

**Developmentally-Informed
Responses to Youth
in the Justice System:**

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**Translating Research into Good
Policy**

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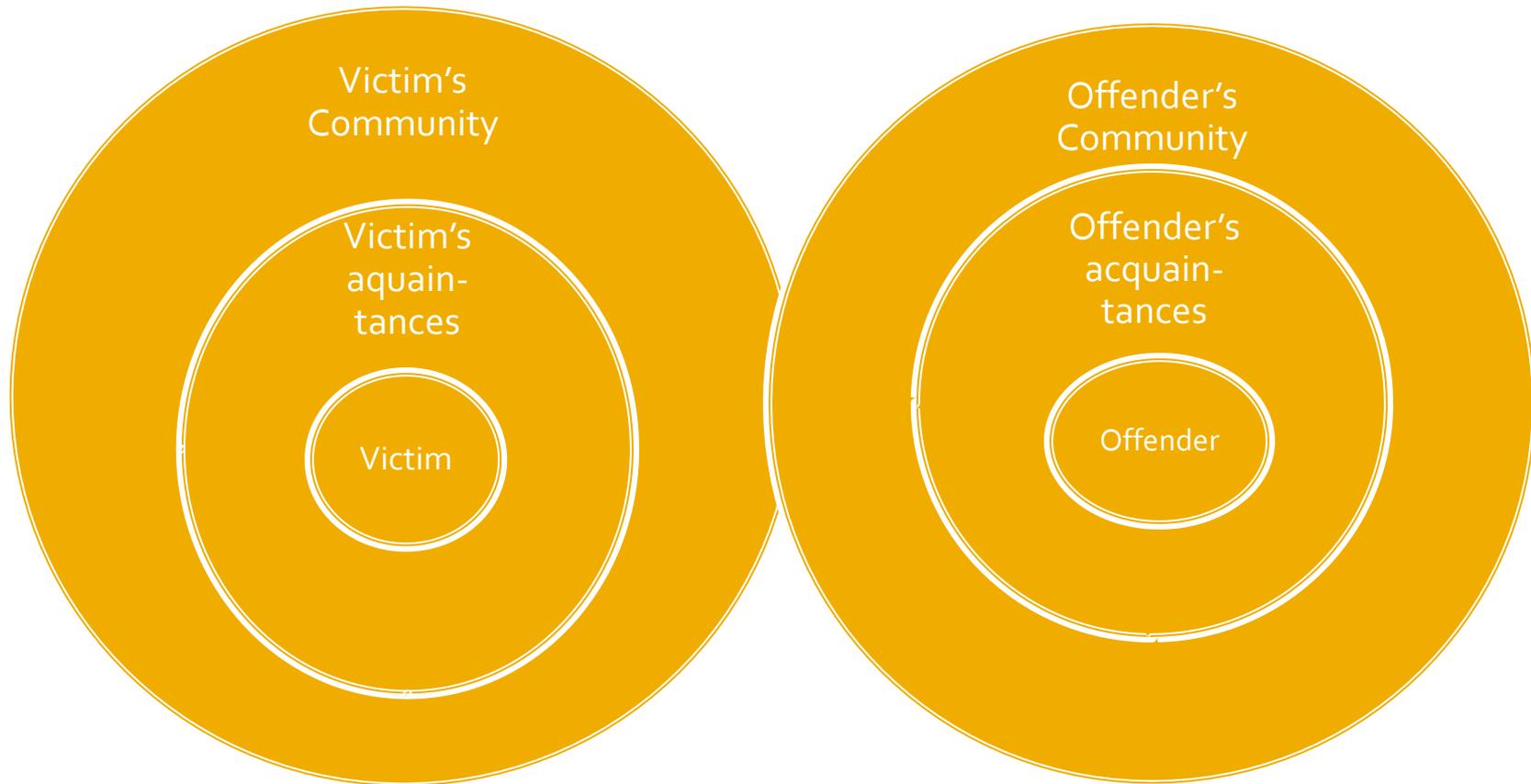
The problem in context

*Separating our reactions
from the facts*

Outline

1. Relevant Research and Developmental Principles
 - A. Adolescent Development
 - B. Adolescents with Behavior Problems
2. Translating Research into Policy
 1. Ways research has influenced policy
 2. Ways research can influence policy
3. Recommendations

The Impact of Serious juvenile offenders



The Costs

- ❑ Costs of Incarceration
- ❑ Costs of Community Supervision
- ❑ Costs of Supportive Interventions/Treatment
- ❑ Costs of inadequate Responses

Some Questions

- How to balance public safety needs and offender needs
 - ...and family needs, and victim needs, and resource needs...
- How effective is treatment of juvenile offenders?
- How effective is punishment of juvenile offenders?
- How can we best deploy scarce resources?

Research on Adolescent Development

- Social/Emotional Development
- Cognitive Development
- Brain Development

Social/Emotional Development

- Personality development is incomplete
 - Personality formation involves experimentation
 - Breaking rules/challenging authority is developmentally appropriate
 - Rule violating/oppositional behaviors not necessarily predictive of long term outcomes
- Susceptibility to external influences
 - Particularly peers

Cognitive Development

- Absolute deficits relative to adults
- Present-orientation
- Thinking about risks
- Abstraction, perspective-taking, hypothetical reasoning



- The role of experience
- The role of emotional activation

Brain Development

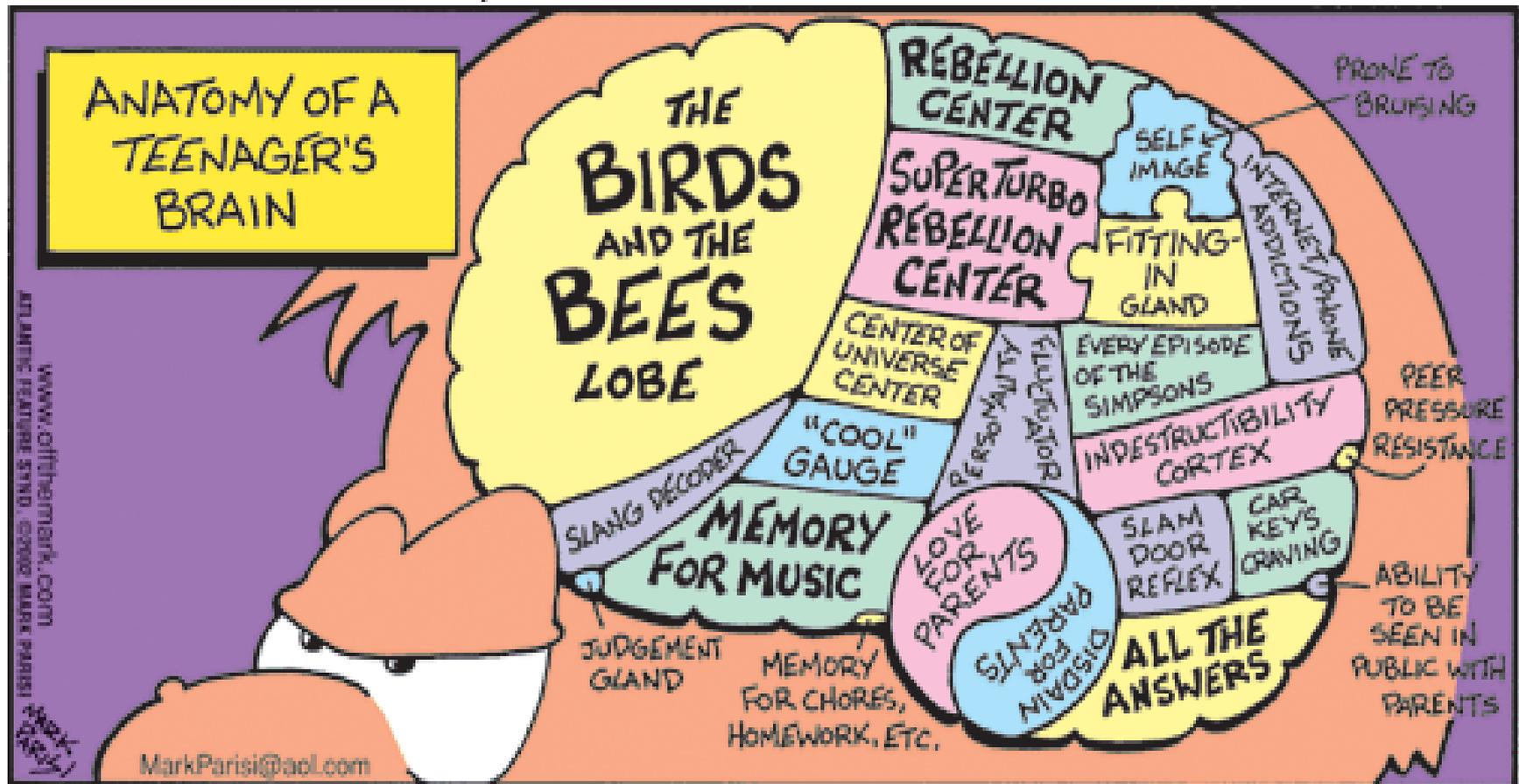
- Frontal and prefrontal lobes continue development through adolescence
- Relevant to higher-order cognitive processes
 - Impulse inhibition
 - Judgment
 - Planning
 - Self-monitoring
 - Self-assessment

The Adolescent Brain

off the mark

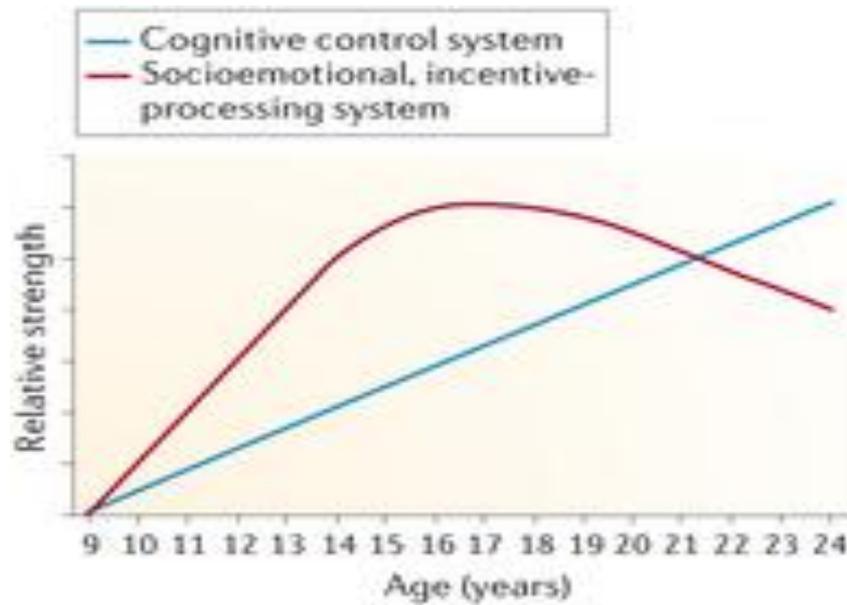
by Mark Parisi

www.offthemark.com



All gas pedal and no brake...

- First, changes that include increased sensation seeking, attention to potential rewards of risky behaviors
- Later, improved cognitive controls



Nature Reviews | Neuroscience

Persistence or Desistance?

- How likely is persistence of adolescent antisocial behavior?
- What can be done to increase desistance?

Are the Justice System Kids Different from the Other Kids?

More mature, adult-like?

- Intellectually not as strong (*mean IQ* ≈ 85)
- Greater prevalence of MH problems (50-90%)
- Greater likelihood of LDs (30-50%)
- More early developmental challenges/
stresses
- More ongoing social stressors

Desistance

- The vast majority of adolescents do not continue very delinquent behavior into adulthood
- 90% of those with serious offending behavior show significant declines in levels of criminal behavior

Pathways to Desistance Study

- Multi-site, multi-year
- Over 1350 adolescents ages 14-18
- All with felony level offending
- Evaluations of adolescent, family, friends
- Data from official records
- Data collection (including repeated interviews) over 7 years

Pathways to Desistance Study

- Incarceration, longer sentences not associated with decreased offending
- Substance use associated with worse outcomes, treatment with short-term gains
- Juveniles' impressions of positive facility environment associated with improved outcomes
- Re-entry planning and aftercare (including Probation/parole) associated with positive outcomes

Implications of Developmental Research

1. Adolescents aren't through developing
2. Adolescents are fundamentally different from adults in ways that are not always evident
3. Most bad behavior does not persist into adulthood

“I would there were no age between sixteen and three-and-twenty, or that youth would sleep out the rest; for there is nothing in the between but getting wenches with child, wronging the ancientry, stealing, fighting—

Hark you now! Would any but these boiled brains of nineteen and two-and-twenty hunt this weather?”

Shepherd (1623)

Implications of Developmental Research

*Adolescence is not only a period
of vulnerability, it is a period of
opportunity*

Translation into Policy

- Life or Death...
 - Roper v Simmons (US Supreme Court, 2005):
 - **Holding:** It is unconstitutional to impose death penalty for those convicted of crimes committed when less than 18 yo.
 - **Justification** based on developmental research
 - Immaturity/impulsivity
 - Increased susceptibility to external/peer influence
 - Personality less fixed

Life in Prison without Parole

Graham v Florida (2010)

- **Holding:** It is unconstitutional to sentence youth to LWOP for non-homicide offenses. A juvenile is not guaranteed release, but there must be a realistic possibility of release
- **Justification** includes reference to developmental differences

Life in Prison without Parole

Miller v Alabama (2012); Jackson v Hobbs (2012)

- **Holding:** It is unconstitutional to impose a mandatory sentence of LWOP on juveniles; because of juveniles' developmental status, the decision-maker *must consider the case individually*
- **Justification:** Justice Kagan: "Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features — among them, immaturity, impetuosity, and failure to appreciate risks and consequences....It prevents taking into account the family and home environment that surrounds him — and from which he cannot usually extricate himself — no matter how brutal or dysfunctional."

Transfer to Adult Court

- What might we guess the research would say?
- What does the research say?

Transfer to Adult Court

- Research on Specific Deterrence
 - *In general*, transferred youth recidivate more than non-transferred youth, even when matched on relevant offense, risk variables
 - They also appear to recidivate sooner and with worse crimes
 - *Most dramatic differences found for violent offenders*
- *Important to understand as group-level finding*

Response to School Threats

- Zero tolerance
 - Removes the kid, not necessarily the threat
- What do the data tell us?
 - School homicides widely publicized but rare
 - Schools are about the safest places kids can be
- What does research on adolescent development suggest?

Response to School Threats

- An alternative approach to threat assessment, based in support and engagement: The Virginia Model for Student Threat Assessment
 - Early and Supportive Intervention
 - Question is degree of actual threat
 - Focus on environment
 - Cross-system communication/collaboration

Outcomes

- In schools in which the model was applied
 - No serious threats carried out
 - Small number of arrests, expulsions
 - Decreases in disciplinary referrals for referred students
 - Improvements in overall school climate
 - Less bullying
 - Greater willingness to seek help
 - Greater parent involvement
 - Fewer long-term suspensions, alternative placements

Where from here?

- Reforming Juvenile Justice: A Developmental Approach (2013; National Academy of Sciences) identified a number of factors associated with positive outcomes:
 - *Promoting accountability*
 - *Ensuring fairness*
 - *Tools to prevent reoffending*

Where from here?

- Pathways to Desistance findings/recommendations
 - Incarceration, longer sentences not associated with decreased offending
 - ➔ Reduce rate and duration of incarceration
 - ➔ Improve community based services

Where from here?

- Pathways to Desistance findings/recommendations
 - Substance use associated with worse outcomes, treatment with short-term gains
 - ➔ **Provide SA treatment services of adequate duration**

Where from here?

- Pathways to Desistance findings/recommendations
 - Juveniles' impressions of positive facility environment associated with improved outcomes
 - ➔ **Promote sense of fairness, support**

Where from here?

- Pathways to Desistance findings/recommendations
 - Re-entry planning and aftercare (including Probation/parole) associated with positive outcomes
 - ➔ *Provide re-entry planning and supervision of adequate intensity and duration upon release*

Where from here?

- Pathways to Desistance findings/recommendations
 - Other recommendations
 - ➔ Promote family involvement in services
 - ➔ Distinguish accountability and punishment
 - ➔ Individualized rather than categorical, offense-based policies

Where from here?

- ✓ Prevention and response models based in collaboration and engagement
- ✓ Make better use of contextual variables
- ✓ Recognize risks associated with adolescence, but capitalize on opportunities

***Adolescence is not only
a period of
vulnerability, it is a
period of opportunity***