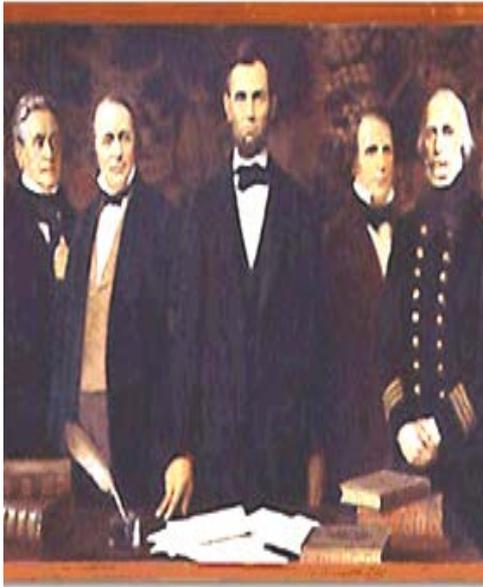


Reforming Juvenile Justice: A Developmental Approach

Presentation to the
National Juvenile Justice and Delinquency
Prevention Coalition

July 16, 2013

National Academy of Sciences



- Chartered by Congress in 1863
- Purpose: To advise the government and the nation on critical national issues through objective, scientific, and evidence-based research and analysis

Designed to be independent, balanced, and objective; Not an agency of the federal government.

Committee Process

- Scholarship and stature of Academies' members
- Ability to get the very best to serve *pro bono*, ensuring the breadth and balance of interdisciplinary committee composition
- Quality assurance and control procedures, including a strict peer review process
- Written reports (source of “formal advice”) based on evidence and rigorous analysis, ensuring independence and objectivity



Assessing Juvenile Justice Committee Charge and Composition

- To assess the implications of advances in behavioral and neuroscience research for the field of juvenile justice and the implications of such knowledge for juvenile justice reform.

Committee Members:

- 6 from the social sciences
- 2 physicians
- 3 practitioners
 - Director of state children's services
 - Director of state juvenile corrections
 - Juvenile court judge
- 2 with law/public policy expertise
- 1 neuroscientist



Committee Members

- **Robert L. Johnson** (Chair), UMDNJ - New Jersey Medical School
- **Richard J. Bonnie** (Vice Chair, IOM), University of Virginia
- **Carl C. Bell**, Community Mental Health Council, Inc.
- **Lawrence D. Bobo** (NAS), Harvard University
- **Jeffrey A. Butts**, John Jay College of Criminal Justice
- **Gladys Carrion**, New York State Office of Children & Family Service
- **B.J. Casey**, Weill Medical College of Cornell University
- **Kenneth A. Dodge**, Duke University
- **Sandra A. Graham**, University of California, Los Angeles
- **Ernestine Gray**, Orleans Parish, Louisiana
- **Edward P. Mulvey**, University of Pittsburgh School of Medicine
- **Robert Plotnick**, University of Washington
- **Elizabeth S. Scott**, Columbia University
- **Terence P. Thornberry**, University of Maryland
- **Cherie Townsend**, Texas Youth Commission



Major Activities

- Held six meetings – three of those included briefings by researchers, practitioners, and representatives of juvenile justice associations.
- Meetings with OJJDP leadership and staff
- Preparation of consultant paper on the Missouri model
- In-depth discussions with Annie E. Casey and the MacArthur foundations
- Reviewed OJJDP records on its budgetary and organizational history, program descriptions using available electronic data and web based documents.



Report Organization

- Chapter 1: Introduction
- Chapter 2: Historical Context
- Chapter 3: Current Practice
- Chapter 4: Adolescent Development
- Chapter 5: A Developmental Approach
- Chapter 6: Preventing Re-Offending
- Chapter 7: Offender Accountability
- Chapter 8: Ending Disparities
- Chapter 9: Federal Role
- Chapter 10: Achieving Reform
- Chapter 11: Moving Forward



Overview of Report

- Major Conclusions
- The Science
- The Developmental Framework
 - Accountability
 - Fairness
 - Preventing Reoffending
- Recommendations



Major Conclusions

- Being held accountable for wrongdoing and accepting responsibility in a process perceived as fair promotes healthy moral development and legal socialization.
- Conversely, being held accountable and punished in a process perceived as unfair can reinforce social disaffection and antisocial behavior
- Policies and programs that are predominantly punitive neither foster prosocial development nor reduce recidivism



Major Conclusions

- No convincing evidence that confinement of juvenile offenders beyond a minimum amount required to provide intense services reduces likelihood of subsequent offending
- Evidence of developmentally sensitive interventions effectiveness bolstered by analyses of costs and benefits
- Pattern of disproportionate minority contact throughout juvenile justice process is likely to contribute to perceptions of unfairness and impede efforts to encourage minority youth to accept responsibility for their criminal acts



The Science

- Adolescents differ from adults and/or children in three important ways:
 - lack mature capacity for self-regulation in emotionally charged contexts
 - have a heightened sensitivity to proximal external influences such as peer pressure and immediate incentives
 - show less ability to make judgments and decisions that require future orientation.
- Cognitive tendencies are associated with biological immaturity of the brain and with an imbalance among developing brain systems
- Adolescent risk-taking and delinquent behavior result from the interaction between the normal developmental attributes of adolescents and the environmental influences



The Science

- The brain determines behavior but normative development is affected by the interplay between the brain and an adolescent's environment:
- Environmental influences: peers, schools and communities affect likelihood and seriousness of offending.



Goals of a Developmentally Informed Juvenile Justice System: *Accountability, Fairness, Preventing Re-Offending*

- **Accountability**
 - Communicate to youth that society expects them to take responsibility for their actions
 - Encourage youth to accept responsibility, consistent with protecting legal rights
 - Facilitate involvement of family members to assist youth to accept responsibility and comply with court obligations
 - Rely on restitution and community service as instruments of accountability for victims and communities
 - Use confinement sparingly to prevent serious offending
 - Avoid collateral consequences of adjudication
 - Promote successful transitions to pro-social adulthood



Goals of a Developmentally Informed Juvenile Justice System: *Accountability, Fairness, Preventing Re-Offending*

- **Fairness**

- Ensure that youth are represented throughout the process by properly trained counsel unless the right is voluntarily and intelligently waived by the youth.
- Ensure that youth are adjudicated only if they are competent to understand the proceedings and assist counsel.
- Facilitate participation by youth in all proceedings.
- Intensify efforts to reduce racial/ethnic disparities
- Ensure that youth perceive that they have been treated fairly and with dignity.
- Establish and implement evidence-based measures for fairness based on both legal criteria and perceptions of youth, families and other participants.



Goals of a Developmentally Informed Juvenile Justice System: *Accountability, Fairness, Preventing Re-Offending*

- **Preventing Re-Offending**

- Use structured risk and need assessment instruments to identify low risk youth who can be handled less formally in community-based settings, to match youth with specialized treatment, and to target more intensive and expensive interventions on high risk youth.
- Use clearly specified interventions rooted in knowledge about adolescent development and law abiding behavior.
- Engage the adolescent's family as much as possible and draw on neighborhood resources to foster positive activities, pro-social development, and law-abiding behavior.
- Eliminate interventions that rigorous evaluation research has shown to be ineffective or harmful.
- Keep accurate data on the type and intensity of interventions provided and the results achieved.



Four Recommendations

- **Recommendation #1:** State and tribal governments should establish a bipartisan, multi-stakeholder task force or commission, under the auspices of the governor, the legislature, or the highest state court, charged with designing and overseeing a long-term process of juvenile justice across many sites
- **Recommendation #2:** The role of OJJDP in supporting juvenile justice improvement should be strengthened. The Congress should restore OJJDP's capacity to carry out its core mission needs through re-authorization, appropriations and funding flexibility. Assisting state, local, and tribal jurisdictions with evolving knowledge of developmentally informed policies, programs and practices should be the agency's top priority.



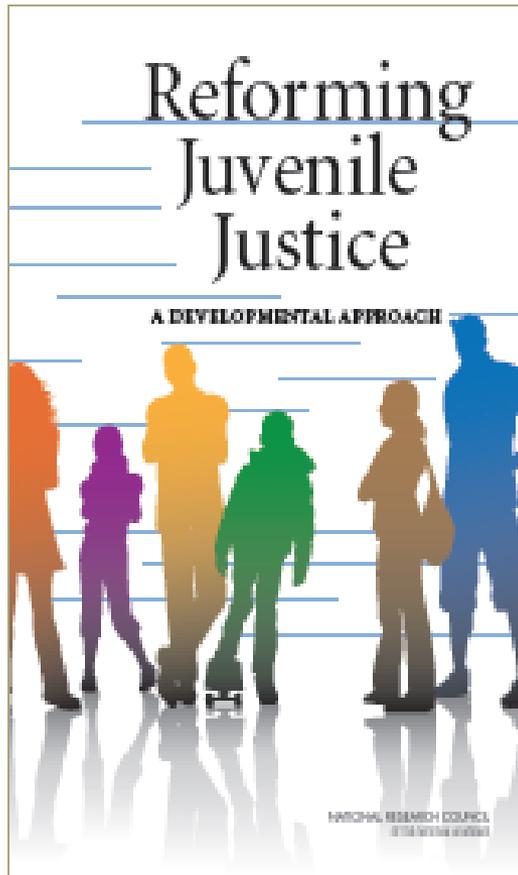
Four Recommendations

- **Recommendation #3:** Research by the National Science Foundation, the Centers for Disease Control and National Institutes of Health as well as OJJDP should be undertaken to advance the science of adolescent development.
- **Recommendation #4:** Under OJJDP's leadership, a data improvement program on juvenile crime and juvenile justice system processing should be conducted.



QUESTIONS?





THANK YOU!

NATIONAL RESEARCH COUNCIL
OF THE NATIONAL ACADEMIES

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