

Adolescent Legal Competence in Court

Adolescent Development and Juvenile Justice

One of the pillars of the American justice system is the assurance that those who stand accused of crimes be mentally competent to understand and participate in their trials. The conventional standard for competence has typically focused on the effects of mental illness or mental retardation on individuals' capacities to grasp the nature of their trials or their abilities to decide how to plead. Yet as the courts, both juvenile and adult, see increasingly younger defendants some argue that the law should also take into account adolescents' lesser capacities owing to emotional and psychological immaturity.

This brief details findings from the first comprehensive assessment of juvenile capacities to participate in criminal proceedings using measures of both trial-related abilities and developmental maturity. The MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice compared the responses of youth and adults in a series of hypothetical legal situations, such as plea bargains, police interrogations, and attorney-client interactions. Responses revealed the degree to which participants understood the long-term consequences of their decisions, their ability to weigh risks, and other factors related to developmental and cognitive maturity. Findings show that a significant portion of youth, especially under age 15, are likely unable to participate competently in their own trials, either in an adult or juvenile court, owing to developmental immaturity.

It is important to note that our study examined only youths' competence to stand trial, not their criminal blameworthiness (i.e., whether someone should be held fully responsible for an offense). These are two separate issues. For example, a young inexperienced driver who accidentally skidded off the road and killed another person might be competent to stand trial for the wrongful death of another, but could be judged less than fully responsible for the death because it was accidental. Whether youths of a certain age have abilities suggesting competence or incompetence to stand trial does not tell us whether youths of that age should or should not be held as responsible as adults for their offenses.

Young Adolescents More Likely to Lack Capacities for Trial

Network researchers interviewed 1,400 individuals aged 11–24 both in juvenile detention centers and in the community at large to determine whether teens differed from young adults (aged 18–24) in their abilities relevant for competence to stand trial. Youth were interviewed in Philadelphia, Los Angeles, northern Florida, and Virginia.

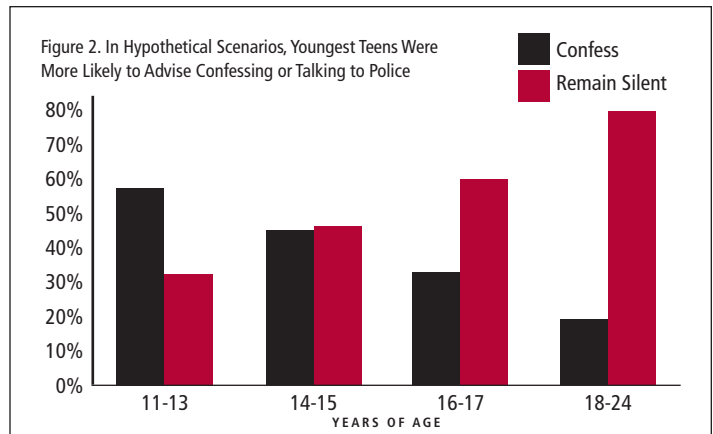
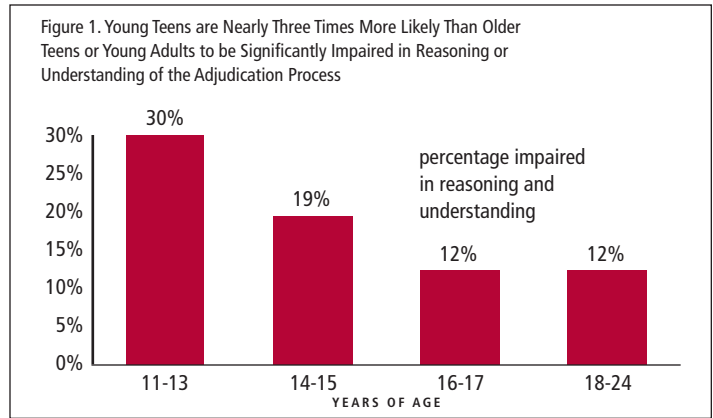
Using a standard assessment tool, the study first gauged the functional abilities defined in the existing legal concept of *competence to proceed*—the ability to understand the purpose and nature of the trial process; the capacity to provide relevant information to counsel and to process that information; and the ability to apply information to one's own situation in a manner that is neither distorted nor irrational.¹ This standard is regularly applied in adult courts with mentally impaired individuals.

Findings from the assessment showed that age matters. Those aged 11–13 performed significantly worse than 14–15 year olds, who performed significantly worse than 16–17 year olds and 18–24 year olds (adults).² Interestingly, the performance of 16–17 year olds did not differ from that of the young adults (aged 18–24) (see Figure 1).

The youngest group was nearly three times more likely than youth older than 15 to be significantly impaired in reasoning and understanding, two important components of legal competence. In other words, nearly one-third of 11–13 year olds and one-fifth of 14–15 year olds had deficits that courts might see as serious enough to question their ability to proceed in a trial. These patterns varied little by race-ethnicity, gender, socioeconomic status, or region of the country.

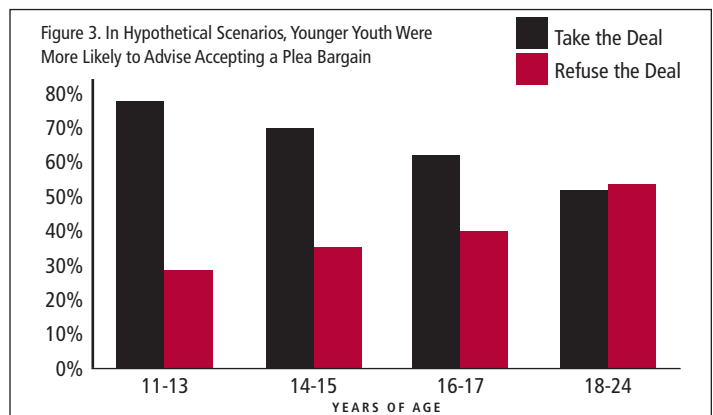
Level of Maturity Influences Important Choices

The Network next assessed youths’ emotional maturity in a legal decision-making context. The most relevant aspects of maturity in this context are the ability to take into consideration long-term consequences (future orientation), perceive and comprehend risks, deflect peer influence, and weigh whether to comply with authority figures.



Using the *MacArthur Judgment Evaluation*, a tool designed specifically for this study, researchers asked respondents to recommend the best and worst choices in three hypothetical situations: responding to police interrogation when one is guilty of a crime; disclosing information during consultation with a defense attorney; and responding to a plea agreement in exchange for a guilty plea and testimony against other defendants. Choices for police interrogation included confessing, denying the offense, or refusing to speak. Choices for the attorney consultation included full or partial disclosure, denial, or refusing to cooperate. Plea agreement options included accepting or rejecting the offer. Researchers also asked participants to identify the positive and negative consequences (or risks) of each of their recommendations, and their responses were scored according to predetermined criteria for risk appraisal. Researchers measured youth’s future orientation from these responses. Finally, to assess the influence of peer pressure, youth were told to imagine that their friends had chosen a different response and were given the option of changing their answer.

In general, the youngest teens (aged 11–13) proved less mature in their decision making than older youth. Younger individuals, for example, were more likely to endorse decisions that comply with what an authority seemed to want as measured by their willingness to confess and plea bargain (see Figures 2 and 3). The proportion of youth who recommended confession decreased with age, from about one-half of the 11–13 year olds to only one-fifth of the 18–24 year olds (see Figure 2). (Few individuals in any age group chose to actively deny the offense.) The proportion who advised accepting a plea agreement declined from nearly three-fourths of 11–13 year olds to one-half of young adults (see Figure 3). Once again, the study revealed few statistically significant differences among those older than age 15.



In addition, younger teens were significantly less likely to recognize the inherent risks in various decisions, and they were less likely to comprehend the long-term consequences of their decisions. The study found no differences by age in the effects of peer pressure on decision making. Those with lower IQs, however, performed more poorly on all items. Although perhaps not surprising, this finding is notable given that two-thirds of those under age 15 in juvenile detention facilities had an IQ lower than 89 compared with one-third in the community sample. Therefore, because a greater proportion of youth in the juvenile justice system are of below-average intelligence, the risk for incompetence to stand trial is even greater among adolescents who are in the juvenile justice system than it is among adolescents in the community. For example, among 11–13 year olds with very low IQ scores, more than one-half scored as poorly as adults who are typically found incompetent to stand trial. Once again, none of the findings varied by race-ethnicity, socioeconomic status, or locale.

These findings suggest that younger adolescents' developmental immaturity may affect their behavior as defendants in ways that extend beyond their competence to stand trial. Their responses indicate that they are often more willing than adults to confess to authority figures such as police, rather than remaining silent, especially if they believe it will result in an immediate reward, such as going home. For similar reasons, they may be more willing to accept a prosecutor's plea agreement.

Expanded Definition of Competence Needed

Clearly, many of the youngest adolescents are less able to understand the trial process and are less mature in their ability to take into consideration the long-term ramifications of their decisions. Yet, the relation between immaturity and competence to stand trial has not yet been defined legally. The findings reported here point to the need for a broader legal construct of competency, one that recognizes that developmental factors—namely, cognitive and psychosocial immaturity—may compromise the critical decision-making ability of many young criminal defendants in either adult or juvenile courts. The findings also suggest the need to consider various protections against trying youth who may not be competent; for example, making competency evaluations mandatory for adolescents below a certain age, and requiring competence evaluations for any youth sent to criminal court to be tried as an adult.

The findings raise a dilemma, however. If a sizable proportion of younger adolescents are unfit to stand trial owing to immaturity, how does society redress the crimes they committed? One option is to develop a dual system of competence, one for the adult courts and one for the juvenile courts, with more relaxed standards of competence in the latter. Youth deemed incompetent to stand trial in an adult court could be tried in a juvenile court under less demanding standards of competence. Of course, this lower standard of protection would also require less punitive sentencing that involves rehabilitative services for those youth. For those very few who would be deemed incompetent to stand trial in either court, dismissal of charges and adequate supervision with useful remedial services could be employed, as is already done in many states.

New Guides to Help Assess Juvenile Competence

Legal and clinical practitioners have had few, if any, resources to help them understand how immaturity manifests itself in legal contexts with juveniles. The Network therefore sought to develop a set of flexible tools and practice guides that present the issues and identify the needed information to assess youth capacity and maturity in the context of legal competence. The guides are designed to be adaptable to the many different state juvenile justice laws and to the different audiences who might use the manuals, from judges to mental health practitioners.

Evaluating Juveniles' Adjudicative Competence: A Guide for Clinical Practice, and *Clinical Evaluations for Juveniles' Competence to Stand Trial: A Guide for Legal Professionals* draw from a national survey of existing practices for competence evaluations of juveniles, a nationwide review of juvenile competency laws, and a national set of consensus panels that included judges, prosecutors, defense attorneys, and mental health clinicians. The Network has begun introducing these guides through a series of workshops with mental health and legal professionals in 87 of the 100 largest U.S. jurisdictions.³

The findings of this latest research affirm the developmental reality of adolescence and underscore the need to expand the notion of competence to include cognitive and psychosocial maturity. The competency standard announced by the Supreme Court in *Dusky v. United States* (1960) is a functional test, and functionally it should make no difference whether the source of the defendant's incompetence is mental illness (the current standard for adults) or immaturity.

¹ The tool is called the MacArthur Competence Assessment Tool—Criminal Adjudication (MacCAT-CA). For more information, see T. Grisso et al., "Juveniles' Competence to Stand Trial: A Comparison of Adolescents' and Adults' Capacities as Trial Defendants," *Law and Human Behavior*, vol. 27 (2003), pp. 333-363.

² These are likely conservative estimates given that those youth with more serious mental health issues were screened out of the study.

³ The guides are available from Professional Resource Press, at www.pypress.com

For more information

MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice
Temple University, Department of Psychology
Philadelphia, PA 19122
www.adjj.org

The Research Network on Adolescent Development and Juvenile Justice is an interdisciplinary, multi-institutional program focused on building a foundation of sound science and legal scholarship to support reform of the juvenile justice system. The network conducts research, disseminates the resulting knowledge to professionals and the public, and works to improve decision-making and to prepare the way for the next generation of juvenile justice reform.