FIRST, DO NO HARM:
Adolescent Development, Mental Health, and Juvenile Justice

Louisiana Center for Children’s Rights

www.lacrer.org
Outline

1. A note of reassurance
2. Overview of juvenile court:
   1. What happens there
   2. Who goes there and why
3. An examination of normative adolescent development and mental illness in the juvenile justice system
4. Implications for justice system design and for medical practice

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If you remember nothing else...

The best way to help children in the delinquency system is the best way to help all children: positive developmental supports.
LET’S ALL TAKE A DEEP BREATH. IT’S GETTING BETTER.

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Delinquency Arrests in Orleans Parish, 2008-2014

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Crimes of Violence as a Share of all Delinquency Arrests in Orleans Parish

![Bar chart showing crimes of violence as a share of all delinquency arrests in Orleans Parish from January-June 2013 to January-June 2014. The chart indicates a decrease in crimes of violence from 64 to 41, while all arrests decreased from 489 to 394.](image-url)
WHAT HAPPENS IN JUVENILE COURT?
What SHOULD happen?

• Turn to your buddy, and discuss:
  – What is the worst punishment or consequence that society should give to a 13 year old?
  – For what offense?
  – Is that different than we should give to a 26 year old for the same offense?
  – Why?

• Take 4 minutes
• You might have to report back!
What Offenses, and Whom, Do We Prosecute in Juvenile Court?

- **Delinquent acts**
  - Anything that would be a crime if committed by an adult
  - 10 through 16 years old
- **Status offenses**
  - Acts that are only illegal because of the offender’s status as a child
  - Truancy
  - Ungovernability
  - Running away
  - 0 through 17 years old
How Bad Do the Sanctions Get?

• Delinquent Acts:
  – Prison until 21 in the juvenile system...
  – BUT: Transfer to criminal court if you’re 14, 15, or 16 and you’re accused of an enumerated offense
    • Can’t execute a child (*Roper v. Simmons*)
    • Can’t give a child mandatory life in prison (*Miller v. Alabama*)

• Status Offenses:
  – Well, they haven’t committed a crime, but...
  – 1057
WHO GETS ARRESTED IN NEW ORLEANS?

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ORLEANS PARISH JUVENILE ARRESTS BY GENDER
(January – June 2014; total is 435 arrests)

347, 80%
88, 20%

Male
Female

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ORLEANS PARISH JUVENILE ARRESTS BY RACE
(January – June 2014; total is 435 arrests)

420, 97%

15, 3%

African-American
Other
Orleans Parish Juvenile Arrests: Charges on New Bookings (January – June 2014; total is 552 Charges)

- 472 charges, 86% (Other Offenses)
- 80 charges, 14% (Weapons Possession and "Crimes of Violence")
SOME CHARACTERISTICS OF JUSTICE SYSTEM INVOLVED CHILDREN

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They’re Children

- Impulsivity
- Sensation seeking
- Susceptibility to peer influence
- Limited future orientation
They’ll Grow Up

• Almost all adolescents are involved in some form of delinquency
• The age/crime curve increases until about 17 – and then declines
• Most adolescents will age out
How Does That Happen?

• Meaningful relationships with adults
• Learning sense of identity and self-esteem
• Positive peer groups
• Opportunities to make decisions
• Family and school connectedness
But Some Children Have Additional Barriers...

- **Barriers**
  - Developmental Delays
  - Intellectual Disabilities
  - Mental Health Disorders
- **Why Do They Matter?**
  - Further compromises in cognition and decision making
  - Additional struggles with peer pressure and coercion
  - The symptom is the problem behavior
Who are our clients as a class?

Developmental Delays

“[A]mong youth in detention centers, over 20 percent of those under 15 had IQ scores in the 60 to 74 range and 40 percent had IQs in the 75-89 range.”

Who are our clients as a class?

Learning Disabilities

“Seventy percent of children in the juvenile justice system have an educational disability…”

“Stopping the Schoolhouse to Jailhouse Pipeline By Enforcing Federal Special Education Law,” American Bar Association’s Children’s Rights Litigation Committee (Winter 2007)
Mental Illness in the Juvenile Justice System


Any Disorder: 73%
Anxiety DO: 42%
Multiple Disorders: 61%
Exposure of All New Orleans Youth to Trauma

- Witnessed Murder: 13.6%
- Someone Close Murdered: 43.6%
- Anxiety over Personal Safety: 54.9%

Exposure of Detained Youth to Trauma

- Seeing dead body/dead pictures of someone close: 23.5%
- Threatened with a weapon: 58.4%
- Seen someone hurt badly or killed: 74.1%

PTSD in Detained Youth

PTSD SYMPTOM CLUSTERS, PER DSM-V:

• Avoidance
• Negative alterations in cognition and mood
  – Persistent negative beliefs and expectations
  – Persistent negative trauma-related emotions
• Alterations in arousal and reactivity
  – Irritable or aggressive behavior
  – Self-destructive or reckless behavior
  – Hypervigilance
OK, SO WHAT?
Why Do We Purport to Prosecute Children?

- Deterrence
- Incapacitation
- Retribution
- Rehabilitation
“Juvenile incarceration is estimated to decrease high school graduation by 13 percentage points and increase adult incarceration by 22 percentage points.”

“[Y]ouths who are poor, impulsive, poorly supervised by their parents, and exposed to deviant friends are more likely, for the same degree of antisocial behavior, to undergo intervention by the Juvenile Court, and...

this intervention greatly increases the likelihood of involvement with the penal system in adulthood.”

Here’s what I ask of you...

1. Hold the justice system(s) to the same standards that you expect of medical system(s) – in terms of training, expertise, evidence-based practice...

2. Educate yourselves, and others, on what is developmentally appropriate for youth – and how we can help them develop in positive ways.

3. Practice trauma-informed care: Children in New Orleans need it.

4. Remember that forensic science is still science!
If you remember nothing else...

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