

Many kids called unfit for adult trial:
Those under 15 often blind to the long-term results of their choices, a study says.

By Greg Krikorian,
The Sacramento Bee, 3 March 2003

1 Thousands of juveniles tried as adults in the United States may be incompetent to stand trial because they are emotionally or intellectually unable to contribute to their own defense, according to a juvenile-justice study to be released today.

2 The study, directed by a University of Massachusetts professor, found that one-third of the 11-to 13-year-olds studied and 20 percent of those 14 or 15 years old had levels of reasoning and awareness comparable to those of mentally ill adults judged not competent to stand trial.

3 And in examining 1,400 males and females in four jurisdictions, researchers concluded that age and intelligence—not gender, ethnicity, socioeconomic factors or even prior run-ins with the law—were the most significant factors in determining a youth's ability to understand the judicial process.

4 "It is a violation of constitutional rights to be a defendant in a criminal proceeding when you are not competent to defend yourself," said Laurence Steinberg, a Temple University psychology professor and director of the John D. and Catherine T. MacArthur Foundation research network that co-funded the study.

5 "In all likelihood, a large number of juveniles being tried as adults are not competent to stand trial," Steinberg said.

6 While the study did not address whether any youths were wrongly convicted, Steinberg said, its findings did suggest that "thousands" of juveniles went to adult trial when they should not have because their ability to understand the proceedings was "seriously impaired."

7 For the study, researchers tested 11- to 24-year-olds in Los Angeles, Philadelphia, north Florida and northern and eastern Virginia—with half of those studied in juvenile detention and the other half living in the community. The research showed that the performance in reasoning and understanding for youths ages 16 and 17 did not differ from those at least 18 years of age.

8 But the study found that when compared with young adults, children ages 11 to 13 were more than three times as likely to be found "seriously impaired" in understanding the judicial process and aiding their own defense. Similarly, it

found those 14 or 15 years old were twice as likely to be "seriously impaired" in such awareness and reasoning.

9 "For example," the study says, "younger individuals were less likely to recognize the risks inherent in different choices and less likely to think about the long-term consequences of their choices"—including confessions as opposed to remaining silent during police questioning.

10 Study director Thomas Grisso, a clinical psychologist and psychiatry professor at the University of Massachusetts medical school, said the issues of age and maturity manifested themselves in ways well beyond the obvious. Even when young teens understand their immediate circumstances and the judicial proceedings, Grisso said, the research found "there are still questions about their ability to make decisions and grasp the long-range" consequences.

11 Government statistics, researchers said, show that 200,000 juveniles each year are tried as adults.

12 The report follows a decade of state efforts to make it easier to try children as adults. Between 1992 and 1999, every state except Nebraska passed laws making it easier to for juveniles to be tried as adults, according to the National Center for Juvenile Justice, a private, nonprofit research group. Even though Nebraska passed no new laws on the subject during that seven-year period, it is among the 14 states, and the District of Columbia, that allow prosecutors to file charges against juveniles in criminal court.

13 Twenty-three states have no minimum age. Two, Kansas and Vermont, can try 10-year-old children as adults.

14 Given the study's conclusion that large numbers of juveniles may be incompetent or barely competent to stand trial, Grisso and Steinberg said they hope lawmakers nationwide will examine the fairness of the juvenile-justice system.

15 However, Kent Scheidegger, legal director of the conservative Criminal Justice Legal Foundation, said the vast majority of teenagers, even young ones, know enough to be tried in adult court. "The notion that teenagers are not capable of understanding what is going on I find not credible in the case of mentally normal teenagers," he said.