

## Adolescent Development

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- ) Between ages of 10 and 25, huge onset of mental health issues ranging from ADHD to bipolar/schizophrenia to alcohol/drug abuse or dependence
- ) Diagnosis of personality disorder is not allowed until the age of 18
  - o People have seen therapists tell parents/attorneys that a kid has personality disorder, just can't diagnose so call it other things
- ) Brain (evidence that gives us hope/proof that youth can change)
  - o The parts of brains that are changing are the parts that seek rewards, control/regulate emotions
  - o Connections that get used a lot get stronger and those that don't get lost/weak (neural pruning) brain develops in an experience centered way
    - ) By locking kids up with similar issues, in a non-supportive environment, we're helping them strengthen problematic pathways and train one another in that behavior
    - ) King has theory that cognitive delay occurs by being locked up – some people have seen scientific research out there
  - o Pre frontal cortex not developed until at least 25 - yet the amygdala and striatum develop rapidly during adolescence
  - o Youth that have experienced trauma adapt to that cognitively and then bring their trauma-adapted brain into other societal environments/interactions
- ) Kevin and Sarah Walker, Eric Trupin do education with police, judges etc.
- ) *Roper v. Simmons* - S.Ct case that said youth should not be put to death based on cognitive development
- ) *Graham v. Florida*- S.Ct case saying no LWOP based on brain science

## ADOLESCENT DEVELOPMENT

### FORENSIC EXERCISES

#### PART A: PRETRIAL DETENTION

**Client:** David Smith, age 17

**Complainant:** Michael Childers

**Offense:** Felony Harassment

**Offense Location:** Johnson Junior High School

**Offense Time:** 12:30 p.m.

The complainant is a schoolteacher who reports that while in the classroom, your client, David Smith, knocked on the classroom door at about 12:30 p.m., halfway through the class period. The teacher did not let David into the class, because David did not have a late pass. David began banging loudly on the door and yelling, disrupting class. The teacher describes David's behavior as very erratic. The teacher walked to the classroom door, and asked David to stop banging on the door and to leave and return with a hall pass. David then allegedly started yelling threats, including "I will come to your house with my 22 and kill you and everybody in your house and then I will set that motherfucker on fire. I know where you live." The police were called, and David was arrested at school.

David is 17 years old and has no prior contacts with the police. He tells you that he was very upset that day because he **did** have a late pass, but the teacher wouldn't let him in the classroom so that he could hand over the pass. He also says that when the teacher did come over to the door to tell him to stop banging, the teacher actually said, "Stop acting like a little bitch." David took great offense to that. David never admits to threatening the teacher.

When you speak to David's mother, you learn that David suffers from Sickle Cell Anemia and spends considerable time in the hospital due to medical crisis. Most importantly, David is losing his hearing and experiences considerable frustration and embarrassment in school and with his peers as a result.

Notwithstanding the very disturbing report from the teacher about David's behavior, David appears to be a polite, respectful young man, and his mother reports that she has never had any problems with David. In fact, she describes her son as a mother's boy.

***How can you use adolescent development to help you in a pretrial detention argument for release?***

## PART B: SUPPRESSION OF STATEMENT

**Client:** Albert Jones, age 12

**Complainant:** Jason Marks, age 11

**Offense:** Robbery

**Offense Location:** Ice Cream Truck at the intersection of 50th Street and Minnesota Avenue

**Offense Date and Time:** June 13, 2016, 6:30 p.m.

On Monday, June 13, 2016 at approximately 6:30 p.m., the complainant reported that he was robbed by three boys he had seen before in his neighborhood. He reports that he was standing at an ice cream truck holding \$8.00 in his right hand when he was approached from behind by your client, Albert Jones, age 12; Tyrone Green, age 12; and Shawn Marcus, age 16. Shawn, the older boy, grabbed the complainant around the neck and stated, "Give me your money." The complainant complied with the demand and gave up the money.

Shawn took the \$8.00, threw it in the air and burst out laughing. The money landed on the ground, and both Shawn and the complainant ran away. The complainant says that as he was running away, he turned back and saw your client, Albert, and his friend, Tyrone, pick up the money and buy ice cream.

Your client gives a videotaped statement to the police in which he says that he has seen Shawn Marcus in the neighborhood, but is not friends with him, does not hang out with him and was not with him on September 13. He says that he and his friend, Tyrone, were standing in line to buy ice cream when Shawn came up behind them, walked up to the complainant and grabbed him around the neck and took his money. He says that Shawn threw the money in the air and ran away. The complainant also ran away without picking up his money. Your client says that the money was still on the ground, so he and his friend picked it up. They bought ice cream and went home.

The statement was made after the police came to your client's school and pulled him out of class the day after the incident. The police drove him to the police station and put him in an interview room without his mother. He was held for 5 hours, from 2:30pm to 7:30 pm, without food, and was only allowed to use the restroom after repeated requests. The police told him that "they knew he wasn't a bad kid, and that he just made a mistake." The police told him that he would feel better if he would just tell the truth. The police gave him a *Miranda* waiver card and told him to put his initials on it. The police read the standard *Miranda* language as it appeared on the card: "You have the right to remain silent. Anything you say or do can and will be held against you in a court of law. You have the right to speak to an attorney. If you cannot afford an attorney, one will be appointed for you. Do you understand these rights as they have been read to you?" The police did not offer any additional explanation. The client then told the above story in a videotaped interview.

***Which developmental concepts can you use to support your motion to suppress your client's statement?***

Explain by discussing the factors of *developmental immaturity* presented in the lecture.

## PART E: DISPOSITION

**Client:** Elena Vasquez, age 15

**Complainant:** Paola Rovira

**Offense:** Assault

**Offense Location:** Central District

**Offense Date:** March 4, 2017

Elena Vasquez, 15 years old, was detained on March 4, 2017, following a claim that she assaulted a young woman (20 years old) in the face with a razor. The incident occurred at approximately 12:30 a.m. on a Saturday night (3/4) in the Central District. Elena states that she and the young woman were engaged in a verbal argument. Elena claims she saw the young woman go to her pocket and thought she was pulling out a knife. Elena said she just reacted instantly and pulled a small razor blade from her pocket and sliced it across the young woman's face. The friends of the complainant took her to the hospital where she received several stitches across her face. She was told that she would eventually have to get plastic surgery to cover up the scar that would eventually replace the cut across her face.

The complainant reported the incident to the police. The police picked Elena up in the Central District a week later while she was hanging out on a street corner with some friends. This is Elena's first offense. On May 20th, almost two months after the assault, the petition against Elena was sustained, and Elena was found guilty of Assault 1. Elena is still currently in detention awaiting disposition. Overall, Elena has done well in detention and has maintained her grades in school. Though she initially expressed "attitude" and a lot of anger for being locked up, she slowly began to open up to the social worker about her history and the circumstances that led to her arrest. When she saw the police pictures of the wound on the young woman's face, she was shocked. She said she didn't realize that she could cause such harm to another person. Regardless of her remorse, her probation officer believes that she is a threat to public safety and feels that she should receive treatment, but should also be punished. He plans to recommend sending her to an out-of-home placement outside of the state. Elena wants to stay close to her family.

In preparation for contesting the Probation Officer's disposition, the attorney and the social worker began to investigate Elena's history by interviewing collateral contacts and reviewing school records. Elena tells the social worker that she lives with her mother, twin brother and 17-year-old sister. There is also an older sister, Yolanda, who lives in Redmond (10 miles away) with her husband and two children. Elena has not seen her father for several years. Elena's mother works as a home health aide for the elderly.

In order to better understand the daily struggles Elena faced, the social worker asked Elena about her neighborhood. Elena reports that her neighborhood has the highest homicide rate in the city. She states that gunshots are heard often and even admits to having witnessed a shooting walking home from the bus stop. She also tells how she is often sexually harassed by men on the corner when she is coming home from the bus stop.

Elena's school records show that Elena began having problems in school when she was about 11 years old. There are reports of truancy, fighting and poor grades. However, by the 8th grade her grades and her behavior improved. In an interview with Elena, she stated that she started working with a mentor, Officer Duren, in the 7th grade. As their relationship developed Elena's academic performance and behavior improved.

Elena said that for high school she initiated the process for applying to Running Start. She thought it would be a better fit for her academically and socially. Her principal reports that Elena's behavior, academic performance and attendance were excellent in her 9th grade year. However, her academic performance and behavior began to deteriorate during her 10th grade year. Elena admitted this and explained that she had become involved in a same-sex relationship that year. This relationship caused an enormous amount of conflict between herself and her family and peers.

The social worker also interviewed Elena's sister, Yolanda. Yolanda reported that Elena's mother became extremely frustrated with Elena's behavior during middle school. Yolanda commented that her mother lost authority in the house early on and particularly during Elena's pre-teen years. Yolanda believes that this loss of authority is a contributing factor to Elena's involvement in the current offense.

However, Yolanda says that she would be willing to allow Elena to come and live with her and her family. She stated that her family lives in a safe and quiet community. Yolanda is a dental hygienist, and her husband is a San Francisco Municipal bus driver. They have been married for 10 years. They have a 10-year-old son and a 5-year-old daughter.

There would be plenty of room for Elena to live in the home with them.

Elean's standard range for Assault 1 is 103-129 weeks.

***Which developmental concepts can be used to support your dispositional arguments for a Manifest Injustice for Elena?***