

JTIP Supplemental Materials

Lesson 4 – Adolescent Development

ALTERNATIVE DISPOSITION REPORT

INCORPORATING ADOLESCENT DEVELOPMENT INTO DISPOSITION PLANNING

WRITTEN BY SOCIAL WORKER ON THE DEFENSE TEAM

NOTE: As you can see, this sample report is quite long. This report was prepared by a social worker employed by the defense in connection with an actual case (with names changed, of course). This length will not be standard in most cases, but this report provides an example of the types of issues that may appear in your cases and the response that you may offer. A shorter disposition memorandum, written by the defense lawyer, is also provided in these training materials.

January 15, YR-0

Re: Elena Vasquez
Alternative Dispositional Recommendation

Dear Judge Maloney,

The following is both a Social Summary and Alternative Dispositional Recommendation written by Social Worker Jackie Smith and presented to the court on behalf of the juvenile, Elena Vasquez. Elena has been detained since July. Elena was detained after she allegedly assaulted a young woman in the face with a razor. A petition was sustained against Elena for this incident on September 20, YR-1. The Probation Officer is currently recommending that Elena be placed in an out-of-home placement, preferably the Excelsior program in Colorado. However, Elena requests that the court accept the recommendation plan presented in the Alternative Dispositional Recommendation by Jackie Smith, MSW. It is believed that this alternative recommendation can adequately balance the need for rehabilitation with the need for accountability, as well as provide the continuity of care that is often lacking when youth are placed hundreds of miles away from their families and communities.

Respectfully Submitted,

Ryan Wilson /s/

Public Defender for Elena Vasquez

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ALTERNATIVE DISPOSITIONAL REPORT

PREPARED BY RYAN WILSON, M.S.W., 1/3/YR-0

The following is both a Social Summary and Alternative Dispositional Recommendation presented to the court on behalf of Elena Vasquez. Elena has been detained since July. Elena was detained after she allegedly assaulted a young woman in the face with a razor. A petition was sustained against Elena for this incident on September 20, YR-1. This report is based on weekly meetings with her for the last three months, as well as regular contact with Elena's mother, Ms. Johanna Ramos, and her older sister, Ms. Yolanda Juarez Jennings. Other collateral interviews have been conducted with Elena's mentor, Officer Elaine Duren; Elena's High School Principal, Ms. Stephanie Smith; and the juvenile hall staff on the girls' unit. In addition, Elena has received a psychological evaluation written by John Swanson, Ph.D. All of the above information was used to provide the court with a detailed Social History and to formulate an appropriate alternative disposition recommendation. The Probation Officer is currently recommending that Elena be placed in an out-of-home placement, preferably the Excelsior program in Colorado. However, the Alternative Disposition Plan offered below adequately balances the need for rehabilitation with the need for accountability, and provides the continuity of care that is often lacking when youth are placed hundreds of miles away from their families and communities.

Family Context

Elena's mother, Johanna Ramos, was born in El Salvador and traveled to the United States in YR-22. Ms. Ramos gave birth to Elena Vasquez on March 27, YR-16. Elena has a fraternal twin, Juan Vasquez. They are currently 16 years old. Elena also has two older sisters: Elvia Vasquez, who is 17 years old, and Yolanda Juarez Jennings, who is 33 years old. Elena, Juan and Elvia attend Youth Development Academy High School. Yolanda is currently living in Oakland with her husband and two children.

When Ms. Ramos first came to this country, she took on jobs like babysitting and housekeeping. She also worked at an insurance company for 14 years and took on foster children. She is currently a home health aide for elderly people and has been employed with different companies since YR-9. Elena says she remembers her mother working hard while she was growing up. Her father, Marcel Vasquez, was in and out of the home for the first few years of her life. However, when Elena was four years old, Mr. Vasquez left the family and, for the most part, ceased contact with his children.

Feelings of abandonment and rejection are not uncommon among youth who have a parent leave; some speak of an absent parent with sadness, some with apathy and some with anger. Elena does seem to harbor some resentment toward her absent father. This is apparent from the bitter tone she used to describe how he showed up at the house unannounced when she was 12 years old:

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“I went to answer the door and yelled upstairs ‘Mom there’s a man downstairs at the door.’ I didn’t even know it was my father till he said, ‘Where are my kids?’ Then I ran to the couch and started to cry. He looked at me and Elvia and said, ‘Which one is Elvia?’ He was hugging and kissing us. I was mugging him. He said he would come back daily, but he never did.... He has three other kids with the woman he left my mom for. We’re nobody to him.”

Ms. Ramos, Elena’s mother, stated that of her siblings, Elena had the most difficult time accepting her father leaving the family. “She suffered more than the other three about her dad—bad moods, nightmares. She would get very angry when she was young and say ‘I want my father!’”

Environmental Context

Elena grew up in and currently resides with her family in their home at 100 Connecticut Ave. in San Francisco. This home is located in the Trinidad area, just a few blocks from the Trinidad housing projects. Trinidad is notorious for being one of San Francisco’s more dangerous areas. It is a primarily African-American community, housing the poor and working poor. It has few positive social networks and social controls, and consequently is a target for a significant amount of dangerous criminal activity. Police Officer Elaine Duren, Elena’s mentor, explained the harsh reality of Elena’s surroundings: “A lot of people lose sight of the fact that these kids are growing up in a war zone. There were 36 murders in Trinidad alone last year.”

Elena’s sister, Mrs. Yolanda Juarez Jennings, states that gunshots were heard frequently throughout the neighborhood as they were growing up. Yolanda, who was not moved to the United States until she was 11 years old, said that she had a difficult time coping with the level of violence and was often afraid to leave the house. Yolanda stated that even though she lived for a while at home in her young adult years, she and her boyfriend moved out of the neighborhood as soon as they could. Yolanda explained that they refused to raise their kids in that environment and felt fortunate that they had the means to move away.

Elena states that criminal activity accompanied by gunshots is a part of the backdrop in her neighborhood. Elena stated that at one point last year, she, Elvia and Juan were joking about how they had gotten “used to” the sounds of gunshots, and that it no longer affected them anymore. However, at that moment, they heard what sounded like a bullet hitting the back of the house. Alarmed by the proximity of the bullet, they called the police who came to search the area for suspects. In another incident last year, just yards away from her home, Elena witnessed a shooting in which suspects shot at a young man walking in front of her. Elena said she ducked under a car to try and protect herself and was fortunately not wounded in the incident.

As Elena entered high school and developed physically into a young woman, she faced sexual harassment from the young men in the neighborhood. Elena stated, “They were old – 20’s

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– They’d say, what’s up with you little ma – If you ignored them then they would say ‘Fuck you then, bitch.’ I was afraid of them.” Walking outside her door placed her in the classic double-bind of a young woman: to be friendly was to invite unwanted sexual advances; to be rude was to invite anger and possible retaliation. As do many young girls, Elena tried to cope with these encounters by maintaining a “tough” facade to ward off both advances and attacks.

Adolescence is a time when the development of a social identity is critical, and youth are particularly susceptible to the pressure of the social groups surrounding them. Girls are even more vulnerable, as not only must they be aware of the dynamics, pressure and possible attacks from other girls, but they often lack the physical prowess and presence to protect themselves from the threat and reality of male physical and sexual violence.

Psychologist John Swanson, in his Psychological Evaluation dated October 1, YR-1, notes the following in regard to some of Elena’s own personal characteristics:

“Elena enjoys the attention and approval of others, and she often tries to gain this by fitting in with them. She responds quickly to changing roles, demands and expectations with a show of conformity and respect. This may involve shifts in attitudes, interests and values as circumstances change. Her commitment to certain persons, principles and groups depends heavily on the status, authority and social approval that she associates with them (p.5).”

In the case of Elena Vasquez, it is important to understand her personal characteristics and developing social identity in the context of her environment. Given the trap of inner urban neighborhoods, it is a wonder that Elena has not been involved in other violent or delinquent activity, and that she has been able to grasp onto the pro-social values and behaviors that she does maintain. Except for her trip to Texas, she attended school regularly and maintained a job at a café on Treasure Island. The job itself was a huge responsibility, as it required Elena to leave home earlier than she did for school and transport herself to Treasure Island in order to be able to serve breakfast to customers heading off to work.

Educational Context

Middle School

For Elena it appears that middle school was where she was initially forced to directly negotiate the dynamics of school and neighborhood settings. Elena attended Carver Middle School, which was where many of the young people who lived in her own and surrounding neighborhoods attended. Elena stated that she was often the target of victimization by other Black girls since she was the only Latina at that school. She explained, “Middle school girls use to hate on me. They said I was a ‘wanna be,’ that I wanted to be black. I was talkin’ serious ghetto.” Elena confessed that she would periodically get into physical altercations with the girls who targeted her. It would seem that Elena felt compelled to fight back to “maintain her own,” a

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strategy that youth often use to ward off attacks from other youth and to maintain a protective status.

Elena said that her brother was also often a target in the neighborhood. Elena appears to be very protective of those around her who may not have the “nerve” to stand up and defend themselves. Elena perceives her brother to be particularly passive. She described an incident on a bus near their home where her brother was about to be “jumped”: “Juan’s scared – he doesn’t fight. They were about to punch him, and I stopped it and told them to leave him alone – he didn’t do anything to you. And we quickly got off the bus. I ain’t fittin’ to let no one jump someone in front of me.”

Though it appears that Elena tried to put up a “tough” front in middle school, she says that she cried a lot during that time in her life, and often felt depressed. It appears that this was a particularly vulnerable period for Elena, and at 11 years old, she began to fall prey to the anti-social tendencies surrounding her. Elena admitted to skipping school and smoking marijuana daily. In addition, she confessed that she tended to be somewhat oppositional in school and recognizes this as a time in her life when “no one could tell me nothin.”

Elena’s mother commented on Elena’s behavior during this tumultuous pre-pubescent developmental phase. She said she would get very frustrated with her daughter’s problematic behaviors during this time and appeared to be at a loss with how to address these behaviors. Yolanda, Elena’s older sister, commented that their mother lost authority early on, specifically during these pre-teen years. She perceived this as a significant contribution to Elena’s behavioral problems during this time period, and also saw this lack of authority in the home as a contribution to the current predicament. She noted that Elena had a “strong personality – definitely the strongest of all the siblings and would speak her mind.” But Yolanda also couched this statement by saying that Elena was “always coming to the defense of others.”

Elena’s mother did say she was relieved when Police Officer Duren came into Elena’s life in middle school, as she saw Officer Duren as extremely effective in changing Elena’s behavior. Officer Elaine Duren was one of the primary teachers and coordinators of a class at Carver Middle School called “On Track.” This class was designed to build leadership skills for some of the school’s more difficult youth. In conversations with Officer Duren, she mentioned that Elena was an angry girl at 12 years old. Still, Officer Duren took a special interest in Elena and took on the role of mentoring her outside of the “On Track” program.

Elena appeared to find sanctuary in the presence of Officer Duren. She stated that she immediately took a liking to Officer Duren and started going to her office every day to talk to her about her problems at home and at school. It appears that Officer Duren had a significant impact on Elena’s life, as Elena shared a few stories, indicating the lessons learned from Officer Duren. Elena recalled:

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“One time Officer Duren played a joke on me. She had an officer go to my home and tell me that if I didn’t go to school I was going to get arrested. I was crying – I started going to school after that. Officer Duren didn’t tell me until a few years later that I couldn’t get arrested for not going to school.”

Elena also explained that Officer Duren taught her an important lesson in terms of how to handle conflicts. Elena said that Officer Duren would tell her, “The minute you bite back – they control you.” Elena said that lesson helped her cope differently with conflicts, as she did not want to be controlled by others. It seems Elena was able to respond to this concept, as she saw the capacity for other people to “press her buttons” as a weakness that she felt needed to be kept in check. She said that this saying became important for her and helped facilitate her development of alternatives to coping with conflicts.

Elena responded well to this extra support and positive attention. She stopped smoking marijuana, stopped skipping class and, in general, her overall behavior and demeanor improved. Officer Duren confirmed that Elena was successfully able to change her attitude and behavior and began succeeding in school once again. Both Elena and Officer Duren noted that Elena did very well in both the 8th and 9th grade, and appeared to be back “on track.” Officer Duren and Elena still retain a close bond, and Officer Duren states that Elena is like a “second daughter” and very much a member of her family. Elena is equally fond of Officer Duren and still looks to her for support and guidance. Officer Duren stated emphatically, “This is a good one. She’s not 50-50, maybe 90% – in terms of making it. She’s a smart kid...if there is anyone worth spending time on, it’s Elena. She’s a good kid, and I don’t have a problem sticking my neck out for her.”

Elena’s experience in middle school is important, as it is an example of her resilience. Elena was beginning to involve herself in an “anti-social” lifestyle at the young age of 11, but was responsive to the interventions and positive support within her school and community. In terms of interventions, she said she enjoyed the activities of the “On Track” class, but was particularly touched by the close mentoring relationship with Officer Duren.

High School

Elena chose to go to Youth Development Academy for high school for her 9th grade year. Youth Development Academy is a small school of about 60 students. It is a program run by the Larkin Street Organization. To a certain extent, Youth Development Academy provides an alternative and personalized environment to urban youth trying to escape the alienation of larger urban high schools and the inability of such schools to address students’ individual, social and academic needs. Classes are small and consist of about 7 to 10 students. Youth must volunteer to go to Youth Development Academy and must be interviewed and accepted. Stephanie Smith is the school’s “no-nonsense” principal and has extremely high standards for the youth who attend the school. She holds tight control over the school’s social and academic environment.

Elena was introduced to Youth Development Academy by her middle school, which took all its students on a tour of the San Francisco High Schools. Elena said she knew Youth

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Development Academy was the best place for her and was persistent in her efforts to get in. She interviewed the summer before her freshman year and said:

“I kept calling Stephanie [Principal] and asking her questions about the school. I bugged her the whole summer. I remember the exact day I got the packet that I was accepted. I was jumping up and down in front of my door. I was so happy. I knew that Stephanie was rough, and I needed that to keep me in check.”

Elena apparently did well her 9th grade year. She attended school regularly and received good grades. However, she described herself as somewhat quiet and socially isolated. Remembering her middle school days, Elena preferred to stick to herself, often eating lunch alone. Elena said she remembered Ms. Smith chiding her and telling her to “Open up!”

Though Elena appeared to be getting herself on track, her twin brother, Juan, and sister, Elvia, were not doing as well. Both were flailing in their own schools, not attending regularly and receiving poor grades. In keeping with her role of protector and caretaker, Elena took on the responsibility of facilitating the entry of both Elvia and Juan into Youth Development Academy during her 10th grade year in the Fall of YR-2. Elena said that her sister, Elvia, did not want to go and was mad at Elena for a long time for initiating this arrangement. Still, Elena’s brother and sister fared much better at Youth Development Academy and began being more attentive to the requirements of the school. Elena said that having her brother and sister at school helped her to be more comfortable at the school, and she began to open up and be more outgoing.

Sexual Identity Struggles

In the fall of YR-2, a critical event happened in Elena’s life that caused her much confusion and pain. The principal of Youth Development Academy said that Elena’s behavior became more negative during that time, and by the end of the school year, Elena appeared to be having more conflicts with students and teachers. Elena’s own identity development became more complicated as she experienced a disappointing break-up with her boyfriend, and developed a romantic relationship with a girl at Youth Development Academy. The two had been close friends for over a year. Elena said they started dating in November and began to spend all their time together, often staying at each other’s homes. Elena said it was difficult for her to talk about the relationship to others, and had a difficult time “admitting” it to her brother and sister. She said she had never thought about having a girlfriend, but her closeness with this girl, who was a lesbian, made her curious.

Her girlfriend warned her that the relationship could cause problems within her family, but Elena did not believe this could be so. However, when Elena’s mother, a very religious woman, denounced the relationship, a huge rift developed between Elena and her mother. This relationship flew in the face of her family’s religious and cultural values. Elena said her mother “did not want her to see this girl,” and refused to let her come to the house and/or let Elena talk to her on the phone. Elena said her mother would scream at her and call her bad names in

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Spanish equivalent to “dyke.” When her mother caught her on the phone with her girlfriend, Elena said her mother would “cuss her girlfriend out over the phone and then yank the phone cord out of the wall.” Elena stated, “[My family] turned their back on me. How are you gonna turn your back on me because of that reason?” She said she would yell back at her mother, “Oh well, I’m your daughter, and you’re gonna have to accept me for who I am.” Her immediate and extended family was made aware of Elena’s relationship, and by December the tension was becoming uncontrollable.

Officer Duren said that she tried to be supportive to Elena and not judgmental, but Elena was not as forthcoming about what was going on with her. Officer Duren said she felt Elena disconnect. As she suspected, the experience of rejection from her family made it difficult to open up and process what she was experiencing. In addition, Officer Duren suspected that the issue of Elena’s sexual orientation may have also created an inner spiritual conflict as well, as Elena’s mother was very religious and, though Elena had not attended church regularly, she still considered herself to be a Christian.

With her mother’s permission, in late January she accompanied a close friend who was visiting back to Texas, where she stayed for approximately eight weeks with him and his family. She eventually decided to return in March and reenrolled herself at Youth Development Academy. Though she had missed several weeks of school, she was able to make up her work and pass her classes. She and her girlfriend had broken up in February, and the girl was no longer attending Youth Development Academy.

However it appears that in returning, Elena’s attitude had changed. “When I got back – I let loose of my anger – expressed it more.” Elena (probably in attempt to protect herself from further rejection) said that she took on a more defensive posture with other students. Her relationship with the girl was a source of constant gossip upon her return. This made Elena increasingly uncomfortable as she was trying to leave the relationship behind.

With the all-pervasive presence of homophobia, LGBTQ youth are particularly vulnerable to harassment, violence, discrimination and bullying in almost any environment – including in their homes, schools, communities and placements. Given this reality and the rejection Elena suffered due to the hostile reaction from her mother, it is not surprising that Elena was “on the defense.” It is quite possible that there is a strong correlation between Elena’s experience of shame and humiliation related to the exposure of her same-sex relationship and her ensuing tendency to “act out” more.

Despite her difficulties, Elena finished out the semester and passed her classes. Unfortunately, her summer was not structured, so that Elena and her friends had a great deal of free time. Elena stated that she became increasingly afraid and felt that everything was “getting crazy.” During that summer Elena admitted that she began to carry a small razor in her pocket for protection. She said when she had it with her she felt safe, as if she had a “bodyguard.”

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In his Dispositional Report, Probation Officer Vince Stansfield states, “Elena has chosen to slash the victim in the face with a razor blade.” A more complete analysis of this “decision,” however, would explore the influence of her psychological state and the reality of her everyday environment, i.e. the psychosocial variables that played a role in this act. Elena was living in a climate of fear and reactivity. Developmental Psychologists Elizabeth Cauffman, Ph.D., and Laurence Steinberg, Ph.D., researchers and scholars in the field of adolescent development and juvenile justice, explore the complexity surrounding adolescent decision-making. Their own research has led them to propose that the processes by which adolescents make decisions are often flawed, and there are numerous psychosocial factors that impede judgment, particularly when adolescents are under stress.

“Separating the two – distinguishing between the quality of adolescents’ decisions and the quality of their decision-making – is as difficult as it is important. In the eyes of adults, teenagers make many bad decisions: they drive too fast, they have sex without using contraception, they spend money impulsively, they experiment with drugs, and they drink alcohol to excess, and so on. What is not obvious, however, is that these and other sorts of adolescent risk taking reflect deficiencies in the process of decision-making. In terms of the determination of culpability, the issue is not solely whether adolescents make bad decisions; the issue is also whether adolescents make decisions badly.”¹⁴

Elena was embroiled in a highly charged interpersonal conflict. As mentioned earlier, negotiating conflicts in the context of dangerous urban environments can become a loaded situation and, unless a youth has the coping skills to engage in a strategic retreat, they may suffer serious consequences at a later date. The consequence could be the loss of a social identity that served to ward off attacks to a social identity that invites subsequent attacks that could cause serious injury to the young person. Thus, Elena’s own coping skills with regard to resolving this conflict seemed to have been compromised by psychosocial factors that were a result of the stressors she was experiencing in her life. These stressors include the ongoing dangers of navigating the violence in her own community and the attacks on her social identity by her peers and family due to her exploration of a same-sex relationship.

Current Circumstances

Elena has been detained since July 8, YR-1. She has been able to maintain her behavior in the structured environment of juvenile hall without any physical altercations, and for the most part seems to get along well with most of the other girls and staff. She has been focused and productive in her schoolwork and has done well academically.

¹ Elizabeth Cauffman & Lawrence Steinberg, *Researching adolescents’ judgment and culpability*, in *YOUTH ON TRIAL: A DEVELOPMENTAL PERSPECTIVE ON JUVENILE JUSTICE* 327-28 (Thomas Grisso & Robert G. Schwartz, eds., 2000).

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Elena’s mother visits her several times a week. These visits have been critical in resolving some of the tension that had existed due to Elena’s involvement in a same-sex relationship. Her mother’s commitment to continue to visit Elena for the last several months has forced Elena to recognize that even though she and her mother may have different values, her mother still loves and cares for her. Elena’s mother explained that Elena has become less angry with her: “She gives me a hug and kiss and tells me I love you – she couldn’t do that in my house.”

Sophia Sanchez of the Center for Young Women’s Development conducts a weekly support group in Juvenile Hall for girls. Ms. Sanchez stated that Elena was always willing to talk about herself and share her insights. Ms. Sanchez noted her energy and comments were important for maintaining a smooth group process and for setting a tone where participants felt safe and supported.

It should be noted that while in custody Elena has been participating in weekly therapy sessions with Rosaura Ramos of the Girls’ Justice Initiative. Ms. Romas states that Elena has been cooperative and forthcoming in their sessions and appears to enjoy the opportunity to express both past familial issues as well as the difficulties of enduring the stressful environment of the detention facility.

Alternative Recommendation

Probation Officer Vince Stansfield has recommended that Elena be committed to out-of-home placement, and preferably placed at Excelsior Girls’ Center in Colorado, or a facility that is equal to Excelsior. Though he acknowledges Elena’s positive attributes and strengths, the seriousness of the offense and the harm done to the victim appear to be the motivating factor for his recommendation, and justifiably so:

“Elena needs to be held accountable for her actions. When keeping in mind the protection of society as well as the rehabilitation of Elena, the Office of Probation believes that committing Elena to Out-of-Home Placement (residential treatment facility) or sending Elena to California Youth Authority (a youth correctional facility) would be one way for Elena to be held accountable for her actions. Returning Elena home to her mother at this time would not be in Elena’s best interest as well as the safety of the community.”

Perhaps one of the greatest challenges of the juvenile justice system is to balance the need for rehabilitation with the need for punishment/accountability. The use of a restrictive residential treatment setting, 1,000 miles away, as a way to hold the youth accountable could be perceived as a way to integrate rehabilitation with punishment. In fact, in this case, given the nature of the injuries to the victim, the emphasis on accountability is understandable. However, given Elena’s strengths and responsiveness to community interventions, a community-based alternative

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addresses both the need for treatment and the need for accountability to the victim and the community at large.

In addition, often the problem that unfolds as youth are placed in institutional settings, whether locked or unlocked, is the severing of community and social networks that are a positive influence in Elena's life. These networks are strengths that can be built on in treatment, but distant placements seriously impede the effectiveness of the continuity of care needed to make transitions from institutional settings to home environments successful. Therapeutic relationships developed during institutionalized treatment are then disrupted as attempts are made to scramble and coordinate services back at home and in the community. There are some situations where due to the nature of the offense, the level of criminality and pervasiveness of criminal involvement, chronic violent behavior and serious psychopathology, out-of-home placements do provide a necessary alternative, and juvenile justice system personnel scramble to coordinate aftercare services while transitioning home. However, in the case of Elena there are options that can balance both the need for accountability and the need for treatment without disrupting the continuity of care. It is possible that such an approach would have positive short- and long-term goals of increasing Elena's ability to become a productive and safe member of the community.

Placement/Living Arrangement

Elena's sister, Mrs. Yolanda Juarez-Jennings, has been married to her husband Michael Jennings for 10 years. Mr. Jennings is a Muni bus driver for the city of San Francisco. Yolanda has been a dental hygienist for the last eight years and is currently not working. They live in Oakland and have two children, a 5-year-old and a 10-year-old. They live in a small, safe community with well-manicured lawns, basketball hoops above garage doors and mini-vans in the driveways. It is a stark contrast to the neighborhood that Elena grew up in. Apparently, Mr. Jennings's father passed away two years ago and left the house to his son and their family. Yolanda says she feels fortunate to be able to live in such a neighborhood and recognized that without the generosity of her husband's father, it would not be possible.

Mrs. Juarez-Jennings and her husband have offered to let Elena move in with them. Their house has three bedrooms, and Elena would be able to share a bedroom with her 5-year-old cousin (who already adores her). Two home visits were conducted and the home is clean, well-kept and certainly has plenty of room for Elena. The couple did have some concerns as to Elena adjusting to a structured environment.

In addition, Elena has agreed that she would benefit from a stay-away order from the city of San Francisco. Elena understands that she would not be allowed to travel to San Francisco alone to see her friends and family, and that only when supervised by Yolanda and/or her husband would she be allowed to visit.

Mentor and Additional Living Arrangements

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Officer Elaine Duren has made a commitment to provide ongoing mentorship and support to Elena. During Elena's time in detention, Officer Duren and Elena have been staying in close contact through letters. Officer Duren and Elena both agree that it would be beneficial for Elena to spend every other weekend at Officer Duren's home in San Jose. This would allow Elena to spend quality time with Officer Duren. This type of social support system will strengthen and facilitate Elena's rehabilitative process.

School

Elena wants to return to Youth Development Academy. Though she became disenchanted with the school last Spring when she was struggling with the repercussions of a same-sex relationship, she states that she likes the school environment; she likes the small classes and feels that the school pays her the kind of attention she could not receive at a larger public high school.

The principal of Youth Development Academy, Ms. Stephanie Smith, has agreed to accept Elena back into their school. She is also willing to individualize Elena's schedule so that she could leave early if need be to participate in individual and group therapy options deemed appropriate by the courts. Ms. Smith made it very clear that she would be watching Elena closely, and would work closely with the Probation Department in the ongoing supervision.

Comprehensive Case Management and Therapeutic Services

As the social history outlines, Elena has a number of issues that can be addressed by both individual and family therapy. The Native American Health Center provides comprehensive case management and therapeutic services, and though the target population is Native American youth, they also work with the Latino and Black populations. These services include individual and family therapy, substance abuse assessment and treatment, as well as anger management services. They have a program called the Urban Trails Program, which is a system of care for Severely Emotionally Disturbed or at-risk children and their families, targeted to families with youth 0-21 years old.

It is important to note that family therapy would be a critical component of Elena's treatment. Elena, Elena's mother and Elena's sister have all made a commitment to participate in this process.

The Native American Health Center also has an ongoing anger management group for adolescents, which meets every Thursday from 4:15 to 5:15. Though a minimum of 10 sessions is recommended, the group is ongoing and invites youth to continue as a source of support. This group attempts to help youth develop skills for managing their emotions, as well as address issues of violence in their personal lives and communities. Seprieono Locario, the facilitator, stated that often discussion will center on violence in the community and how it affects young people. Given Elena's struggles with the threat of victimization in her own community,

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accompanied with the role reversal where she perpetrated violence upon another, this curriculum seems extremely relevant for Elena.

Walden House conducted a screening of Elena upon her admission to Juvenile Hall, which found that Elena drank alcohol once per week and smoked marijuana once per week. The Probation Officer also raised concerns regarding Elena's abuse of alcohol in particular. The Native American Health Center has a substance abuse component that will also address these issues.

Effective and successful community-based intervention involves the coordination and collaboration of all service providers. Accordingly, the case manager from the Native American Health Center will conduct team meetings for all providers.

Community Service

Sanctions can be implemented to address the need to hold Elena accountable for her actions against the victim, and subsequently the community. Accordingly, the undersigned has developed a meaningful community service program where Elena would be required to contribute her time and energy in a positive, rather than negative manner. The Children's Hospital of Oakland has a highly organized volunteer program for individuals 16 years old and up. Through this program, volunteers can work in the emergency and urgent care waiting area, supervise and play with patients and siblings and assist nurses to provide a supportive, nurturing and therapeutic environment for hospitalized children.

The program has two types of volunteer opportunities. One opportunity requires a minimum of 100 hours and a six-month commitment. Volunteers would be required to take on a four-hour shift once per week. The Youth Development Academy and the Principal would be willing to allow Elena to take an afternoon shift as an elective. There is an application and orientation process, which Elena has begun. Another option is that Elena could participate in their summer volunteer opportunity, which is a 64-hour commitment over the summer months when Elena is not in school. Given that Elena's treatment needs should be the primary focus upon her release, this option may be more appropriate.

Granted, the physical and emotional scar that Elena imposed upon the victim cannot be rescinded. And Elena should be held accountable to the victim and the community for an act that perpetuates the culture of violence and victimization that she has been raised in thus far. This volunteer option is an opportunity to impose a sanction that provides a meaningful learning experience and can further sensitize Elena to the sanctity of others' physical, emotional and mental well-being. She can learn the value of making an important contribution to the health and well-being of the community. In addition, she can continue to develop skills that may assist her in her transition into an adult who values making contributions to the wellness of the community.

Summary

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In conclusion, although this is a serious offense, it is Elena's first involvement with the Juvenile Justice System. She has never been placed on Probation or in an out-of-home placement. The plan discussed above describes a high degree of supervision, structure and individualized intervention. Placement at the Excelsior Program is not necessary at this time. Certainly, if Elena does not fully comply with the above program, Excelsior could be considered at a future date. Elena, her family and all service providers are highly motivated and committed. Elena has a great deal of support and accountability built into this plan.

The above plan has a good chance of being effective; it supports her involvement in services that work and it modifies those aspects of Elena's life that were lacking and/or problematic.

Therefore, the following Dispositional Plan is respectfully recommended:

- 1) Elena should be placed in the home of her sister, Mrs. Yolanda Juarez-Jennings.
- 2) Elena must comply with a stay-away order from San Francisco and a 6 p.m. curfew unless performing one of her court-ordered responsibilities.
- 3) Elena should return to school at the Youth Development Academy.
- 4) Elena will participate in services at the Native American Health Center.
- 5) Elena shall perform community service hours.
- 6) A 60-day appearance progress report shall be ordered so that Elena can personally report to the court her compliance and progress with the above plan.

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Sample Disposition Memorandum

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

JUVENILE COURT DEPARTMENT
BOSTON DIVISION
NOS. YO 07 B 0009-00012

COMMONWEALTH)

V.)

J.C.)

THE JUVENILE’S MEMORANDUM IN AID OF
DISPOSITION

I. STATEMENT OF THE CASE

The juvenile, J.C., is before the court indicted as a youthful offender on charges of assault with intent to murder (No. YO 07 B0009), assault and battery with a dangerous weapon causing serious bodily injury (No. YO 07 B 0010), assault and battery with a dangerous weapon (No. YO 07 B 0011) and assault and battery (No. YO 07 B 0012).¹ All indictments stem from an incident that occurred on February 19, 2007, at the Back Bay MBTA station. The juvenile was arrested in this matter on February 26, 2007, and was arraigned on complaints related to the incident on February 27. The indictments were returned on April 24, 2007, and the juvenile was arraigned on the indictments on May 1, 2007. The juvenile has been in custody at all times since his arrest on February 26.

This case has been before the court from time to time since the juvenile’s arraignment for hearing on discovery motions and an evidentiary hearing on a motion to suppress statements. The juvenile is currently before the court pursuant to G.L. c. 119 § 55B seeking to change his plea on the indictments charging assault to murder (No. YO 07 B 0009), assault and battery with

¹ The juvenile has moved to dismiss all indictments due to the failure of the Commonwealth to provide evidence from which the Grand Jury could find probable cause to believe that he was over the age of 14 at the time of the offense, *Commonwealth v. Quincy Q.*, 434 Mass. 859, 865 (2001) and, as to No. YO 07 B 0012, the assault and battery indictment, for the additional reason that a misdemeanor can not be the subject of a youthful offender indictment. G.L. c. 119 '54.

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a dangerous weapon causing serious bodily injury (No. YO 07 B 0010) and assault and battery with a dangerous weapon (No. 07 B 0011). He will withdraw his motion to dismiss in the event his tender is accepted.

The juvenile offers to change his plea conditioned on being committed to the DYS to age 21 on indictment No. YO 07 B 0009 (the assault with intent to murder charge) and sentenced to a suspended term of three to five years with six years' probation on No. 07 B 0010 and a term of straight probation on No. YO 07 B 0011, all said probationary terms to run concurrently with one another and with the sentence on No. YO 07 B 0009.

II. STATEMENT OF FACTS

A. The Juvenile

[Insert Facts]

B. The Offense

[Insert Facts]

C. Institutional Adjustment

[Insert Facts]

Since detained on these charges, J.C. has been held at either the Metro Detention Center in Roslindale or the Plymouth Secure Youthful Offender Unit at the Plymouth County House of Correction. He has not been a management problem to any extent while in DYS. He has consistently attained and maintained his levels and is currently working as a cleaner in the Plymouth facility. This is the highest level of privilege that a detainee can obtain in Plymouth.

With the benefit of time to reflect on his February 19 actions, J.C. realizes that he made a grave mistake and should never have gotten involved in this senseless attack. He told Dr. Clark that if he could turn time back, he would not attack Mr. L., and that it isn't worth it to get involved in activities like this.

III. DISCUSSION

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The safety of the public and this young man’s rehabilitation are best served by commitment to the DYS until age 21 with a suspended state prison sentence and a period of probation thereafter. This sentence will meet the legitimate penological goals of punishment and retribution and will safeguard the public. Conversely, sentencing J.C. as an adult will affirmatively endanger public safety.

Though J.C.’s and his cohorts’ acts are most grave, and they are undoubtedly fortunate that a death did not follow, J.C.’s acts must nonetheless be viewed through the lens of adolescent development and with the purpose of the juvenile court in mind. Pursuant to G.L. c. 119 § 53, the young persons brought before the Court are to be treated, “as far as practicable . . . not as criminals, but as children in need of aid, encouragement and guidance.” In *Roper v. Simmons*, 543 U.S. 551 (2005), the U.S. Supreme Court tacitly endorsed the wisdom of this approach when it recognized that a juvenile’s criminal conduct is “not as morally reprehensible as that of an adult.” 543 U.S. at 570 (quoting *Thompson v. Oklahoma*, 487 U.S. 815, 835 (1988)). This decision was based on well-accepted principles of adolescent psychosocial development that are discussed below.

A. Adolescent Development and Reduced Culpability

In *Simmons*, the Court recognized and gave controlling legal significance to three fundamental differences between adults and adolescents. First, “[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults . . . [.] These qualities often result in impetuous and ill-considered actions and decisions.” 543 U.S. at 569 (quoting *Johnson v. Texas*, 509 U.S. 350, 367 (1993)). Second, “juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure [than are adults].” *Id.* (citing *Eddings v. Oklahoma*, 455 U.S. 104, 115 (1982)). Third, “the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.” *Id.* at 570 (citing Erik H. Erikson, *Identity: Youth and Crisis* (1968)). These considerations led the Court to hold that due to juveniles’ diminished culpability, they cannot be subjected to the death penalty. The fundamental principles of adolescent development that underlie the holding in *Simmons* apply here to mitigate, but certainly not to excuse, this young man’s misconduct.

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Adolescence is a period when young persons undergo rapid and profound physical and emotional transformations. During adolescence, a youth's adult character begins to emerge, but is not yet fixed. Laurence Steinberg & Elizabeth Scott, *Less Guilty by Reason of Adolescence*, 58 Am. Psychol. 1009, 1012 (2003). One of the main developmental tasks of adolescents is to coordinate emotion, intellect, behavior and capacity while considering long-term goals and the consequences of actions. Laurence Steinberg, *Cognitive and Affective Development in Adolescence*, 9 Trends in Cog. Sci. 68, 69 (2005). Moreover, Steinberg notes that there is growing evidence that “the second decade of life is a period of great activity with respect to changes in brain structure and function, especially in regions and systems associated with response inhibition, the calibration of risk and reward and emotional regulation.” *Id.* at 68. While the full import of these changes is not completely understood, the accumulating evidence strongly suggests that one reason adolescents behave differently from adults is that their brains are wired and function differently. *Id.* at 68-69.

Whether the result of immature cognitive development or simple psychosocial immaturity, it is well understood that adolescents have a much different sense of time, are much more “present-focused” than adults and make decisions based on immediate gratification with little regard to long-term consequences. Steinberg & Scott, *supra*, at 1012. This may be due to an adolescent's still-developing ability to reason and to envision the future, or due to the simple fact that, having lived only a short time, each day or year is a proportionally longer experience than it is to an adult. *Id.*

Adolescence is also a period of extreme emotional change and upheaval. Emotional shifts in adolescents are much more frequent and dramatic than in adults. *Id.* at 1013. Hand in hand with this, adolescents are much more impulsive than adults, making decisions more rashly and with little consideration of consequences. *Id.* at 1012-13. Adolescents have a much differently calibrated risk-reward meter than do adults, and place much greater emphasis on short-term benefits than on long-term risks. *Id.* at 1012. Finally, adolescents spend more time in groups and are much more susceptible to peer pressure than adults. *Id.* Adolescent “susceptibility to peer influence increases between childhood and early adolescence as adolescents begin to individuate from parental control, peaks around age 14, and declines slowly during the high school years. . . .

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In some contexts adolescents make choices in response to direct peer pressure to act in certain ways. More indirectly, adolescents’ desire for peer approval—and fear of rejection—affect their choices, even without direct coercion.” *Id.*

Each of these well-understood characteristics of adolescent development is present in this case. That is, J.C. acted impulsively under the emotional excitement of the threat to his friend and in the heat of the moment. He was in the company of peers whose approval he craved and under the direct influence of an older adult peer. His thoughts, driven by the adolescent imperative of the moment, were only of short-term goals – gaining peer approval and avenging the assault on his friend. He did not pause to consider how participation in this event could harm the victim or influence his future choices. The immature cognitive and psychosocial development that contributed to J.C.’s actions on February 17 will be ameliorated to a considerable extent by maturation. With rehabilitative treatment to aid J.C.’s maturation, he can return to the community as a productive and law-abiding adult.

B. The Accepted Penological Purposes of Punishment Can Best Be Achieved Through the Juvenile’s Proposed Disposition.

The SJC has identified four basic interests served by punishment: (1) deterrence, (2) isolation and incapacitation, (3) retribution and moral reinforcement and (4) reformation. *Cepulonis v. Commonwealth*, 384 Mass. 495, 499 (1981). Each of these considerations is discussed briefly below.

1. Deterrence

The very factors that render a juvenile less culpable than an adult also render a juvenile less likely to be deterred by the prospect of punishment for his actions or the knowledge that others have been punished for like actions. That is, an adolescent’s focus on the immediate, failure to appreciate risks that are apparent to adults, failure to weigh perceived risks realistically, inability to reason out and choose from among alternative courses of action or to identify the least risky and legally best course of action all make it unlikely that an adolescent will be deterred by the prospect of future punishment. *Simmons*, 543 U.S. at 571-572. *See also Naovarath v. State*, 105 Nev. 525, 531 (Nev. Supreme Court, 1989) (because adolescents place

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greater value on short-term consequences and are less sensitive to future outcomes, criminal sanctions are unlikely to deter their misconduct).²

A recent analysis of the deterrent effect of adult sanctions on juvenile violent crime looked at crime rates in 14 states for periods immediately before and after the enactment of “direct file waiver” statutes.³ Benjamin Steiner & Emily Wright, *Assessing the Relative Effects of State Direct File Waiver Laws on Violent Juvenile Crime: Deterrence or Irrelevance*, 96 J. Crim. L. & Criminology 1451 (2006). Steiner and Wright determined that the threat of adult prosecution and punishment has no deterrent effect on juvenile offending. *Id.* at 1467-1468. The analysis specifically found that the juvenile homicide and manslaughter rates did not fall in any of the states studied.⁴ *Id.* See also Christina DeJong & Eve Schwitzer Merrill, *Getting ‘Tough on Crime:’ Juvenile Waiver and the Criminal Court*, 27 Ohio N.U.L. Rev. 175, 176 n. 10 (2001); Ellie D. Sheni, *Waiving Goodbye, Incarcerating Waived Juveniles in Adult Correctional Facilities Will Not Reduce Crime*, 36 U. Mich. J.L. Reform 653, 665 (2003); Donna M. Bishop et al., *The Transfer of Juveniles To Criminal Court: Does it Make a Difference?*, 42 Crime & Delinq. 171, 184-185 (1996).

In a recent monograph, the Office of Juvenile Justice and Delinquency Prevention, a division of the U.S. Department of Justice, headed by J. Robert Flores, an appointee of President George W. Bush, concluded that the practice of trying and sentencing juveniles as adults has “little general deterrent effect on would-be juvenile offenders.” Richard E. Redding, U.S. Dep’t of Just., Office of Juv. Just. & Delinquency Prevention, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* OJJDP Bulletin, August, 2008, at 8. Though observing that the

² See Laurence Steinberg & Elizabeth Scott, *Less Guilty by Reason of Adolescence*, 58 AM. PSYCHOL. 1009, 1012 (2003) (“[A]dolescents tend to discount the future more than adults do and to weigh more heavily short-term consequences of decisions both risks and benefits in making choices. . . . [A]dolescents simply may be less able than adults to think about events that have not yet occurred (i.e., events that may occur sometime in the future). . . . [A]dolescents use a risk-reward calculus that places relatively less weight on risk, in relation to reward, than that used by adults.”).

³ Much like the youth indictment process, direct file statutes allow prosecutors to file charges against some juveniles directly in adult court and thereby bypass traditional judicial waiver procedures.

⁴ The states studied included Arizona, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Michigan, Montana, Nebraska, Oklahoma, Vermont, Virginia and Wyoming. As controls, crime rates in Mississippi, Missouri, Utah, Nebraska, Indiana, New York, North Dakota and Idaho were also studied.

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evidence is not entirely clear, the author concludes that “the bulk of empirical evidence suggests that transfer laws have little or no general deterrent effect.”⁵ *Id.*

As to specific deterrence, J.C.’s current attitude as reflected in Dr. Clark’s report is that if he were placed in another similar situation, he would not get involved. He would not do anything. When asked what he would do if he could go back to February 19, he stated that he would “leave things there, there is no point in going to jail for something that has happened and is not worth it.” J.C. has shown consistent positive progress since detained. He has not been a behavioral problem, has made his level and earned a position of trust and responsibility in his unit. Though never before incarcerated, J.C. has now spent nearly two years in detention. Under the proposed disposition, he will serve an additional two to three years in custody. For a first-time offender, four to five years’ incarceration is a substantial deterrent.

2. Isolation and Incapacitation

There is no question that J.C.’s acts require a period of isolation and incapacitation. He is not arguing otherwise. Under the proposed disposition, J.C. will remain incarcerated for a substantial period. He has been detained for almost two years at this time. If committed to the DYS to age 21, he will undergo a 45- to 60-day period of assessment before being classified to a secure treatment unit. Based on the severity of this offense, he will almost certainly receive the maximum grid time of 24 months and could well serve an additional year if his treatment requires. If committed to the DYS to age 21, J.C. will serve four to five years in custody. That is, he will be incarcerated for fully one fifth of his life due to his conduct on February 19. Further, he accepts that his readjustment to the community must be monitored and subject to certain and severe sanction should he again run afoul of the criminal laws. For this reason, he proposes that he be sentenced to a considerable period of probation – six years from the date of sentencing (three to four years after release from secure treatment) – and that a suspended sentence of three to five years in state prison be imposed on No. YO 07 B 0010 (assault and battery with a dangerous weapon causing serious bodily injury) along with a concurrent period of straight probation on No. YO 07 B 0011 (assault and battery with a dangerous weapon). Such a

⁵ The Massachusetts youth offender statutory scheme is the functional equivalent of direct file waiver statutes.

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disposition gives a court substantial discretion to impose further punishment if the juvenile violates the conditions of probation and subjects him to up to 10 years in state prison should a probation violation warrant. G.L. c. 265 § 15A(b). This is a substantial incentive for him to conform his conduct to the requirements of the law and his probation conditions.

This disposition is consistent with the recommendation of Dr. Clark. She notes that J.C. is at low risk of reoffending if retained in a juvenile program, and that he is a good candidate to follow probationary conditions.

3. Retribution and Moral Reinforcement

A sentence of four to five years' incarceration in a DYS facility and an additional period of four or more years probation exact a substantial toll on a person who was 16 at the time of the offense. This sentence recognizes that the act must be punished, and severely, without losing sight of the fact that the juvenile offender is not acting from a fixed, deviant character and has innate capacity for growth. *Simmons*, 543 U.S. at 570. This sentence recognizes that J.C. can become a productive adult, his grave misconduct notwithstanding. Moreover, the alternative to DYS, a sentence to state prison, will affirmatively endanger public safety.

The August 2008 OJJDP monograph, cited above, concluded that the practice of sentencing juveniles as adults “increase[es] recidivism, particularly in violent offenders, and thereby promot[es] life course criminality[.]” The monograph relates that “six large-scale studies have found higher recidivism rates among juveniles convicted for violent offenses in the criminal court when compared with similar offenders tried in juvenile court.”⁶ *Id.* at p. 2.

Numerous studies have also documented the risk to juveniles that stems from incarnation in adult institutions. Research demonstrates that juveniles incarcerated as adults commit suicide at rate 7.7 times higher than those in juvenile facilities; are five times more likely to be sexually assaulted than if in a juvenile facility; are 50 percent more likely to report an attack with a weapon; and are about twice as likely to report being beaten up by a guard or staff member.

⁶ As relevant here, trial in adult court equates with sentenced to adult prison, while trial in the juvenile court equates with sentenced to a juvenile facility.

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Vincent Schiraldi & Jason Zeidenberg, *The Risks Juveniles Face When They Are Incarcerated With Adults* 2-4 (1997).⁷ In short, incarceration as an adult brutalizes a young person.

4. Reformation

A juvenile like J.C., who has no history of offending behavior, school problems or anti-social behavior more generally, is a good candidate for rehabilitation through the juvenile justice system. Dr. Thomas Grisso, a leading authority on adolescent development and adolescents in the juvenile justice system, and Professor Elizabeth Scott from Columbia Law School have undertaken a comprehensive review of studies of adolescent offending and desistance from offending. They have determined:

[S]ubstantial evidence indicates that many adolescents become involved in criminal activity in their teens and desist by the time they reach young adulthood. . . . For most adolescent delinquents, desistance from antisocial behavior [] seems to be a predictable component of the maturation process. Only a small group of young offenders will persist in a life of crime.

A representative sample of adolescents involved in criminal activity will include a large group whose antisocial conduct is ‘adolescence-limited’ and a much smaller group whose antisocial conduct is ‘life-course-persistent.’ Although some youth in the latter group initiate antisocial behavior in adolescence, many display a variety of problem behaviors, beginning early in life and persisting through adolescence into adulthood. Of those whose adolescent delinquent conduct is a continuation of earlier antisocial behavior, many, although certainly not all, will become career criminals. However . . . most youth who engage in delinquent conduct have little notable history of antisocial conduct in childhood; nor will the conduct continue into adulthood. Involvement in criminal activity and other antisocial behavior begins in adolescence and tends to follow a ‘natural onset and recovery process.’

⁷ Mr. Schiraldi now heads up the Department of Probation in NYC, after holding a position in the District of Columbia that was the equivalent of the Massachusetts Commissioner of DYS.

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Elizabeth Scott & Thomas Grisso, *The Evolution of Adolescence A Developmental Perspective on Juvenile Justice Reform*, 88 J. Crim. L. & Criminology 137, 154-155 (1997) (emphasis added). Based on their review of scientific studies of the onset of and desistance from criminality, Scott and Grisso conclude that “late-onset” adolescent offenders, those like J.C., whose period of antisocial behavior begins in adolescence, are not “young career criminals,” but youth who can benefit from rehabilitation and the chance to become productive citizens. *Id.* at 179-180. They write that “[i]n policy terms, this [distinction] should translate into a presumption against adult criminal adjudication and sanctions for first offenses by [late-onset] juveniles, even for serious crimes. . . . [T]he mid-adolescent first offender with no prior history of problem behavior is less likely than his younger counterpart (especially with such a history) to represent a substantial threat to society later in adulthood.” *Id.* at 186-187.⁸ J.C. is just such an offender. He has no prior record of arrests or convictions and had no history of disruptive behavior or school problems more generally. Conversely, save this out-of-character act, he was respectful and responsible in the community, holding a job and a position of respect within his sports league. He was an average student, which is an accomplishment considering that he was a recent immigrant who did not speak English well if at all.

Although J.C. fits the profile of a juvenile who is uniquely susceptible to rehabilitation, he will not receive reformatory treatment and is likely to be significantly harmed if sentenced to an adult institution. Dr. Clark concludes that J.C. does not show most of the clinical or historical risk factors for reoffending, but does demonstrate a host of protective factors that auger well for his successful rehabilitation. Dr. Clark concludes that J.’s risk of reoffending “is lower than average if he is retained in a juvenile detention center . . . or residential program with structure and opportunity for rehabilitation” and that he is a “good candidate to follow probationary conditions.” She recommends that he undergo a period of counseling as part of his treatment and rehabilitative process.

⁸ This conclusion is reinforced by the findings detailed in the OJJDP monograph that young persons who are kept in juvenile facilities have lower rates of recidivism, while those sentenced as adults and especially violent offenders who were sentenced as adults are “significantly more likely to reoffend.” OJJDP Monograph, at 4 & 5.

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IV. CONCLUSION

Based on the foregoing, J.C. requests that this Court accept his tender of a plea, commit him to the DYS to age 21 on indictment No 07 B 0009 (the assault with intent to murder charge), impose a suspended term of three to five years with six years' probation on No. 07 B 0010 and impose a like term of straight probation on No. YO 07 B 0011, the probationary terms to run concurrently with one another and with the sentence on No. 07 B 0009. The alternative, a state prison sentence, is likely to create a career offender and thereby endanger public safety.

RESPECTFULLY SUBMITTED

J.C.,

By his attorney

Juvenile Training Immersion Program:

Lesson 4 – Adolescent Development

ANNOTATED BIBLIOGRAPHY OF KEY ADOLESCENT DEVELOPMENT STUDIES

The following brief summaries highlight several aspects of adolescent development that are important to consider when representing youth in the juvenile justice system. The studies included focus primarily on youth's psychosocial development. Psychosocial development refers to internal psychological processes that are influenced by and interact with social/environmental cues. Many developmental and legal scholars argue that certain psychosocial characteristics of adolescence (susceptibility to peer influence; lack of future orientation; lower impulse control) should mitigate the culpability of young offenders because their decision-making capacities are often still immature and not fully developed. However, some of these same psychosocial characteristics (*e.g.*, lack of future orientation) also speak to youth's vulnerabilities in interrogation settings.

A couple of the studies reviewed discuss youth's cognitive development (*e.g.*, how youth think, reason and process information). Since youth are still developing cognitive capacities, they are at a higher risk than adults of being incompetent to stand trial, and for invalid waivers of *Miranda*.

I. Susceptibility to Peer Influences (Psychosocial Development)

The following studies speak to the important role peers play in adolescents' poor judgment and risky behaviors. Such evidence helps to explain why adolescents, more so than adults, commit crimes in groups. This is a critical psychosocial characteristic of youth to consider, particularly when we think about issues of mitigation and culpability. Highlighting how a youth may have been influenced by peers involved in the same incident may be critical for mitigating a client's behavior.

Laurence Steinberg & Katherine Monahan, *Age Differences in Resistance to Peer Influence*, 43 DEVELOPMENTAL PSYCH. 1531 (2007).

Purpose

-) To explore age differences in susceptibility to peer influences:
 - o across a diverse demographic group;
 - o using a measure specifically designed to examine resistance to peer influences in neutral rather than anti-social scenarios.
-) To determine whether growth in resistance to peer influences increases "linearly" (*e.g.*, gradually increases as youth age) throughout adolescence.

Methodology

-) Used data that had been previously collected from three different studies in order to have a diverse group of participants who varied in age (10 to 30), gender, social class and ethnicity.
 - o Additionally, the samples consisted of individuals from the community, as well as those who had been arrested.
-) Resistance to Peer Influence (RPI) was measured by a self-report questionnaire that directed participants to choose between two statements in order to best describe how they would respond to pressure from peers in different scenarios.

Juvenile Training Immersion Program:

Lesson 4 – Adolescent Development

Results

-) Results indicate that youth from ages 14 to 18 increase in their resistance to peer influences. By 18, youth appear to reach maturity in regard to resistance to peer influence, and show little growth in this capacity. In fact, their scores are comparable to those of 30-year-olds.
-) Additionally, researchers reported demographic differences with some groups, showing more resistance to peer influences than others.

Relevance

-) Although teenagers may be more susceptible than adults to the influence of their peers, middle adolescence is an important time period for developing a resistance to peer influences.

Margo Gardner & Lawrence Steinberg, *Peer Influence on Risk Taking, Risk Preference, and Risky Decision Making in Adolescence and Adulthood: An Experimental Study*, 41 DEVELOPMENTAL PSYCHOL. 625 (2005).

Purpose

-) To investigate the influence of peers on risk-taking and risky decision-making in adolescents and adults.

Methodology

-) An experimental study conducted in a laboratory setting with a sample of 306 individuals recruited from both the community and from an undergraduate university. Participants consisted of three groups: a) adolescents ages 13 to 16 years old; b) youth ages 18 to 22 years old; and c) adults ages 24 and older.
-) Researchers used self-report questionnaires and a behavioral task to assess risky decision-making and risk-taking.
 - o For the behavioral task, researchers used a simulated driving task on the computer to assess participants' risky decision-making. Participants had to decide whether or not to break as they approached a changing stoplight. The time it took the light to change from yellow to green varied, and so did the probability of crashing in the intersection.

Results

-) Individuals in middle and late adolescence were much more likely than adults to take more risks and engage in riskier decision-making when tested in groups than when tested alone.

Relevance

-) Demonstrates that adolescents are more susceptible to the influence of their peers than adults, particularly when engaging in risky behavior and/or risky decision-making.

Jason Chein et al., *Peers Increase Adolescent Risk Taking by Enhancing Activity in the Brain's Reward Circuitry*, 14 DEVELOPMENTAL SCI. F1 (2011).

Purpose

-) To explore a possible explanation for why peers influence adolescent risk-taking by using fMRI equipment to study brain activity while completing a risk-taking task in the presence of peers.

Juvenile Training Immersion Program:

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-) Researchers were interested in whether the presence of peers activates regions of the brain differently for adolescents than for adults.
 - o The two brain systems thought to be involved in risky decision-making are the cognitive control system and the incentive processing/socio-emotional system.
 - o The cognitive control system of the brain is related to impulse control, as well as better reasoning and planning.
 - o The incentive processing/socio-emotional system of the brain is associated with the processing of rewards and punishments, as well as emotions and social information.
 - o Adolescence is thought to be a time when the incentive processing/socio-emotional system of the brain is easily aroused and highly sensitive to social feedback, while the cognitive control system is still immature and developing.

Methodology

-) An experimental study conducted in a laboratory setting with: 40 participants age 14 to 18 years old; 14 participants age 19 to 22 years old; and 12 participants age 24 to 29 years old.
-) Researchers used a simulated driving task on the computer to assess participants' risky decision-making. Participants had to decide whether or not to break as they approached a changing stoplight. The time it took the light to change from yellow to green varied, and so did the probability of crashing in the intersection.
-) While completing the computer driving task, brain activity was assessed using fMRI technology.
 - o One group of participants completed the driving task with no peers present. A second group of participants were told that their peers were observing them from a monitor in another room. These observers were allowed to communicate periodically with participants over an intercom. The observers were instructed to let participants know that they were making predictions about the participants' outcome, but the observers were not allowed to make comments that might overly bias participants' performance on the task.
 - o In order to determine if there was a difference in brain activity when participants completed the game alone or in the presence of peers, brain activity and responses to the driving task were aligned temporally.

Results

-) Adolescents, more so than young adults or adults, took more risks with peers than when alone, and crashed more with peers than when alone.
-) In the presence of peers, adolescents demonstrated heightened brain activity in the incentive processing/socio-emotional system in comparison to young adults and adults.
-) Adult participants did not show an increase in the incentive processing/socio-emotional system of the brain during the simulated driving task. Instead, young adults and adults showed more recruitment of the cognitive control system while completing the driving task, both in the presence of peers and alone.

Relevance

-) Results support a neurodevelopmental explanation for the influence of peers on risky behavior in adolescence. The findings suggest that the presence of peers increases the salience of immediate rewards, and activates the incentive processing/socio-emotional system of the brain, which subsequently increases risky decision-making.

Juvenile Training Immersion Program:

Lesson 4 – Adolescent Development

-) Results also suggest that adults, due to maturation, are better able to recruit the cognitive control system of the brain in order to engage in better-reasoned decision-making when confronted with risky situations.

O'Brien et al., *Adolescents Prefer More Immediate Rewards when in the Presence of Their Peers*, 21 J. RES. ON ADOLESCENCE, 747 (2011).

Purpose

-) To test the hypothesis that adolescents' preferences for immediate rewards, versus delayed rewards, increases in the presence of peers.
-) To investigate the mechanism underlying the influence of peers on risky decision-making. The authors propose that the presence of peers increases adolescents' sensitivity to the immediate rewards of a risky decision.

Methodology

-) An experimental study conducted in a laboratory setting with a sample of 100 participants, ages 18 through 20.
 - o Participants were recruited from a college campus.
 - o Participants were asked to bring two friends with them to the study, and were randomly assigned to a group or alone condition.
-) Participants were administered a delay-discounting task on the computer.
 - o The delay-discounting task required participants to choose between smaller immediate rewards (e.g. US \$200 today) or larger delayed reward (e.g. US \$1000 in six months).
 - o "Discount" refers to the extent to which participants discount the larger reward, due to the delay in receiving the larger reward.

Results

-) Participants who were in the presence of their peers were more likely than when alone to:
 - o Prefer immediate rather than delayed rewards.
 - o Discount the value of delayed rewards.
-) Researchers compared the results of the present study with a study conducted by Laurence Steinberg and colleagues (2009) (see summary on Future Orientation) that used the same delay-discounting task. In the Steinberg and colleagues study, the results of youth age 14 to 15 that did the discounting task alone paralleled the results of 18- to 20-year-olds who completed the task in the presence of peers. Thus, even 18- to 20-year-olds may make immature decisions that resemble 14- to 15-year-olds when they are in the presence of peers.

Relevance

-) Results suggest that an adolescent tendency towards riskier decision-making in the presence of peers is due to a shift in "reward processing." Youth tend to value more the immediate rewards of a risky decision (e.g. unprotected sex) than considering the long-term consequences of such a decision (e.g. disease or pregnancy).

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II. Compliance with Authority

Thomas Grisso et al., *Juveniles' Competence to Stand Trial: A Comparison of Adolescents' and Adults' Capacities as Trial Defendants*, 27 LAW & HUM. BEHAV. 333 (2003).

Purpose

-) To investigate the influence of cognitive and psychosocial maturity on adjudicative-related capacities in adolescents.

Methodology

-) The sample consisted of:
 - o 927 youth ages 11 to 17: approximately half were detained in a detention facility or jail and half resided in the community with no current justice system involvement.
 - o 466 adults ages 18 to 24: approximately half were detained in a jail and half resided in the community with no current justice system involvement.
-) Interviews were conducted in detention or jail settings for the detained participants and in a laboratory setting for community participants.
 - o A standardized measure, the MacCAT-CA, was used to evaluate individuals' capacity to understand, reason about and appreciate critical aspects related to capacities to serve as trial defendants.
 - o Another measure, the MacJen, used responses to different vignettes to assess the influence of psychosocial characteristics (e.g., compliance with authorities, risk perception, future orientation) on adolescents' decision-making in the adjudicative context. The MacJen gives three different vignettes that ask youth about the choices they would make in certain legal contexts. The first vignette depicts a youth being asked to respond to a police interrogation. The second vignette asks a youth to decide on whether or not to disclose information to his attorney. The third vignette asks a youth to make a choice about whether or not to accept a plea agreement.

Results

-) *Cognitive Development:* Adolescents 15 years old and younger were significantly more cognitively impaired than 16- and 17-year-old adolescents and young adults in abilities related to competence to stand trial.
 - o Adolescents aged 11 to 13 years old showed the most significant impairments.
 - o 33% of the 11- to 13-year-olds and 20% of the 14- to 15-year-olds were “as impaired in capacities relevant to adjudicative competence as are seriously mentally ill adults who would likely be considered incompetent to stand trial by clinicians who perform evaluations for courts (p. 356).”
 - o Also, adolescents with lower IQs demonstrated significant impairment in capacities.
-) *Psychosocial Development:* Psychosocial characteristics such as compliance with authorities, risk appraisal and future orientation were found to influence adolescents' decision-making in three different legal scenarios: confessing to the police, accepting a plea agreement and disclosing to an attorney.

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- Youth 15 years old and younger were significantly more likely than older youth to make decisions that represented compliance with authorities and to choose options associated with higher risks.
- Those youth who were aged 14 years and younger were significantly less likely to consider the long-term consequences of their choices.

Relevance

-) *Cognitive Development:* Many youth, particularly younger youth and youth with low IQs, are at risk for not being competent to stand trial. Unlike with adult defendants where incompetence may be found due to mental retardation and/or mental illness, youth may be incompetent to stand trial due to developmental immaturity.
-) *Psychosocial Development:* Not only are youth more likely to be impaired in adjudicative capacities related to understanding, reasoning and appreciation, but psychosocial immaturity may make youth particularly vulnerable to poor decisions in legal contexts. For example:
 - Youth's tendencies to be more compliant with authorities may increase their vulnerability to police coercion.
 - Youth's lack of future orientation may impede their ability to fully understand the implications of waiving their right to silence when being interrogated by police.

III. Present Orientation and the inAbility to Delay Rewards (Psychosocial Development)

This study demonstrates that youth, more so than adults, lack consideration of future consequences. While these findings speak to issues of mitigation and culpability, they also suggest that youth's difficulty in thinking about long-term consequences may make them vulnerable to being coerced into waiving *Miranda* rights or making a statement.

Laurence Steinberg et al., *Age Differences in Future Orientation and Delay Discounting*, 80 CHILD DEV. 28 (2009).

Purpose

-) To investigate age differences in future orientation and the ability to delay rewards.

Methodology

-) An experimental study conducted in a laboratory setting with a sample of 935 individuals, ages 10 to 30 years. Participants were recruited from the community in several cities across the United States.
-) Used both self-report questionnaires and behavioral tasks to assess future orientation and preference for delayed versus immediate rewards.
 - Self-report questionnaire assessed participants' abilities to think about the future, plan ahead and anticipate future consequences.
 - Behavioral task was a "delay-discounting" task, a standardized measure designed to assess participants' tendencies to choose immediate versus delayed rewards. This task was administered on a computer and presented participants with several choices between a smaller

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amount of pretend money that they could receive immediately (*i.e.*, \$5.00) versus a larger amount of money they could receive in a week (*i.e.*, \$100).

Results

-) Researchers did find age differences in future orientation as measured by the self-report questionnaire and the behavioral task.
 - Younger adolescents, more so than individuals age 16 and older, demonstrated a weaker orientation toward the future.
 - Younger adolescents were less likely to think about the future and anticipate future consequences of decisions.
 - Planning ahead continued to develop into young adulthood.
 - In the “delay-discounting” task, younger adolescents, more so than individuals age 16 and older, preferred smaller immediate rewards than larger delayed rewards.

Relevance

-) The evidence suggests that adolescents’ (in contrast to adults’) preference for immediate versus delayed rewards is more closely linked to adolescents’ ability to think about the future and anticipate future consequences, and not their ability to self-regulate.
-) The authors also note that “future orientation” has different dimensions, and adolescents’ ability to anticipate consequences may occur along a different timetable than their ability to plan ahead.
 - Authors suggest that adolescents’ difficulty in anticipating future consequences is more closely linked to a sensitivity to rewards, which is attributed to development of a particular brain system (socio-emotional system), more highly aroused in early adolescence.
-) The authors note that evidence demonstrating adolescents’ weakened future orientation, or inability to anticipate the consequences of their actions, is often applied to discussions of adolescents’ capacity for “premeditation” or “planfulness” in the context of criminal culpability.
-) However, adolescents’ weakened future orientation may increase their vulnerability to coercion in the interrogation context, as well.

IV. Sensation-Seeking and Impulsivity (Psychosocial Development)

These findings speak particularly to the issue of immaturity and culpability, and are important to consider when mitigating illegal behavior in adolescents. In general, youth are more likely than adults to display less impulse control and more sensation-seeking behaviors. It appears that these characteristics are a normal part of adolescent development.

Laurence Steinberg et al., *Age Differences in Sensation-Seeking and Impulsivity as Indexed by Behavior and Self-Report: Evidence for a Dual Systems Model*, 44 DEVELOPMENTAL PSYCHOL. 1764 (2008).

Purpose

-) To explore age differences in sensation-seeking (tendency to seek stimulating and novel experiences) and impulsivity (lack of self-control).
-) Researchers predicted that sensation-seeking and impulsivity:
 - Occur along different timetables

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- Are connected to the increased vulnerability to risk-taking found in adolescence

Methodology

- ⌋ An experimental study conducted in a laboratory setting with a sample of 935 individuals, ages 10 to 30 years. Participants were recruited from the community in several cities across the United States.
- ⌋ Used both self-report questionnaires and behavioral tasks to assess sensation-seeking and impulsivity.

Results

- ⌋ Age differences were found for both impulsivity and sensation-seeking, but they developed along different timetables.
 - Sensation-seeking behaviors increased between the ages of 12 to 15 (initiating around the beginning of puberty), and then steadily declined.
 - Impulsivity was found to steadily decline from age 10 through adolescence and well into early adulthood. Adolescents younger than 16 demonstrated significantly less impulse control than 16- to 17-year-olds, and 16- to 17-year-olds demonstrated significantly less impulse control than 22- to 25-year-olds.

Relevance

- ⌋ After age 15, adolescent vulnerability to risky behavior steadily decreases as sensation-seeking decreases, and impulse control continues to increase into early adulthood.
- ⌋ Evidence from this study is consistent with adolescent brain research that demonstrates that the brain systems (cognitive control system) linked to impulse control and self-regulation does not fully develop until early adulthood. In contrast, the brain systems (socio-emotional system) linked with sensation-seeking becomes more highly aroused in early adolescence.

Elizabeth P. Shulman & Elizabeth Cauffman, *Reward-Biased Risk Appraisal and Its Relation to Juvenile Versus Adult Crime*, 37 LAW & HUM. BEHAV. 412 (2013).

Purpose

- ⌋ To examine the development differences in the appraisal of risk and to see how this difference related to involvement in the court system. The authors call the tendency to perceive more rewards than risk when facing risky situations, “reward bias.” They hypothesize that compared to adults; adolescents have more reward bias and higher reward bias is associated with higher engagement in illegal activity.

Methodology

- ⌋ To measure risk perception, subjects were asked to imagine themselves engaging in identified risky behavior (e.g., having unprotected sex, stealing from a store, or fighting) and rate the likelihood of a negative outcome, how serious the negative consequence could be, and how potential costs compare to potential benefits.

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- **Study One**
 - Community-based sample consisting of 935 subjects age 10-30, ethnically diverse, males and females, working or middle class, with no involvement in the legal system
- **Study Two**
 - Sample of over 1,400 community and pre-adjudication court-involved youths and adults.
 - Data was analyzed using five participants in each group: 12-13 years old (early adolescence), 14-15 years old (middle adolescence), 16-17 years old (later adolescence), 18-21 years old (late adolescence) and those 22-24 years old (young adults).

Results

- **Study One**
 - Age was related to reward bias such that reward bias increased during adolescence (peaking for 16-17 years old) then decreased with age.
 - Males are more likely to demonstrate a reward bias.
- **Study Two**
 - In the sample involved in the justice system, reward bias decreased with age and was highest in the 12-13 year old group.
 - The decrease in reward bias was true even for those who pled guilty or were found guilty of a crime in the past.

Implications

-) This is yet another study that demonstrates that adolescents, more so than adults, tend to focus on the reward rather than the risk.
-) These findings are consistent with the dual system theory that postulates the risk and reward system of the adolescent brain is “stronger” than the cognitive control system.

Michael Dreyfuss et al., *Teens Impulsively React rather than Retreat from Threat*, 36 DEVELOPMENTAL NEUROSCIENCE 220 (2014).

Purpose

To examine if adolescents respond more impulsively than adults or children when confronted with a frightening or threatening stimuli relative to one that is neutral. This study considered behavioral and FMRI data.

Methodology

-) 57 subjects between the ages of 6-27 years old. Children were ages 6-12, adolescents 13-17 and adults 18 and older.
-) Subjects were shown calm and fighting faces. They were told to press the button when they saw a calm face and not to press it if they saw a frightening face. Subjects were instructed to respond as quickly as they could and they only saw the face for 500 ms, so they didn't have a lot of time to think about it. The subjects were in an FMRI while they did the task.

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Results

-) The experimenters were interested in the condition that required subjects to suppress a response; that is, not respond, when they saw a frightening face, a potential threat. Subjects made a false alarm or error if they responded to the threat.
-) Compared to adults or children, adolescents were more likely to respond incorrectly or impulsively respond to the fearful stimuli.
-) Compared to females, males were more likely to make false alarms.
-) Compared to children or adults, when doing the task, the limbic region of the adolescent brain was more active.

Relevance

-) Adolescents, compared to children or adults, are more likely to act impulsively when they are faced with threatening stimuli. (Other research has shown they are also more likely to act impulsively when faced with positive stimuli.) The take home is that as a normal developmental process, adolescents are more impulsive.
-) Just as adolescents responds differently, their brains functions differently than the brains of adults or children.

IV. Capacities Related to Adjudicative Competence and Validity of *Miranda* Warnings (Cognitive and Psychosocial Development)

These studies demonstrate that *on average*, younger youth (15 and under) may be more likely to have impairments related to adjudicative competence and *Miranda* comprehension. These impairments are most likely due to the fact that they are still developing cognitive capacities (*i.e.*, the capacity to think, reason and process information). However, it is important to understand that older youth may demonstrate impairments as well, particularly if they have lower IQs or have learning disabilities. In addition, youth's psychosocial immaturity (*e.g.*, compliance with adults) makes them more vulnerable than adults to coercion in interrogation settings.

Jodi Viljoen & Ronald Roesch, *Competence to Waive Interrogation Rights and Adjudicative Competence in Adolescent Defendants: Cognitive Development, Attorney Contact, and Psychological Symptoms*, 29 LAW & HUM. BEHAV. 723 (2005).

Purpose

-) The following study explored the relationship of youth's cognitive development, psychological symptoms and attorney-client contact to capacities related to adjudicative competency and *Miranda* waiver.

Methodology

-) Participants were 152 youth detained in a pre-trial detention facility (73 females and 79 males) between 11 and 17 years old.
-) Interviews were conducted with youth over the course of two different sessions in the detention facility.
-) In the first session, youth were given Grisso's Instruments for Assessing Understanding and Appreciation of *Miranda* Rights, as well as an assessment of capacities related to adjudicative

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competence created by Roesch and colleagues: The Fitness Interview Test. In the second testing session, participants were given a battery of tests assessing cognitive abilities and psychological symptoms. Also, participants were asked how many times they met with their lawyer and how long they spent with their lawyer.

Results

-) Researchers had multiple research questions; however, some of the more significant results were:
 - o Older youth performed better on tests related to adjudicative competence and *Miranda* comprehension and reasoning than younger youth.
 - o Cognitive abilities (*e.g.*, general intellectual ability) for youth who are 11 to 15 years old are significantly lower than for youth who are aged 16 and 17.
 - o Cognitive abilities were strongly related to participants' performance on the tests related to adjudicative competence and *Miranda* comprehension and reasoning.
 - o Psychological symptoms (*e.g.*, depression, anxiety, behavior problems) were not related to performance on *Miranda* instruments regarding adjudicative competence. However, a symptom of ADHD (*e.g.*, excitation) was related to understanding of *Miranda* warnings, as well as communication with attorneys on a measure of adjudicative competence.
-) Youth who had more contact with and time spent with attorneys demonstrated better understanding of adjudicative proceedings and *Miranda* warnings.

Relevance

-) Results suggest that teenagers are still developing cognitive abilities in adolescence. As a result, youth who are 11 to 15 years old are at a much higher risk of being found incompetent to stand trial.
-) Also, due to still-developing cognitive capacities, younger youth are at a higher risk of not giving an “intelligent and knowing” *Miranda* waiver.
-) Results also suggest that adolescents' limitations in capacities related to adjudicative competence and *Miranda* comprehension are not generally a result of psychopathology, as is often the case with adults. Although symptoms of ADHD may play a role in youth's legal capacities.

Laurence Steinberg et al., *Are Adolescents Less Mature than Adults? Minors' Access to Abortion, the Juvenile Death Penalty, and the Alleged APA "Flip-Flop", 64 AM. PSYCHOL. 583 (2009).*

Purpose

-) Researchers compared adolescents' cognitive capacities with a composite measure of psychosocial maturity examining risk perception, sensation seeking, impulsivity, resistance to peer influence and future orientation.

Methodology

-) An experimental study conducted in a laboratory setting with a sample of 935 individuals, ages 10 to 30 years. Participants were recruited from the community in several cities across the United States.
-) To assess cognitive capacity, a battery of tests assessing basic cognitive skills was administered.

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-) To assess psychosocial maturity, researchers administered a combination of self-report questionnaires designed to measure risk preference, sensation-seeking, impulsivity, resistance to peer influence and future orientation.

Results

-) Findings support the theory that cognitive maturation and psychosocial maturation occur along different timetables.
-) “By age 16, adolescents’ general cognitive abilities are essentially indistinguishable from those of adults, but adolescents’ psychosocial functioning, even at the age of 18, is significantly less mature than that of individuals in their mid-20s.” (p. 592)

Relevance

-) Researchers highlight that adolescents’ poor judgment is not necessarily a result of poor reasoning skills, but more closely linked to adolescents’ psychosocial development.
 - o “When it comes to decisions that permit more deliberative, reasoned decision-making, where emotional and social influences on judgment are minimized or can be mitigated, and where there are consultants who can provide objective information about the costs and benefits of alternative courses of action, adolescents are likely to be just as capable of mature decision-making as adults, at least by the time they are 16... In contrast, in situations that elicit impulsivity, that are typically characterized by high levels of emotional arousal or social coercion, or that do not encourage or permit consultation with an expert who is more knowledgeable...adolescent decision-making at least until they have turned 18 is likely to be less mature than adults.” (p. 592)

V. Desistance

Edward P. Mulvey et al., *Trajectories of Desistance and Continuity in Antisocial Behavior Following Court Adjudication Among Serious Adolescent Offenders*, 22 DEV. & PSYCHOPATHOLOGY 453 (2010).

Purpose

-) To examine patterns of anti-social behavior in serious offenders after court involvement in order to obtain a better understanding of how adolescents’ reduce their offending behavior over time.

Methodology

-) Data used in this analysis/article draws from a larger study called the “Pathways to Desistance” in which 1,354 serious offenders are interviewed over a 7 year period.
-) Analyses for the current study used 1,119 male adolescents who had been adjudicated of a serious offense (e.g. includes all felony offenses, as well as misdemeanor weapon offenses and misdemeanor sexual assaults).
-) Participants ranged between 14 and 18 years old, with an average age of 16. The sample was ethnically diverse: 19.6% white, 41.1% African American, 34.7 % Hispanic. Data was collected in two cities: Philadelphia, PA and Phoenix, AZ.
-) Participants for the current analyses were interviewed twice a year for up to 3 years. Interviews consisted of a number of measures to assess self-reported offending, mood/anxiety and substance use problems, attitudes toward the legal system, psychosocial maturity, parenting, peers, as well as

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prior arrest history. Several demographic characteristics were also collected in addition to an assessment of neighborhood disadvantage.

Results

-) Researchers clustered participants into 5 different groups based on their offending patterns. They highlighted in particular those participants who persisted in offending and those who desisted from offending.
 - o Two years after being adjudicated for a serious offense, a majority of youth (73.8%) reduced their offending to low or zero involvement in offending behavior.
 - o For those youth who self-reported the lowest level of offending, placement in an institution raised their level of self-reported offending after release from institutional placement.

Relevance

-) The authors conclude that the majority of serious offenders are not necessarily “bad actors” destined for adult criminal activity. Most serious offenders demonstrate low or zero involvement in criminal activity years after court involvement. As a result, this is an important point to raise when highlighting the amenability of a youth to treatment at disposition or in transfer proceedings.
-) For youth who have been adjudicated for a serious offense, but demonstrate overall low levels of offending, incarceration or placement in residential treatment facilities has the potential to increase recidivism. As a result, community based alternatives may be a far better rehabilitative option than incarceration or institutional placement, particularly for youth with low levels of overall offending.

VI. Link Between Trauma and Delinquency

S.P. Becker & P.K. Kerig, *Post-traumatic Stress Disorder Symptoms are Associated with the Frequency and Severity of Delinquency Among Detained Boys*, 40 J. OF CLINICAL CHILD & ADOLESCENT PSYCHOL. 765 (2011).

Purpose

-) To investigate a sample of detained boys in order to determine if there is a link between Post Traumatic Stress Disorder (PTSD) symptoms and the number and severity of prior arrests.

Methodology

-) Researchers conducted interviews with detained youth in private interview rooms at a detention facility.
-) Researchers administered questionnaires that assessed trauma exposure and PTSD symptoms. Delinquency was measured using official arrest records. Investigators examined the number of lifetime arrests, the severity of lifetime delinquency, the number of past-year arrests and the severity of past-year delinquency.

Results

-) 25.3% of boys reported experiencing community violence, 19.3% reported domestic violence and 19.2% reported witnessing community violence.
-) PTSD symptoms significantly predicted the number of lifetime arrests, the number of arrests in the past year and the severity of delinquency in the past year.

Relevance

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-) Findings suggest that trauma and PTSD symptoms are linked to delinquency.
-) Findings demonstrate that a high number of youth in the juvenile justice system are exposed to trauma and experience PTSD symptoms.
-) Findings suggest that juvenile justice stakeholders should pay more attention to the needs of youth in the delinquency system who are exposed to trauma.