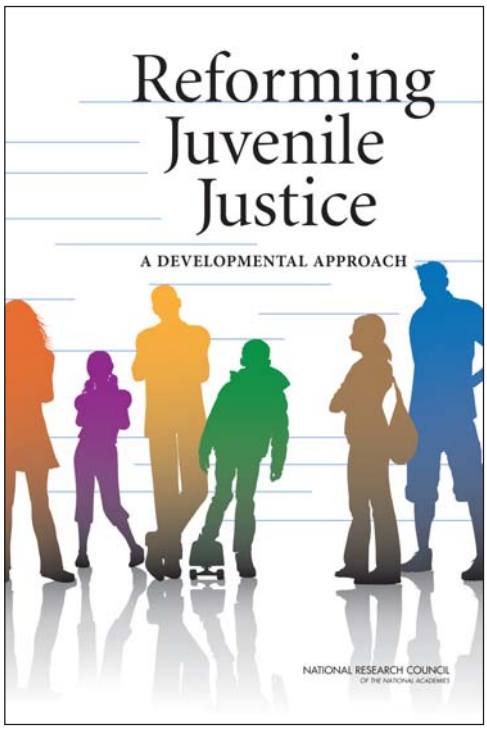
PRACTITIONER HIGHLIGHTS JUNE 2013

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 align its policies and practices with these research findings, says a report from the National Research Council, *Reforming Juvenile Justice: A Developmental Approach*. Some jurisdictions have already taken significant steps to reverse these policies and to overhaul their juvenile justice systems, but much more work is needed.

The report recommends that states and tribes review their laws and policies for dealing with juvenile offenders and align them with emerging evidence on adolescent development and effective interventions. Practitioners—juvenile justice probation officers, case workers, judges, prosecutors, and defenders, among others—can also take steps to aid the shift toward an evidence-based, developmentally informed approach to juvenile justice.

EMERGING SCIENCE ON ADOLESCENCE

Falling between childhood and adulthood, adolescence is when a person develops an integrated sense of self, which includes separating from parents and developing an individual identity. As part of that process, adolescents often engage in novelty-seeking and risky behavior, such as alcohol and drug use, unsafe sex, and dangerous driving.

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 cognitive tendencies are linked to the biological immaturity of the brain and an imbalance among developing brain systems. Youths' likelihood of offending is also strongly affected by external influences, including peers, parents, schools, and communities.

Research also shows that, for most youths, the period of risky experimentation does not extend beyond adolescence, ceasing as identity settles with maturity. 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 that influence other juvenile offenders.

THE EXISTING JUVENILE JUSTICE SYSTEM

Confining youths away from their homes and communities either during the pretrial or post-adjudication stages interferes with three social conditions that 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
- 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. Adolescents who move between the child welfare and juvenile justice systems, and those with mental health disorders, are less likely to get 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, ensure the safety of communities. Specifically, courts and 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 should provide an opportunity for youths to ac-

cept responsibility for their actions, make amends to individual victims and the community, and participate in community service or other types of programs.

Preventing reoffending. The first step in preventing reoffending is enabling juvenile courts to use risk and need assessments, so that the right interventions can be targeted to specific adolescents. Risk assessments gauge whether a youth is at low, medium, or high risk of reoffending based on factors such as prior offending and school performance. Newer assessments also evaluate the youth's needs, recognizing that his or her risk of reoffending might be lowered by particular interventions, monitoring in the community, or changes in life situation. Using these tools can allow courts and agencies to target more intense and costly interventions to those at greater risk of reoffending.

If implemented well, evidence-based interventions (see Box) are cost-effective and reduce reoffending. In general, community-based interventions reduce rearrests more effectively than programs offered in institutional settings. Once in institutional care, adequate time—arguably up to about six months—is needed to provide sufficiently intense services for adolescents to benefit. However, there is no convincing evidence that confining juvenile offenders beyond the minimum amount of time for that purpose 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 youth 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 by lawyers who are well trained, have appropriate resources, and have the ability to give each case adequate attention, based upon nationally recommended standards.

WHICH INTERVENTIONS ARE EFFECTIVE?

Research over the past decade has produced evidence that certain interventions are more effective at preventing reoffending.

More effective	Less effective or ineffective
• Cognitive-behavioral approaches	• Scared Straight
• Functional family therapy	• Boot camps
• Multisystemic therapy	• Loosely structured group discussions
• Multidimensional treatment foster care	
• Aggression replacement therapy	

When implementing interventions, certain principles are associated with larger reductions in rearrests: Use a clear treatment strategy; focus on the most serious offenders; match the needs of the offenders with the orientation of the program; and follow the program model while implementing it.

THE IMPORTANCE OF PARENTS AND FAMILIES

Despite the centrality of parental involvement in many successful programs, focus groups reveal that parents continue to be:

- blamed for the youth's problems,
- regarded as obstacles, and
- insufficiently involved in crucial decision making and planning about how to handle a youth's case and future.

Although some efforts are under way to involve families more in the juvenile justice system, most models for parental involvement are still in the early stages of development. Multisystemic therapy, functional family therapy, and multidimensional treatment foster care all include family-engagement strategies and elements that can be incorporated into juvenile justice practice generally.

IMPROVING THE JUVENILE JUSTICE SYSTEM

Practitioners who understand the science of adolescent development will be more effective at preventing youth from re-entering the system.

- **It's about the brain:** The brain system that influences pleasure seeking and emotional reactivity develops more rapidly than the brain system that supports self-control, leaving adolescents less capable of self-control than adults.
- **It's about environment:** Youths' likelihood of offending is strongly affected by external influences, such as peers, parents, schools, and communities.
- **It's about fairness:** It is important for adolescents to see that they and everyone around them are treated fairly.

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