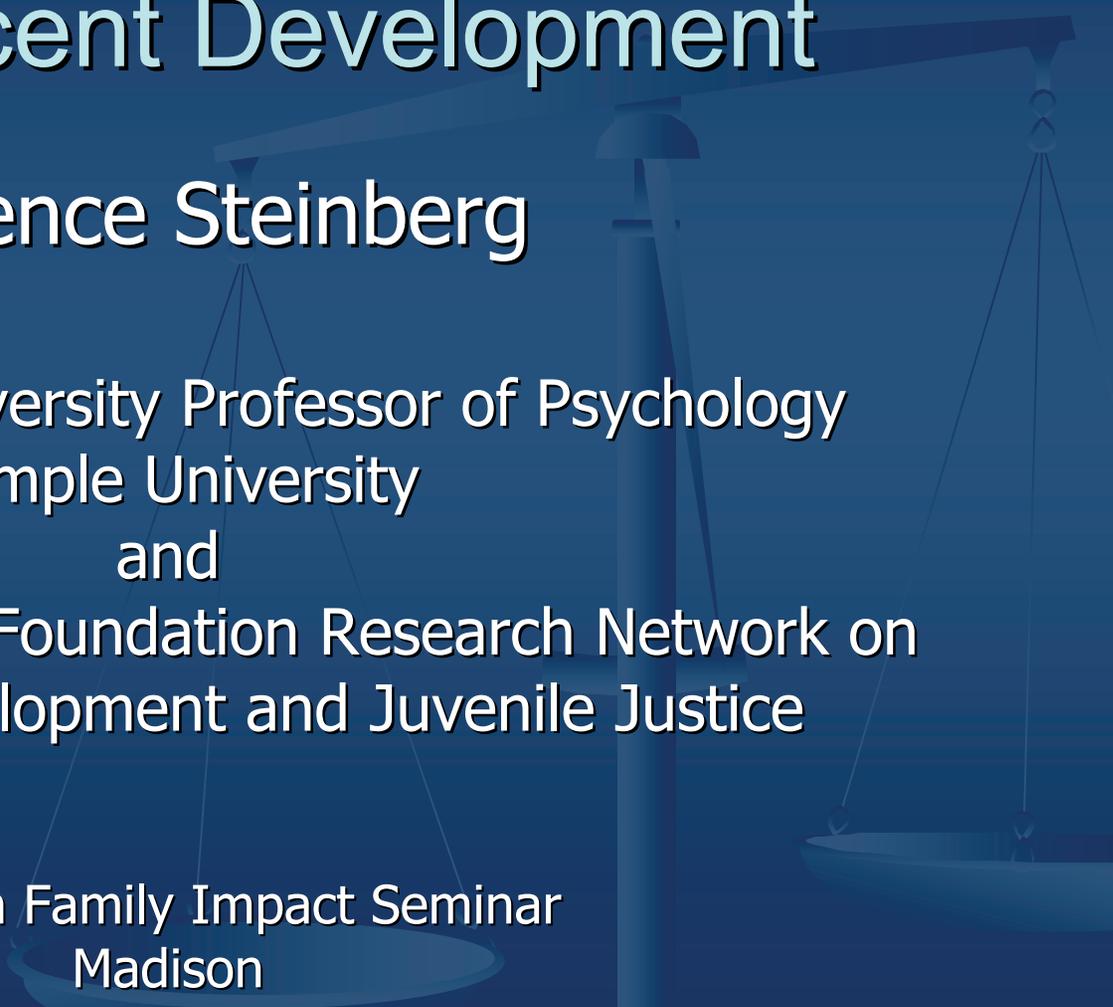


Juveniles in the Justice System: New Evidence From Research on Adolescent Development



Laurence Steinberg

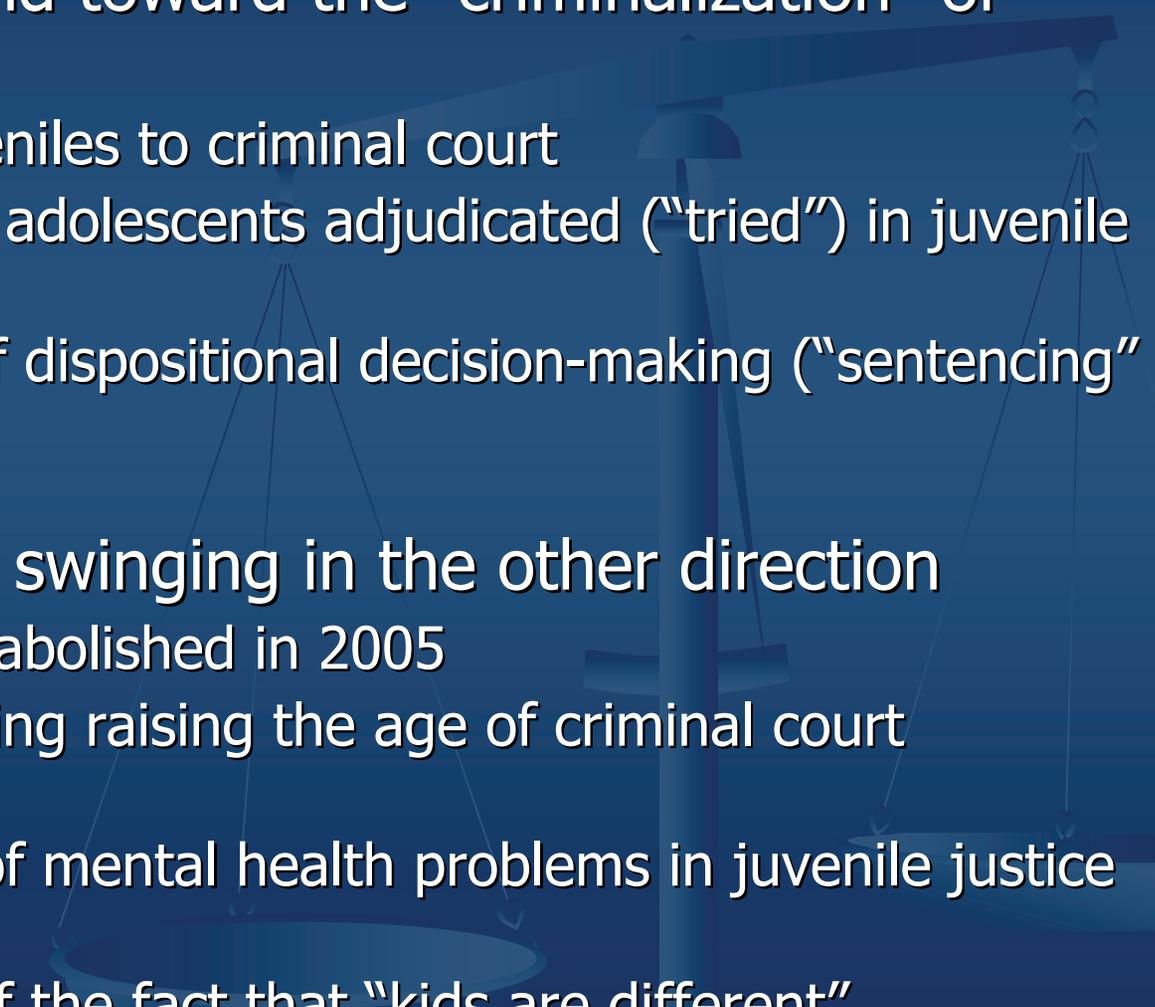
Distinguished University Professor of Psychology
Temple University
and

Director, MacArthur Foundation Research Network on
Adolescent Development and Juvenile Justice

Wisconsin Family Impact Seminar
Madison

October 24, 2007

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 (“tried”) in juvenile court
 - Less individualization of dispositional decision-making (“sentencing” decisions)
- The pendulum may be swinging in the other direction
 - Juvenile death penalty abolished in 2005
 - Several states considering raising the age of criminal court jurisdiction
 - Increasing awareness of mental health problems in juvenile justice population
 - Growing appreciation of the fact that “kids are different”

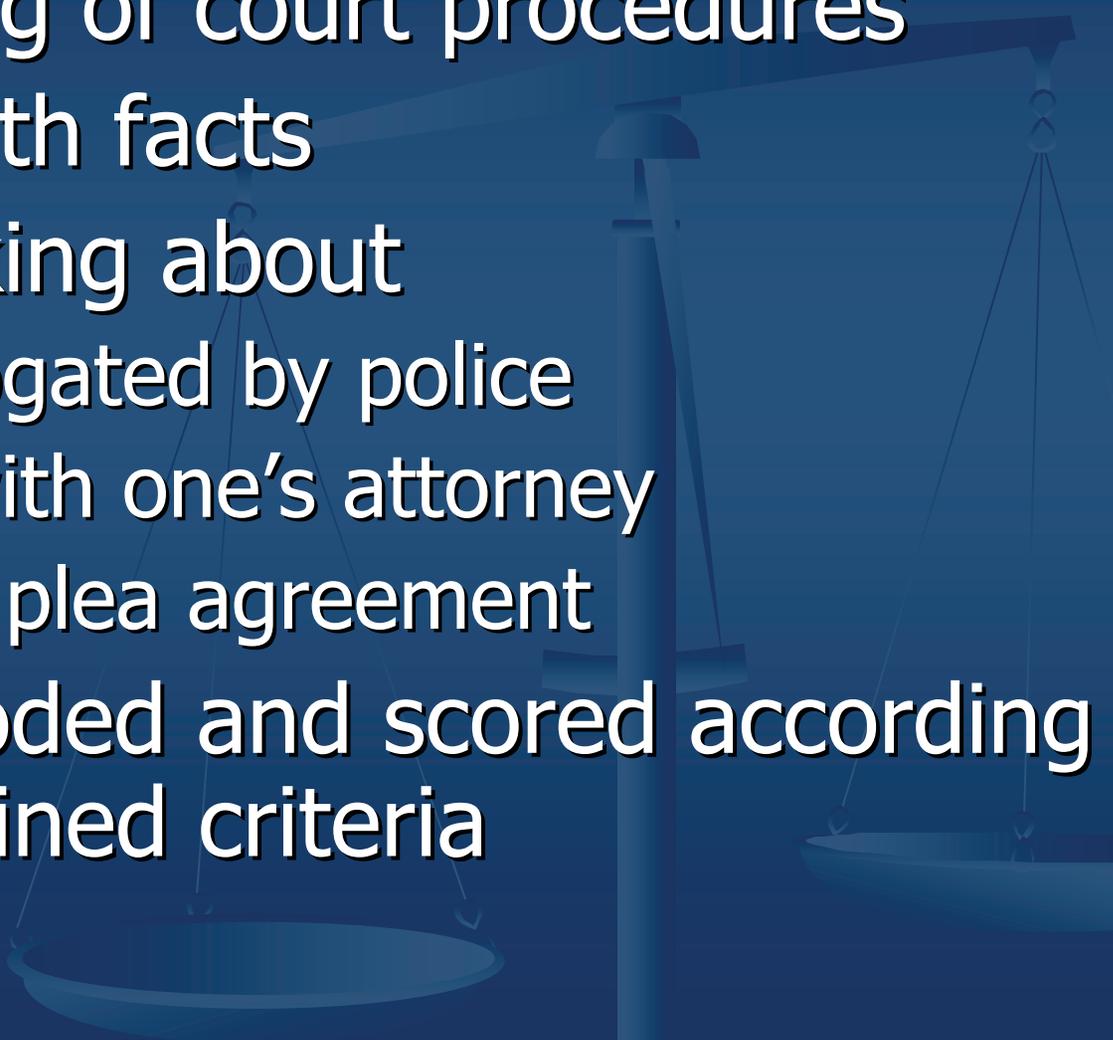
MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice

- 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?

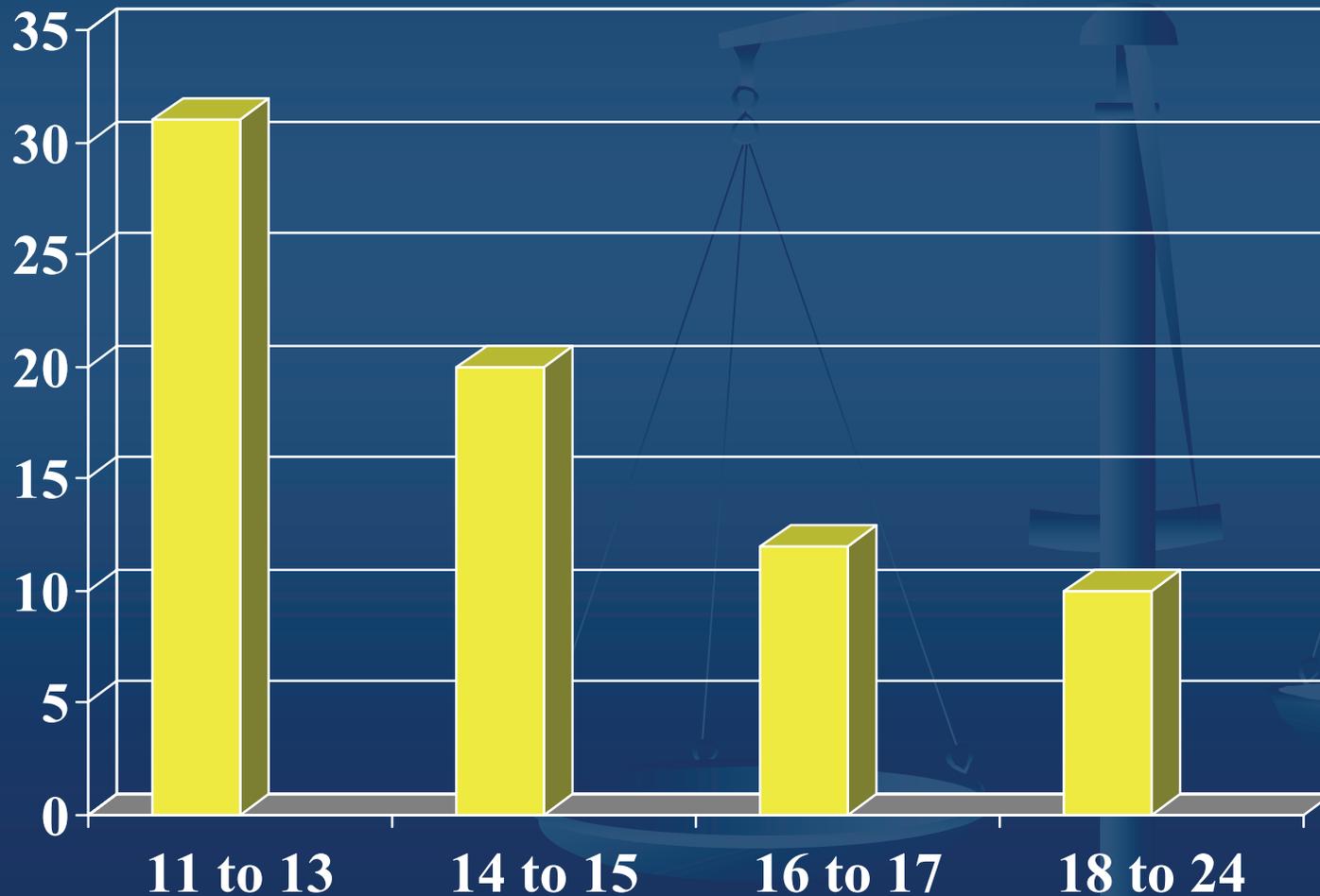
MacArthur Competence Study

- Four data collection sites across country
- Recruitment in detention centers and jails, and in communities in targeted neighborhoods
- Ethnically and socioeconomically diverse sample of 1400 individuals between 11 and 24 years old
- Administered standard instrument used to assess competence to stand trial
- Compared responses at different ages to those of individuals who had been found not competent (“impaired”)

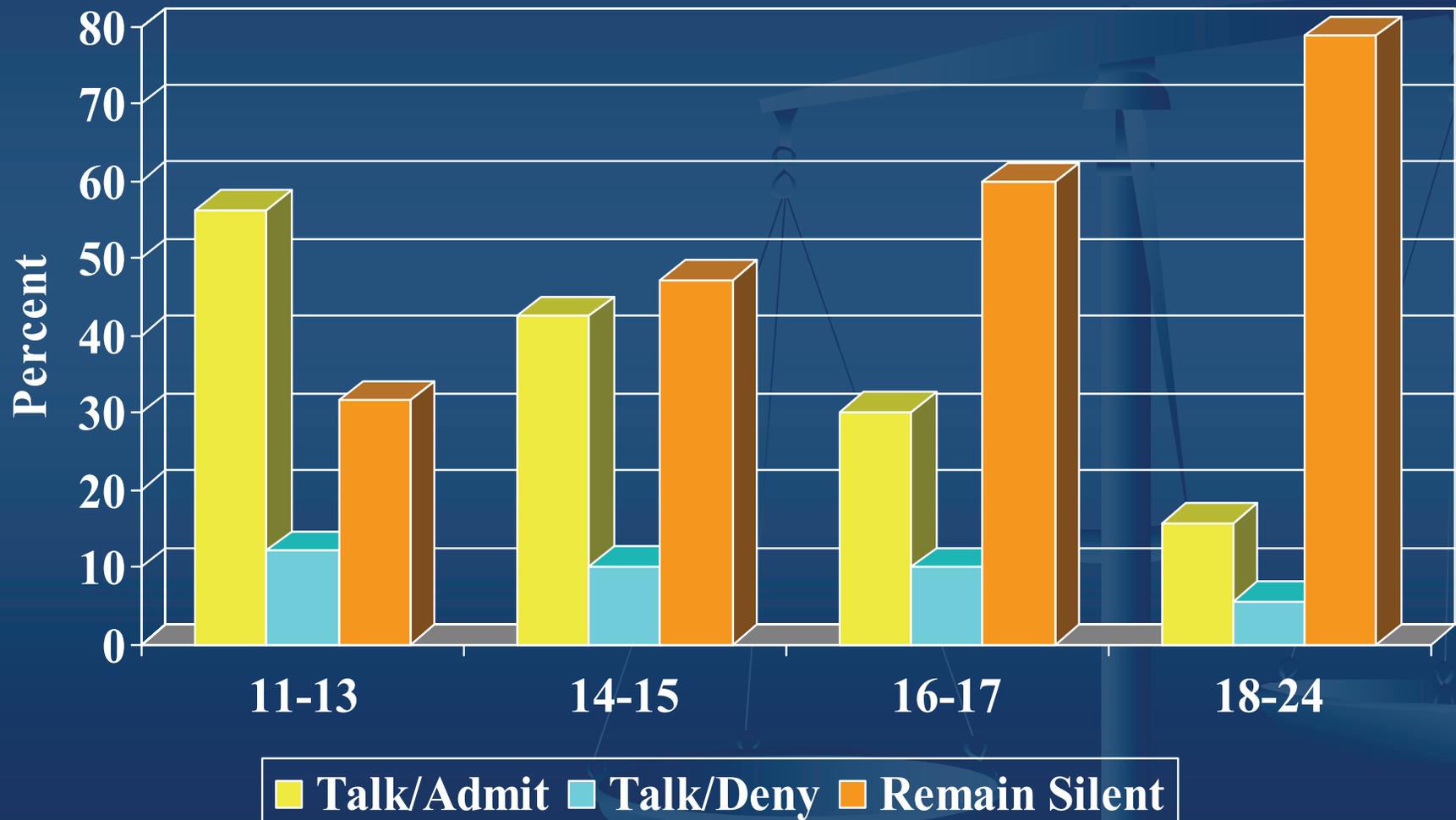
Interview Questions

- Understanding of court procedures
 - Reasoning with facts
 - Decision-making about
 - Being interrogated by police
 - Consulting with one's attorney
 - Evaluating a plea agreement
 - Responses coded and scored according to predetermined criteria
- 

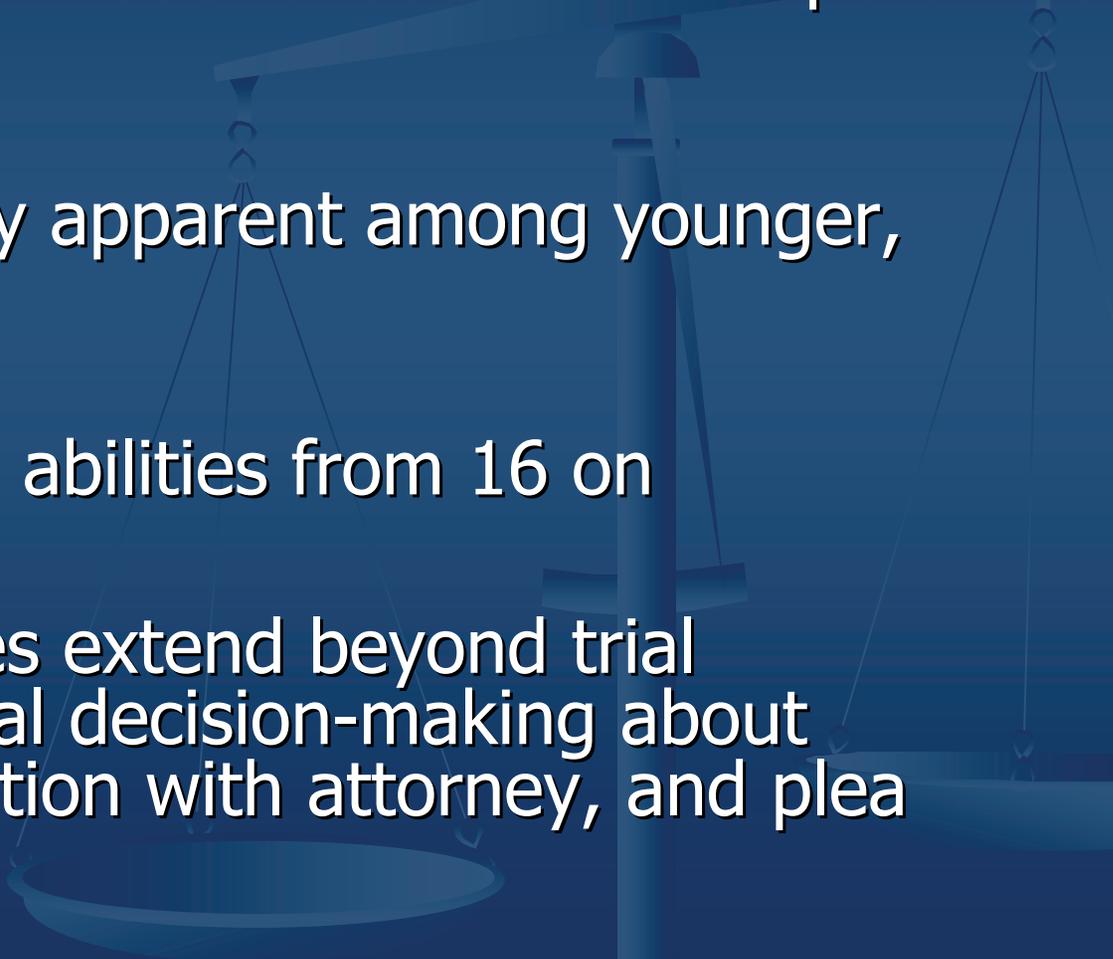
Percent with Seriously Impaired Understanding or Reasoning



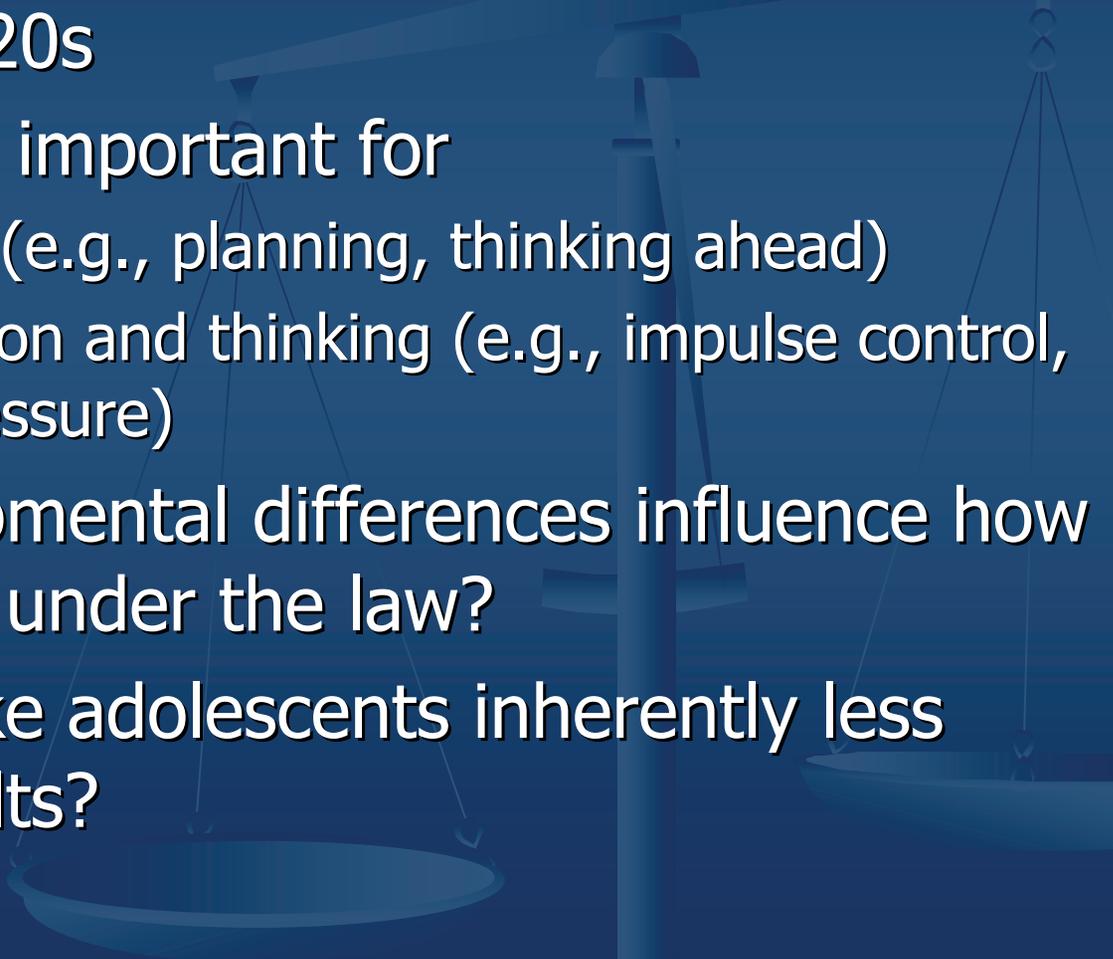
Best Interrogation Choice by Age



Summary of 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
- 

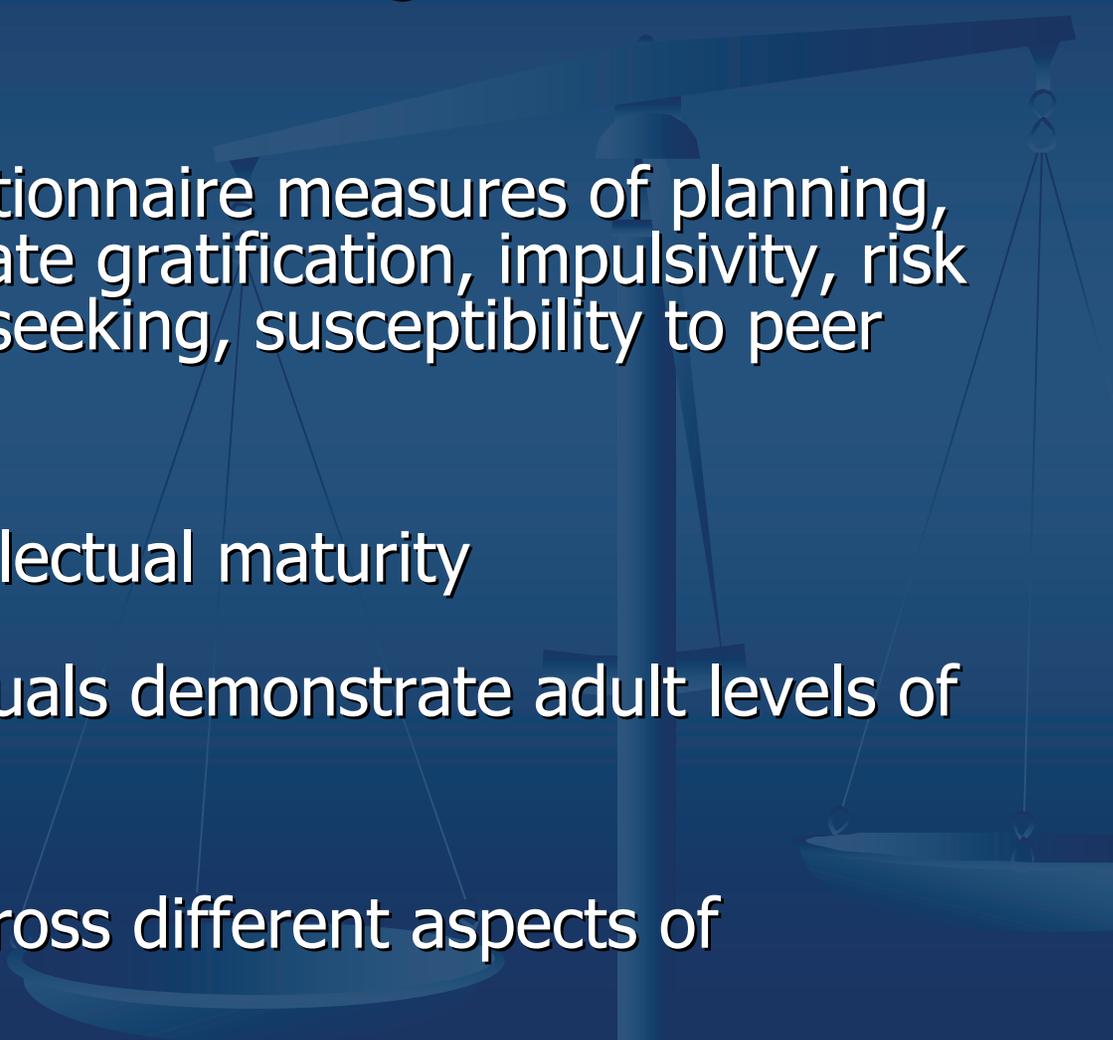
MacArthur Culpability Study

- 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?
- 

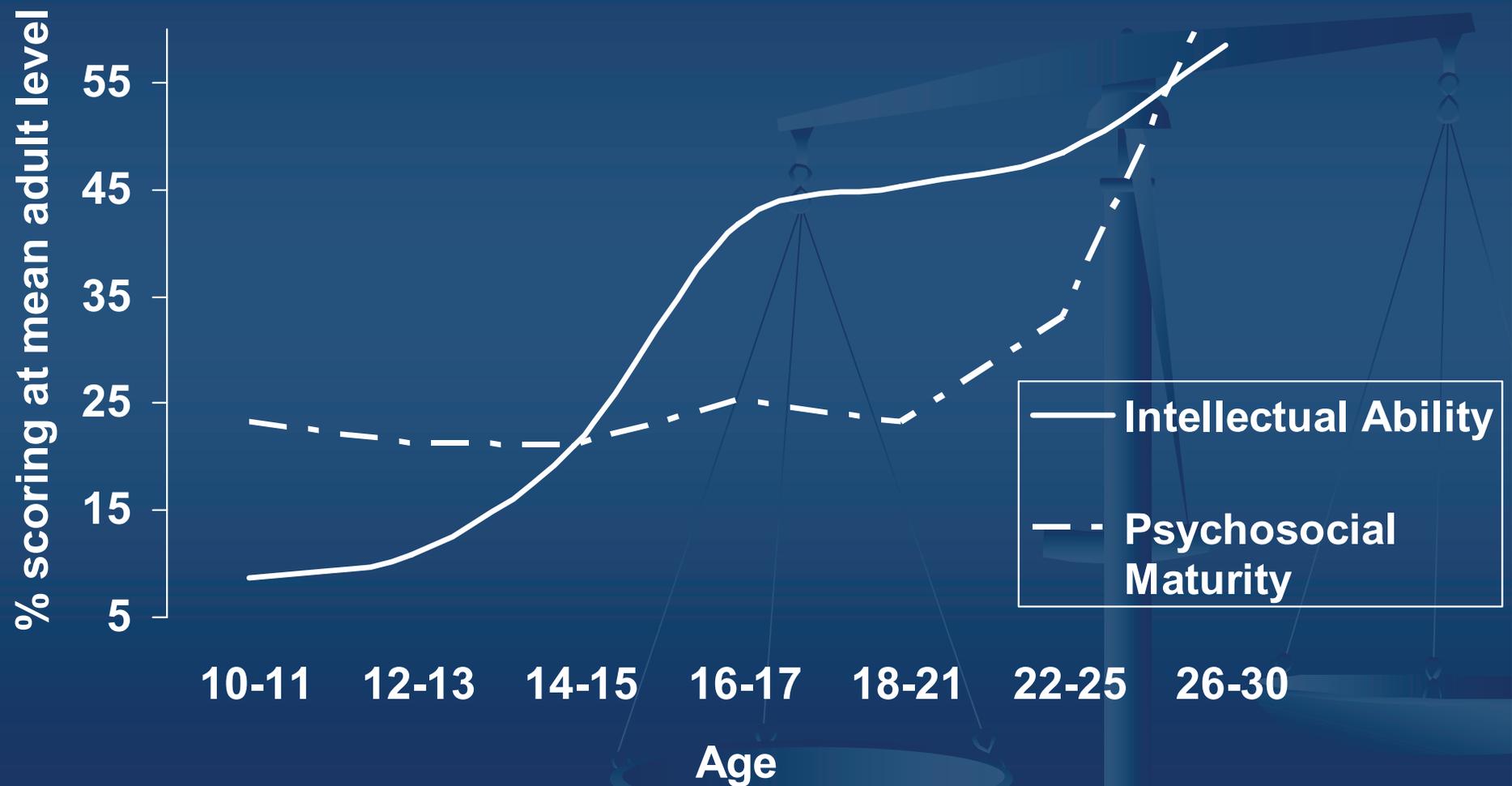
Impairments That Might Mitigate Adolescents' Criminal Responsibility

- 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

Study Design

- Studied over 900 individuals from ages 10 to 30 in five locales
 - Performance and questionnaire 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?
 - Does this age differ across different aspects of development?
- 

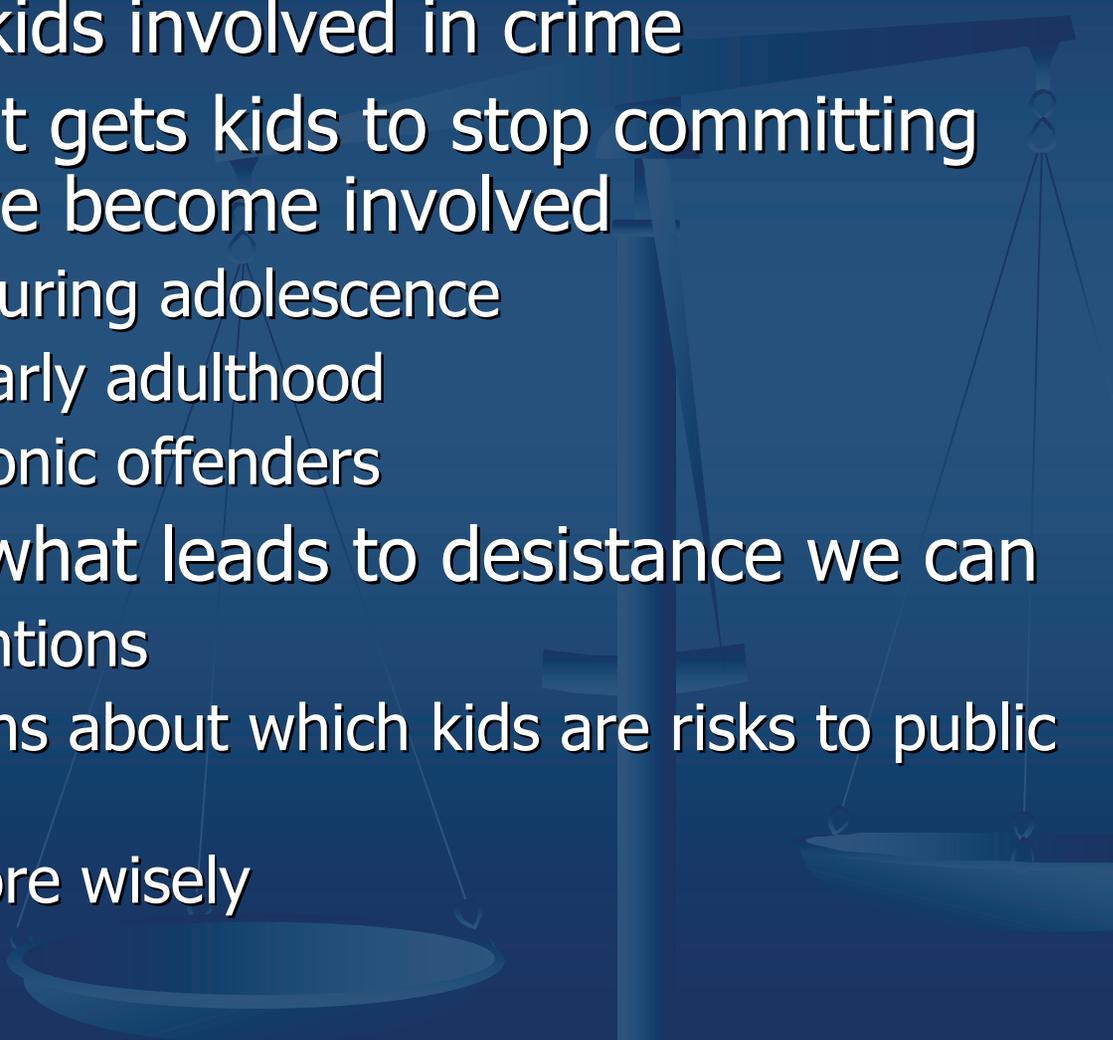
Individuals Mature Intellectually Before They Mature Socially and Emotionally



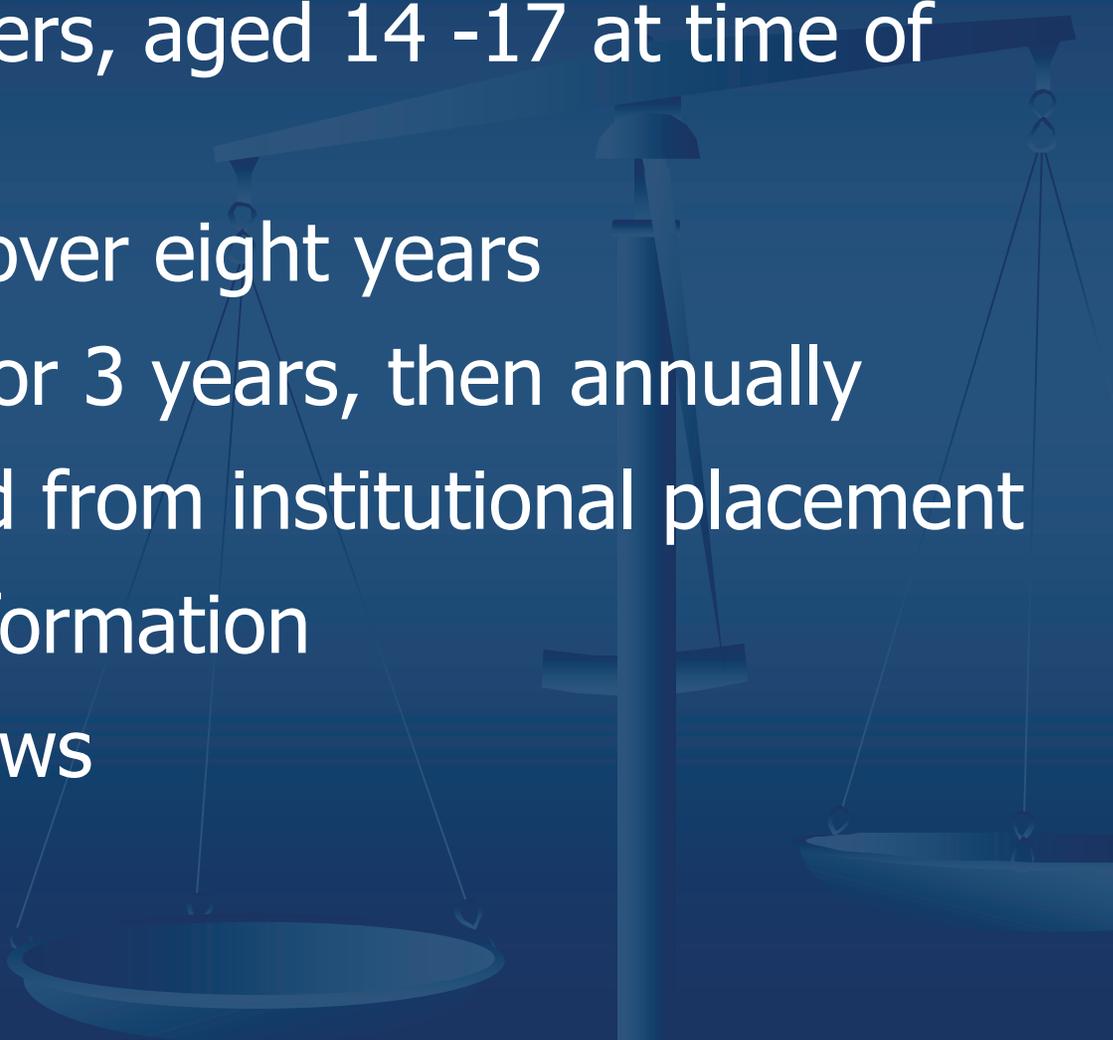
Summary of Main Findings

- 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 diminish criminal responsibility

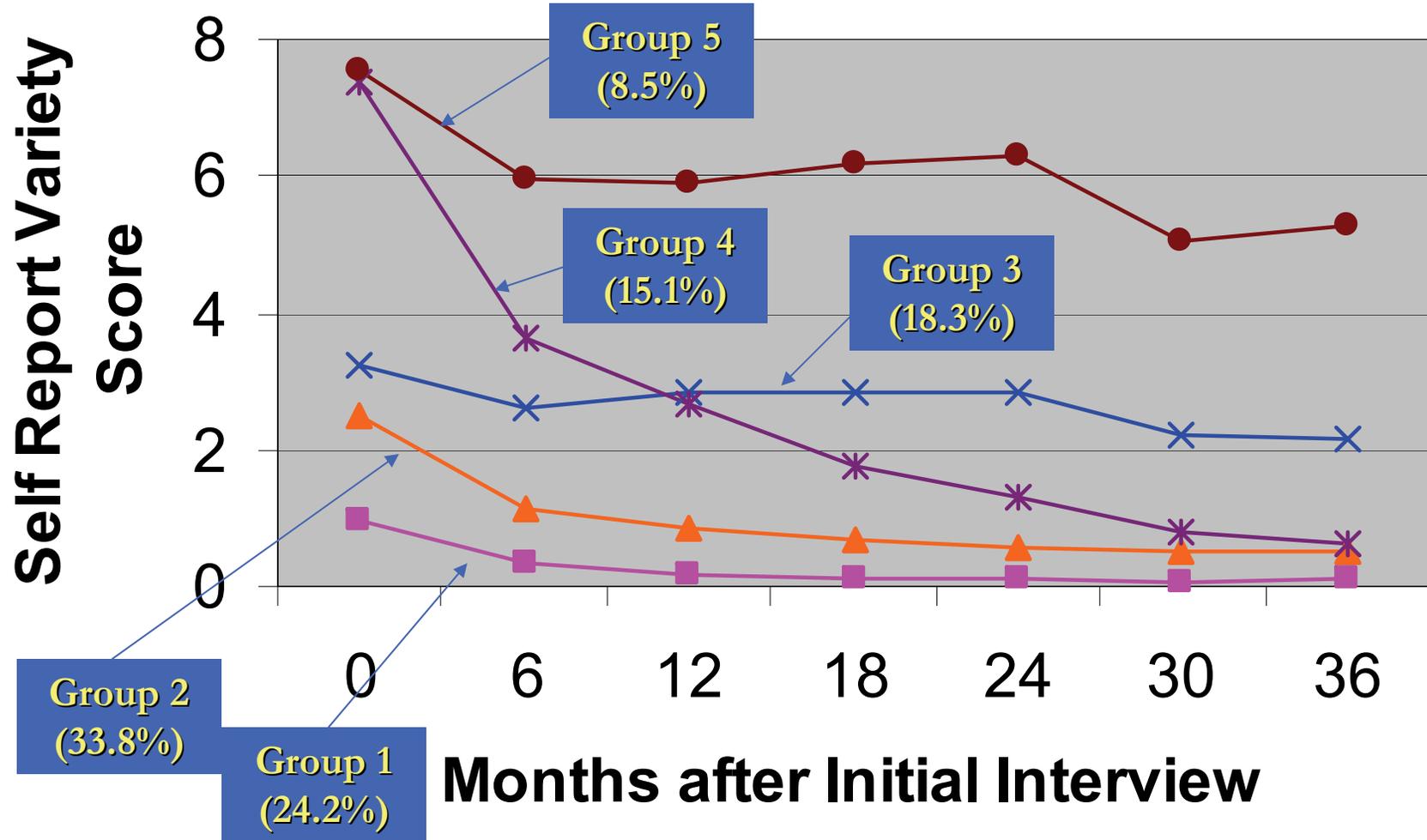
Research on Pathways to Desistance

- We know what gets kids involved in crime
 - We do not know what gets kids to stop committing crimes 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
- 

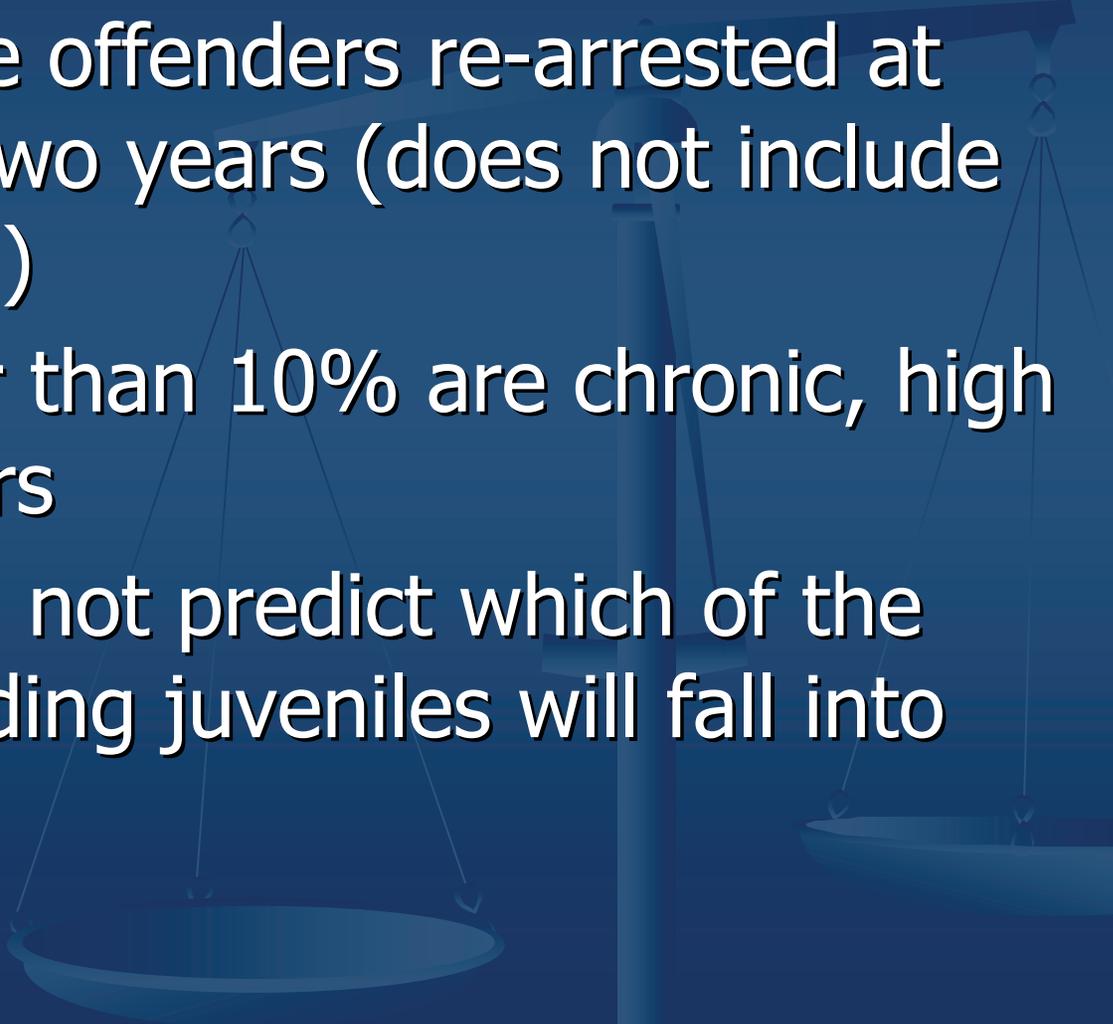
Study Design

- Two sites: Philadelphia and Phoenix
 - 1,354 felony offenders, aged 14 -17 at time of crime
 - Regular interviews over eight years
 - Every 6 months for 3 years, then annually
 - Any time released from institutional placement
 - Other sources of information
 - Collateral interviews
 - Official records
- 

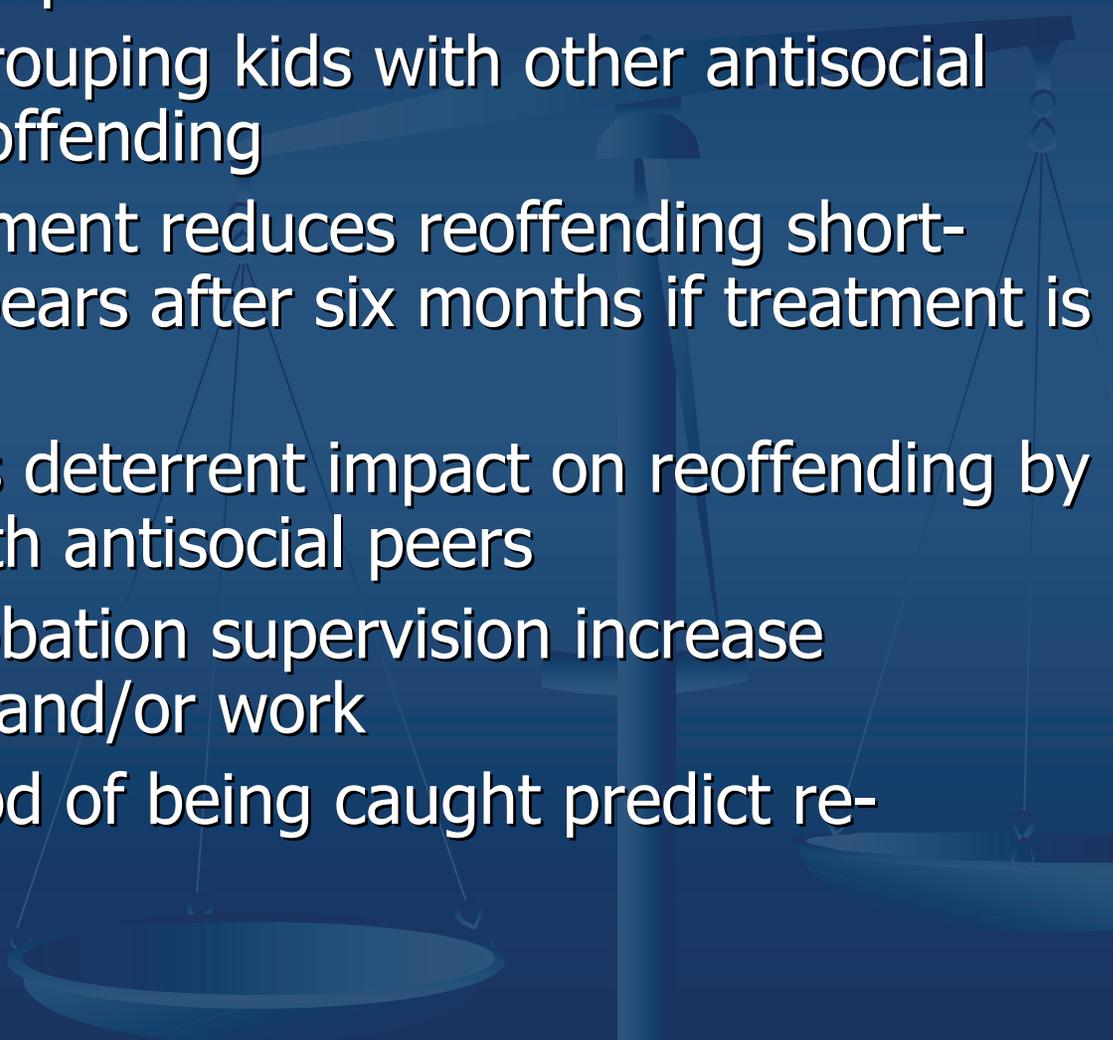
Self Reported Offending Over 3 Years



Summary of Main Findings

- 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
- 

What Works, and What Does Not?

- Incarceration has no impact on reoffending beyond immediate effect of incapacitation
 - Harsh sanctions and grouping kids with other antisocial individuals increase reoffending
 - Substance abuse treatment reduces reoffending short-term, but effect disappears after six months if treatment is stopped
 - Effective parenting has deterrent impact on reoffending by diminishing contact with antisocial peers
 - Long and intensive probation supervision increase engagement in school and/or work
 - Perceptions of likelihood of being caught predict re-offending
- 

Conclusions with Potential Implications for Policy

- Adolescents mature intellectually (around 16) before they mature socially and emotionally
 - There is a clear break-point between 15 and 16 (also seen in the competence study), but after that development is gradual
 - Only a small minority of serious juvenile offenders become “career criminals”
 - Some sanctions have unanticipated, harmful effects
 - Family-based interventions hold a great deal of promise
- 