



WISCONSIN LEGISLATIVE COUNCIL
STAFF MEMORANDUM

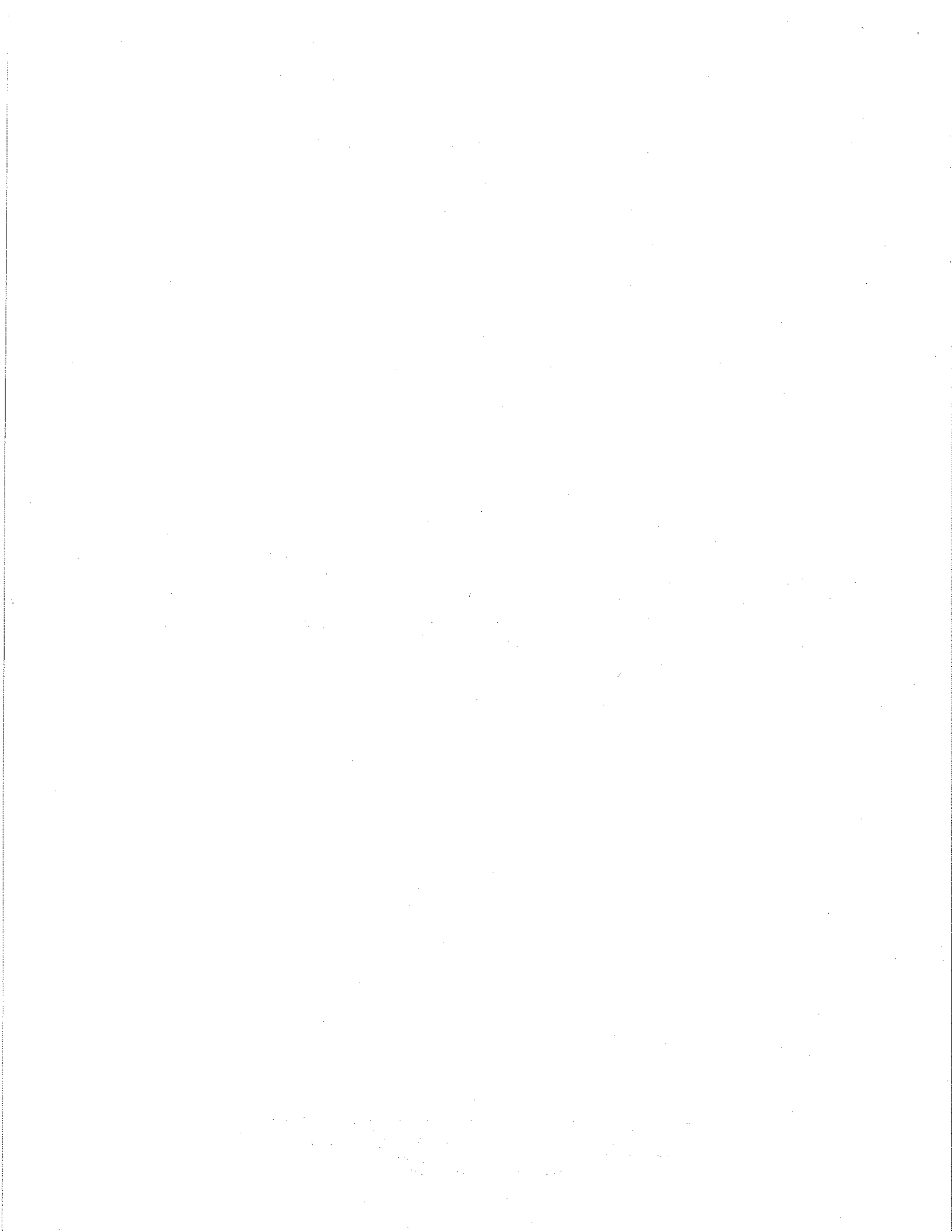
Memo No. 4

TO: MEMBERS OF THE SPECIAL COMMITTEE ON HIGH-RISK JUVENILE OFFENDERS
FROM: Anne Sappenfield, ^{AS} Senior Staff Attorney
RE: Information on Adolescent Brain Development
DATE: July 29, 2008

At the July 10, 2008 meeting of the Special Committee on High-Risk Juvenile Offenders, information relating to adolescent brain development was requested. Enclosed for the committee's information is a report entitled, *What Are the Implications of Adolescent Brain Development for Juvenile Justice?* This report was prepared by the Coalition for Juvenile Justice and provides an overview of research on adolescent brain development and how laws treat adolescents as children or as adults for various purposes.

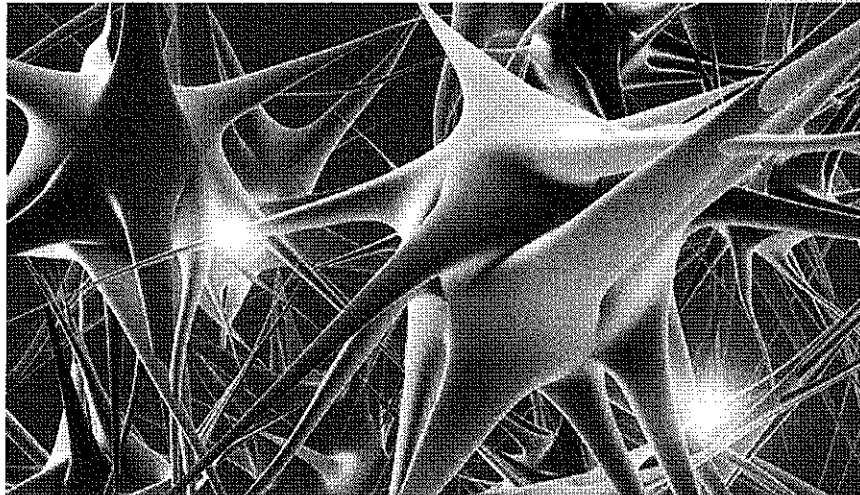
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Enclosure



**Coalition for Juvenile Justice
Emerging Concepts Brief**

**What Are the Implications of
Adolescent Brain Development
for Juvenile Justice?**



The first in a two-part presentation of
research findings with potential to inform and improve
juvenile justice and delinquency
prevention policy and practice.

Coalition for Juvenile Justice
Emerging Concepts Brief

**What Are the Implications of
Adolescent Brain Development
for Juvenile Justice?**

Brain imagery now allows us all to see the developmental milestones achieved by the human brain as it grows and matures throughout the early stages of life—confirming in pictures what parents and those who work closely with youth have long found to be true: adolescence is a period of gradual maturation. Hard science demonstrates that teenagers and young adults are not fully mature in their judgment, problem-solving and decision-making capacities. This paper endeavors to explore the implications of such science for policy and practice in juvenile justice and delinquency prevention.

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What Are the Implications of Adolescent Brain Development for Juvenile Justice?

American adolescents have a paradoxical relationship with the law. Adolescence, roughly defined as the period between the onset of puberty and maturity, may last from age 10 to age 25. During this period of rapid growth, American adolescents live in a precarious middle ground between the innocence and immaturity of childhood and the responsibility and accountability of adulthood. At the same time, American adolescents are subject to rules and laws that often reveal conflicting ideas about society's expectations regarding adolescent development.

On the one hand, the law shields adolescents from their inability to make sound judgments and their natural propensity to be impulsive and reckless. Recognizing that adolescence is a time when youth need opportunities to engage in learning through trial and error as well as to discover how to rectify mistakes, many local, state and federal laws reflect societal understanding that adolescents do not have the ability to fully understand adult responsibilities or appreciate potentially grave, long-term consequences. Such societal understanding is expressed in the laws of 29 states where the legal alcohol consumption age is expressly 21 years of age.¹ In 48 states, the marriageable age is set at age 18, unless a minor obtains parental or judicial consent.² Nationwide, no one can cast a ballot or join the military until age 18. The intent of such laws is clear—to protect the young from their own immaturity, while providing opportunities for learning and maturation.

On the other hand, some laws—specifically those in some criminal statutes—do not reflect such societal understanding of the nature of child and adolescent development. In fact, there are 15 states that regard children as young as 10 years of age as competent and responsible enough to be put on trial in the juvenile court.³

Forty-four states and the District of Columbia regard children as young as 14 years of age as mature enough to be held as responsible as adults for wrongdoing and to be sanctioned as adults in the criminal court, without full regard to what is known about child and adolescent development or full consideration of age-appropriate services and supports.⁴ In addition, treatment approaches used for court-involved youth with substance abuse and mental health problems are often modeled after those used for adults—again, without appropriate regard to what is known about more effective approaches based on the research of adolescent development.

Such inconsistent approaches appear to stem from differing assumptions about the cognitive, emotional and social maturity of adolescents. Is the adolescent brain rapidly-changing and underdeveloped? Or, is it fully mature, non-impulsive and calculating? Most people draw conclusions based on personal experiences or training they received early in their careers—yet, this is not the best basis for crafting juvenile justice and delinquency prevention programs and policies. Therefore, an increasing number of juvenile justice practitioners are exploring the implications of new scientific data that offer fresh insights into the inner workings of the adolescent brain and how its development affects thinking, behavior and the potential for learning and rehabilitation.

In the spring of 2006, the Coalition for Juvenile Justice, with a grant from the Office of Juvenile Justice and Delinquency Prevention, convened state juvenile justice advisory groups and key experts for a national conference designed to explore the most current research into adolescent brain development and the implications of such science and knowledge for the field of juvenile justice and delinquency prevention.

The research confirms a guiding principle—the distinction between youth and adults is not simply one of age, but one of motivation, impulse control, judgment, culpability and physiological maturation.

KEY FACTS

- During adolescence, the brain begins its final stages of maturation and continues to rapidly develop well into a person's early 20s, concluding around the age of 25.⁵
- The prefrontal cortex, which governs the “executive functions” of reasoning, advanced thought and impulse control, is the final area of the human brain to mature.⁶
- Adolescents generally seek greater risks for various social, emotional and physical reasons, including changes in the brain's neurotransmitters, such as dopamine, which influence memory, concentration, problem-solving and other mental functions. Dopamine is not yet at its most effective level in adolescence.⁷
- Adolescents commonly experience “reward-deficiency syndrome,” which means they are no longer stimulated by activities that thrilled them as younger children. Thus, they often engage in activities of greater risk and higher stimulation in efforts to achieve similar levels of excitement.⁸
- Adolescents must rely heavily on the parts of the brain that house the emotional centers when making decisions, because the frontal regions of their brains are not fully developed.

Brain and developmental research conducted over the past 10 to 15 years have opened new pathways to understanding the true developmental differences between adolescents and fully mature adults. The findings highlight the need to conduct more basic and applied research regarding such developmental differences—how they influence motivation, judgment, thinking, feeling and social relationships—and to explore the ways in which intervention and

treatment strategies may be changed to incorporate such research, with an ultimate goal of balancing positive outcomes for youth with public safety and individual accountability.

The research also brings difficult questions to the forefront. How does one guide an adolescent to cope in a healthy manner with this tumultuous stage of life? How do we hold young offenders accountable and take advantage of every opportunity to positively influence their development? How can and should common delinquency prevention and juvenile justice practices and laws change to incorporate a more sensible approach to addressing the needs of adolescents, while balancing them with community safety needs?

At the highest levels of jurisprudence, changes have already begun. In 2005, the U.S. Supreme Court's ruling in *Roper v. Simmons* outlawed the juvenile death penalty. In authoring the majority opinion that the death penalty is not appropriate for youth under age 18, Justice Anthony Kennedy noted that "juveniles are more vulnerable or susceptible [than adults] to negative influences and outside pressures, including peer pressure... This is explained in part by the prevailing circumstance that juveniles have less control, or less experience with control, over their own environment." Justice Kennedy further cited scientific and sociological studies on the "underdeveloped sense of responsibility found in youth." Following the logic of the high court's ruling and its roots in a clearer understanding of the adolescent mind, it becomes important for juvenile court professionals and practitioners engaged in delinquency prevention and rehabilitation to re-examine each point of contact or interaction with adolescents—to ensure that developmentally appropriate responses are in place.

RESOURCES

The following list of Web sites, reports and books provides key resources on the science of adolescent brain development. In addition, a second paper on this topic from the Coalition for Juvenile Justice and OJJDP (fall 2006), will delve into ways to use information about adolescent brain maturation to improve programs, practices and policies in juvenile justice and delinquency prevention.

Adolescent Brain Development: Vulnerabilities and Opportunities, by Ronald Dahl and Linda Patia Spear, *Annals of the New York Academy of Sciences*, 2004. A collection of more than 60 research papers and essays, this book examines the finer points of adolescent brain maturation.

Brain Facts: A Primer on the Brain and Nervous System, Society for Neuroscience, 2005. This extensive, well-illustrated overview of brain functioning and development may be found in a pdf format at <http://www.sfn.org/skins/main/pdf/brainfacts/brainfacts.pdf>.

Centers for Disease Control (CDC) (www.cdc.gov). The CDC's extensive Web site has a user-friendly search engine. Key words such as "youth," "juvenile," and "youth assets" will lead to reports and surveys on youth risk behavior and adolescent health.

Chapin Hall Center for Children at the University of Chicago (www.chapinhall.org). Chapin Hall dedicates a large section of its Web site to community, child and youth development. Among the many resources is an issue brief entitled, "Focusing Juvenile Justice on Positive Youth Development."

Cornell Law School (www.law.cornell.edu). The U.S. Supreme Court's opinions—majority, concurrent and dissenting—on *Roper v. Simmons* can be found using this Web site's database.

Diana H. Fishbein, Ph.D. (<http://www.rti.org/index.cfm>). By searching from the RTI home page on her name, you can locate Fishbein's work. She has applied neuroscience to the evaluation of crime prevention

programs and consults regularly with federal, state and local agencies for purposes of expert witnessing in criminal court, training, technical assistance, scientific peer reviews and development of research protocols.

Jeffrey A. Butts, Ph.D. (www.jeffreybutts.net). Butts' presentation at the CJJ-OJJDP conference on the implications of adolescent brain development, "Using Developmental Evidence and Youth Assets to Design Juvenile Justice Systems," is available on this Web site.

Juvenile Law Center (JLC) (www.jlc.org). The JLC Web site has a section devoted to research, publications and fact sheets. In addition, it contains the work of Marsha Levick, the JLC legal director, and Laurence Steinberg, Ph.D., Director of the MacArthur Research Network on Adolescent Development and Juvenile Justice.

The MacArthur Research Network on Adolescent Development and Juvenile Justice (www.mac-adoldev-juvjustice.org). The John D. and Catherine T. MacArthur Foundation has supported the work of the MacArthur Research Network on Adolescent Development and Juvenile Justice, directed by Laurence Steinberg, Ph.D., for many years. The Research Network's Web site is filled with information about ongoing and completed studies that illuminate issues of competence and culpability in the relationships that adolescent offenders have with the juvenile justice system.

National Academies Press (www.nap.edu). More than 3,000 books and reports can be found through the National Academies Web site, including *From Neurons to Neighborhoods: The Science of Early Childhood Development*. *Neurons to Neighborhoods* dedicates a significant section to the stages of brain maturation and considers the impact of other factors on child development.

National Academies' Board on Children, Youth, and Families (www7.nationalacademies.org/bocyf/). The National Academies' Board on Children, Youth and Families provides summaries of adolescent brain development research and a report on emerging issues in the study of adolescence at the above listed Web site.

Office of Juvenile Justice and Delinquency Prevention (OJJDP) (www.ojjdp.ncjrs.org). OJJDP, at the Office of Justice Programs, U.S. Department of Justice, provides a national overview of the latest findings and programs in youth development and the juvenile court system.

Oklahoma Institute for Child Advocacy (OICA) (www.oica.org). With a primary focus on early child development and prevention, OICA conducts the “Youth Asset Study,” which involves teens and their parents as participants. The study is funded in part by the CDC and delves into how assets counter risky behavior.

Primal Teen: What the New Discoveries about the Teenage Brain Tell Us about Our Kids, by Barbara Strauch, Bantam Doubleday, 2004. Peppered with anecdotes, Strauch provides a layman’s guide to the hard science underlying adolescent brain development.

Search Institute (www.search-institute.org). The Search Institute’s Web site presents a definitive description of the 40 developmental assets for youth. It also offers strategies and research on positive youth development.

Thomas Grisso, Ph.D., at University of Massachusetts Medical Center, Department of Psychiatry (www.umassmed.edu/cmhsr/faculty). By following the link for Grisso, you will locate several resources of note, including: *Double Jeopardy: Adolescent Offenders With Mental Disorders* by Grisso, 2004; *Evaluating Juveniles Adjudicative Competence: Agenda for Clinical Practice*, by Grisso, 2005; and *Youth on Trial: A Developmental Perspective on Juvenile Justice*, Grisso and Robert Schwartz, editors, 2000.

Wisconsin Council on Children and Families (WCCF) (www.wccf.org). Under projects and topics, WCCF’s Web site has a section on juvenile justice where the report “Rethinking the Juvenile in Juvenile Justice” is available. The report discusses adolescent brain development and makes recommendations to improve the juvenile court system.

Why Do They Act That Way?: A Survival Guide to the Adolescent Brain for You and Your Teen, by Dr. David Walsh with Nat Bennett, Simon & Schuster, 2005. Geared toward parents, Walsh's book explains how adolescent brain development affects mood, judgment and communication.

Your Adolescent: Emotional, Behavioral, and Cognitive Development from Early Adolescence Through the Teen Years, by the American Academy of Child and Adolescent Psychiatry, HarperCollins Publisher, 2000. While covering brain development, the book also looks at the physical and social changes of adolescence.

For additional information on adolescent brain development, please also visit the Web site of the Coalition for Juvenile Justice (CJJ) (www.juvjustice.org). Here you will find downloadable and viewable files of presentations from the CJJ-OJJDP 2006 spring conference addressing the question, "What Are the Implications of Adolescent Brain Development for Juvenile Justice?"

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FOOTNOTES

¹ National Institute on Alcohol Abuse and Alcoholism, Alcohol Policy Information System, "Exceptions to Minimum Age of 21 for Consumption of Alcohol as of January 1, 2005."

² Cornell Law School, Legal Information Institute, "Marriage Laws of the Fifty States, District of Columbia and Puerto Rico," Copyright 2006.

³ Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, "Trying Juveniles as Adults in Criminal Court: An Analysis of State Transfer Provisions," Dec. 1998.

⁴ Griffin, Patrick, National Center for Juvenile Justice, "Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer and Blended Sentencing Laws," Oct. 2003.

⁵ Beatrice Luna, Ph.D., "Brain and Cognitive Processes Underlying Cognitive Control of Behavior in Adolescence," University of Pittsburgh, Oct. 2005.

⁶ Paul Thompson, Ph.D., "Time-Lapse Imaging Tracks Brain Maturation From Ages 5 to 20," National Institutes of Mental Health, and the University of California Los Angeles, May 2004; also, author interview with Robin Jenkins, Ph.D., June 2006.

⁷ Linda Patia Spear, Ph.D., "Neurodevelopment During Adolescence," *Neurodevelopmental Mechanisms in Psychopathology*, Cambridge University Press, Nov. 2003.

⁸ Ibid.

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