

MACARTHUR FOUNDATION
RESEARCH NETWORK ON

Adolescent
Development
and Juvenile
Justice

Youths' Capacities as Decision-Makers in the Adjudicative Process

Bringing Research to Policy and Practice

Part I:

Review of the Legal and Clinical Issues

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The Legal Purpose

- Reason for a legal requirement
- What is required for competence to stand trial
- Serves three functions
 - Preserves dignity of the proceedings
 - Promotes accuracy
 - A core value of due process

History of Adjudicative Competence Applied to Adolescents

- Pre-Gault
- Post-Gault unfolding of the requirement for competence in juvenile court
- Why the issue became salient in the 1990s
- Implications

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Part II:

The MacArthur Juvenile Adjudicative Competence Study

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The questions addressed...

Are youths any more likely to have deficits in CST abilities than adults, on average?

If so....

- at what ages are those differences most apparent?
- with regard to what specific abilities and characteristics of youths?

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Abilities Associated with Adjudicative Competence

- Dusky v. U.S. and Godinez v Moran:
 - Factual and rational understanding of proceedings
 - Ability to assist counsel
 - Able to make important decisions (e.g., pleading)
- Often due to mental illness or mental retardation
- Our question: Apart from those reasons, to what degree do youths differ from adults in these abilities?

Data Collection Sites

Philadelphia, PA Los Angeles, CA
Gainesville, FL Eastern/Northern Virginia

- ✓ Recruitment in detention centers and jails, and in communities in targeted neighborhoods

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Sample

Subjects = 1432 Interviewed, 1393 Retained *

Legal Status

Ages	Detained	Community	Total
11-17	453	474	927
18-24	233	233	466
Total	686	707	1393

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***Subjects dropped if IQ<60 or if 25% of data missing**

Percent Ages within Status

Ages	Detained	Community
11-13	11	16
14-15	27	22
16-17	28	28
18-24	34	33

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Percent Gender & SES within Status

Gender	Detained	Community
Female	34	43
Male	66	57

SES	Detained	Community
Lower Class	41	36
Working Class	34	28
Middle Class	24	35

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Percent Ethnicity within Status

Ethnicity	Detained	Community
African-American	40	40
Asian	1	1
Caucasian	32	37
Hispanic	26	21
Other	1	1

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Measures

MacArthur Competence Assessment Tool for Criminal Adjudication

- Uses a story about a person's arrest
- Assesses understanding and reasoning about matters related to charges and trial process

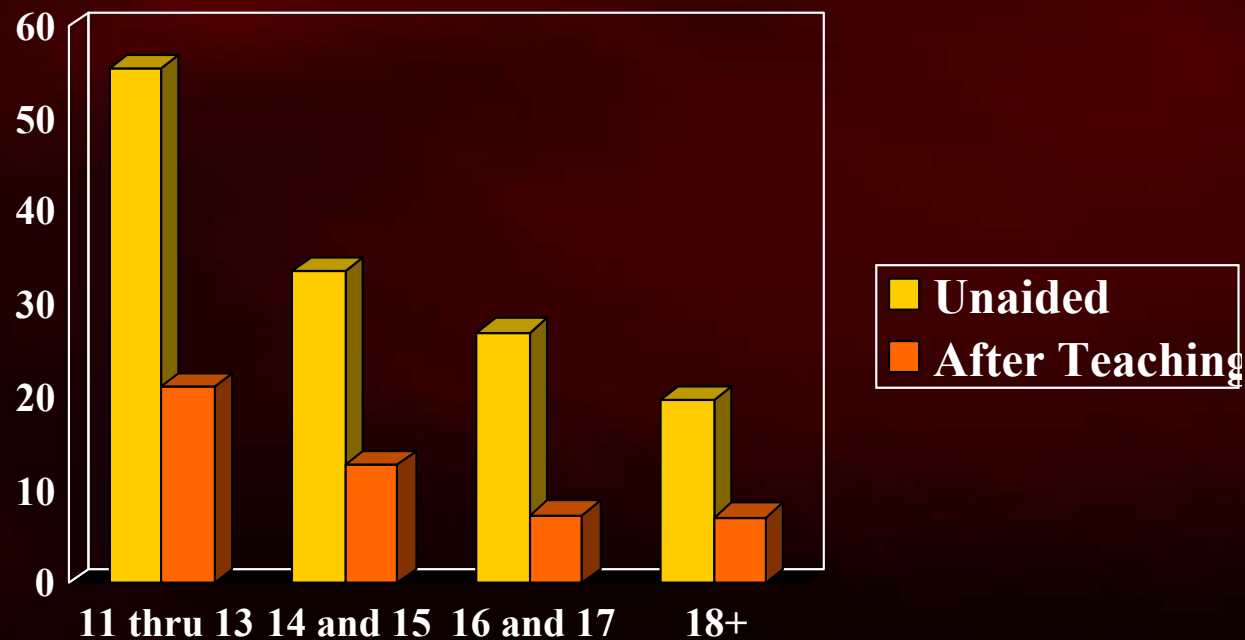
MacArthur Judgment Evaluations

- Assesses judgment in decision making
- Uses three vignettes involving situations requiring defendant decisions

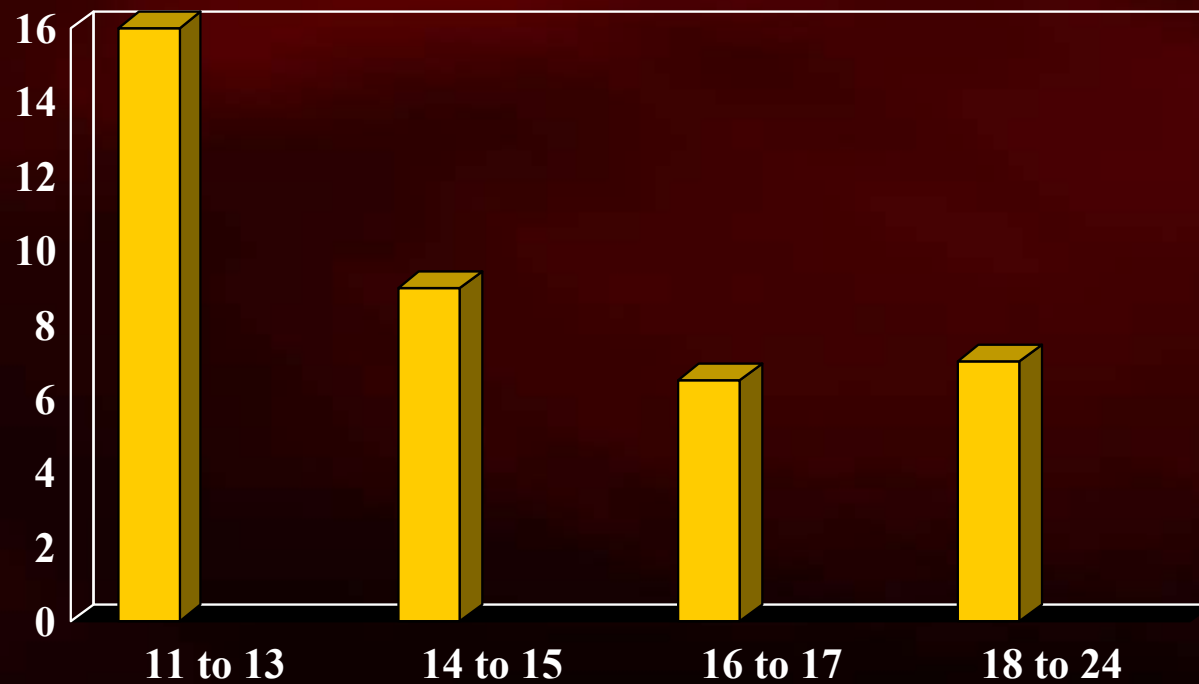
Percent with Inadequate Understanding (score 0) on MacCAT-CA

Sample Items	11-13	14-15	16-17	18-24
• Role of Prosecutor	58	32	20	13
• Role of Defense Atty	22	10	8	10
• Role of Judge	55	52	46	50
• Rights given up when plead guilty	85	72	63	54

Percent with Seriously Impaired Understanding (before and after teaching)



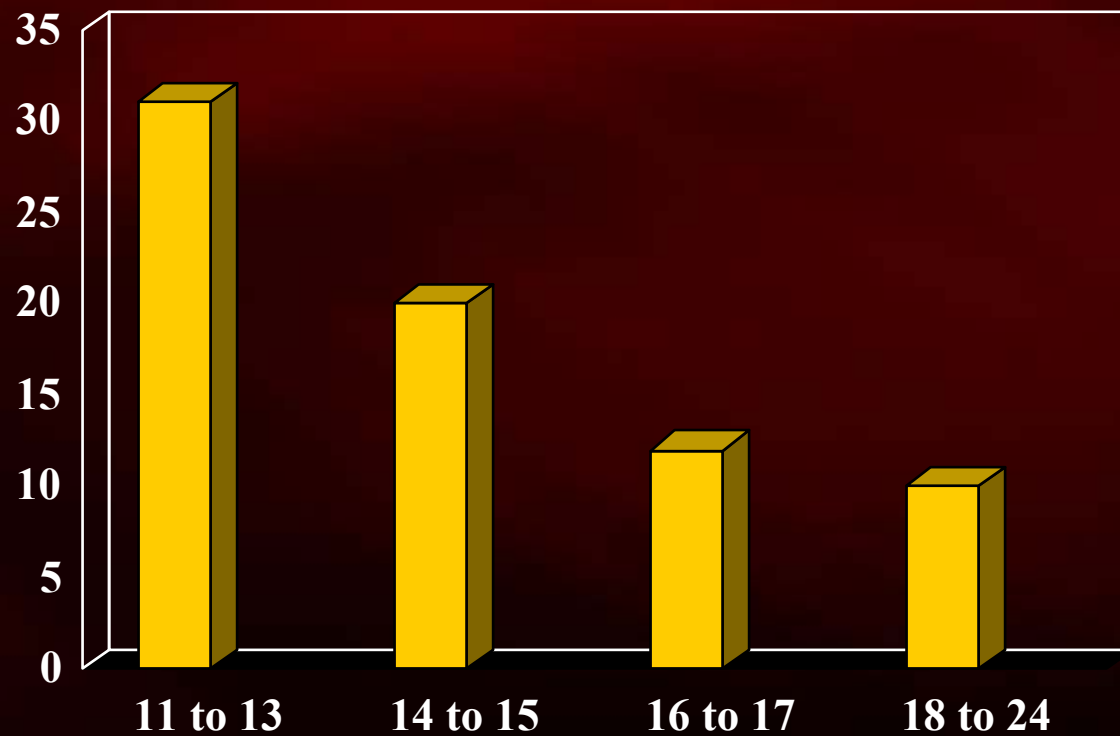
Percent with Seriously Impaired Reasoning



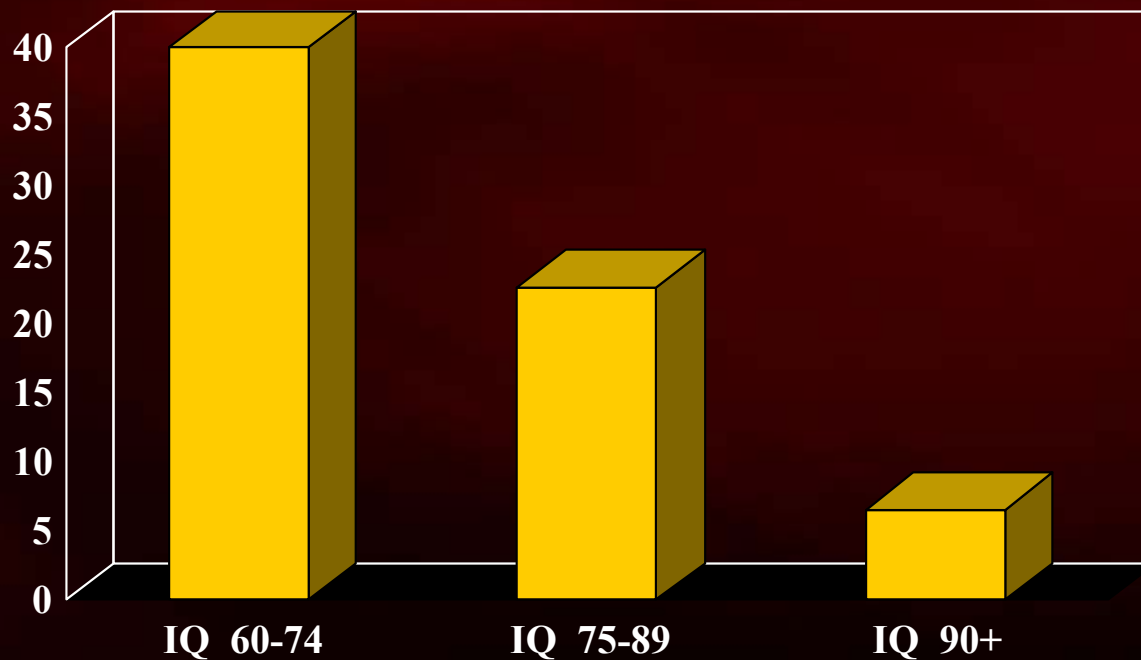
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Percent with Serious Impairment on Either Understanding or Reasoning



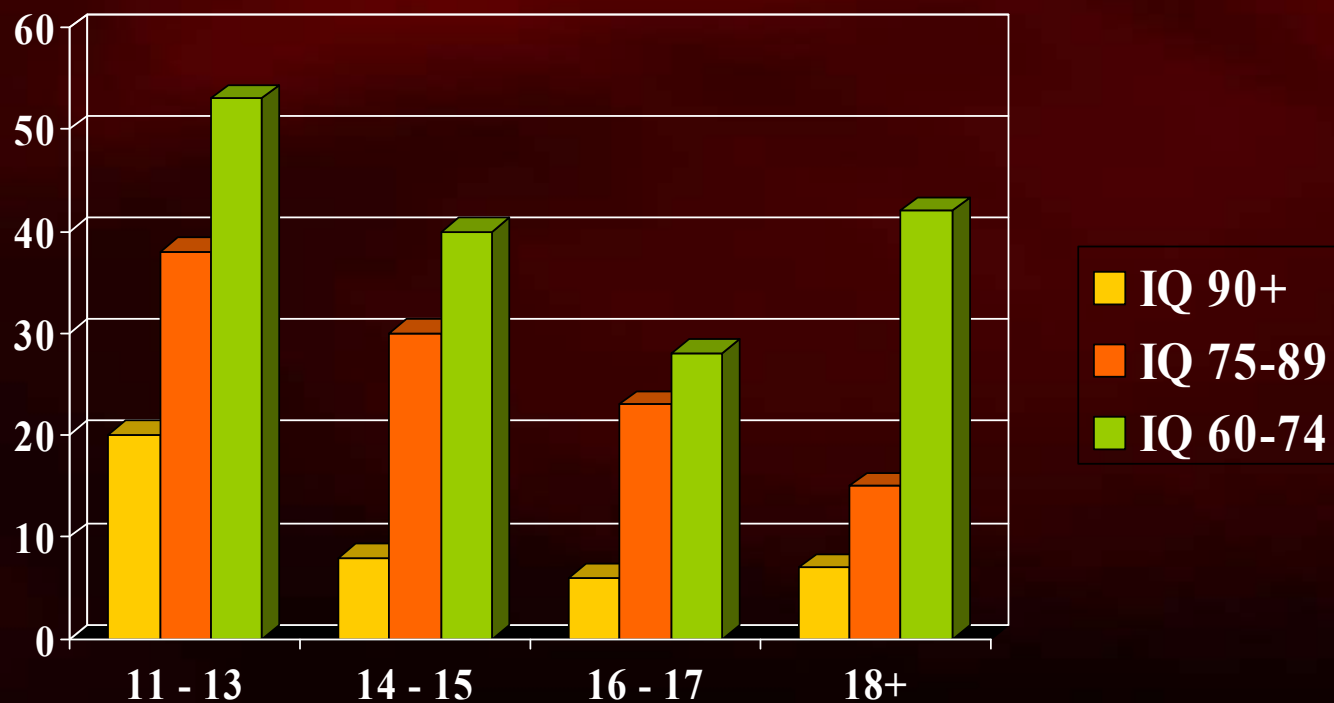
Percent with Seriously Impaired Understanding or Reasoning within IQ Groups



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Percent of Detained Sample with Seriously Impaired Understanding or Reasoning, By IQ and Age



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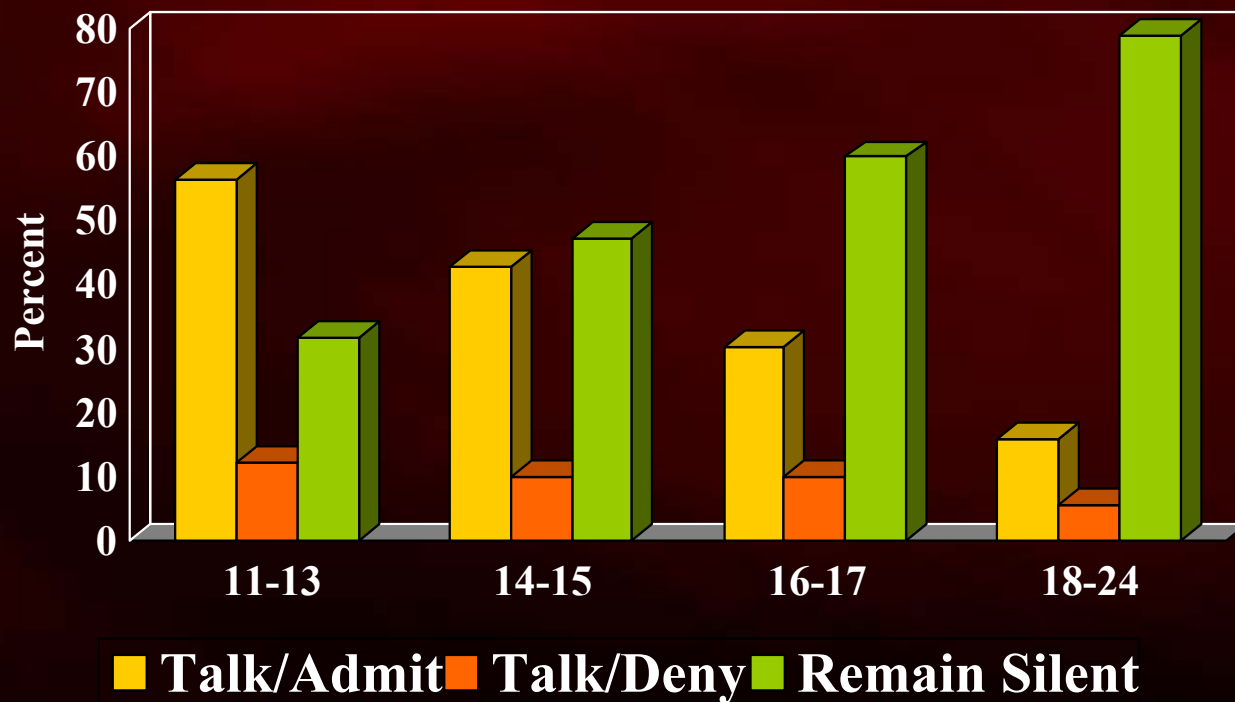
The MacArthur Judgment Evaluation: Decision Making as a Defendant

- Vignettes requiring decisions in
 - Police interrogation
 - Plea bargaining
- Asked to
 - Make a choice
 - Provide reasoning

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“What Should Joe Do?” Response to Police Questioning

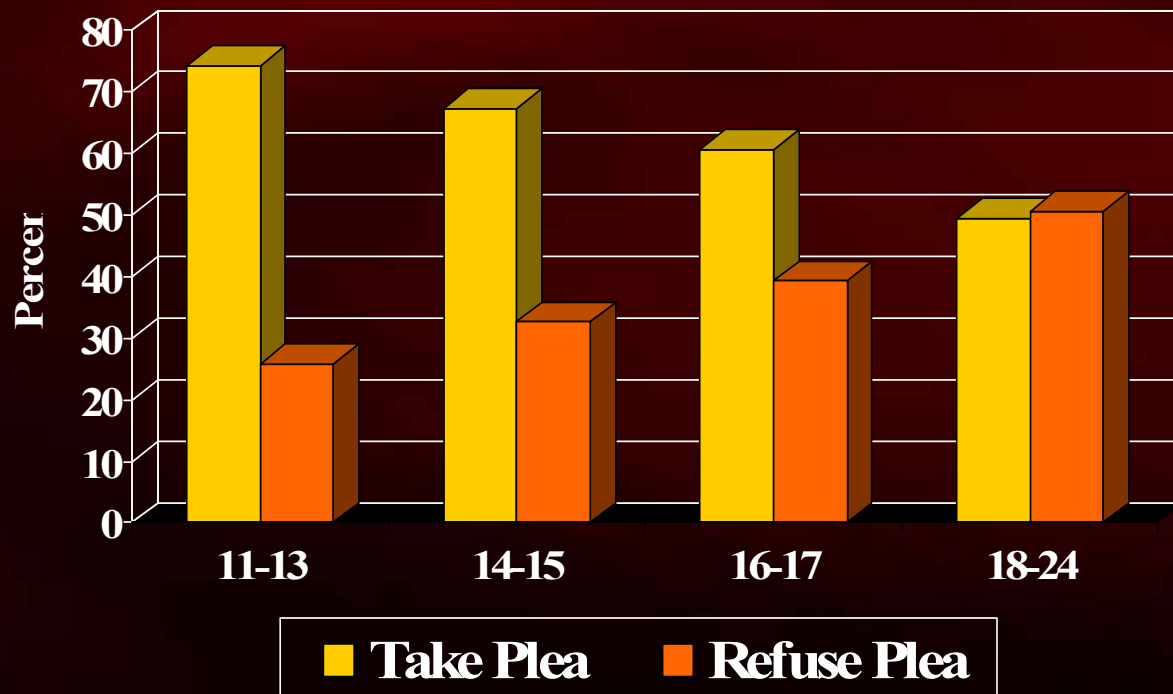


(Questioning cont'd)

Reasoning they gave:

- Youths tended to focus on how statement might allow Joe to go home now, and on being compliant to get leniency
- Adults tended more often to consider how one's statement could increase or decrease penalties later in adjudicative process

“What Should Joe Do?” Response to Plea Bargain



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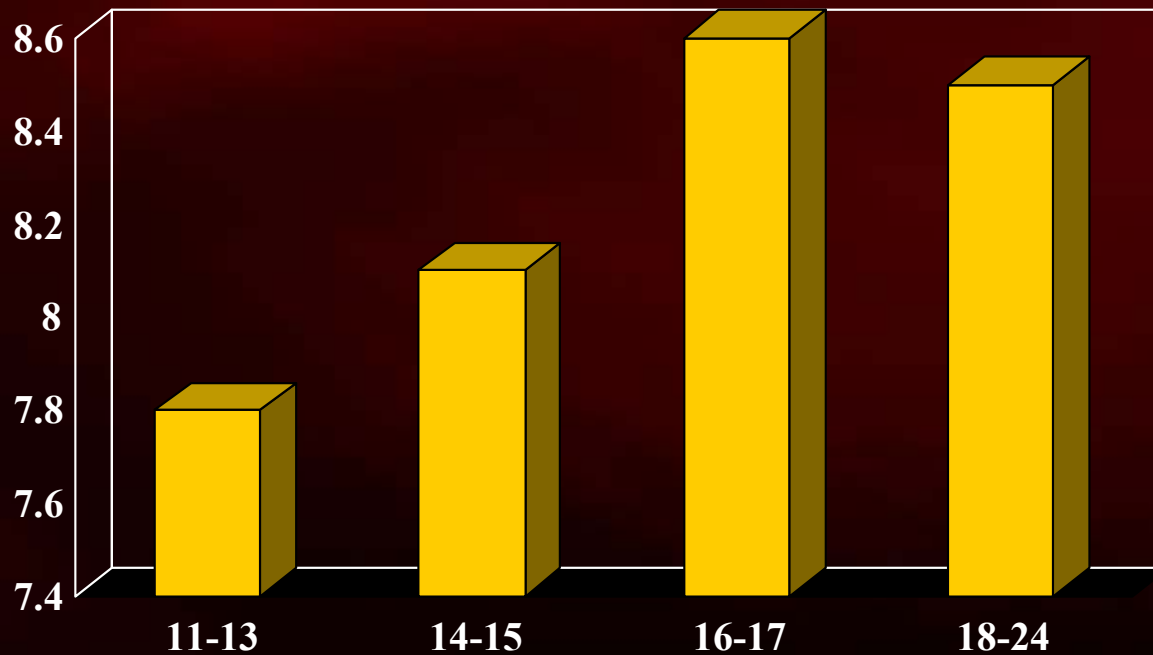
(Plea Bargain cont'd)

Reasoning they gave:

- Youths tended to focus on length of time (e.g., “2 years is less than 6 years”)
- Adults tended to wrestle with odds of winning or losing (e.g., “If this is Joe’s first offense...” or “Depends on how he feels about the lawyer he got...”)

Time Perspective:

Average Number Long-Term Consequences
Mentioned in Reasons Across Three Vignettes



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Summary of conclusions....

- On average, youths 16-17 are not much different from adults in CST abilities
- Youths are at greater risk of incompetence due to immaturity, when...
 - 14 or younger
 - 15-17 with low intelligence (compared to adults with low intelligence)
- Deficits are partly in factual understanding, but also in decision making associated with immature perspective
- Note: Amount of experience with justice system was not a reliable indicator of likelihood of competence

Part III:

Implications of the Study for Law and Practice

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