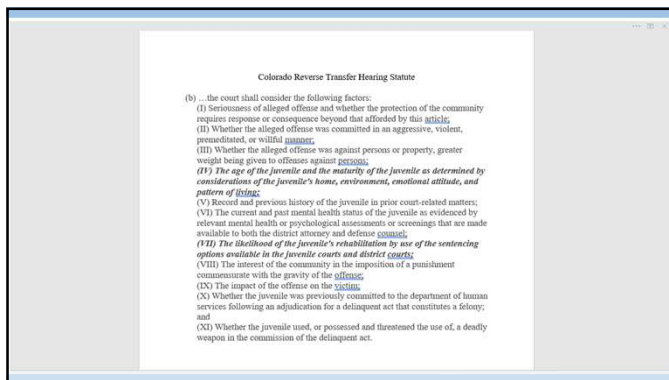


Applying a Neuroscience and Psychosocial Development Framework to Testifying in Juvenile Cases

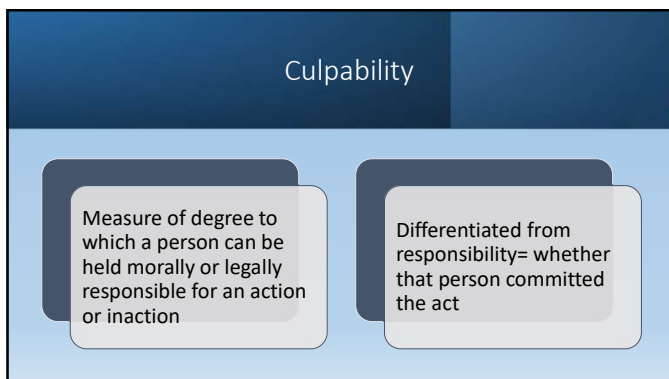
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Safer Society Press
2/22/23

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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)

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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

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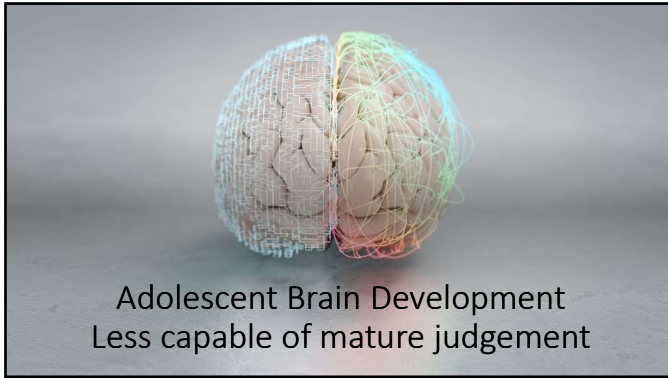
Juveniles and the Law

(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

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Juveniles less capable of mature judgement

- 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**

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Adolescent Brain Development

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

<p><u>Socioemotional system</u></p> <ul style="list-style-type: none"> • 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 	<p><u>Cognitive control system</u></p> <ul style="list-style-type: none"> • 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
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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**

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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

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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

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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

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Greater Capacity for Change and Reform

“Maturational imbalance” between social-emotional and cognitive control systems of the brain diminishes → Improvements in impulse control, resistance to peer pressure, planning, and thinking ahead

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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*

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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

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Desistance

Age-Crime Curve

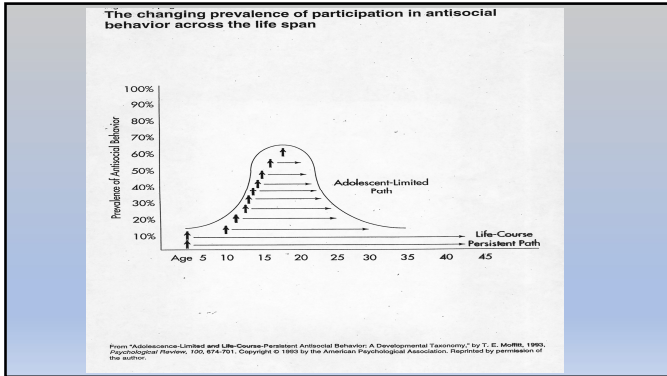
Psychosocial Maturity

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

<p>Life-Course Persistent</p> <ul style="list-style-type: none"> • 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 	<p>Adolescent-Limited</p> <ul style="list-style-type: none"> • 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
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Psychosocial Maturity and Desistance From Crime
Steinberg, Cauffman, & Monahan, 2015

Identify	Identify initial patterns of how serious adolescent offenders stop antisocial activity
Describe	Describe role of social context and developmental changes in promoting these positive changes
Compare	Compare effects of sanctions and interventions in promoting these changes

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Indicators of psychosocial maturity

- Impulse control
- Suppression of aggression
- Consideration of others
- Future orientation
- Personal responsibility
- Resistance to peer influence
- Global index of psychosocial maturity

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Lessons Learned

- Sample still maturing in each of six indicators of psychosocial maturity at age 25
- Consistent brain development research- shows continued maturation of brain systems that support self-regulation well into mid-twenties
- Vast majority of juvenile offenders grow out of antisocial activity as make transition to adulthood
- Most juvenile offending is limited to adolescence

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Implication for practitioners

- Interventions for juvenile offenders should be aimed explicitly at facilitating development of psychosocial maturity
- Are the types of sanctions and interventions that serious offenders are exposed to likely to facilitate or impede this process?
- Special care to avoid exposing young offenders to environments that might inadvertently derail this developmental process

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

Suicide	
-Juvies incarcerated in adult jails (OJJDP, 2012)	-More likely to commit suicide in adult jail than in juvenile facility
-Campaign for Youth Justice (November 2007)	-Youth housed in adult jails are 26 times as likely to commit suicide than are youth housed in juvenile detention facilities
Sexual/Physical Abuse	
-Juvies incarcerated in adult jails (OJJDP, 2012)	-Five times as likely to be sexually abused or raped as they would be in juvenile facility
-U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2007)	-More likely witness as well as be target of violence
-National Prison Rape Elimination Commission	-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
Increased Recidivism	
-Juvies incarcerated in adult jails (OJJDP, 2012)	-Children prosecuted as adults are 34 percent more likely to commit new crimes than youth who remain in juvenile justice system
-Johns Hopkins College of Criminal Justice Research and Rehabilitation Center (2012)	-No connection between transfer and reduced rates of juvenile crime
-Centers for Disease Control and Prevention (Nov. 2007)	-Prosecuting youth as adults generally results in increased arrest for crime, including violent crimes, as compared to juveniles retained in juvenile justice system
-Juvenile Transfer Laws OJJDP (2008)	-Adult prosecution of teens increases recidivism, promotes life-long criminality, and obscures safety

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