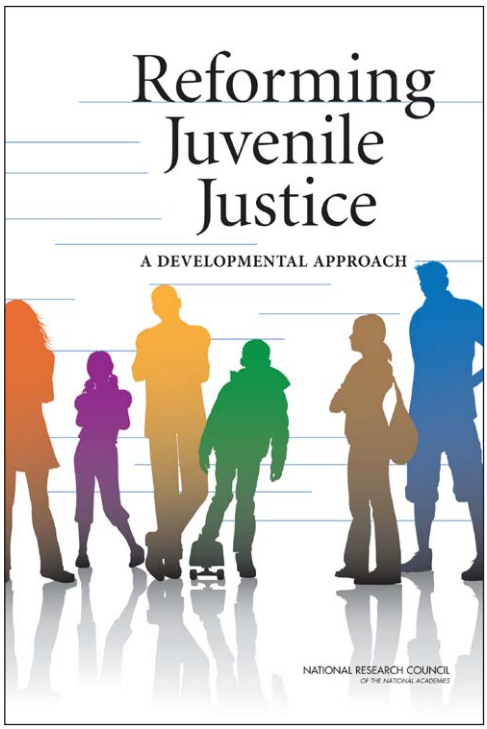
POLICY HIGHLIGHTS JUNE 2013

Reforming Juvenile Justice:
A Developmental Approach



The past decade has seen an explosion of knowledge about adolescent brain development and the neurobiological underpinnings of adolescent behavior. Much has also been learned about adolescents' pathways to delinquency, the effectiveness of treatment programs, and the long-term effects of confinement. These findings have raised doubts about the wisdom and effectiveness of the country's current juvenile justice system and laws passed in the 1990s that criminalized many juvenile offenses and led more youths to be tried as adults.

The nation should reform its juvenile justice system to reflect the scientific findings, says *Reforming Juvenile Justice: A Developmental Approach*, a report from the National Research Council. State and tribal governments should review their laws and policies and ensure that they reflect current knowledge about adolescent development and effective interventions. In addition, federal policymakers should strengthen the capacity of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to improve the field of juvenile justice.

KEY MESSAGES

1

Use knowledge of adolescent development to inform juvenile justice policy and practice. New research reveals that adolescents are more inclined toward risk-taking and less capable of self-control than adults because their brains are not fully mature. Their likelihood of offending is influenced not only by their developing brains, but also by external influences, such as parents and peers.

2

Rely on offenders' families and on community services and supports rather than institutional placements. Detaining or confining juvenile offenders away from their families and communities can deprive them of conditions that support positive social development: the presence of a parent or other concerned adult, peers who model positive behavior, and opportunities for independent decision making.

3

Build on the positive elements of the current juvenile justice system. It is possible to hold youths accountable for their offenses without mimicking adult punishments. Juvenile courts should build on knowledge about "what works" to provide opportunities for youths to accept responsibility for their actions and make amends to victims and the community.

4

Use evidence-informed interventions to prevent juvenile crime and recidivism. In general, community-based interventions reduce rearrests more effectively than institutional ones. If implemented well, evidence-informed interventions—such as certain types of therapy—reduce reoffending and produce social benefits far exceeding their cost.

5

Connect research and practice. State and tribal policymakers should review their juvenile justice policies and practices and align them with research on adolescent development and effective interventions.

6

Strengthen the role of OJJDP. Federal policymakers should support the mandate of the Office of Juvenile Justice and Delinquency Prevention to assist states, tribes and local governments in improving their juvenile justice systems.

EMERGING SCIENCE ON ADOLESCENT BEHAVIOR

Research has shown that adolescents differ from adults in at least three important ways that lead to differences in behavior:

- Adolescents are less able to regulate their own behavior in emotionally charged contexts.
- Adolescents are more sensitive to external influences, such as peer pressure and immediate rewards.
- Adolescents show less ability to make judgments and decisions that require considering the future.

Evidence suggests that these tendencies are linked to the immaturity of the brain and an imbalance between developing brain systems. The brain system that influences pleasure seeking and emotional reactions develops more rapidly than the brain system that supports self-control. This imbalance leaves adolescents biologically less capable of self-control than adults. Adolescents are strongly affected by peers, parents, schools, and communities, both positively and negatively. Research also demonstrates that antisocial behavior may be linked to real and perceived racial discrimination.

ADOLESCENTS IN THE SYSTEM

The vast majority of youths who are arrested or referred to juvenile court have not committed serious offenses, and half of them appear in the system only once. Youths who commit serious offenses—such as homicide, aggravated assault, and burglary—are a very small proportion of the overall delinquent population, and evidence indicates that their behavior is driven by the same risk factors and developmental processes that influence less serious juvenile offenders.

IMPACT OF THE CURRENT JUVENILE JUSTICE SYSTEM

Placing youths away from their homes and communities interferes with three social conditions that research has shown contribute to adolescents' healthy psychological development:

- the presence of a parent or parent figure who is involved with the adolescent and concerned about his or her successful development;
- association with peers who value and model positive social behavior and academic success; and
- participation in activities that require independent decision-making and critical thinking, such as extracurricular activities and work settings.

In addition to these losses, many youths face collateral consequences of involvement in the justice system, such as public release of juvenile records that follow them throughout their lives and limit future educational and employment opportunities.

All of these disadvantages are borne disproportionately by some groups of adolescents. Racial and ethnic minorities are overrepresented at every stage of the juvenile justice system: they are more likely to be arrested, and, for certain offenses, more likely to face harsh punishment. They also remain in the system longer than white youths with similar delinquency histories. Adolescents who move between the child welfare and juvenile justice systems, as well as those with mental health disorders, are less likely to receive the services they need.

A DEVELOPMENTAL APPROACH TO JUVENILE JUSTICE

The overall goal of the juvenile justice system is to support the positive social development of youths who become involved in the system and, by doing so, make communities safer. Specifically, courts and juvenile justice agencies aim to hold youths accountable for wrongdoing, prevent further offending, and treat youths fairly. The new report recommends a developmental approach to juvenile justice, which can support all three of these aims.

ACCOUNTABILITY

Adult punishments such as confinement are not ordinarily needed to ensure that juveniles are held accountable. Juvenile courts can provide an opportunity for youths to accept responsibility for their actions, make amends to individual victims and the community, and participate in community service or other types of programs.

PREVENTING REOFFENDING

Using risk and need assessments allows the right interventions to be targeted to each adolescent. Appropriate interventions, monitoring in the community, or changes in life situation are matched with individual youths based on whether they are at high, medium, or low risk for reoffending. Using these tools can allow courts and agencies to use scarce resources wisely and achieve better outcomes.

If implemented well, evidence-based interventions—for example, aggression replacement therapy and cognitive-behavioral therapy—are cost-effective and reduce reoffending. In general, community-based interventions reduce re-arrests more effectively than programs offered in institutional settings. Once in institutional care, it is important to provide intensive services for adolescents to benefit. There is no convincing evidence that confining juvenile offenders beyond six months appreciably lowers their likelihood of reoffending.

FAIRNESS

Treating youths fairly and with dignity can enhance the development of a strong value system during adolescence. Fairness should be perceived by youths at all points in the system, from arrest through supervision after returning home. For example, juvenile courts should ensure that youths have an opportunity to participate in their legal proceedings and have quality representation—lawyers who are well trained, have appropriate resources, and have the ability to give each case adequate attention, based on nationally recommended standards.

RECOMMENDATIONS

The report recommends specific steps policymakers can take to improve the nation's juvenile justice system:

State and tribal governments should establish bipartisan, multistakeholder task forces under the auspices of the governor or tribal leader, the legislature, or the highest state court to undertake a thorough and transparent review of their juvenile justice systems. They should:

- **align their laws, policies, and practices with knowledge about adolescent development;**
- **use evidence-informed programs and interventions;** and
- **intensify efforts to reduce racial disparities.** States and tribes should identify and eliminate policies that tend to disadvantage minorities, publicly report on racial disparities, and evaluate programs aimed at reducing disparate outcomes.

Federal policymakers should strengthen the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) capacity to carry out its core mission. The Office was established in 1974 by Congress to coordinate federal activities related to juvenile offenders, disseminate research, and assist states, tribes and local jurisdictions in improving their juvenile justice systems. Over the past decade OJJDP's capacity to carry out its mandate has dramatically declined, due in part to funding reductions and severe restrictions on its decision making.

OJJDP has been effective in the past in spearheading major reforms that reflect key developmental principles: keeping youths separated from adult offenders, addressing racial disparities, and avoiding unnecessary detention for youths. These protections need to be strengthened by:

- **defining status offenses** to include offenses, such as possession of alcohol or tobacco, that apply only to youths under 21.
- **removing all exceptions to the detention of youths** who commit offenses that would not be punishable by confinement if committed by an adult. For example, a youth should not be confined for an offense such as truancy or running away or for violating a court order for those kinds of offenses.
- **modifying the definition of an "adult inmate"** to give states flexibility to keep youths in juvenile facilities until they reach the age of extended juvenile court protection.
- **expanding the statutory protections to all youths under 18 in pretrial detention**, whether they are charged in juvenile or adult courts.

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FOR MORE INFORMATION…This brief was prepared by the Committee on Law and Justice based on the report *Reforming Juvenile Justice: A Developmental Approach.* The study was sponsored by the Office of Juvenile Justice and Delinquency Prevention. Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the authors and do not reflect those of the sponsor. Copies of the report are available from the National Academies Press, 500 Fifth Street, N.W., Washington, DC 20001; (800) 624-6242; http://www.nap.edu.