

KIDS ARE DIFFERENT:
How Knowledge of Adolescent
Development Theory Can Aid
Decision-Making in Court

American Bar Association Juvenile Justice Center
Juvenile Law Center ! Youth Law Center

Lourdes M. Rosado, Editor

AMERICAN BAR ASSOCIATION JUVENILE JUSTICE CENTER

In 1999, responding to the crisis in juvenile indigent defense, the ABA, in partnership with Youth Law Center and Juvenile Law Center, created the National Juvenile Defender Center (NJDC). NJDC supports lawyers who represent children in delinquency and criminal proceedings throughout the country by improving access to counsel and the quality of representation. In order to develop the capacity of the juvenile defense bar, NJDC offers a variety of services including training, technical assistance, advocacy, networking, and resource and policy development. NJDC and its eight Regional Affiliates work together to provide quality representation for every child involved in the justice system. NJDC will ensure continuity in the development of each Regional Affiliate, coordinate efforts to provide a national voice on quality, access, and policy issues, and serve as a catalyst for change in the defense of children.

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Juvenile Court Training Curriculum

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This talented and diverse group of people created a curriculum that we hope will aid juvenile court practitioners in the many difficult decisions they have to make every day, and result in better outcomes for our children and our communities at large.

THE PROJECT TEAM
June 2000

Preface

Background

In 1996, the John D. and Catherine T. MacArthur Foundation funded the Youth Law Center, the Juvenile Law Center, and the American Bar Association Juvenile Justice Center to develop and provide training for juvenile justice professionals around the country. The goal of the project was to develop a training curriculum that applied the findings of adolescent development and related research to practice issues confronted by juvenile court practitioners at the various decision-making stages of the juvenile justice process.¹ The long range objective was to improve the quality of decisions made by juvenile court practitioners.

Two jurisdictions – West Palm Beach, Florida and Oakland, California – agreed to serve as pilot training sites. Project staff worked with juvenile court professionals at both sites and a national advisory committee of practitioners and trainers to identify the training topics. The topics chosen were relevant to adolescent development and related research, unique to juvenile court practice, and typically excluded from professional training curricula.

Over the course of two years, the project sponsored a series of trainings in the pilot sites. The trainings were developed and delivered by experts from all parts of the country. Project staff recruited trainers with specialized knowledge in the relevant subject matter whose expertise was broadly relevant to juvenile court practice. The trainings were cross-disciplinary -- delivering the information to judges, prosecutors, defenders and probation staff at the same time. In both sites, the presiding juvenile court judge set aside specific dates for the trainings, and either closed the courts or lengthened the lunch recess. Most of the trainings were three hours long.

Project staff then created training modules that corresponded to the training topics. The resulting modules incorporate the materials developed by the trainers; supplemental research, literature and training materials; and feedback from the pilot sites. The completed modules were reviewed by a group of professionals with broad expertise in each subject matter.

The Training Modules

The training curriculum consists of six separate modules:

- Module One: *Kids Are Different: How Knowledge of Adolescent Development Theory Can Aid Decision-Making in Court*
- Module Two: *Talking to Teens in the Justice System: Strategies for Interviewing Adolescent Defendants, Witnesses, and Victims*

¹The Foundation also launched the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice in 1997. The mission of the Network is to develop new knowledge regarding the assumptions on which the juvenile justice system functions, and to improve legal practice and policy-making with accurate information about adolescent development. For more information about the Network, please consult its website: <http://www.mac-adoldev-juvjustice.org>.

Module Three: *Mental Health Assessments in the Justice System: How To Get High Quality Evaluations and What To Do With Them in Court*

Module Four: *The Pathways to Juvenile Violence: How Child Maltreatment and Other Risk Factors Lead Children to Chronically Aggressive Behavior*

Module Five: *Special Ed Kids in the Justice System: How to Recognize and Treat Young People with Disabilities That Compromise Their Ability to Comprehend, Learn, and Behave*

Module Six: *Evaluating Youth Competence in the Justice System*

The modules were designed for maximum flexibility and broad application. The modules stand alone, so that jurisdictions can use any individual module or any combination of modules. Each module contains extensive information on the topic, which can form the core of the training, as well as a "tool kit" containing interactive exercises, hypothetical cases, video clips and other training tools. The information in the modules is sufficiently general to apply in any jurisdiction. However, the tools can be adapted to make the subject matter relevant to the daily practice of participants in any particular training site. The curriculum also contains an extensive literature review listing materials relevant to the training topics and related subjects. Selected articles can assigned for reading prior to the trainings, or the literature review can be made available as a general resource.

Project staff also incorporated the advice of adult learning specialists and professional trainers who served as consultants to the project. These consultants recommended that trainers emphasize a limited number of basic concepts in each subject area and actively engage participants in the learning process. Thus, each module contains a list of the major themes to be discussed, and the subsequent information refers back to those main themes. Similarly, the modules contain several interactive exercises to involve the audience in the training process and to draw upon their experiences to illustrate significant points.

How to Use the Curriculum in Your Jurisdiction

Effective use of this curriculum in a local jurisdiction requires an individual or group of people to organize trainings that are tailored to the specific needs of practitioners. It is important to engage practitioners in the planning process from the beginning. Organizers can work with representatives from the relevant professional groups to determine what areas they are interested in covering. This feedback will help organizers decide whether to present the entire curriculum or select individual modules.

Organizers can also ask the participants to recommend potential trainers. Trainers should have expertise and experience in the relevant subject matter. Familiarity with local juvenile court practice is also helpful. However, it is even more important that the trainer be skilled in engaging the audience in the learning process, drawing from their experience and utilizing tools to make the subject matter relevant to daily juvenile court practice. Straight lecture format – even by a learned and interesting trainer -- is not usually an effective method for presenting the material. Potential sources for trainers are local colleges and universities; law schools; local chapters of national organizations, such as the American Psychological Association; and local or state professional organizations and societies. Organizers may also contact the American Bar Association Juvenile Justice Center for suggestions for experts to conduct the trainings.

Organizers can work with trainers to adapt the curriculum to make it relevant to local practice and current issues. Again, consultation with the relevant professional groups is important. For example, a fact pattern in the curriculum may require some changes to accurately reflect state law, local practice and current trends. Similarly, a video clip in the tool kit may present a scenario that is not representative of the issues important to the audience.

Organizers can also decide whether to conduct cross-disciplinary trainings, or to train professional groups separately. There are advantages and disadvantages to each approach. Cross-disciplinary trainings ensure that all of the juvenile court practitioners benefit from the same information. Issues raised and insights gained from the trainings may lead to changes in practice, which will be more successful if there is shared understanding and consensus among juvenile court professionals. Training the professions together also presents the opportunity for lively discussions among practitioners who have different roles and perceptions of the juvenile court process. On the other hand, candid discussion may be less likely with traditional adversaries in the same room. Attorneys or probation officers might also be reluctant to openly discuss local problems in the presence of juvenile court judges. There is also some advantage to tailoring the presentation of information to the specific professional groups because they are likely to use the information differently. Organizers should consult with the professional groups and determine what means of delivering the training best meets their needs and concerns.

Executive Summary

The goal of Module One is for participants to develop a working knowledge of key aspects of adolescent development, and to learn how to apply this knowledge to their decision-making at critical junctures in the juvenile court process. Participants will gain an appreciation of how teenagers develop their cognitive skills, moral framework, social relations, and identity. This knowledge will aid juvenile court professionals in assessing each child at important stages in the juvenile court process, including intake, detention, waiver, adjudication and disposition. Specifically, an understanding of adolescent development will help court personnel to identify those factors that led to a particular child's involvement in the court system and what interventions are likely to be most effective for that child.

This Module focuses on five key areas of development: 1) cognitive, 2) moral, 3) identity and social, 4) biological, and 5) competence (mastery of skills) development. After participating in Module One, juvenile court personnel will be able to better answer the following questions:

Cognitive Development

- ! How do adolescents think?
- ! How does adolescent thinking differ from that of children and that of adults?
- ! How does adolescent thinking increase the likelihood of taking risks and engaging in undesirable behavior as compared to the thinking of children or adults?

Identity and Social Development

- ! How do adolescents develop an identity?
- ! What role do family, peers, and the larger community play in identity development?

Moral Development

- ! How do adolescents' concepts of right and wrong develop, and how are they expressed in adolescence?
- ! How do peers and the family influence an adolescents' moral reasoning?

Biological/Physical Development

- ! What are the major physical changes that occur during adolescence?
- ! How do these physical changes influence adolescent behavior?

Competence Development (Mastery of Skills)

- ! How do adolescents develop competence?
- ! How important is it for adolescents to feel competent in the eyes of their peers, their parents, and in their own eyes?
- ! What are some of the sources adolescents have for developing competence?

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I. INTRODUCTION

A. **Goal of this module.** The goal of the module is to give participants a working knowledge of key aspects of adolescent development – cognitive, moral, identity, social, biological, and competence (mastery of skills) development – to inform decision-making at critical junctures in the juvenile court process.

B. **Where in the law do we acknowledge that juveniles are different?** There are a number of areas in case law, the common law, and legislation in which the Supreme Court, lower courts and legislatures, respectively, have treated juveniles differently from adults based on the assumption that juveniles are developmentally different from adults.

Interactive Exercise:

Ask participants to generate a list of where in the law we recognize that juveniles are developmentally different from adults. Below is a sample.

1. **Outside of the Juvenile Justice System.**

a. Statutory age determinations passed by legislatures including: when juveniles can vote, buy alcohol and cigarettes, see X-rated movies, obtain tattoos or body piercing, sit on a jury, get married without parental permission, and seek medical treatment, including abortions, without parental permission; when juveniles must be in school; how many hours juveniles can work at different ages. *See Appendix A for relevant excerpts from case law.*

b. **The Treatment of Juvenile Status When Juveniles Make Contracts.** *See Appendix A for relevant excerpts from case law.*

2. **Within the Juvenile Justice System**

a. **Legislative Determinations of the Ages of Juvenile Court Jurisdiction.**

b. **The Treatment of Juvenile Status in Fifth Amendment Case Law.** *See Appendix A for relevant excerpts from case law.*

c. **Juveniles' Amenability to Treatment and Rehabilitation.** *See Appendix A for relevant excerpts from case law.*

d. **Juvenile court statutory schemes, common law principles, and accompanying case law that require decision-makers to take into account, *inter alia*, a juvenile's level of maturity in making decisions about where the juvenile will go in the system, including competence to stand trial/assist counsel, transfer to adult court, and in what kind of facility a juvenile shall be detained pending trial.**

C. **Adolescent development can help us understand how and why young people behave the way they do.** By understanding the cognitive, moral, identity, social, biological, and competence development of adolescents, we can make better judgments about how to handle youth who come to juvenile court. We can better understand what led to the behavior that got them to court, and make better decisions about what kinds of interventions are likely to be effective with them.

D. **Adolescent development is relevant to our daily practice in juvenile court.** As practitioners in juvenile court, we have a variety of goals: keeping our communities safe, holding young people accountable for their actions, and deterring delinquent behavior. At the same time, we recognize that adolescence is a time of great change in an individual's life, and that adolescents should not be held to the same standards as adults. Adolescent development enables us to understand the most significant influences in young peoples' lives, and to frame responses by the juvenile justice system in the most appropriate ways. **There are at least five decision points in the juvenile system where assessment of the individual adolescent** — and the way in which knowledge of development theory can help one to make that assessment -- **appear to be especially significant:** intake, detention, whether to proceed in juvenile or adult court, adjudication, and disposition.

1. **Intake.** When the police first take a juvenile into custody, in contrast to the procedure for adults, they usually bring the juvenile to an intake point where a probation officer or other intake staff persons makes an initial decision about how to proceed. The intake point may be at a probation department office, the juvenile detention center, a police station, or a location in the community. The intake person has several options, including releasing the juvenile to a parent, placing the juvenile in a community-based or other temporary residential setting, or confining the juvenile in the juvenile detention center. The intake person's knowledge and understanding of juveniles in general, the individual characteristics of the particular juvenile, and the circumstances of the alleged offense will play a large part in the decision. Intake staff may utilize information on the physical and psychological maturity of a youth, the influences of parents and peers, the competence of the youth to understand and follow the rules of a non-secure placement, and the amount of risk involved in releasing the youth into the community in determining whether to release the juvenile or detain him.

Interactive Exercise:
Ask a member of the audience to briefly describe the intake procedure in the jurisdiction, the key decisions that are made at this juncture, and the criteria used to make the decisions. Ask members of the audience who regularly perform intake to give examples of cases where aspects of adolescent development (i.e., size of the individual, his/her level of maturity or immaturity, the individual's susceptibility to peer pressure) strongly influenced the intake decision to divert or move forward with a petition.

2. **Detention.** The juvenile's first appearance in court usually occurs at a detention hearing. Like the intake person, the judge must decide whether to release the

juvenile to a parent, place the juvenile in a community setting, or hold the juvenile in secure detention. Juveniles in juvenile court do not have a constitutional right to bail, so the judge's decision to release or detain is usually determinative. The judge usually receives input from the probation department, and may also get information from the prosecutor and defense counsel (if one has been appointed or retained). Again, judges may utilize information on the physical and psychological maturity of a youth, the influences of parents and peers, the competence of the youth to understand and follow the rules of a non-secure placement, and the amount of risk involved in releasing

the youth into the community in determining whether to release the juvenile or detain him.

Interactive exercise:

Ask a judge in the audience to describe the criteria that s/he uses in determining whether to detain a child pre-trial. Ask the judge to give examples of cases where aspects of adolescent development (i.e., size of the individual, his/her level of maturity or immaturity, the individual's susceptibility to peer pressure) strongly influenced the detention decision to detain, release or release with conditions.

3. **Juvenile or adult court.** The decision whether a youth should be tried in adult criminal court is another critical point in the juvenile court process where developmental information may be useful. Depending upon the statutory framework in a jurisdiction, that decision may be made at a number of points. Traditionally, the decision is made by a judge after a motion by the prosecutor and an adversarial hearing. In an increasing number of jurisdictions, the choice is made solely by the prosecutor before proceedings

commence, as a decision to charge a youth in juvenile or adult court. See STATE RESPONSES TO SERIOUS AND VIOLENT JUVENILE CRIME (Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, July 1996). In still other jurisdictions, youth charged with certain offenses automatically start in adult court, but a judge may decide to send the youth to juvenile court after a hearing. Whenever the decision is made and whoever makes it, developmental and social information -- particularly on amenability to treatment, risk of re-offending, and assessment of physical, emotional, and cognitive development -- is useful to those responsible for making the decision.

Interactive exercise:

Ask a member of the audience to briefly describe the procedure in the jurisdiction by which juveniles are tried in court. Ask judges and/or prosecutors to give examples of cases where aspects of adolescent development (i.e., size of the individual, his/her level of maturity or immaturity, the individual's susceptibility to peer pressure) strongly influenced their decision to transfer or not transfer to adult court, or to direct file or not direct file in adult court.

4. **Adjudication.** The adjudication phase of juvenile court proceedings is analogous to trial in adult court, but here again there are important differences. Unlike adults, juveniles do not have a constitutional right to a jury trial, so the juvenile court judge is the trier of fact. Developmental theories that inform an

understanding of the juvenile's intent and culpability, and competence to stand trial may be critical to the judge's decision whether to sustain the charges or dismiss them.

5. **Disposition.** Finally, the disposition stage of juvenile court proceedings typically involves substantially more options than are available in adult court. With recommendations from the probation department and input from the prosecutor and defense counsel, the judge can impose a wide variety of sanctions, ranging from unsupervised release to parents to closely supervised probation or electronic monitoring, placement in a non-secure community program, placement in a secure residential program, or commitment to a locked correctional institution. Developmental information may assist all of the participants in the process in recommending appropriate disposition options.

II. SOME BASIC FACTS ABOUT ADOLESCENT DEVELOPMENT

- A. **Research on adolescent development focuses on what is normative or typical behavior rather than what is desirable behavior.**
1. **Developmental psychologists are concerned with describing and identifying behavior that is predictable or common for adolescents.** For psychologists, “normal” means “typical” or “common” or “predictable.” They focus on determining which behaviors are typical reactions to the many changes associated with adolescence. They do not focus on the value judgments necessary to determine whether these behaviors are desirable. **Example:** Experimentation with alcohol or marijuana is a common practice among adolescents, even though society neither views such behavior as desirable nor condones it.
 2. **Much of the behavior exhibited by delinquents is behavior that is not abnormal for adolescence.** We see unacceptable behavior, but it is typically the result of adolescent thinking, identity and morality struggles, etc., that are within the range of normal adolescent development. Behaviors such as experimenting with drugs, shoplifting, skipping school, and staying out late are common adolescent behaviors. More serious behaviors – such as driving while intoxicated, joining a gang, getting into fights – may result from misplaced priorities or immature judgment. Without minimizing the fact that an offense is unacceptable, we can recognize the processes that led up to it, and use that knowledge to develop programming that helps adolescents identify errors in their thought processes and see other options to their behavior.
 3. **Similarly, unlawful or unacceptable behavior may be maladaptive in the larger social context, but may seem logical to the adolescent in his or her particular contexts (e.g., the peer group or family).** Thus, vandalizing property may be illegal, but an adolescent may choose such behavior if it is the price of membership in a desired peer group such as a gang. Using drugs may not seem unacceptable to an adolescent if other members of his family regularly engage in such behavior.
 4. **The development we will be discussing in this module is normative or typical adolescent development.**
 5. In Module Four, we will discuss in detail the effects of abuse and trauma on adolescent development, specifically how these factors can lead to abnormal development.
- B. **Adolescence provides a learner’s permit to adulthood.** Adolescence is a time in which developing juveniles make mistakes and learn from them. All of us had to make mistakes and learn from them when we were young, and we should expect adolescents to do the same. Risky behavior (i.e., behavior that has a high probability of negative outcomes) is normal for adolescents.

- C. **Individual adolescents develop along different dimensions at different rates.** Adolescents mature in some respects before others, and maturity in one area or domain should not lead to the assumption of maturity in other domains. Throughout most of adolescence, individuals are like children in some ways and like adults in other ways. In this session, we are looking at adolescent development in a number of areas or domains:
1. cognitive (intellectual) development
 2. identity and social development
 3. moral development
 4. physical development
 5. competence development (mastery of skills)
- D. **Development in any domain is a gradual, non-linear process, with stops and starts and regressions.** No juvenile develops a particular capacity overnight.
- E. **There are great differences between individual adolescents in the rate of development in any single domain.** Thus, for example, two adolescents of the same chronological age may greatly differ in their level of cognitive or physical development.
- F. **It is impossible to assess a juvenile's level of development by looking at a single trait, such as size or chronological age, because there is significant variation among individuals in the rate (how fast change takes place) and pattern (in what order changes take place) of developmental change.** Similarly, a juvenile's level of development cannot be determined by simply looking at a single act of misbehavior. Developmental milestones are at best approximate, and are roughly organized around early adolescence (approximately ages 10-13), middle adolescence (14-18), and late adolescence (18-20).

III. MAJOR AREAS OF ADOLESCENT DEVELOPMENT

A. Cognitive Development

1. Questions this material should answer

- a. How do adolescents think?
- b. How does adolescent thinking differ from that of children and that of adults?
- c. How does adolescent thinking increase the likelihood of taking risks and engaging in undesirable behavior as compared to the thinking of children or adults?

2. Five major cognitive changes that occur during adolescence:

- a. **Possibilities.** Adolescents become better able than children to think about what is possible, instead of limiting thought to what is real. Children's thinking is oriented to the here and now and to things and events that they can observe directly. Adolescents develop the ability to generate alternative possibilities and explanations in a systematic manner, to compare what they actually observe with what they believe is possible, and to think hypothetically.
- b. **Abstraction.** Adolescents become better able to think about abstract concepts. Children's thinking is more bound to observable events and concrete objects — things that they can see, touch, and grasp in their hands. Adolescents begin to recognize that certain concepts are intangible and cannot be quantified or measured. For example, a young child will equate being religious to going to church every week. Adolescents begin to recognize that being religious depends to a large extent on what one believes, not just on what one does.
- c. **Thinking about thinking.** Adolescents begin thinking more about the process of thinking; they become more reflective. Adolescents are able to monitor their own thinking and to explain the processes they have used to get to a certain decision or act. Adolescents exhibit increased introspection, self-consciousness, and intellectualization.
- d. **Thinking in multiple dimensions.** Adolescents develop the ability to think about things in multiple ways at the same time. Children typically examine things one part at a time. Adolescents develop the capacity to approach problems with more sophisticated lenses, considering multiple dimensions and weighing those dimensions before taking a course of action.
- e. **Relativity.** Adolescents develop the ability to see things in relative terms, as opposed to absolute, black-or-white terms. They are more likely to question others' assertions and less likely to accept facts as absolute truths. Adolescents' belief that everything is relative can become so overwhelming that they become extremely skeptical.

-- BUT --

3. **THERE IS A DISTINCTION BETWEEN WHAT ADOLESCENTS ARE CAPABLE OF THINKING AND WHAT THEY ACTUALLY DO.** These cognitive capacities progressively become part of the young person's repertoire. But adolescents do not utilize these cognitive capacities consistently over time or over a variety of situations. Adolescents may have mature thought processes some times but not at others. Other characteristics of adolescent thinking as well as external factors can interfere with or compromise their ability to employ "adult-like" thinking and planning on a consistent basis. These characteristics/factors include:
 - a. **Risk-taking and sensation-seeking.**
 - (1) **Risk-taking behavior peaks in adolescence.**
 - (a) An adolescent may pursue a different course of action than an adult when confronted with the same situation -- even though the adolescent engages in a similar decision-making process of considering and evaluating different courses of actions and possible consequences -- because the adolescent puts a different value on various consequences than the adult does, or doesn't consider all the consequences. Thus, an adolescent may value the approval of peers more than the potential danger of engaging in illegal activity.
 - (b) *In court, you may see an adolescent who otherwise appears to be quite bright and responsible, but who nevertheless has engaged in behavior that is clearly unlawful and irresponsible. In such a situation, it is important to find out what other values are more important or relevant to the adolescent than obeying the law and acting in a responsible way.*
 - (2) **Risk-taking is related to the concept of sensation-seeking.**
 - (a) Sensation-seeking is the need for varied, novel and complex sensations and experiences and the willingness to take physical and social risks for the sake of such experiences. Because adolescents value new experiences more than adults do, they may undertake risky behaviors even though they may recognize possible dangerous consequences.
 - (b) *Thus, in court you may see adolescents who experiment with many different drugs, or who engage in unprotected sexual activity with many partners, or who make money from selling drugs and wear flashy clothes and jewelry. Although illegal and/or unwise, this behavior may stem from sensation-seeking that gets out of control.*
 - b. **Present-oriented thinking.**

- (1) Adolescent approaches to time differ from those of adults. Generally, adolescents either seem unable to think about the future (i.e., they can't think past the present), or they discount the future and weigh more heavily the short-term risks and benefits from decisions.
- (2) *In court, you may see intelligent adolescents with no prior record who commit minor offenses and jeopardize their whole future. You wonder how they could have done something so stupid. Part of the answer may be that they literally could not think about the future and how their actions might have serious consequences.*

c. **Egocentrism.**

- (1) Adolescents often become self-conscious and self-absorbed. Intense self-consciousness sometimes leads teenagers to mistakenly believe that others are constantly watching and evaluating them. Egocentrism interacts with an adolescent's present-oriented thinking to lead an adolescent to only see the difficult circumstances which s/he is currently facing and not see beyond into the future. Adolescents often have a related belief that they and their experiences are unique in the world.
- (2) *In court, you may see adolescents who will not cooperate with probation staff or other authority figures, or who are super-sensitive, almost paranoid, about anyone else telling them what to do. Adolescent egocentrism may also make it appear that a young person has no remorse.*

d. **Perceived invulnerability.**

- (1) Many teenagers believe that they cannot get hurt, that they are invulnerable, invincible, and (with their inability to think into the future) immortal. These beliefs contribute to adolescents weighing risks differently than adults.
- (2) This can lead them to risky behavior with potentially dangerous consequences, such as unprotected sexual activity, because they believe that they are special, different from anyone else, and therefore cannot get pregnant or contract sexually transmitted diseases.

e. **Magical or wishful thinking.**

- (1) This is common among adolescents when they feel cornered, when they are confronted with undesirable alternatives, or when they have difficulty thinking of a way out of a dilemma. They seem to put aside any rational thinking and come up with a "magical" solution that adults recognize as obviously unrealistic. In line with this, adolescents often view the consequences of their actions as "accidental" or "surprising," when adults would easily predict a bad outcome.

- (2) *In court, you may see adolescents who commit crimes in front of several witnesses, and think they will not get caught. Instead, they think that the police will not find the witnesses, or the witnesses will forget what they saw.*

f. **External factors can interfere with cognition**

- (1) **Stress and fear** can also interfere with an adolescent's decision-making capabilities. For example, a teen will worry about punishment for an action and do something to avoid that punishment that is far worse than the original action — such as not going home at all because s/he fears punishment for arriving late, or not going in for any of their court-mandated drug testing appointments after missing one appointment.
- (2) **Learning difficulties** compromise the ability of some adolescents to digest information and often lead to faulty thinking. It is estimated that 30-50% of children involved in the juvenile court system have some type of learning disability, as compared to 4.5% in the general population. *Module Five focuses on the special education needs of children in the juvenile justice system.*
- (3) **Previous victimization** influences how adolescents think when they feel threatened. A significant proportion of children in the juvenile justice system have a history of abuse. Previously-victimized children have a heightened sense of danger and self-protection. Behind some crimes that appear predatory is a thought process that is triggered by past victimization and compromised by an exaggerated response to fear. Understanding how that response cycle influences the adolescent's behavior is key to identifying treatment that will help the adolescent think differently in the future. *Module Four specifically focuses on the link between maltreatment and delinquency.*

SUMMARY OF KEY CONCEPTS IN COGNITIVE DEVELOPMENT

During adolescence, teens develop the capacity to think in more complex ways. But this capacity develops at different rates among adolescents. Moreover, adolescents often do not use the highest level of rational thinking of which they are capable. Other factors – including perceptions of risk and time that are different from those of adults, egocentrism, and stress – compromise their ability to apply rational thinking.

AUDIOVISUAL AIDS

Trainers can show the following clips from movies to illustrate key concepts in adolescent cognitive development and stimulate discussion. (Times given indicate the scene(s) placement in the movie.)

Trainers may also consult Appendix D for additional suggestions for movies to use in this module.

Kids (1995) d. Larry Clark

14:00-21:30

Scenes of a group of adolescent girls interspersed with scenes of a group of adolescent boys. Both groups are discussing sex, and it is apparent that many of them are having unprotected sex with multiple partners. The boys specifically discuss how they dislike using condoms, that they don't know anyone with AIDS, and everyone dies eventually so they may as well have fun now.

DEVELOPMENT CONCEPTS ILLUSTRATED: risk-taking; magical thinking; sense of invulnerability; present-oriented thinking.

21:30-23:00, 25:00-27:00

Two of the girls we saw earlier are tested for HIV and find out their results.

Just Another Girl on the I.R.T. (1993) d. Leslie Harris

23:00-25:50

Scene of the main character, Chantel, and two girlfriends discussing sex and birth control. Although she is aware of news coverage about the AIDS epidemic, one of the girls refuses to use condoms. Her rationale is that the only people who get AIDS are gay men and intravenous drug users, and she is not having sex with "nobody like that." Moreover, she concludes that she is going to die anyway.

DEVELOPMENT CONCEPTS ILLUSTRATED: risk-taking; magical thinking; sense of invulnerability; present-oriented thinking.

54:00-55:15, 57:15-57:30, 1:05:00-1:08:15, 1:10:30-1:11:30, 1:12:45-1:13:40

In this series of scenes, Chantel refuses to accept that she is pregnant and that she needs to come up with a plan to deal with it. Instead, she decides to ignore it, saying "maybe it's just a dream and it will go away." She develops elaborate schemes to hide her pregnancy from her mother, including buying the same clothes in bigger sizes and throwing out food in the middle of the night so that it appears that she is just eating a lot. Chantel takes the money her boyfriend gave her for an abortion and takes her friend on a shopping spree instead.

DEVELOPMENT CONCEPTS ILLUSTRATED: magical thinking; how stress and fear can impact cognition; present-oriented thinking.

Straight Out of Brooklyn (1991) d. Matty Rich
(these scenes also illustrate concepts in the moral development section)

1:40-6:00

In the movie's opening scene, the main character, Dennis, and his sister, Caroline, clean up their father's mess from his drunken night. (Their father is an alcoholic who is physically abusive towards their mother.) Dennis tells Caroline that he will risk his life to raise money to get out of Brooklyn.

21:30-25:30

Dennis and his two friends, Larry and Kevin, plan an armed robbery to raise money to leave Brooklyn. The friends plan to intercept money belonging to a local drug dealer. Dennis next speaks to his girlfriend Shirley about getting out of Brooklyn. Shirley discusses college and then earning money. But Dennis says it's too long to wait and he needs immediate satisfaction.

DEVELOPMENT CONCEPTS
ILLUSTRATED: *risk-taking; present-oriented thinking; inability to think through the possible consequences of actions; magical or wishful thinking; making a necessary and morally justified departure from a recognized rule (i.e., robbery is wrong); how stress and fear can impact cognition.*

1:02:00-1:05:00, 1:07:30-1:11:00, 1:12:50-1:19

After the boys commit the robbery, they begin to consider the potential consequences of their actions. Dennis loses Shirley because of the robbery; Dennis' family gets into an argument about Dennis' robbery, which leads to the fight that results in his mother's death; the drug dealer's gang comes after Dennis and eventually kills Dennis' father.

Girlstown (1996) d. Jim McKay
(these scenes also illustrate concepts in the moral development section)

27:00-29:30

The film's three main characters – Emma, Patty, and Angela – vandalize a car belonging to Rich, the boy who raped Emma. They do this in broad daylight, in the parking lot of the school, without regard to the strong possibility that someone will catch them in the act.

DEVELOPMENT CONCEPTS
ILLUSTRATED: *present-oriented thinking; risk-taking; inability to focus on the possible consequences of their actions; the effect of previous victimization on decision-making; the dominance of unswerving loyalty to friends and undying opposition to perceived unfairness in adolescents' moral schemes.*

43:00-45:10

Emma tells her friend Dylan that she is glad that she wrecked Josh's car. Josh expresses concern that Emma is getting into trouble with

her girlfriends, one of whom he describes as a juvenile delinquent. Emma was accepted to Columbia University and Dylan warns that she is throwing her future away. Emma, who also had a close friend commit suicide recently, replies that she cares very little about her future right now.

45:10-48:00

Angela tells her mother that she was suspended from school for fighting. Angela explains that the girl "dissed Nikki" (the friend who recently committed suicide). When her mother states that fighting will not bring Nikki back, Angela replies "I know, but it felt good at the time" and that she has to stand up for what she believes in.

1:15:20-1:19:30

Emma confronts Richard, the man who raped Nikki, her deceased friend. When he shows no remorse (she tells her friends that she thought he would at least look guilty), the three friends decide to beat him up. Again, they do this on the street in front of many people, without regard to the possible consequences.

Star Maps (1997) d. Miguel Arteta

2:45-3:45, 27:30-28:30

Carlos, the movie's main character, tells his family members that he will become a big actor and make lots of money. He needs to make money to care for his family, which includes his mentally ill mother. To achieve his goal, which

he never questions as unrealistic, Carlos decides to work for his father, who is a pimp and has battered his mother. Despite the danger, Carlos insists that working for his father will not be a problem.

*DEVELOPMENT CONCEPTS
ILLUSTRATED: teens will engage in
magical thinking when faced with
an impossible situation.*

Interactive Exercise on Cognitive Development

Teen profile: Andre, Age 14

Andre's story is that of a robbery "gone wrong." In the time leading up to the robbery, Andre's life was in a downward spiral. He was abusing drugs and was increasingly dependent on the group of criminal adults who were selling him the drugs. He often saw these adults later harm people to whom they sold drugs. Andre became worried that they would do the same to him. Andre began to experience a running video in his mind that these adults would follow him home, and then harm his grandparents and siblings. He became very frightened for himself and his family. Andre decided that the only way to prevent these adults from harming him or his family was for him to leave home. But to do that he needed money, and Andre concluded that the only way for him to get the money was to rob someone.

Andre decided to rob a cab driver. Andre decided to carry a gun because he was small and didn't think anyone would take him seriously if he didn't have a weapon. Andre didn't picture himself as a robber, and had never carried a gun before. Andre got drunk and hailed a cab, but left the cab because he couldn't go through with it. But then the video of his family being harmed by the drug dealers started running in his head and he hailed a second cab. Andre thought that he would show the gun to the cab driver and then tell the driver to drive to a specific location and park the vehicle. He thought that he would then tell the driver to give him money, receive the money successfully, and then exit the car without any complications. Andre shot the cab driver when the driver, who was much bigger than him, lunged into the back seat when Andre brandished the gun. Andre's sole thought became 'I have to get out of this taxi,' and he couldn't think of another way out of his dilemma. To this day, Andre still views what happened as an accident (the gun just "went off") as opposed to the possible/probable consequence of carrying a gun and attempting to rob that person.

Discussion questions:

- ! What can we say about Andre's cognitive process in deciding to commit a robbery?
- ! In what ways were his processes typical of an adolescent's? Different from an adult's? Should this make a difference in our assessment of Andre's culpability?

Development concepts illustrated by Andre's profile:

- ! Andre's thought process was non-linear - not an adult's logic - in moving from Point A (deciding that he needed to protect his family to Point Z (his ultimate conclusion that he needed to rob someone to accomplish this).
- ! His robbery plan was simplistic. He didn't consider that the gun he brandished to show he meant business would go off, or he would pull the trigger, hurting or killing someone.
- ! He didn't think through alternative scenarios about what could happen, and what he should do if the plan didn't go as planned, i.e., when his plan went awry, he thought his only option was to pull the trigger; he didn't think to exit the cab, thereby doing less harm than he intended.
- ! Prior to the incident, his cognitive capacities were impaired by drugs and fear. During the incident, his cognition was impaired by stress.

(Note to trainers: this profile is of an actual teenager. Trainers are greatly encouraged to substitute profiles of teenagers with whom they have worked to illustrate development concepts in this module.)

B. Identity Development and Social Development

1. Questions this material should answer

- a. How do adolescents develop an identity?
- b. What role do family, peers, and the larger community, play in their developing identity?

2. Adolescence is a time of important psychological and psycho-social development which affects the way teenagers feel about themselves (identity), their ability to function responsibly on their own (autonomy), their relationships and interpersonal behaviors (intimacy), and their sexual feelings (sexuality).

3. Identity Development.

- a. **During adolescence, teenagers attempt to establish a coherent, stable identity.**
- b. **"Trying on" different personalities, interests and ways of behaving is a necessary part of the process of putting together an identity.** Thus, it is important for teenagers to have an opportunity to do this type of exploration in a safe environment in which such experimentation will not lead to negative and irrevocable consequences.

c. Family and identity.

- (1) That safe environment, ideally, is the family. The central core of adolescent identity comes from the nurturing and success they find in their family, and through which they learn that they are loving and capable individuals. The sense of belonging the adolescent gets from the family is the framework for identity. When teenagers "try on" different selves they are often making a choice to explore a personality that is the same (or the opposite of) other family members. Often teenagers describe themselves in reference to family members: "I'm like my grandfather" or "I'm not anything like my older brother."

- (2) *On the other hand, adolescents who do not have families that provide nurturing and success may have difficulty developing feelings of competence and self-confidence, or loving relationships toward others. When they are neglected, abused, and belittled, and their families are full of conflict, they may never develop such feelings. In court, you may see adolescents who have lived for many years in constant conflict, who have been emotionally neglected or physically or sexually abused, and who show it in their behavior.*

d. Peers and identity.

- (1) Young people need to belong. Group membership, including distinguishing dress, hair styles and mannerisms, can add to the sense of belonging. In court, you may see all of these on display.

- (2) In early adolescence, around ages 13 or 14, youngsters are particularly susceptible to peer pressure. Moreover, at any age, boys tend to be more susceptible to peer pressure than girls.
- (3) Peers provide recognition, advice, and encouragement, and may be more unconditionally accepting than adults. *That is why gang memberships, "in crowds," memberships in high school "cliques," and similar peer groups can be so important to adolescents and, to some extent, substitute for their families.*
- (4) But there is sometimes an overemphasis on the influence of peers on adolescent behavior. While peers greatly influence day-to-day identity choices (hair, dress), family has a powerful effect on adolescents' basic values and choices.
- (5) In addition, peer pressure can be pro-social (as opposed to anti-social). *In court, this is particularly important in thinking about placement programs for adolescents. Young people who have been negatively influenced by peers may do well in group settings which stress group cohesion and reliance upon each other to accomplish basic tasks.*

e. **Autonomy Development.**

- (1) **Adolescence is a gradual transition to being a self-governing person. The development of independent behavior is a central task of adolescence.** It is a *necessary* task: in order to become adults, adolescents must develop the cognitive and social skills they will need to live in society and become less dependent on others for emotional support.
- (2) Physical changes and appearances both enable adolescents to become more autonomous, and cause adults to treat them as though they were more autonomous.
- (3) The development of autonomy can be a difficult experience for adolescents and for their families. Even under the best of circumstances, the process may cause emotional and social disruptions as adolescents change their relationships with family members and develop new roles in the world. A strong foundation of love and support can help everyone over the rough spots. For adolescents whose families are in turmoil, the process can be more dramatic and more painful. The adolescent quest for autonomy can turn into hostility toward figures of authority.
- (4) *In court, you may see teenagers who seem to have no respect for their parents or for court personnel. Their development of autonomy is not a justification for being disrespectful toward the court or disobeying directives, but it may only be a somewhat exaggerated example of what all teenagers go through, compounded by family, peer, and neighborhood difficulties.*

- f. **Intimacy and Interpersonal Relations.** During adolescence, individuals develop an increase in the need for intimacy, in the capacity to have intimate relationships, and in the extent to which -- and the way in which -- this capacity is expressed.

(1) **Peer relations.**

- (a) Close peer relationships are key to healthy social development.
- (b) Adolescents' experience with peer relationships changes in four important ways:
 - i) Adolescents spend more time with peers than do children.
 - ii) Adolescent peer groups are less monitored by adults than children's groups.
 - iii) Adolescents have greater contact with opposite-sex friends.
 - iv) Adolescents interact in increasingly larger groups of friends, from pairs to cliques to crowds (which represent a social identity).
- (c) Advent of dating and romantic relationships.

(2) **Family relations.**

- (a) As adolescents separate from family, they begin to view family rules and regulations differently, and there is a temporary distancing.
- (b) BUT the influence of families, and especially parents, does not disappear from adolescents' radar screens. What happens is that during adolescence, the influence of peers increases.
- (c) There is an ongoing need for nurturing parents who clearly express their values and the rules they live by because young people derive so much of their identity from the family.

g. **Sexuality.**

- (1) Learning to think of oneself as a sexual being, to deal with sexual feelings, and to enjoy physical contact with others is an important part of adolescence.
- (2) Sexuality presents adolescents with a number of important concerns: what are the sources of their new feelings, what role should sex play in their lives, how should they control their new body functions, which partners should they choose and how should they relate to them, how much experimentation are they comfortable with.
- (3) Generally, boys are more likely to consider sex recreational, and girls are more likely to focus on intimacy and closeness, but there are wide variations among individuals.

(4) There are significant cultural differences in adolescent sexual behavior, from age of initial experimentation to relationships with partners.

h. **Interaction of Cognitive Thinking and Social Relationships.** Thinking about social relationships becomes more abstract, more multidimensional, and more relativistic during adolescence with the development of cognitive abilities. Adolescents develop the capacity to:

(1) understand that people's personalities are not one-sided, people can have multiple interests or agendas, and that social situations can have multiple interpretations. This, in turn, allows adolescents to have more sophisticated relationships; and

(2) take the perspective of others, which enables adolescents to develop intimate relationships.

SUMMARY OF KEY CONCEPTS IN IDENTITY DEVELOPMENT AND SOCIAL DEVELOPMENT

Over time, adolescents attempt to establish a coherent identity. Adolescents "try on" different personalities, which makes their behavior difficult to predict. Many adolescents get caught between the values of their family, church, etc., and the lure of the street and the rampant violence they live in; this results in an identity struggle for the adolescent. Peer relations can influence teens positively or negatively. Even though peer relations dramatically increase in importance, family relations still retain importance and youth look to their parents for values and morals.

AUDIOVISUAL AIDS

Trainers can show the following clips from movies to illustrate key concepts in adolescent identity and social development and stimulate discussion. (Times given indicate the scene(s) placement in the movie.)

Kids (1995) d. Larry Clark

1:00-1:00:03

Party scene of adolescents drinking, smoking, and kissing. Younger teens are being "educated" by older teens; the former try to emulate the behavior of the latter -- by talking

***DEVELOPMENT CONCEPTS
ILLUSTRATED: acceptance by
peers is important to teens, and
younger teens, particularly boys,
are more susceptible to peer
pressure.***

about sex and getting high – to fit in.

Stand and Deliver (1988) d. Ramon Menendez

11:30-12:30, 13:25-17:45, 21:00-22:40, 25:45-26:50, 27:30-29:30

The following scenes between a teenager named Angel and his math teacher Mr. Escalante (nicknamed Mr. Kimo) illustrate a teenager going through an identity struggle similar to that experienced by Darrell (see *teen profiles that follow*). Angel is part of a gang and is very concerned about his image among his friends. After Mr. Kimo embarrasses one of Angel's fellow gang members in class, Angel challenges Mr. Kimo's authority by slapping his face lightly. Angel is quick to get involved in fights and will hang out with his friends all night. In a particularly telling scene, Angel asks Mr. Kimo for an extra book to keep at home – that way he can do his homework without his "homiez" seeing him carrying a book. Angel is obviously close to his family (as demonstrated by the scene with his grandmother) and has formed a close relationship with Mr. Kimo. At the same time he is living a life separate from his family.

DEVELOPMENT CONCEPTS ILLUSTRATED: *importance of peer recognition; autonomy development; the need to challenge adult authority; the importance of bonding with adults outside the family unit.*

Boyz in the Hood (1991) d. John Singleton

25:30-29:30

Scene in which a young Trey and his father have a conversation about his life. The scene depicts Trey's father's involvement in Trey's life and his commitment to steering Trey in the right direction. Scene ends with Trey and his father witnessing Trey's friends, Doughboy and Chris, being arrested.

37:00-45:00

Scene between a teenage Trey and his father demonstrates their close relationship and ability to speak candidly about issues such as sex and birth control. At the beginning of the scene, we see Trey return a lost infant to his drug-addicted mother, and face down another youth pointing a gun at him.

DEVELOPMENT CONCEPTS ILLUSTRATED: *the importance of family on influencing a youth's values and choices, and in developing an identity; adolescents "try on" different identities; adolescents need to belong; they develop closer peer relationships and separate from their families to some extent to develop a separate identity; the importance of being able to experiment with new identities within a safe environment.*

My So-Called Life – Pilot Episode (1994) d. Scott Winant

The pilot of this television show (available in many video stores) follows the main character,

Angela, as she experiments with a new identity. Angela dyes her hair red and starts wearing “grunge” clothes. She tells the audience that lately she can’t even look at her mother without wanting to stab her repeatedly and how her newly-emerged breasts have come between her and her father. Angela gives up her longtime friend Sharon and stops working on the yearbook, because they are too mainstream and cliché. Instead she befriends Rayann, a party girl, and Ricky, a bisexual Latino boy who wears eyeliner. The episode, which is approximately 49 minutes in length, has many scenes that would be useful in this section.

Paradise Lost: The Child Murders at Robin Hood Hills (1996) d. Joe Berlinger & Bruce Sinofsky

This movie chronicles the murder trial of three teenagers -- Jessie Misskelley, Jr., Damien Echols, and Jason Baldwin -- who are subsequently convicted of the brutal murders of three second-grade boys in Arkansas. The teenagers stood out in their community because they wore black, listened to heavy metal bands such as Metallica, and one (Echols) believed in the Wicca religion. Many in the community labeled them Satanists and part of the prosecution’s theory was that the teenagers murdered the boys in a ritualistic act. The following scenes raise the question of whether the teens’ clothing and music choices were normal adolescent behavior, i.e., the need to “try on different personalities” or, instead, were evidence of more troubling and dangerous beliefs.

7:04-7:20

The mother of one of the slain boys is interviewed. When asked if she believes the suspects were Satanists, she quickly replies yes, because “they look like freaks.”

11:10-12:45, 1:14:10-1:14:40, 1:22:30-1:23:25,
2:02:30-2:03:30

Interviews with the teenage boys, in which they claim that the police think they murdered the children because they “stood out.” Echols points out that people ridicule or try to destroy what they don’t understand. He discusses the importance of his friendship with Baldwin and their common interests.

***DEVELOPMENT CONCEPTS
ILLUSTRATED: difficulty in
determining whether teens
exploration of alternative identities
is normal development or a signal
that teens are developing more
troubling attitudes and beliefs.***

1:08:45-1:09:15

Prosecution’s expert on the occult testifies that Satanists typically wear black clothing, black fingernails, and dyed black hair.

1:12:45-1:14:00

Echols’ family claims that the community blames their son because he wore black clothing; many people wear black clothing, including themselves, and they are not Satanists.

1:43:45-1:44:35

A teenage girl testifies that she heard Echols confess to the killings. On cross examination, the girl acknowledges that she thought Echols was weird because he was dressed all in black, and had long, jet black hair that was shaved on one side.

2:05:20-2:06:00

A police officer testifies that Echols had books by Stephen King and a book on the occult, and that he thought it was strange material for anyone to have.

Streetwise (1984) d. Martin Bell (documentary)

27:30-33:30

Tiny (Erin), a 14 year-old prostitute in Seattle, interacts with her mother, and we hear voice overs from each of them about the other. The mother – a self-admitted alcoholic who is in an abusive relationship -- knows that Tiny is a prostitute; however, she has made no effort to get Tiny out of this life. The mother complains about how little she makes as a waitress, and that she almost fell off her chair when Tiny came home with \$200. The mother rationalizes that there is nothing she can do to stop Tiny, "it's just a phase," and Tiny will do it anyway. In a voice over Tiny expresses concern about her mother's abusive husband; we learn that he broke her mother's leg at one point. The mother and daughter are able to relate to each other only on a superficial level – talking about eyeshadow and the mother teasing the daughter that she should eat everything on her plate. This scene contrasts well with the father-son scenes from *Boyz in the Hood* which are discussed above.

***DEVELOPMENT CONCEPTS
ILLUSTRATED: the importance of
family on influencing a youth's
values and choices and in
developing an identity.***

Interactive Exercise on Identity Development

Teen profile: Darrell, Age 15

Darrell has grown up in a conflict that is more and more common for adolescents today – he is caught between the middle-class values of his family and those of the violent neighborhood in which he lives.

Darrell has good relations with his parents, who are separated. His parents are both actively involved in his life; they both have steady, blue-collar jobs. They are a loving, religious family with strong moral values. Darrell was raised to be a caring, well-behaved young man. He is an only child, and describes himself as spoiled. Darrell is protective of his family and wishes he could earn money to move them out of their bad neighborhood. Darrell is a very diligent student in a college prep program at school, and one could easily

classify him as a nerd.

But Darrell also sees the young hustlers on the street; he is intrigued by their ability to earn money and to impress girls with their slick cars. Darrell drinks on the weekends. Darrell writes off his drinking as benign, and simply describes it as his way of “letting off steam.” He felt responsible when people got hurt while he was riding in a stolen car driven by a drunk friend, but he denied that he was a risk taker. Darrell describes himself as basically a good person -- he says he has a nice personality and knows right and wrong, but he has a bad side that comes out once in awhile.

He has successfully hidden his street life from his family, teachers, and classmates, and essentially has two lives in two separate worlds. Everyone was shocked when Darrell was shot walking out of a concert when he was 14; however, this event did not spur him to be any more truthful regarding his second life. Darrell thinks that he’s the only one going through this, and does not recognize that his problem is an identity struggle. Furthermore, he doesn’t think that the situation is resolvable, as he doesn’t see himself as having to make a choice between two paths: being a successful college student or being a hustler.

Discussion questions:

- ! How is Darrell’s identity development typical of adolescence? Atypical?
- ! What can be done to help Darrell choose the path to being a successful college student, and reject the life of a hustler?

Development concepts illustrated by Darrell’s profile:

- ! Darrell is engaged in a typical adolescent identity struggle. He is “trying on” different personalities.
- ! Darrell’s drinking is a symptom of his identity struggle; it’s his way of being a different person than the nerd in school.
- ! Darrell’s family provides a safe environment in which he can experiment with different selves. In this way, his situation is distinguishable from Yvonne’s (see *profile which follows*). However, his wider social environment is dangerous and thus his experimentation could lead to negative outcomes.
- ! Darrell’s thinking – that he’s the only one going through this – demonstrates adolescent egocentrism. His failure to change his ways after being shot outside a concert demonstrates a sense of invulnerability. He is a risk-taker and a sensation-seeker. His thinking is present-oriented. In all these ways, Darrell’s development is that of a typical teenager.

Teen profile: Yvonne, Age 16

Yvonne says she has never been good at anything. She has experienced great difficulty in learning to read, and still has severe problems with spelling, grammar, and deciphering instructions. “How my eyes see the words and how they finally come out are two different things.” She would ask teachers for help in school, but threw repeated temper tantrums when she did not feel that they provided her enough assistance. As a result, Yvonne’s teachers became increasingly frustrated by her. Yvonne had repeated 4th grade when she was referred for special education at age 11. However, tests determined that she was of average intelligence, and Yvonne was subsequently placed in a program for kids with behavior problems, not learning disabilities. Four years after placement in special education, and three different schools later, Yvonne is still reading at a third grade level, and she can do multiplication but not division.

Yvonne’s home life has been marked by domestic violence, and she has not formed a close relationship with any family member. She became the girlfriend of a drug dealer in her neighborhood at age 16 and is fully compliant with his wishes. She felt the recognition of his gang, which provided her with a sense of belonging and appreciation.

Yvonne continues to have trouble with self control and gets angry easily. She was arrested recently for assaulting a police officer, who had come to arrest her boyfriend for selling drugs. Yvonne has no positive view of herself in the future, and has no clue what she would do if her boyfriend were to receive a long prison term.

Discussion questions:

- ! In what ways has Yvonne’s identity development been that of a typical adolescent? Atypical? Has Yvonne formed her own identity?
- ! How can development theory explain the social and intimate relationships that Yvonne has formed?
- ! What could be done to help Yvonne form a more positive image of herself?

Development concepts illustrated by Yvonne’s profile:

- ! Yvonne’s need to belong to a group - in this case, her boyfriend’s gang - is a normal part of adolescent development.
- ! Yvonne has not formed her own identity; she is an extension of her boyfriend.
- ! Yvonne’s need to belong to a gang is exacerbated by the fact that she lacks a safe, nurturing family life.

- ! Yvonne lacks a safe environment in which to try on different selves.
- ! Yvonne's efforts to become an autonomous person are hampered by her low self-esteem.
- ! Yvonne's behavioral problems have prevented her from progressing in school which, in turn, shapes her image of herself and impedes her development into a self-governing person.

(Note to trainers: these profiles are of actual teenagers. Trainers are greatly encouraged to substitute profiles of teenagers with whom they have worked to illustrate development concepts in this module.)

C. Moral Development

1. Questions this material should answer

- a. How do adolescents' concepts of right and wrong develop, and how are they expressed in adolescence?
- b. How do peers and the family influence an adolescents' moral reasoning?

2. Adolescents progress through stages of maturation in terms of moral reasoning and moral behavior.

a. Moral reasoning of the young child -- "Pre-conventional" moral reasoning.

- (1) The moral reasoning of the young child is based on self-interest.
- (2) The focus is on rewards and punishments associated with different courses of action.
- (3) Young children accept what others say is right or wrong.

b. Moral reasoning of the early adolescent — "Conventional" moral reasoning.

- (1) The moral reasoning of the young adolescent is based on how s/he will be judged by others for behaving in a particular way. The reason to be good is to earn social approval, and they begin to look beyond the immediate consequences of an action and toward the impact of their actions on their relationships with others.
- (2) Children in their elementary years who are at the conventional level of moral reasoning are concerned with pleasing their parents and other adults.
- (3) During junior high school, children become more concerned with impressing their peers. Some moral decisions are more likely to be based on what will make one popular or accepted by peers.
- (4) BUT although most adolescents are able to reason at this level in "hypothetical" situations, their actual behavior may not always reflect their reasoning ability.
- (5) Behavior is dependent upon many factors, such as situational facts, that affect the adolescent's decision-making process.

c. Advanced moral reasoning — "Post-conventional" moral reasoning.

- (1) At this stage, the individual begins to view society's rules as relative and subjective, and questions social conventions.
- (2) In late adolescence or early adulthood, an individual MAY begin to shift from reasoning in terms of social approval to reasoning in terms of important principles, such as justice and fairness. In other words, an

individual may follow society's rules NOT just because they are society's rules but because the individual has grappled with the moral principles underlying these rules and has decided to accept them as his or her own.

(3) BUT post-conventional moral reasoning is relatively rare, even in adults. Most adolescents follow "conventional" moral reasoning, i.e., the reason to be good is to earn social approval and to benefit their relationships with others. Indeed, the importance of peers generally in the lives of adolescents reinforces the influence of peer groups on moral decisions.

3. **Significant factors that shape adolescents' moral development.**

Adolescents derive their moral values from:

- a. their families
- b. their peers
- c. their relationships
- d. spiritual influences
- e. popular culture (movies, t.v. shows, music).

4. **Other aspects of adolescent moral reasoning.**

- a. **Adolescents are "fairness freaks."** With their increased cognitive abilities, adolescents often embrace principles with a vengeance. They insist idealistically on what should be, and are intolerant of anything that seems unfair or arbitrary. Further, in line with their own development of personal autonomy and resistance to authority figures, they will challenge social conventions in the name of principle. Thus, although they know that theft is illegal, they will say that a homeless person is justified in stealing food because he is hungry. They can develop elaborate philosophical arguments to justify their behavior, especially when they are being held accountable for misconduct. As part of their adolescent egocentrism, they may not challenge the general validity of a rule or regulation, but will argue that the rule is not applicable in *their* case or that the facts in their case justify an exception.
- b. **The role of gangs.** In addition to the other attractions of gangs discussed earlier, gangs can provide adolescents with a set of clear rules. The rules may be based on philosophical or moral principles -- e.g., unswerving loyalty to friends, undying opposition to perceived unfairness -- and may reduce the number of options available and thereby make decision making much easier.

SUMMARY OF KEY CONCEPTS IN ADOLESCENT MORAL DEVELOPMENT

Juvenile behavior that results in unacceptable and harmful outcomes is often motivated by the juvenile's own moral values. Reckless behavior can be highly moral to the young person within the morality system and external environment s/he is operating in. For example, a teen may think it's okay to carry a gun to protect himself. Or a teen may think it is okay to assault someone who has harmed a friend. Thus, what may look immoral or amoral to an outsider may in fact be a highly moral act to the teen, a justified and indeed necessary departure from a recognized rule. Loyalty and fairness are highly valued by teens and weigh heavily in their moral reasoning.

AUDIOVISUAL AIDS

Trainers can show the following clips from movies to illustrate key concepts in adolescent moral development and stimulate discussion. (Times given indicate the scene(s) placement in the movie.)

Boyz in the Hood (1991) d. John Singleton

1:31:00-1:41:30

In the scene immediately preceding this one, Trey's close friend, Ricky, is murdered by a 27-year-old gang member who Ricky had insulted the previous night. Angered by the murder of his friend, Trey sets out with Ricky's brother, Doughboy, in pursuit of the killer. Trey decides at the last minute to get out of the car. Doughboy, however, avenges his brother's death.

DEVELOPMENT CONCEPTS ILLUSTRATED: *the importance of family on influencing a youth's values and choices; loyalty as an important value to teens. See also write-up in identity development section above.*

Strapped (1993) d. Forest Whitaker

The main character in this movie, Kwan, spent six months in jail for drug dealing and is now trying to make a better life for himself and his girlfriend, Latitia, who is pregnant with their child. When Latitia is arrested for selling drugs, Kwan needs cash to bail her out and his income from working as a bicycle messenger isn't enough. Kwan eventually turns to gun selling to raise the money. The scenes that follow show the complex moral scheme by which Kwan and his friends live by. They also demonstrate the limits on their cognitive thinking.

10:30-12:00

Kwan speaks to a young boy, who Kwan witnessed murder another child earlier. Kwan expresses concern that the boy is carrying a gun. He asks the young boy, "Wasn't he your friend? Don't you feel bad?" and is upset when the boy shows no remorse.

21:00-22:15

Kwan's mother expresses concern that Kwan may be getting into trouble again. Kwan responds that he has responsibilities for Latitia and the baby.

26:00-28:10

When Kwan visits Latitia in jail, she defends her actions, saying that she was only trying to make money to get Kwan a leather jacket and to provide for the baby. Kwan tells her that she needs to do right by the baby; Latitia replies that she thought that was what she was doing.

36:00-41:30

Kwan and his friend, Bamboo, sell a gun to a 10 year-old boy, and Kwan is troubled by the sale. When Kwan shares his concern with Bamboo, the latter explains that they have to look out for themselves. Moreover, he rationalizes that if the kids don't buy guns from him they'll just buy them from someone else. When Kwan visits Latitia in jail, he tells her that he has a new "job" and he will bail her out soon so that they can leave Brooklyn.

47:45-50:00

Kwan's mother catches him with a lot of cash and confronts him. Kwan replies that he has to take care of his child, that he is doing whatever he has to do to move his family out of the neighborhood.

All Over Me (1997) d. Alex Sichel

37:30-39:45

In this scene between the movie's two main characters – Claud and Ellen – Claud questions Ellen about her knowledge about a murder. The audience knows that Ellen witnessed her boyfriend, a drug dealer named Mark, murder a man because he was gay. Ellen refuses to talk about what she saw -- "He made me swear – if you made me swear" -- even though she is obviously distressed (Ellen starts cutting her hand.) Ellen's

DEVELOPMENT CONCEPTS ILLUSTRATED: *Kwan clearly knows that carrying and selling guns are wrong. Kwan thought that his unacceptable behavior was a justified and necessary departure from a rule that he acknowledges because he was doing it to help his family achieve a better life. Kwan's cognitive capacity is limited because he does not think through the possible consequences of his actions, i.e., that he'll either be arrested or killed and will no longer be able to provide for his family.*

DEVELOPMENT CONCEPTS ILLUSTRATED: *the weight of loyalty in a teenager's morality scheme; how stress and fear can overwhelm cognition; the need of teenagers to feel that they belong.*

loyalty to Mark overrides her need to share this information with her good friend. From earlier scenes, we know that Ellen is very dependent on Mark. She runs away from home often; although we don't know the situation at home it is evident that Ellen does not have a close relationship with her family. She relishes her identity as Mark's girlfriend and the "adult" life that she shares with him, including engaging in sexual activity and using drugs.

Dead Homiez (1996) d. Billy Wright

17:00-23:20, 26:15-32:00

In these two scenes, actual former and current members of the Crips gang in Los Angeles speak about the moral ethos of the gang. In the first scene, a former member, who is 30 years-

old, describes his first drive-by shooting, stating that he was facing 25 years for attempted murder "for something I wasn't thinking about doing. There is no thinking in the life of a gang banger." In the second scene, the soliloquy by a current gang member who appears to be in his 20s demonstrates the unswerving loyalty observed by gang members. Even though he has to go everywhere "strapped" and he has taught his kids how to get on the floor of the car when they hear gunfire, he tells the audience that he will retaliate whenever someone hurts one of his "homiez."

***DEVELOPMENT CONCEPTS
ILLUSTRATED: the moral scheme
observed by gangs.***

Straight Out of Brooklyn (1991) d. Matty Rich -- See write-up in cognitive development section above.

Girlstown (1996) d. Jim McKay -- See write-up in cognitive development section above.

Interactive Exercise on Moral Development

Adolescent profile: Victor, Age 15

Victor is facing waiver to adult court for stabbing another student during a fight in school. He says that he started to carry a knife for protection because he felt threatened in school. Victor thinks that carrying and using a knife is okay in self defense. He explained, "I have never considered robbing someone or stealing. I know that's wrong. Weapons are for unavoidable situations when you have to protect yourself; when it's him or me." Victor also feels that carrying a knife is okay because it's the norm in his school. He explains, "In school everyone has to stand their ground and be big and bad. The only way to make it is to act tough, so everyone knows not to mess with you." With regard to the stabbing, Victor feels that he had to do an unavoidable wrong to protect himself and others.

Yet Victor's responses to hypothetical moral dilemmas show respect for the rights of others and empathy, values he learned from his family and church. For example, when

posed with the hypothetical of some friends taking down stop signs at an intersection, he immediately responds that what they did was wrong, stupid, not funny, and dangerous. He is outraged that someone will get hurt. Victor says that you should call police, but you should call them from a phone booth so that the police don't know who's calling. Should the person calling the police identify culprits? Victor hesitates -- what they did was illegal but won't turn them in.

Discussion Questions:

- ! What could be going on morally with Victor that could allow all these things to be true of Victor's moral reasoning?
- ! How do we evaluate a child's judgment when it is based on a different moral system from an adults?
- ! How do we create programming for this juvenile so that he will not engage in this dangerous and unacceptable behavior?

Development concepts illustrated by Victor's profile:

- ! Victor has a set of behavioral values. He sees his reckless behavior (carrying a knife, stabbing someone in self-defense) as justifiable given the environment he lives in.
- ! Victor is a typical teen in that he highly values loyalty. He wouldn't turn in his friends for taking down the stop signs.

(Note to trainers: this profile is of an actual teenager. Trainers are encouraged to substitute profiles of teenagers with whom they have worked to illustrate development concepts in this module.)

Adolescent Profile: Alonso, Age 15

Alonso was arrested for gun possession. Alonso chose a girlfriend from another gang, and he got beaten up a lot because of it. He said he started carrying a gun to keep his enemies from attacking. Alonso thought that everyone would somehow know he was carrying a gun, and thus they wouldn't attack him.

In one hypothetical posed to Alonso, a teenager was left by his/her drug addicted parents to care for an infant. Alonso was asked: should the teenager steal milk to feed the baby? Alonso first came up with alternatives to stealing: leave the child with a responsible adult, get work, and then borrow to buy milk until you get your first paycheck. When pressed whether you should steal the milk if you could not pursue this alternative course of action and you knew you wouldn't get caught, Alonso said that if you were sure you

wouldn't get caught, then it would be okay. But Alonso stated that because the possible consequences of getting caught are going to jail and consequently being separated from the child, it is not a wise thing to do.

Alonso said, "I have never considered robbing and stealing from someone. I know that's wrong. Weapons are only for unavoidable situations when you have to protect yourself, when it's him or me. Adults don't understand how threatened kids feel everyday. The only way to make it is to act tough so everyone knows not to mess with you. In school, everyone has to stand their ground and prove they are big and bad. Everyone is trying to prove they're better than everyone else. "

Discussion Questions:

- ! How can Alonso know right from wrong and still make the decision to carry a gun? How do we evaluate /understand the moral principle that Alonso is evoking? How do we deal with it?

Development concepts illustrated by Alonso's profile:

- ! When asked to consider hypothetical moral dilemmas, Alonso demonstrated advanced moral development, showing acceptances of laws and rules, and mutual respect for people.
- ! Alonso is operating within a morality system. Alonso, like Victor (*see preceding profile*), felt that his unacceptable behavior (carrying a gun) was a justified departure from a known rule. He felt that his actions were moral because he wasn't using the gun to rob anyone, but to protect himself.
- ! Alonso engaged in magical thinking: he thought that people would just "know" that he was carrying a gun and therefore they would not attack him. He thought he would never have to use the gun, and that no one would ever get hurt.

(Note to trainers: this profile is of an actual teenager. Trainers are greatly encouraged to substitute profiles of teenagers with whom they have worked to illustrate development concepts in this module.)

D. Biological/Physical Development

1. Questions this material should answer.

- a. What are the major physical changes that occur during adolescence?
- b. How do these physical changes influence adolescent behavior?

2. Some basic facts about puberty

- a. "Puberty" refers to the biological and physical changes associated with adolescence.
- b. There are enormous individual differences in the onset and progression of puberty. Puberty occurs for most children between ages 12 and 13, though some children begin as early as 8 or 9.
- c. There are gender differences in the onset of puberty. Girls typically begin to show outward signs of puberty between the ages of 8-13, whereas boys begin to show the outward signs between the ages of 10-15.
- d. Puberty is characterized by certain physical changes, including:
 - (1) Growth spurt. There is a dramatic increase in height and weight during adolescence.
 - (2) Sexual maturation. This includes changes in the genitals and breasts, growth in pubic, facial and overall body hair, and growth of the sex and reproductive organs.
 - (3) Changes in body composition. There are changes in the quantity and distribution of fat and muscle. By end of puberty, males have more muscle and less fat than females. Special note on eating disorders: the development of eating disorders appear in part to be triggered by these changes in appearance during puberty.
 - (4) Changes in circulatory and respiratory systems.
- e. *Because of the great variability in individual development, an adolescent who appears physically mature in court -- tall, solid, with facial hair -- may nevertheless be quite immature in cognitive, social, and moral development. Judgments regarding intellectual ability and other characteristics of individual adolescents should not be based solely on physical appearance. This may be particularly important when considering program placement -- physical appearance may have limited value in determining which program is appropriate for a particular youth.*

3. Physical changes of puberty affect adolescents' self-image, mood and relationships.

- a. Rapid increases in hormone levels in early puberty are associated with increased irritability, impulsivity and aggression (in boys), and depression (in girls).
 - (1) **However, the “raging hormone hypothesis” — that hormones completely explain all out-of-control behavior by adolescents — is a myth.** Juveniles are not victims of their hormones. It is now generally recognized that hormones do not play as large a role in adolescent moodiness as once thought. More recognition is given to environmental or social factors, such as interpersonal difficulties, failure and rapidly changing situations, as affecting mood.
 - (2) The effect of hormones on mood appear to be strongest in early adolescence when hormonal levels are highly variable and characterized by rapid fluctuations, and the effect lessens in later adolescence as hormone levels stabilize.
 - b. Rapid growth and dramatic physical changes alter adolescents’ images of themselves. However, the effects of physical maturation on self-image must be considered in the broader social context. For example, social scientists have found that the physical changes of puberty have a negative effect on the self-image of girls (and less so for boys) when girls are dealing with other environmental changes (i.e., beginning to date).
 - c. Puberty affects parent-child relationships. Puberty appears to increase distance between adolescents, especially mothers, and the physical changes of puberty may influence the shift in adolescents’ interests towards peers who are experiencing similar physical changes.
4. Variations in timing of puberty affect adolescents' social and emotional development in various ways.
- a. Because juveniles who physically mature earlier appear older, they are often treated as if they are more mature psychologically when this is not necessarily true. *Thus, if there are several gang members in court, the biggest adolescent may not be the leader.*
 - b. Adolescents who mature late, especially boys, are often viewed negatively by their peers and left out of group activities.
 - c. Those who mature early tend to be at a social advantage.
 - (1) Because of the emphasis boys place on athletics, early-maturing boys tend to be more popular, have higher self-esteem, and are more confident than average or late maturers.
 - (2) Early maturing girls tend to be more popular with their peers. BUT they are more likely to feel self-conscious and awkward because they are uncomfortable with the attention (both positive and negative) that their new appearance attracts.

- d. Early-maturing boys and girls are more likely than average- or late-maturers to engage in more risky behaviors during early adolescence, such as experimentation with drugs, sex and delinquency.

SUMMARY OF KEY CONCEPTS IN BIOLOGICAL/PHYSICAL DEVELOPMENT

Hormonal changes, particularly during early puberty, are associated with behavioral changes in adolescents; however, environmental factors also play a large role. The physical changes that occur during puberty affect adolescents' self-image, moods, and relationships with others. Physical attributes are not indicative of where a child is developmentally in other areas, but the timing of the physical changes associated with puberty may also affect adolescents' social and emotional development.

AUDIOVISUAL AID

Trainers can show the following clips from movies to illustrate key concepts in adolescent biological/physical development and stimulate discussion. (Times given indicate the scene(s) placement in the movie.)

My So-Called Life – Pilot Episode (1994) d. Scott Winant

5:15-6:15

In this scene, Angela tries to talk with her father about school. Her father, however, is clearly uncomfortable because she is walking around in nothing but a towel. Angela says that her breasts have become between her and her dad, who have had a close relationship.

***DEVELOPMENT CONCEPTS
ILLUSTRATED: how a teenager's
changing body can affect his/her
relationships with family and
peers.***

My So-Called Life – Guns and Gossip Episode (1994) d. Marshall Herskovitz

31:00-33:30, 38:00-39:35

A rumor is circulated in school that Angela and Jordan have slept together. In these two scenes between Angela and Jordan, the former expresses – in the form of voice overs – her confusion about her emerging sexual feelings.

Kids (1995) d. Larry Clark

53:00-57:00

Pool scene during which teens admire each other's bodies, engage in some sexual touching, and discuss sexual experimentation.

*DEVELOPMENT CONCEPTS
ILLUSTRATED: sexual maturation
and its affect on peer
relationships; the lag between
sexual development and cognitive
development.*

E. **Competence Development (the mastery of skills).** Adolescents need to feel competent, to feel that they are effective and successful in some area. Competence is not used here in the sense of competence to stand trial, or competence to waive Miranda rights. Instead competence in this context means the quality of being good at something, i.e., mastering a skill. A number of state legislatures have revised their juvenile acts to make the development of competencies one of the primary purposes of their juvenile justice systems.

1. **Questions this material should answer.**

- a. How do adolescents develop competence?
- b. How important is it for adolescents to feel competent in the eyes of their peers, their parents, and in their own eyes?
- c. What are some of the sources adolescents have for developing competence?

2. **Adolescents need to be good at something.** Doing well in something -- school, arts, sports, socially, or in a hobby -- is necessary to becoming a responsible adult. Having success is how adolescents learn about self-regulation, responsibility, pride and humility.

3. What is striking about the delinquent population is the large number of juveniles who come into the system without having achieved competence in a discrete area. This is not to say that these juveniles are not talented; instead, their talents have not been developed. Moreover, some of them are "good" at being delinquent, which is their avenue of competence.

4. Many adolescents do not have significant opportunities to experience success. For those with learning disabilities, limited ability to concentrate or immature social skills, we must specially tailor assistance to encourage competence.

5. Opportunities for success, coaching to reduce failure, and recognition of small steps are necessary to teach juveniles how to succeed.

6. How to generate motivation is less clear, especially for young people who have low aspirations because they do not have family members who have achieved success in education or employment.

7. Identifying and building on a teen's existing talent is a more successful strategy for helping a teen to develop competence than imposing someone else's views of what the teen should be good at. Adults usually impose school as the way that kids must succeed, often overlooking other fruitful areas for the development of their talents.

SUMMARY OF KEY CONCEPTS IN COMPETENCE DEVELOPMENT

Developing competence (being good at something) is critical to ensuring a successful transition from adolescence to adulthood. Identifying and building on a teen's existing talent is a more successful strategy for helping a teen to develop competence, than imposing your views of what the teen should be good at.

Interactive Exercise:

APPLYING ADOLESCENT DEVELOPMENT THEORY TO YOUTH IN THE JUVENILE JUSTICE SYSTEM

(Note to trainers: see "Tips for Trainers" on next page for discussion points to use in this exercise.)

Step 1: Break the audience into small groups. (If at all possible, make sure that there is representation from each of the professions – judges, prosecutors, defense attorneys, and probation officers -- in each group.) Ask each group to select one individual to act as the group's recorder and reporter. Hand out the small group exercise worksheet attached as Appendix B.

Step 2: Ask each group to review one of the case studies attached in Appendix C. *(Or substitute your own case studies – see "Tips for Trainers" below.)*

Step 3: Ask each group to discuss and answer the questions on the worksheet. The individual appointed as the recorder should record the group's answers to the questions on the worksheet and be prepared to report on the group's answers.

TIPS FOR TRAINERS

Interactive Exercise on Applying Adolescent Development Theory to Youth in the Juvenile Justice System

For this exercise, trainers ideally should use profiles of real teenagers who have gone through the juvenile court in their jurisdictions. The sample profiles in Appendix C illustrate the level of case detail that should be provided for the purposes of this exercise.

Trainers should assign facilitators to small groups. If that is not possible, the trainer should rotate through the small groups. Below is a list of questions that the facilitators and/or trainers can raise in the small groups to stimulate discussion:

- ! How does the youth's physical size influence your judgment about her or him?
- ! What does chronological age tell you about the youth's risk for violence? Ability to change? The way the system should hold him or her accountable?
- ! What does the youth's susceptibility to peer influence, propensity to take risks, sense of identity, and/or the ability to see the consequences of his or her conduct, tell you about the youth's developmental status?
- ! How, if at all, are your judgments about the youth's developmental status influenced by the youth's gender?
- ! How does your view of the youth's developmental status affect the way you think the youth should be held accountable at various stages of the juvenile justice process? Put another way, in what ways do you think the youth's developmental status is normal or typical for adolescents? How should the answer to that question affect the decision to divert the youth from the system, petition the juvenile court, detain the youth or transfer the youth to criminal court? How might the answer affect your choice of disposition?
- ! If you believe that you need more information before you can make a certain decision called for on the worksheet, explain what information you need and why. How will having that information influence your decision?

Bibliography

Note to trainer: *trainer should consult the literature review included under separate cover for additional reference materials and suggestions for assigned readings for training participants.*

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Appendix A

CASE LAW RECOGNIZING THAT JUVENILES ARE DIFFERENT

1. **The Treatment of Juvenile Status in Fifth Amendment Case Law.** The Supreme Court has identified a number of factors which render minors "different" from adults for the purposes of determining the voluntariness of juvenile confessions during custodial interrogations.
 - a. **The Supreme Court has recognized that minors are generally less mature than adults and, therefore, are more vulnerable to coercive interrogation tactics.**
 - i. The Court reasoned in *Haley v. Ohio*, 332 U.S. 597, 598-601 (1948) (holding that murder confession extracted from 15-year-old boy at 5:00 a.m. after 5 hours of interrogation by officers acting in relay - and without youth having aid of family, friends, or counsel present - was involuntary and violated due process) that a fifteen-year-old boy "cannot be judged by the more exacting standards of maturity. That which would leave a man cold and unimpressed can overawe and overwhelm a lad in his early teens.... We cannot believe that a lad of tender years is a match for the police in such a contest. He needs counsel and support if he is not to become the victim first of fear, then of panic. He needs someone on whom to lean lest the overpowering presence of the law ... crush him."
 - ii. *In re Gault*, 387 U.S. 1, 55 (1967), the Court reasoned that when juveniles testify in court, "the greatest care must be taken to assure that the admission was voluntary, in the sense not only that it was not coerced or suggested, but also that it was not the product of ignorance of rights or of adolescent fantasy, fright or despair."
 - b. **The Court also has noted that minors generally lack critical knowledge and have less capacity to understand the meaning of the Miranda warning.**
 - i. In *Haley v. Ohio*, 332 U.S. 597, 598-601 (1948), the Court dismissed the state's argument that the juvenile defendant confessed after being advised of his right not to make a statement and that it could be used against him, pointing out that reliance on the warnings incorrectly "assumes ... that a boy of fifteen, without aid of counsel, would have a full appreciation of that advice and that on the facts of this record he had a freedom of choice."
 - ii. In *Gallegos v. Colorado*, 370 U.S. 49, 54-55 (1962) (holding that confession obtained from 14-year-old boy who had been held by police for five days without access to counsel, family, or friends was invalid. Even though boy was advised of his right to counsel, he did not ask for either lawyer or his parents), the Court reasoned as follows: "[A] 14-year-old boy, no matter how sophisticated, is unlikely to have any conception of what will confront him when he is made accessible only to the police.... We deal with a person who is not equal to the police in knowledge and understanding of the consequences of the questions and answers being recorded and who is unable to know how to protect his own interests or how to get the benefits of his constitutional rights . . . He cannot be compared with an adult in full possession of his senses and knowledgeable of the consequences of his admissions."

- c. **The Court also has recognized that minors generally have a limited ability to foresee the consequences of their actions.** The Court in *Gallegos*, 370 U.S. 49, 54-55 (1962) went on to find that a fourteen-year-old " would have no way of knowing what the consequences of his confession were without advice as to his rights - from someone concerned with securing him those rights - and without the aid of more mature judgment as to the steps he should take in the predicament in which he found himself."
- d. Following the Supreme Court's reasoning,
- i. **A number of lower courts have treated youth as a particularly important factor in assessing the voluntariness of a waiver of Miranda rights.** See, e.g., *Woods v. Clusen*, 794 F.2d 293 (7th Cir. 1986); *Williams v. Peyton*, 404 F.2d 528 (4th Cir. 1968); *Shelton v. State*, 287 Ark. 322, 699 S.W.2d 728 (1985); *State in the Interest of S.H.*, 61 N.J. 108, 293 A.2d 181 (1972); *People v. Ward*, 95 A.D.2d 351, 466 N.Y.S.2d 686 (N.Y. App. Div., 2 Dep't 1983); *State v. Caffrey* 332 N.W.2d 269 (S.D. 1983).
 - ii. **Several state courts have similarly held that the presence or absence of a parent or other interested adult is another significant factor in assessing the voluntariness of a waiver.** See, e.g., *State v. Jackson*, 118 Ariz. 270, 576 P.2d 129 (1978); *In the Interest of Thompson*, 241 N.W.2d 2 (Iowa 1976); *McIntyre v. State*, 309 Md.2d 607, 526 A.2d 30 (1987); *State v. Hogan*, 297 Minn. 430, 212 N.W.2d 664 (1973); *Commonwealth v. Williams*, 504 Pa. 511, 475 A.2d 1283 (1984); *Therault v. State*, 66 Wis. 2d 33, 223 N.W.2d 850 (1974).
 - iii. **Some state courts have set rules requiring that a parent or other interested adult be present during a juvenile's interrogation.** See, e.g., *Lewis v. State*, 259 Ind. 431, 288 N.E.2d 138 (1972); *Commonwealth v. A Juvenile* (No. 1), 389 Mass. 128, 449 N.E.2d 654 (1983); *State in the Interest of S.H.*, 61 N.J. 108, 293 A.2d 181 (1972); *In re E.T.C.*, 141 Vt. 375, 449 A.2d 937 (1982); *State in the Interest of Dino*, 359 So.2d 586 (La. 1978), cert. denied, 439 U.S. 1047 (1978). **Other jurisdictions require the same by statute.** See, e.g., *People v. Maes*, 194 Colo. 235, 571 P.2d 305 (1977) (COLO. REV. STAT. § 19-2-102(3)(c)(I)); *In the Interest of J.A.N.*, 346 N.W.2d 495 (Iowa 1984) (IOWA CODE ANN. § 232.11(2)); *State v. Smith*, 317 N.C. 100, 343 S.E.2d 518 (1986) (N.C. GEN. STAT. § 7A-595); *J.T.P. v. State*, 544 P.2d 1270 (Okla. Crim. App. 1975) (OKLA. STAT. ANN. tit. 10, § 1109)).
 - iv. **Other state courts have recommended that police officers or other designated officials give minors in custody a simplified Miranda warning.** See, e.g., *State v. Benoit*, 490 A.2d 295 (N.H. 1985); *Beaver v. State*, 824 S.W.2d 701 (Tex. Ct. App. 1992).
 - v. **A number of courts have applied what they call a reasonable juvenile test to determine whether or not a youth was "in custody" for Miranda purposes.** See, e.g., *Commonwealth v. Philip S.*, 594 N.E.2d 880 (Mass. App. Ct. 1992); *In re M.D.S.*, 345 N.W.2d 723 (Minn. 1984); *In re Robert H.*, 599 N.Y.S.2d 621 (App. Div. 1993); *In re Valerie J.*, 538 N.Y.S.2d 307 (App. Div. 1989); *In re Chad L.*, 517 N.Y.S.2d 58 (App. Div. (1987)); *In re L.L.B.*, No. 90-1944, 1991 WL 44651, at *4 (Wis. Ct. App. Feb. 20, 1991).

2. Juveniles' Amenability to Treatment and Rehabilitation.

- a. **The Supreme Court has recognized that children, as contrasted to adults, are less blameworthy for the offenses they commit because they are less capable of evaluating the possible outcomes of different courses of action, and they are more vulnerable to external pressures.**
 - i. "Inexperience, less education, and less intelligence make the teenager less able to evaluate the consequences of his or her conduct while at the same time he or she is much more apt to be motivated by mere emotion or peer pressure than is an adult. The reasons why juveniles are not trusted with the privileges and responsibilities of an adult also explain why their irresponsible conduct is not as morally reprehensible as that of an adult." *Thompson v. Oklahoma*, 487 U.S. 815, 835 (1988).
 - ii. "[A]dolescents, particularly in the early and middle teen years, are more vulnerable, more impulsive, and less self-disciplined than adults. Crimes committed by youths may be just as harmful to victims as those committed by older persons, but they deserve less punishment because adolescents may have less capacity to control their conduct and to think in long-range terms than adults.'" *Eddings v. Oklahoma*, 455 U.S. 104, 115 n. 11 (1982) (citing to 1978 Report of the Twentieth Century Task Force on Sentencing Policy Toward Young Offenders).
- b. **Most state statutory schemes for judicial transfer on juveniles to adult court require the juvenile court to make a finding as to whether or not the juvenile is amenable to treatment. This is premised on the assumption that juveniles, because they are still in development, are more easily rehabilitated than adults, who have completed their development.**

3. The Treatment of Juvenile Status when Juveniles Seek Abortions.

- a. In a series of cases challenging state statutes restricting the ability of minors to obtain abortions, the Supreme Court has recognized that **"during the formative years of childhood and adolescence, minors often lack ... experience, perspective, and judgment,"** as well as **"the ability to make fully informed choices that take account of both immediate and long-range consequences."** *Bellotti v. Baird*, 443 U.S. 622, 635, 640 (1979). In *Belotti*, the Court held that because minors often lack capacity to make fully informed choices, states may reasonably determine that it is desirable for minors to consult with their parents when seeking abortions.
- b. The Court also has held, however, that state legislatures may not enact statutes giving parents an absolute veto power over a minor's decision to obtain an abortion. *Planned Parenthood v. Danforth*, 428 U.S. 52, 74 (1976) (invalidating state statute requiring that unmarried minors obtain parental consent for abortions). A state statutory scheme also must provide a judicial bypass which allows the pregnant teenager to go directly to court to demonstrate either that she is mature, informed, and can make a decision regarding an abortion,

independently from and without the consent of her parents, or that an abortion is in her best interest even if she is not able to make an independent decision. *Bellotti*, 443 U.S. at 642-50. **In drawing this distinction - between a mature versus immature teenager -- the Court has implicitly recognized that chronological age alone is not a sufficient indicator of a minor's ability or inability to hypothesize different courses of action and their possible outcomes, or to judge which action is in her best interest.**

4. **The Ability of Minors to Disaffirm Contracts.** Courts have adopted a general rule allowing minors to get out of contracts in order to protect minors, because they are "immature in both mind and experience and [therefore] should be protected from his own bad judgments as well as from adults who would take advantage of him." *Kiefer v. Fred Howe Motors, Inc.*, 39 Wis.2d 20, 24, 158 N.W.2d 288, 290 (1968). See also *Statler v. Dodson*, 195 W.Va. 646, 651-52, 466 S.E.2d 497, 503 (W.Va. 1995); *Pankas v. Bell*, 413 Pa. 494, 501-02, 198 A.2d 312, 315 (1964).

APPENDIX B

SMALL GROUP EXERCISE WORKSHEET

Part A

APPLYING ADOLESCENT DEVELOPMENT THEORY TO KIDS IN THE JUVENILE JUSTICE SYSTEM

You've all encountered this teenager. Drawing on your personal experience, and *applying what you have learned today about adolescent development theory*, discuss and answer the following:

1. What may explain the juvenile's actions which led to his/her arrests? What can development theory tell you about why the child in the case study acted the way s/he did in these situations?
2. Identify the undesirable behavior the juvenile has engaged in. Based on what you know now about adolescent development, is the behavior in the range of normal adolescent development? Are the juvenile's actions the result of typical adolescent thinking, and identity and morality struggles and so forth? If yes, how? If no, why not? Is the unacceptable behavior adaptive to the environment or social context the juvenile is living in? If yes, how?
3. What do we know about this juvenile's level of cognitive development? Is this juvenile able to plan? Is s/he able to hypothesize about different consequences from alternative courses of action? Is s/he a risk-taker? Is s/he future or present oriented? What other characteristics of typical adolescent thinking can you identify in this juvenile's thought processes? What external factors may be interfering with this juvenile's ability to think maturely?

4. What do we know about how this teenager views him or herself? What and who are the major influences -- both positive and negative -- on this juvenile's identity development? Is there any evidence that this juvenile is struggling to define his/her identity? What is this juvenile's level of dependence on/independence from his/her family? Peers?

5. What do we know about this teenager's moral reasoning? What can you identify as this juvenile's moral values? What are the sources of this juvenile's values?

6. What impact, if any, has this juvenile's physical development had on his/her identity? His/her relationships?

7. Has this juvenile had the opportunity to develop competency in any area? If yes, which areas and why was the juvenile successful in developing the competency? If no, identify fruitful areas for this juvenile's competency development?

8. What does development theory suggest to you about strategies for helping this juvenile modify his behavior? What type of programming does it suggest for the juvenile?

9. What do you know about the juvenile in the case study from what s/he said? How s/he acted? What s/he looked like? His/her surroundings? The people s/he's hanging out with?

SMALL GROUP EXERCISE WORKSHEET

PART B

APPLYING ADOLESCENT DEVELOPMENT THEORY TO DIFFERENT STAGES IN THE JUVENILE COURT PROCESS

The state of Euphoria includes in its definition of “delinquent act” any conduct that would be a misdemeanor or felony if committed by an adult. A “child” is anyone between the ages of 10 and 17 who is charged with committing a delinquent act. Euphoria’s juvenile code has as its mission protection of the public and providing delinquent youth with a course of treatment, rehabilitation and supervision through a balanced approach of holding the youth accountable and promoting competency development.

Your county has a secure detention center of 60 beds, an eight-bed group home for boys, and a probation unit that supervises youth prior to trial. Euphoria State law permits pre-trial detention of a youth who represents a risk of flight, or who is “a danger to himself or others.” Adjudicatory hearings must be held in ten days if youth are detained. If youth are released, they will have their hearings in two to four weeks.

Judges can transfer youth to adult criminal court upon the prosecutor’s motion and a written submission that addresses whether the juvenile is an appropriate, or “fit,” subject for juvenile court jurisdiction. The juvenile court can determine that the juvenile is not amenable to treatment in the juvenile system after considering:

- ! the degree of criminal sophistication shown by the youth;
- ! whether the youth can be rehabilitated prior to the expiration of the juvenile court’s jurisdiction (which, in Euphoria, is the 21st birthday);
- ! the minor’s previous delinquent history;
- ! success of previous attempts by the juvenile court to rehabilitate the minor;
- ! the circumstances and gravity of the offense alleged in the petition.

Dispositions in Euphoria’s juvenile court must be made in the least restrictive setting consistent with protecting the public and the best interest of the child.

APPENDIX C

CASE STUDIES FOR USE IN MODULE ONE EXERCISES

(Note to trainers: Trainers should ideally substitute profiles of real teenagers who have gone through the juvenile court in their jurisdiction for use in these exercises.)

Case Study: Denise E. (age 15)

Denise has been charged with armed robbery.

Information known at time of arrest/detention hearing:

Denise is a five-foot tall, white female who grew up in a racially-diverse, working-class urban neighborhood. At age 12, Denise was arrested with two older teens and charged with robbery and simple assault after “shaking down” a classmate for small change. She was placed on a pre-trial probationary status, paid restitution and did community service. When Denise was 13, she was discharged from a group home operated by the county child welfare agency after she assaulted a social worker who was trying to restrain another resident at the home. Denise had been placed in the home when her great aunt Jane said she could no longer live with her. Denise now lives with Jane.

The police report indicates that Denise was arrested with two 16-year-old girls, and all three have been charged with robbery after a purse snatch outside a supermarket. The victim broke her wrist after falling to the pavement. The report further states that one of Denise’s co-defendants brandished a knife and snatched the purse, while Denise shouted encouragement. Denise told police that she was present, but says that she thought her friend was only going to ask customers for money as they exited the supermarket. When her friend snatched the purse, she helped her flee (“I had to back her up”), but she hadn’t known that her friend had a knife.

Information known at time of transfer hearing/disposition:

Denise and her half-brother were removed from her mother’s home when Denise was seven after they were physically abused by mother’s boyfriend (now her husband). The children also witnessed the boyfriend strike their mother. Except for one year at the group home, she has lived with her maternal great aunt, Jane, and her brother since then. Denise recently revealed that she was also sexually abused by her mother’s current husband before her removal from the home.

Denise’s social history shows that at age 10, Denise became violent with Jane and was admitted to a short-term residential program. She returned to Jane’s home within a month, but, at age 12, Denise was removed from Jane’s home again because Jane said she could no longer control her; child welfare placed her in a group home. But after the group home assault, Denise was returned to Jane’s care.

Denise says she gets along with her mother, whom she calls daily and visits occasionally. She is upset with her mother for marrying a person who physically abuses her. Denise started using alcohol and marijuana at age 13 and is sexually active. She attends school regularly, and does not have a record of truancy or behavioral problems in school.

Case Study: Kevin M. (age 16)

Kevin has been charged with burglary.

Information known at time of arrest/detention hearing:

Kevin, a six-foot-three-inch tall, 170-pound African-American male from a middle-class urban neighborhood, has been arrested twice in the past year. The first time was for riding in a stolen automobile; the second was for driving his father's car under the influence of alcohol. Kevin was adjudicated delinquent after the first offense. He was placed on probation, ordered to pay restitution and fines and perform community service. Charges were dropped after the second offense, as his father declined to press charges. He was intoxicated at the time of both arrests. He is on intensive probation supervision from the first offense and, as a result, a probation officer visits his home twice a week.

Kevin was arrested after he was found in a neighbor's garage and set off a silent alarm. The police report states that there was alcohol on his breath at the time of arrest. Kevin's parents live together.

Information known at time of transfer hearing/disposition:

Kevin's mother was 16 when he was born. His parents have lived together ever since, but they remain unmarried. When Kevin was 11, his father, a heavy drinker and regular user of cocaine, attempted suicide. This event marked the beginning of Kevin's drop in school performance and beginning of emotional difficulties. Kevin attended therapy for one year after his father's suicide attempt, but he was not expressive in either individual or group sessions. Kevin reportedly hides razors and knives when his father drinks.

Kevin is very involved in team sports (particularly soccer) and does relatively well in school. However, his mother complains that the friends with whom he hangs out are part of the "popular" crowd who drink a lot. Kevin began drinking and using marijuana at age 14.

Kevin denies having a drinking problem. He says he "can control" it, telling his probation officer to "get off my back."

Results of psychological testing show that Kevin is of average intellectual functioning. When asked about the offense, Kevin said that he went into the garage for a soccer ball, which he thought the neighbor might have. Though he didn't know the neighbor well— the neighbors lived half a block away and were not close to his family— he saw no reason why the neighbor would mind.

Case Study: Crystal L. (age 13)

Crystal L., a 5'3" African-American female, is charged with aggravated assault.

Information known at the time of intake/pretrial detention hearing:

According to the police report, officers arrived on the scene at 12:30 AM to find two teenage girls (not Crystal) fighting in the street. When the officers arrested the two girls who were fighting, Crystal and a teenage boy began yelling at the police officers. The officers repeatedly told Crystal and the teenage boy to calm down, but the two continued to yell at the officers while they handcuffed the girls; the commotion drew a large crowd. After the girls were placed in the car, the teenage boy took a swing at one of the officers, who then restrained the teenage boy. Crystal then threw a bottle at the officer, and was arrested.

The police report gives as Crystal's address a foster care group home. A call to the group home confirms that Crystal has lived there since last year. The director says that generally her behavior at the home is good, but she sometimes misses curfew and she has been missing a lot of school. A records check reveals that Crystal had one previous delinquency adjudication when she was 12; Crystal pled guilty to simple assault and disorderly conduct. According to the police report, Crystal gave a statement to the effect that all she was trying to do was find out where they were taking her cousin Dana, the police had no business taking them in, and that it was just a simple fight and Crystal and her boyfriend were breaking it up when the police came.

Information known at the time of transfer hearing/disposition:

Crystal's family was referred to the county child welfare agency when Crystal was 4 ½ years old; Crystal's mother was unable to adequately care for Crystal and Crystal's seven older siblings due in large part to her drug addiction. Crystal was committed to the county child welfare agency for 2 ½ years; during that time she lived with her father's sister, Angela, who is also the mother of her cousin Dana. Crystal did return to her mother for a time when her mother stopped using drugs. But by the time Crystal was 11 years old, the child welfare agency placed her again with her aunt Angela because her mother had relapsed. Crystal was placed in the group home at age 12, after her arrest last year, because her aunt Angela felt she could no longer control Crystal, and she was a bad influence on Dana. A review of the court file reveals that her arrest last year was for a similar offense as the current charges: Crystal had been fighting with her cousin Dana when the police tried to break it up. Crystal shoved a police officer into the side of his squad car. Crystal was placed on probation for the adjudication last year, which she completed. Crystal is in a special education class at school. Although Crystal is physically mature, she speaks slowly and sometimes looks bewildered when you are talking to her.

Case Study: Juan M. (age 14)

Juan M., an Hispanic male, is charged with arson.

Information known at the time of intake/pretrial detention hearing:

According to the police report, witnesses saw Juan and a 13-year-old boy throwing lit matches into a shopping mall dumpster earlier that evening. The dumpster fire spread to the adjacent toy store, causing extensive damage to the exterior walls. When he was arrested in front of his apartment house later that evening, Juan made a statement to the police that he had been looking for toys in the dumpster with his friends, and that another boy who was with him had thrown the matches into the dumpster. He made a second statement at the police station that they had just lit the matches to see better into the dumpster because it was dark out, and one of the matches just fell in. Juan has two prior adjudications: one for unauthorized use of a vehicle (passenger) when he was 12 and a second for destruction of property (for vandalism in a local playground) last year. Juan lives at home with his mother, who says that Juan is always acting out, but that she wants him home with her.

Information known at the time of transfer hearing/disposition:

Juan grew up in a fatherless household headed by his mother; his father had no involvement with him until last summer. Juan has been in special education from kindergarten until sixth grade because of emotional problems and a learning disability. He was mainstreamed last year, but is doing very poorly and is very frustrated with his school work, according to his mother. Juan has problems with school attendance, cutting classes to go to the arcade and out in the neighborhood. His mother reports that Juan is good at fixing things around the house, like the radio, and Juan says he would like to study electronics. School records show that Juan has tested well for activities that require speed and visual-motor coordination, but he does poorly in math and has poor verbal skills.

Juan has been involved in therapy since elementary school because of his behavioral problems. He admits that he has a temper control problem which leads to his provocation of altercations with his peers. Juan also has problems in school, where his record shows that he has thrown tantrums at teachers and punched walls. Juan said that he is afraid of crowds and feels that other kids try to hurt him for no reason. He reports that his mother often screams at him and threatens to place him in foster care. Juan currently takes medication for depression and hyperactivity.

Case Study: Bobby J. (age 17)

Bobby is a White male who is charged with felony destruction of property.

Information known at the time of intake/pretrial detention hearing:

Bobby lives in a predominantly White, affluent suburb of a major city. He was arrested last night for vandalizing a nearly-finished, but still unoccupied home during an unauthorized party of more than 100 teenagers. According to press reports, three other local youth – ranging in age from 17 to 21 – had distributed flyers in the area, announcing a keg party at \$5 a head last Saturday night. An unoccupied home -- owned by a couple unrelated to any of the organizers -- was listed on the flyer as the party's location. Scores of teens and young adults showed up and during the course of the night caused approximately \$250,000 in damage. They smashed dozens of windows, kicked and punched holes in the walls and ceilings, damaged marble counter tops and urinated on appliances. The police have arrested approximately a dozen young people, one of whom identified Bobby as being one of the party-goers who smashed in windows with a football helmet. Bobby has never been arrested before. He lives with his parents.

Information known at the time of transfer hearing/disposition:

Bobby is an average student at the local high school, where he is a junior. He plays varsity football and is very committed to his sport. Bobby's home life is unremarkable; he grew up with his parents, both of whom work, and has two younger siblings.

Bobby says that he had not seen the flyer advertising the party, but heard about it from one of his buddies on the football team. Bobby has attended a number of keg parties, usually at the home of a friend or acquaintance whose parents were out of town. He arrived at the party at around midnight with some of his teammates. When he got there the party was in full swing. He admitted that a number of people appeared drunk and some guys were urinating in the living room. Bobby says he and his football buddies drink regularly on the weekends, but that night he probably drank more than he usually did. He explained that he didn't go into the party intending to do any harm. He remembers his teammate Steve was joking around, wearing his football helmet while he danced. Bobby remembers taking the helmet off of Steve's head, and then swinging it into a glass window; before he knew it, he was smashing a number of windows. Bobby says that he never would have done anything like that if he hadn't been so drunk. Bobby says he knew that they were in the house without the owners' permission.

Bobby's parents are shocked. They did not know where Bobby was that night; they don't keep tabs on Bobby or give him a curfew because he's always been a good kid.

APPENDIX D

OTHER SUGGESTIONS FOR MOVIES TO BE USED IN CONJUNCTION WITH THIS MODULE

The Basketball Diaries

Poetic Justice

Blackboard Jungle

Pretty in Pink

The Breakfast Club

Rebel Without a Cause

Bye-Bye Birdie

Romeo & Juliet

Clerks

Sleepers

Dead Poet's Society

Slums of Beverly Hills

Dangerous Minds

Stand By Me

Endless Love

Welcome to the Dollhouse

Grease

West Side Story

Hair

What's Eating Gilbert Grape?

Lord of the Flies

The Wild Ones

Ordinary People

