

POTENTIAL AREAS OF WORK: Age of Delinquency

Literature Review

presented to the Colorado Commission on Criminal and Juvenile Justice
November 9, 2017

D. Farrington, R. Loeber, & J. Howell (2017). Increasing the minimum age for adult court: Is it desirable, and what are the effects? *Criminology & Public Policy*, 16(1).

“Legislative changes are intended to influence offending and reoffending” (i.e., three-strikes-and-you-are-out laws and mandatory minimums for certain crimes).

Increase the minimum age for adult court processing (i.e., age 21).

- Legal boundaries between adolescence and adulthood are largely arbitrary and have not caught up with scientific findings
- Scientific evidence shows brain development and maturation continues well into early 20s.
- Age-crime curve findings suggest youths desist in late adolescence/early adulthood; probability of recidivism decreases
- Incarcerating youth offenders increases recidivism and victimization
- Rehabilitative treatment is more likely in juvenile system

C. Loeffler & B. Grunwald (2015). Decriminalizing delinquency: The effect of raising the age of majority on juvenile recidivism. *The Journal of Legal Studies*, 44(2).

Found that raising the age of majority (to 18) did not increase recidivism and supports the assertion that juvenile offending may actually decrease (certainly doesn't increase juvenile offending). Based upon late-age juveniles committing less serious offenses.

N. Pyle, A. Flower, A. Fall, & J. Williams. (2015). Individual-level risk factors of incarcerated youth. *Remedial and Special Education*, 37(3).

OJJDP's 4 risk factor domains in which youth are placed at greater risk of incarceration: 1) Individual, 2) Family, 3) Peer, 4) school and community.

Individual level: genetic, emotional, cognitive, physical, social/behavioral, antisocial behavior, behavioral inhibition, cognitive development, intelligence, hyperactivity.

Multi-Tiered System of Supports: Academic and Behavioral interventions and prevention tactics/practices that target the above risk characteristics.

Response to Intervention (RTI).

Schoolwide Positive Behavioral Interventions and Supports (SWPBIS).

“No single risk factor can be attributed to causing a youth to become incarcerated...multiple factors increase the odds of offending and subsequent incarceration.” (Loeber & Farrington, 2001).

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P. Logan-Green & A. Jones (2015). Chronic neglect and aggression/delinquency: A longitudinal examination. *Child Abuse & Neglect*, 45.

“Neglect is most common form of maltreatment in the US, yet its impact...remains understudied, especially for chronic neglect.”

Chronic neglect definition: medical, educational, emotional.

- Chronic neglect and chronic failure to provide (ages 0-12) predicted aggression/delinquency (age 14). Males more likely.
- Families experiencing chronic neglect comprised about one-fifth of the CPS population, they accounted for over half of all expenditures (Loman, 2006).
- Strong empirical support of the connection between maltreatment in childhood and later aggression and delinquency.
- Neglect that occurs in one developmental stage may be more/less impactful than in other developmental stages.
- Neglect does not often get as much attention as more violent forms of maltreatment.
- Trauma-informed interventions at the right development stages may be useful at preventing the long-term effects of the neglect.

L. Steinberg (2013). The influence of neuroscience on US Supreme Court decisions about adolescents’ criminal culpability. *Nature Reviews Neuroscience*, 14(7).

2012 ruling: prohibited states from mandating LWOP for crimes committed by minors. Largely influenced by scientific evidence about brain development.

Pre-2005: 16-17 year olds could receive the death penalty and under 18 could receive LWOP. As of 2012, 2500 individuals serving LWOP for crimes committed as minors (CO has 48).

- “Proportionality analysis” – Punishment applied to an adult is not proportional to that of a child when considering the degree of responsibility for the behavior.
- “Mental retardation” – knowing the difference between right or wrong.
- Mitigation of culpability – 1) adolescents’ over-involvement in reckless behavior; characterized by immaturity and underdeveloped sense of responsibility; 2) adolescents are more susceptible to external influences, peer pressure that makes it difficult to extricate themselves from criminogenic situations; 3) personality traits of adolescents are less fixed and makes it difficult to infer even heinous behavior evidence of an irretrievably depraved character; adolescents are better candidates for rehabilitation. (Justice Kennedy opinion on Roper case) (Roper v. Simmons (2005)).

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Adolescent “risky behavior/risk-taking behavior” that increases between childhood and adolescence and peaks in mid-or late adolescence...this mirrors the age-crime curve. Most forms of risk-taking are impulsive acts that are committed without full consideration of long-term consequences.

fMRI studies show greater neural activity during adolescence than in childhood/adulthood (ventral striatum and ventromedial prefrontal cortex) which processes emotional and social information and valuation and prediction of reward and punishment.

Pre-frontal lobes are less fully developed

“The law is concerned with how we behave and not with how our brains function...but neuroscience should continue to have a supporting role and behavioral science should carry the weight of the argument when it comes to where we draw legal boundaries between adolescents and adults.”

A. Iselin & J. DeCoster. (2012). Unique relations of age and delinquency with cognitive control. *Journal of Adolescence*, 35(2).

The human brain undergoes significant changes through adolescence (Spear, 2000).

Functions related to cognitive control abilities, especially response inhibition skills, align with pre-frontal cortex restrictions that increase with age; narrower connectivity and size of tract connections between the pre-frontal cortex and other brain structures also relate to more accurate inhibition skills.

There is empirical support that links cognitive control and delinquency, but results are mixed as to HOW that link works.