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Statement of Problem

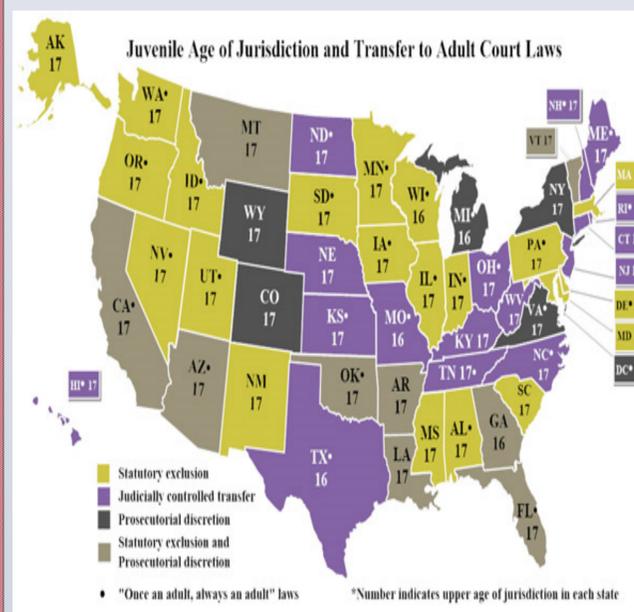
- To stand trial, a defendant must be deemed competent, often through the assessment of a mental health professional. Every year an estimated 200,000 juveniles are transferred into the adult criminal court system and are assessed to be CST (competent to stand trial). However, evaluations given to juveniles often do not take into account neurological development in relation to competency behaviors and valid assessment of such behaviors (Kruh & Grisso, 2008).

Introduction

- The US Supreme Court ruled in *Dusky vs United States* (1960) that an adult defendant is deemed competent to stand trial (CST) if the defendant possesses the following: 1) an ability to consult with a lawyer with a reasonable degree of rational understanding, and 2) a rational as well as factual understanding of the proceedings against them (Kruh & Grisso, 2008).
- The justice system recognizes that adults who have mental disorders or who are mentally challenged may lack CST.
- Until the last 10 years, the legal question of CST has not been applied consistently within the juvenile court system.
- Adolescent psychological disorders -- which can be very different from those of adults -- may affect CST of juveniles in adult criminal court.
- Juveniles without assessed mental and intellectual disorders may still have impaired CST because their capacities for reasoning and understanding have not yet matured (Mayzer, Bradley, Rusinko, & Ertelt, 2009)

Methods of Transfer To Adult Court

- The four main methods of transferring youths and juveniles to adult court (Araujo & Bodle, 2011) are:
 - Statutory Exclusion** – Cases involving juvenile age offenders who have committed serious violent felonies such as murder, rape, kidnapping are excluded from juvenile court.
 - Judicially Controlled Transfer** – All cases against juveniles begin in juvenile court and must literally be transferred by the juvenile court to the adult court.
 - Prosecutorial Discretion Transfer** – If the case has both juvenile and criminal jurisdiction, some states allow for the discretion of the prosecutor to file in either juvenile or criminal court.
 - Once an Adult Always an Adult** – Any juvenile who has been criminally prosecuted as an adult in the past will be prosecuted as an adult in the future, regardless of the seriousness of the offense.



- In 22 states and the District of Columbia, children as young as 7 years of age can be prosecuted as adults (Pica, Pettalia, & Pozzulo, 2016)

Juvenile Brain Maturity

- Brain Scans (e.g., fMRI) show that frontal lobes are still maturing until around age 25.
- Connections to other parts of the brain may continue to develop past age 25.
- Parts of the brain that affect impulsive behavior, judgment, planning for the future, and foresight are immature into the adult years.
- Adolescents, as compared to adults, are more reactive to stress, place greater value on short-term payoffs, are less likely to see alternative courses of action, and are more influenced by peer pressure.
- Even without being diagnosed with a mental disorder, juveniles may have significant neurological limitations that impair judgement and competence in adult court (Grisso et al., 2011).

Impact of Transfer to Adult Court

- Recidivism rates are higher for juveniles who are placed in adult court than for individuals who remain in the juvenile system (Drake, Aos, & Miller, 2009).
- Adult Criminal Courts place more emphasis on punishment rather than rehabilitation.
- Youths sentenced as adults will carry the sentencing record for their entire lives.
- Such lifelong sentences will negatively affect their chances of obtaining student loans, obtaining decent housing, going to college, and developing a career.
- In effect, they are paying for their actions for their entire lives and possibly become “a burden on society” for a lifetime (Pozzulo, Pettalia, Dempsey, & Gooden, 2014).

Supreme Court Rulings

- Recent Supreme Court rulings (e.g., *Roper vs. Simmons* and *Miller vs. Alabama*) support the idea of limited culpability about death penalty and imprisonment without the possibility of parole (Hughes & Mephetres, 2016).

Risk of Abuse

- Although juveniles transferred into the adult system should be housed separately from adults, not all states adhere to this policy.
- As a result, there is a high risk of abuse.
- In 2006, only 1% of inmates in adult prisons were 18 years or younger, but accounted for 13% of the inmate-on-inmate sexual abuse incidents (Mephetres & Hughes, 2016).

Conclusion

- Due to the immaturity of brain development and other risk factors (e.g., poverty, physical abuse, and neglect), the full criminal culpability of juveniles may be questioned (Camilletti & Scullin, 2012).
- Society protects and limits the actions of individuals younger than 18 years of age for numerous reasons, including immature judgment (Hughes & Mephetres, 2016).
- The advantage of immaturity is greater flexibility and increased potential to change.
- Thus for juvenile offenders and delinquents, greater emphasis should be placed on rehabilitation and monitoring as opposed to punishment (Lipsey, 2009).

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