



Psychiatry & Behavioral Sciences Section – 20??

I1 Criminal Responsibility in Juveniles: Less Guilty by Reason of Adolescence?

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The goals of this presentation are to explain the concepts of criminal responsibility, culpability, penal proportionality, insanity, and mitigation; to explore the evolution and implementation of the concept of criminal responsibility in the juvenile justice system; and to discuss the impact of developmental immaturity on juveniles' criminal responsibility and culpability.

This presentation will impact the forensic community by exploring these and other issues.

Over the past twenty years, there has been a fundamental change in the way juvenile defendants are viewed by and subsequently have interacted with the legal system. In the late 1980s, there was a marked increase in the rate of crimes committed by juveniles, particularly homicide. Over time this led to a change in the public perception of minors involved in the juvenile justice system. These youths began to be seen as budding psychopaths who needed adult punishment rather than troubled children in need of rehabilitation. Many minors were subsequently sentenced to long prison terms in adult criminal court.

However, incarcerating individuals for lengthy periods imposes a tremendous cost on society, both directly (e.g., cost to house inmate) and indirectly (e.g., institutionalization, loss of employment opportunities because of criminal record). These costs may be justified in order to protect society or serve other legitimate penological interests.

However, it is questionable whether indiscriminately incarcerating minors for extended periods serves these penological interests. Is severe, inflexible punishment (i.e., retribution) a legitimate penological objective if the actor is less blameworthy (or, in extreme cases, not culpable at all)? Is incapacitation necessary if the antisocial behavior is likely to cease even without specific interventions (i.e., adolescent-limited anti-social behavior)?

Hopefully future research can lead to more just legal outcomes for minors, help protect the general public and preserve the dignity and integrity of the legal process.

In response to an increase in juvenile violent crime in the late 1980s, most jurisdictions in the United States have adopted a more punitive stance toward juvenile offenders. Juveniles face increasing sanctions in juvenile court and are being transferred to adult criminal court in greater numbers, where they face serious penalties.

Unfortunately, policymakers often failed to consider that certain characteristics of juveniles (e.g., psychosocial/developmental immaturity) may affect their culpability, not to mention their adjudicative competence. Additionally, minors likely to become involved in the juvenile justice system have additional characteristics (e.g., higher rates of mental illness and substance abuse, lower IQs) that might further mitigate their criminal responsibility.

Research has supported the notion that adolescents' psychosocial immaturity significantly affects their criminal decision-making. Neuroimaging has proved a powerful tool in helping elucidate a potential neuroanatomical basis for poor decision-making in adolescents. Because adolescents are likely somewhat less culpable than adults for similar criminal acts and because most individuals limit their anti-social behavior to adolescence, the wisdom of indiscriminately giving minors (or even young adults) long prison sentences, which exact a large individual and societal cost, is questionable.

Criminal Responsibility, Developmental Immaturity, Mental Illness in Juvenile Justice Population