

*Applying a Neuroscience and Psychosocial Development  
Framework to Testifying in Juvenile Cases*

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### Colorado Reverse Transfer Hearing Statute

- (b) ...the court shall consider the following factors:
- (I) Seriousness of alleged offense and whether the protection of the community requires response or consequence beyond that afforded by this article;
  - (II) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;
  - (III) Whether the alleged offense was against persons or property, greater weight being given to offenses against persons;
  - (IV) The age of the juvenile and the maturity of the juvenile as determined by considerations of the juvenile's home, environment, emotional attitude, and pattern of living;***
  - (V) Record and previous history of the juvenile in prior court-related matters;
  - (VI) The current and past mental health status of the juvenile as evidenced by relevant mental health or psychological assessments or screenings that are made available to both the district attorney and defense counsel;
  - (VII) The likelihood of the juvenile's rehabilitation by use of the sentencing options available in the juvenile courts and district courts;***
  - (VIII) The interest of the community in the imposition of a punishment commensurate with the gravity of the offense;
  - (IX) The impact of the offense on the victim;
  - (X) Whether the juvenile was previously committed to the department of human services following an adjudication for a delinquent act that constitutes a felony; and
  - (XI) Whether the juvenile used, or possessed and threatened the use of, a deadly weapon in the commission of the delinquent act.

# Culpability

Measure of degree to which a person can be held morally or legally responsible for an action or inaction

Differentiated from responsibility= whether that person committed the act

# Juveniles and the Law

- **Roper v. Simmons (2005)**
  - Unconstitutional to impose capital punishment for crimes committed while under age of 18
- **Graham vs. Florida (2010)**
  - Prohibits life without parole sentence on juvenile offender who did not commit homicide
- **Miller vs. Alabama (2012)**
  - Prohibits mandatory sentences of life without possibility of parole (even for murder conviction)

# Assessment in Juvenile Justice Systems

## Developmental Perspective

- ***Maturational***

- Child's innate characteristics
- Stages of development
- Developmental domains

- ***Transactional***

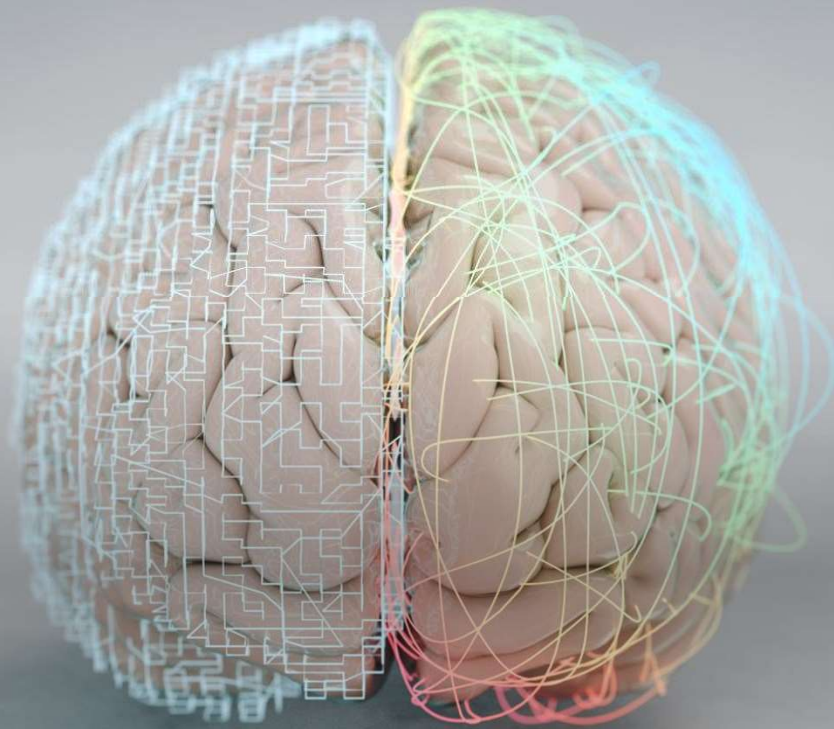
- Product of continuous dynamic interactions between child and experience provided by family and social context

# Juveniles and the Law

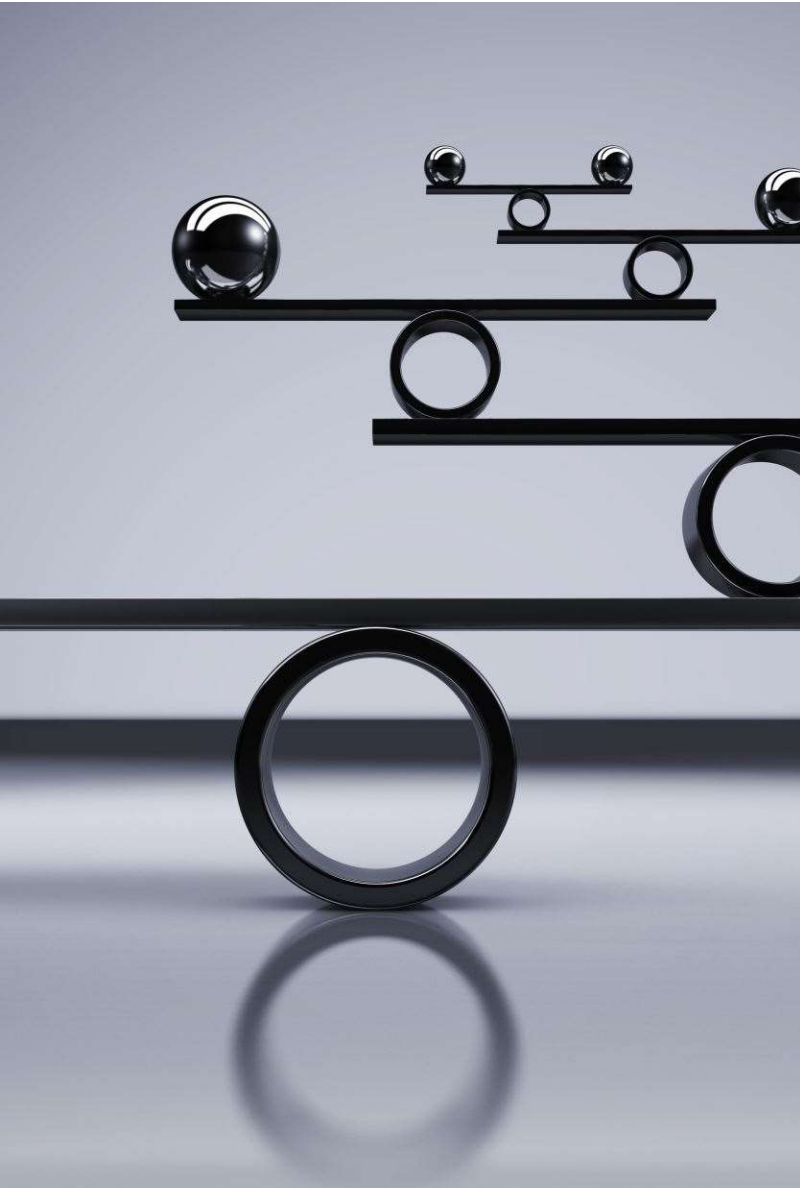
(Miller vs. Alabama Amicus Brief)

## ***Neuroscience and Psychosocial Development***

- Juveniles are less capable of mature judgment than adults
- Juveniles are more vulnerable to negative external influences
- Juveniles have a greater capacity for change and reform



Adolescent Brain Development  
Less capable of mature judgement



## Juveniles less capable of mature judgement

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- Less capable of ***self-regulation***
  - Less able to resist social and emotional impulses
- Respond differently to perceptions of ***risk and reward***
- Less able to ***foresee*** and take into account ***consequences***



## Adolescent Brain Development

Underlying cause of Immaturity= **Maturational Imbalance/Temporal Gap**

### Socioemotional system

- *Responsible for the increase in sensation-seeking and reward-seeking that takes place in adolescence*
- *Undergoes dramatic changes very early in adolescence, around the time of **puberty***

### Cognitive control system

- *Responsible for self-control, regulating impulses, thinking ahead, and evaluating the rewards and costs of risky behavior*
- *Full maturation continues well into the **decade of the 20s***

# Middle Adolescence

**Imbalance** between  
reward system and self-  
control system



Inclines adolescents  
toward **sensation-seeking  
and impulsivity**

Less able to control  
**impulses** and consider  
**future consequences**

Attach greater value to  
rewards than risk

Less capacity for **self-  
regulation**

Juveniles more vulnerable to negative external influences

### *Susceptibility to Peer influences*

- Desire for peer approval and fear of rejection affect decision making
- Engage in antisocial behavior to conform to peer expectations or achieve respect and status
- More likely to commit crimes in groups

Juveniles more vulnerable to negative external influences

**Hyperactivation** of brain's reward system when friends are present = more likely to take risks and make risky decisions

***Maturational imbalance + susceptibility to peer influence***



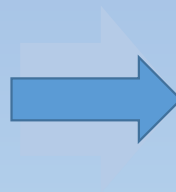
Less able to deploy cognitive capacities in exercising judgment when decisions are influenced by emotional and social variables

Juveniles have  
greater capacity for  
change and reform

- Continued maturation of brain regions and systems that govern self-regulation and executive function
- Synaptic pruning and continued myelination
- Neuroplasticity
- Personality traits more transitory, less fixed. Still defining identity

# Greater Capacity for Change and Reform

“Maturation imbalance”  
between social-emotional  
and cognitive control  
systems of the brain  
diminishes



Improvements in impulse  
control, resistance to peer  
pressure, planning, and  
thinking ahead

## Prefrontal Brain Regions

Synaptic Pruning  
+  
Continued Myelination

***Improved connectivity*** among cortical areas and between cortical and subcortical areas

Improvements in ***executive function***- response inhibition, planning, weighing risks and rewards, and simultaneous consideration of multiple sources of information

***Improved coordination of affect and cognition***

# Neuroplasticity

Potential for brain to be modified by experience

Considerable neuroplasticity in late adolescence- suggests opportunities for change

Adolescents distinguished from adults by their relatively unformed character



# Desistance

Age-Crime Curve

Psychosocial Maturity

# Developmental Taxonomy- Course of Delinquent Involvement (Moffitt, 1993)

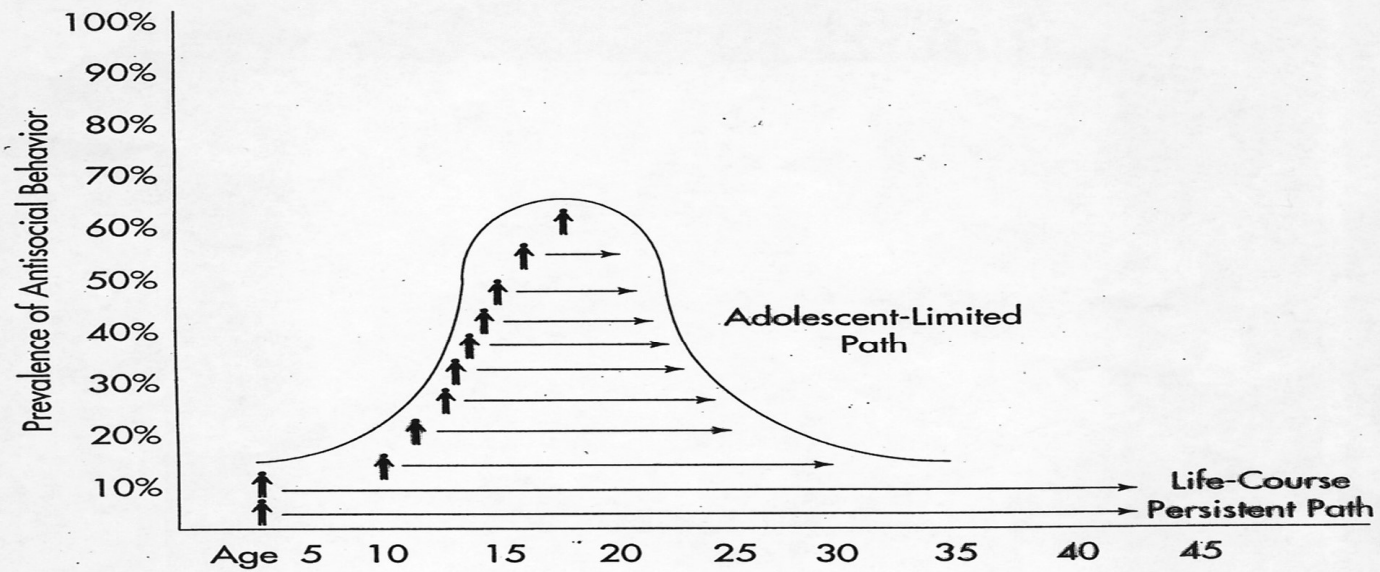
## Life-Course Persistent

- Stable and persistent
- Continuous course → changing manifestations
- Personality coherence
- Causal factors origins in childhood
- Neuropsychological risks/deficits
- Child abuse and neglect
- Intergenerational transmission
- 5% to 6% account for 50% of known crimes

## Adolescent-Limited

- Temporary and situational
- Discontinuity is hallmark
- Personality disorder plays no part
- Causal factors- proximal & specific to adolescent development
- Adaptive response to contextual circumstances → maturity gap
- 75% of delinquent 13 yr. olds expected to cease all offending
- Exit maturity gap; consequences shift; availability of alternatives

## The changing prevalence of participation in antisocial behavior across the life span



From "Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy," by T. E. Moffitt, 1993, *Psychological Review*, 100, 674-701. Copyright © 1993 by the American Psychological Association. Reprinted by permission of the author.

# Psychosocial Maturity and Desistance From Crime

Steinberg, Cauffman,  
& Monahan, 2015

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Identify

Identify initial patterns of how serious adolescent offenders stop antisocial activity

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Describe

Describe role of social context and developmental changes in promoting these positive changes

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Compare

Compare effects of sanctions and interventions in promoting these changes

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## Indicators of psychosocial maturity

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Impulse control

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Suppression of aggression

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Consideration of others

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Future orientation

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Personal responsibility

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Resistance to peer influence

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Global index of psychosocial maturity

## Lessons Learned

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Sample still maturing in each of six indicators of psychosocial maturity at age 25

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Consistent brain development research- shows continued maturation of brain systems that support self-regulation well into mid-twenties

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Vast majority of juvenile offenders grow out of antisocial activity as make transition to adulthood

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Most juvenile offending is limited to adolescence

## Implication for practitioners

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Interventions for juvenile offenders should be aimed explicitly at facilitating development of psychosocial maturity

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Are the types of sanctions and interventions that serious offenders are exposed to likely to facilitate or impede this process?

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Special care to avoid exposing young offenders to environments that might inadvertently derail this developmental process

**Research on impacts associated with placing juveniles and young adults in prison**

<i><b>Suicide</b></i>	
-Juveniles incarcerated in adult jails (OJJDP, 2012) -Campaign for Youth Justice. (November 2007)	-More likely to commit suicide in adult jail than in juvenile facility -Youth housed in adult jails are <b>36 times as likely to commit suicide</b> than are youth housed in juvenile detention facilities
<i><b>Sexual/Physical Abuse</b></i>	
-Juveniles incarcerated in adult jails (OJJDP, 2012)  -U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2007) -National Prison Rape Elimination Commission	-Five times as likely to be sexually abused or raped as they would be in juvenile facility -More likely witness as well as be target of violence -Youth who are held in adult facilities are at the greatest risk of sexual victimization -Youth incarcerated with adults are probably at the highest risk for sexual abuse
<i><b>Increased Recidivism</b></i>	
-Juveniles incarcerated in adult jails (OJJDP, 2012)  -John Jay College of Criminal Justice/Research and Evaluation Center (2012)  -Centers for Disease Control and Prevention (Nov. 2007)  -Juvenile Transfer Laws OJJDP (2008)	-Children <b>prosecuted as adults</b> are 34 percent <b>more likely</b> to commit new crimes than youth who remain in juvenile justice system - <b>No connection</b> between transfer and reduced rates of juvenile crime  - <b>Prosecuting youth as adults</b> generally results in <b>increased arrest for crime</b> , including violent crimes, as compared to juveniles retained in juvenile justice system - <b>Adult prosecution</b> of teens <b>increases recidivism</b> , promotes life-long criminality, and decrease safety.