

Challenges Facing Youth

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With the increased attention on the rates of serious juvenile crime in the late 1980s and early 1990s, legislatures around the country passed new laws making it easier to transfer youth to adult courts. Many argued that the juvenile justice system, with its focus on treatment and rehabilitation, was not equipped to handle serious violent juvenile offenders.

Little is known about the youth who are deeply entrenched in our juvenile justice system. Why do some violent juvenile offenders alter their lives in a more positive direction after committing serious crimes? Why do some violent juvenile offenders continue to commit crimes? If research finds that there are different pathways that violent juvenile offenders take, then perhaps interventions used within the juvenile justice system could influence the pathways of some youth. What role do social, contextual, and developmental factors play in the decision making processes of youth who choose to continue to commit crimes and vice versa? For example, if family relationships are an important predictor of desistance, can interventions be designed to improve those relationships? Current research focused on these questions will help policymakers make more informed decisions regarding juvenile justice policy and allocate resources more effectively and efficiently.

One of Dr. Mulvey's current projects, Pathways to Desistance, is a prospective longitudinal study of 1,200 serious offenders age 16-24 transitioning from late adolescence into adulthood. Relatively little is known about the patterns of escalation to serious offending among youth. Similarly, we know even less is known about the patterns of desistance from offending among serious juvenile offenders. By focusing on "deep end" offenders – those youth who have penetrated the juvenile justice system deeply – the research team hopes to study the criminal careers and desistance from such activities. The goal of the study is to improve policymakers' decision-making within the juvenile justice system.

The research is examining three issues. First, the study will attempt to identify distinct pathways out of involvement with the juvenile justice system, as well as characteristics of youth who fall into the different patterns. Second, researchers will examine the role of several social, contextual, and developmental factors theorized to promote either the continuation or desistance of offending. Finally, researchers will study whether various sanctions and juvenile justice system interventions alter pathways out of involvement with the juvenile justice system.

Using Research to Improve the Juvenile Justice System

How can research be useful in the juvenile justice system? In the past, the system has been ruled more by fads than empirical findings. At times, it seems as though the right approach has been discovered to deal with juvenile crime, but the realization hits after a few years that the latest solution to address juvenile crime does not work. Although frustrating, we must use this opportunity to examine what questions are being asked and frame better ones. By pursuing sound empirical research, we can begin to move toward a more just and effective system.

One way research can make a clear contribution is by testing the assumptions underpinning broad policy positions in this area. There are, for example, three assumptions that support the logic of having the juvenile justice system as a separate structure from the adult justice system. Research on each of these assumptions has, and will, improve practice and inform policy debate about methods for handling juvenile crime.

Assumption 1: *Adolescents are different from adults in ways that make it reasonable to consider their cases in a more individualistic fashion.*

At the heart of our commitment to a separate juvenile court is the idea that not only do adolescents think differently from adults, but their actions are also determined more by transitory social situations than their adult counterparts. We have long thought that adolescents have limited competency compared with adults and we should therefore examine the actor rather than the act in managing adolescent offenders.

Some work supports this assumption, but there is much more to consider. For example, the MacArthur Foundation Network on Adolescent Development and Juvenile Justice examined the specific question of how to assess the competence of adolescents who stand trial as adults. Over 1,400 males and females between the ages of 11 and 24 participated in the study. Half the participants were in jail or detained in juvenile detention centers at the time of the study, and half were individuals of similar age, gender, ethnicity, and social class but residing in the community.

Standardized assessments were administered to these individuals to determine their knowledge and abilities relevant to competency for standing trial and legal decision-making in various hypothetical situations (such as whether to confess to a crime to the police, share information with one's attorney, or accept a plea agreement). Other measures that might influence these capacities were also examined, such as intelligence, symptoms of mental health problems, and prior experience with the juvenile justice system.

The study found that juveniles ages 11 to 13 were *more than three times as likely* as young adults (individuals aged 18 to 24) to be "seriously impaired" with regard to competence-related abilities. Juveniles ages 14 to 15 were twice as likely as young adults to be "seriously impaired." Individuals ages 15 and younger also differed from young adults in their legal decision-making skills. For example, younger individuals were less likely to recognize the risks inherent in different choices and less likely to think about the long-term consequences of their choices.

Juveniles with below-average intelligence (IQ scores less than 85) were more likely to be “significantly impaired” in abilities relevant for competence to stand trial than juveniles of average intelligence (IQs scores of 85 and higher). A greater proportion of youths in the juvenile justice system were found to have below-average intelligence than youth in the community. Because lower intelligence is related to poorer performance on abilities associated with competence to stand trial, the risk for incompetence to stand trial is even greater among adolescents who are in the justice system than it is among adolescents in the community. In fact, more than half of all below-average 11 to 13 year-olds and more than 40% of all below-average 14 and 15 years-olds were in the “significantly impaired” range on abilities related to competence.

The results of this study indicate that when compared with adults, a significantly greater proportion of juveniles in the community ages 15 and younger, and an even larger proportion of juvenile offenders of the same age, are probably not competent to stand trial in a criminal proceeding. Juveniles of below-average intelligence are especially at-risk of being incompetent to stand trial.

Findings from this type of research can inform guideline setting, clinical practice, and judicial decision making about when to consider an adolescent an adult for purposes of court processing. Knowing more about what distinguishes an adolescent’s judgment from an adult’s can provide the groundwork for reasoned approaches regarding the use of individual assessment.

Assumption 2: *We can identify adolescents who are most at risk for future offending and provide services or sanctions to them selectively.*

Through longitudinal research, we have learned much about what increases the likelihood that an adolescent will become involved in delinquency. This information has been used to develop and refine prevention programs for adolescents likely to commit criminal acts. However, we know far less about the factors that lead a juvenile out of committing crimes, although we do know that a large proportion of these adolescents make relatively successful transitions to adulthood. We need to understand more about this process in order to determine the best way to manage serious adolescent offenders found in the juvenile justice system.

Rather than looking at what gets juveniles into trouble, researchers are documenting what leads them out of trouble. The Pathways to Desistance Project is currently following 1,200 serious adolescent offenders to ascertain factors contributing to their successful adjustment to adulthood. Current evidence is sketchy on the relative influences of interventions, sanctions, and developmental events on outcomes for serious adolescent offenders. Although a significant percentage of adolescent offenders decrease or stop antisocial activity in late adolescence, it is unclear exactly how such desistance occurs or what factors influence the process.

The goals of the Pathways to Desistance study are to describe patterns of desistance from delinquent and criminal behavior, identify key developmental events related to desistance, and compare the effects of different interventions and sanctions on desistance. Specifically, the study seeks to:

- determine whether there are distinct pathways out of involvement with juvenile crime and, if so, identify such pathways,
- identify the characteristics of adolescents who progress along each of these pathways,
- identify the types of life events or influences that appear to promote desistance from criminal activity among adolescents, and
- determine the type and magnitude of the effect researchers can expect from the intervention strategies most commonly used with serious adolescent offenders.

Findings from the study will provide policymakers with evidence regarding the utility of different processing and sanctioning options, a topic widely discussed at the state and national levels. Findings will also be valuable to practitioners who need direction regarding what factors to consider during risk assessments and what indicators to monitor or assess on an ongoing basis when working with serious adolescent offenders. This type of information is necessary to help the courts in their efforts to distinguish which serious offenders are likely to progress to serious crime and which ones are likely to “straighten out” in that critical period of transition during late adolescence.

Assumption 3: *We have some approaches that work with adolescent offenders.*

The final assumption behind a separate juvenile justice system is that we can have a positive effect on adolescents through some form of intervention. We hope that adolescents can be affected positively by efforts to structure their lives and their thinking. In short, we believe that involvement with certain types of programs can make a positive difference.

A number of general conclusions can be drawn from the research on prevention programs for adolescent offenders. First, the earlier the better. Preventive intervention with families with young children can show positive effects on the occurrence of later delinquency. Second, different interventions work at different times during a child’s development. There is no magic approach that works at all ages. For example, changing the way adolescents think about the role of violence in social interactions is more effective with young adolescents than older adolescents. This phenomenon simply reflects the fact that factors contributing to risk change over time and must be addressed in differently throughout a child’s life. This means that juvenile crime can be addressed effectively only by having a balanced portfolio of approaches to prevention and intervention. Third, the most effective programs with adolescent offenders are comprehensive, theory-based, and use structured methods for building skills. Comprehensive programs that take families and communities into account and are flexible to local conditions have a higher likelihood of continued success. Well-designed programs based on a broad view of theories of how change occurs in the adolescent consistently outperform approaches that attempt to change one aspect of an adolescent’s thinking or situation, with a vague notion that “this will make things better.”

Pursuit of research as outlined above will help refine juvenile justice policy and practice. It points the way toward methods for assessing and intervening in the lives of adolescent offenders

with less vindictiveness than many of our current policies and more realistic concern for public safety than some of our former policies. Such an informed middle ground can only be achieved, however, by systematically developing a strategy for pursuing useful research. It does not come from asking repeatedly if we have found the magic bullet.

A coherent strategy for research requires a central body overseeing and promoting work in juvenile justice that contributes to a balanced portfolio of approaches to dealing with juvenile offenders. It means that empirical investigations in this area must be viewed as legitimate activities in their own right, not simply as add-ons to well meaning social service efforts meant either to justify further funding or to scuttle future attempts at similar work. Too often, research and evaluation in this area are seen as proving whether something works or not in the short run, with little regard for accumulating a systematic body of knowledge about how adolescents change and how the juvenile justice system really works. In short, empirical work can be, but usually is not, used effectively in juvenile justice.

The challenge is to build a body of useful knowledge about serious adolescent offenders and the juvenile justice system. This can be done with some vision and patience; expecting good science and pragmatic answers over time, much as we do with medical research. We do not and would not expect to generate knowledge about treating complicated medical disorders piecemeal or in a time frame that serves our immediate funding cycle. Yet we somehow think this can be done with the complicated processes underlying antisocial and violent behavior in adolescence.

The point here is simply that much can and should be expected of research. These expectations will only be met, however, if the agencies funding that research can operate as independent, professional organizations charged with developing a coherent, integrated set of studies aimed at answering broad questions about how adolescents develop and how the juvenile justice system affects them. Taking this approach, there is great potential for research to provide empirical information to guide incremental improvements in policy and practice. Without it, we will continue to follow the newest fad and become disappointed when it goes out of style.

This article is based on the following:

Grisso, S., Steinberg, L., Wollard, J., Cauffman, E., Scott, E., & Graham, S. et al. (2003). Juveniles' competence to stand trial: A comparison of adolescents' and adults' capacities as trial defendants. *Law and Human Behavior*, 27, 333-363.

Juvenile Crime Control and Delinquency Prevention Act of 2001: Testimony to the United States House of Representatives, Committee on Education and the Workforce, Subcommittee on Select Education. 107th Cong., (2001) (testimony of Edward P. Mulvey).

Mulvey et al. (2004). Desistance from antisocial activity. *Youth Violence and Juvenile Justice*, 2, 213-236.

Edward Mulvey, Ph.D. Biography

Edward P. Mulvey is a Professor of Psychiatry and Director of the Law and Psychiatry Program at Western Psychiatric Institute and Clinic at the University of Pittsburgh School of Medicine. He received his B.A. in psychology from Yale University in 1973, and his Ph.D. in Community/Clinical Psychology from the University of Virginia in 1982. After his graduate education, he spent a year as a postdoctoral fellow training in quantitative methods in criminal justice at the Urban Systems Institute at Carnegie-Mellon University. He has been at the University of Pittsburgh since 1983.

Dr. Mulvey is a Fellow of both the American Psychological Association and the American Psychological Society, a recipient of a Faculty Scholar's Award from the William T. Grant Foundation, a member of two MacArthur Foundation Research Networks (one on Mental Health and the Law and another on Adolescent Development and Juvenile Justice), and a member of the steering committee for the National Science Foundation-funded National Consortium on Violence Research. In addition to his academic publishing, he has consulted on and/or authored reports on policy issues for several government agencies, including the United States Surgeon General's Office, the National Institute of Mental Health, the Office of Technology Assessment, and the United States Secret Service (where he serves on their Research Advisory Committee).

His research has centered on issues related to the use of mental health treatment as a method of social control. He has primarily focused on determining how clinicians make judgments regarding the type of risk posed by adult mental patients and juvenile offenders, and how these decisions might be improved. He also has an interest in the competency of adolescents involved in decision-making about treatment alternatives, and how the decision is made to place a child out of the home.

Relevant Publications

- Mulvey, E., Steinberg, L., Fagan, J., Cauffman, E., Piquero, A., Chassin, L., Knight, G., Brame, R., Schubert, C., Hecker, T., & Losoya, S. (2004). Theory and research on desistance from antisocial activity in serious juvenile offenders. *Youth Violence and Juvenile Justice, 2*, 213-236.
- Schubert, C., Mulvey, E., Cauffman, E., Steinberg, L., Losoya, S., Hecker, T., Chassin, L., Knight, G. (2004). Operational lessons from the Pathways to Desistance Study. *Youth Violence and Juvenile Justice, 2*, 237-255.
- Knight, G., Little, M., Losoya, S., Mulvey, E.P. (2004). The self-report of offending among serious juvenile offenders: Cross-gender, cross-ethnic/race measurement equivalence. *Youth Violence and Juvenile Justice, 2*, 273-295.
- Freid, C., Reppucci, N., Mulvey, E., Woolard, J., Portwood, S. (2004). Legal issues affecting mentally disordered and developmentally delayed youth in the juvenile justice system. *International Journal of Forensic Mental Health, 3*, 3-22.