

The MacArthur Juvenile Adjudicative Competence Study

Summary

Why The Study Was Conducted

U.S. law has long required that defendants in criminal cases must be capable of understanding the trial process and contributing to their defense, indicating that they are “competent to stand trial.” For example, defendants must understand the charges against them, have some rudimentary understanding of the court proceeding, be able to understand and answer questions posed to them by their attorney, and be able to make basic decisions about their trial, such as weighing the consequences of accepting or turning down a plea agreement. The U.S. Supreme Court has held that it is fundamentally unfair and in violation of the U.S. Constitution to try defendants who do not have these basic capacities.

Historically, virtually all defendants found incompetent to stand trial have been persons with mental illnesses or mental retardation. In recent years, however, an increase in the number of adolescents tried as adults and the number of younger children tried in juvenile court has raised questions about children’s and adolescents’ capacities to participate in their trials—not necessarily due to mental illness or mental retardation, but simply because of intellectual and emotional immaturity.

In order to address these questions, the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice conducted the first-ever large-scale study of age differences in competence to stand trial. The study was funded by grants from the John D. and Catherine T. MacArthur Foundation and the Open Society Institute, a nonprofit organization that is part of the Soros Foundations Network. The study was designed and carried out by some of the country’s leading scientific and legal researchers in the area of children and the law.

How The Study Was Conducted

Over 1,400 males and females between the ages of 11 and 24 participated in the study, which was conducted in four sites—Philadelphia, Los Angeles, Northern and Eastern Virginia, and Northern Florida—in order to obtain a sample with cultural, ethnic, and socioeconomic diversity. Half of the study participants were in jail or detained in juvenile detention centers at the time of the study, and half were individuals of similar age, gender, ethnicity, and social class but residing in the community.

These individuals were administered a standardized battery of tests designed to assess their knowledge and abilities relevant for competence to stand trial, their legal decision-making in several hypothetical situations (such as whether to confess a crime to the police, share information with one’s attorney, or accept a proffered plea agreement), and measures of a number of other characteristics that could potentially influence these capacities, such as intelligence, symptoms of mental health problems, and prior experience in the justice system.

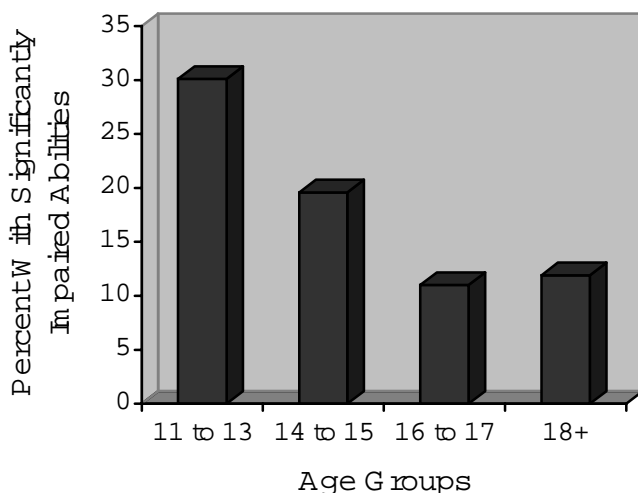
The primary measure of abilities relevant to competence to stand trial was an evaluation tool that has been used extensively in prior studies of competence among adults with mental illnesses. The evaluation does not label individuals as “competent” or “incompetent,” but it does identify individuals whose knowledge, understanding, and reasoning are sufficiently impaired that they

are at grave risk of being incompetent to stand trial in a criminal proceeding. Prior studies of adults with mental illness who have been found incompetent to stand trial were used to establish a threshold in the present study that served as the basis for identifying individuals' levels of ability as "impaired" or "seriously impaired." In the present study, individuals who were identified as "seriously impaired" performed at a level comparable to adult defendants with mental illness who would likely be considered incompetent to stand trial by clinicians who perform evaluations for courts.

It is important to note that our study examined only youths' competence to stand trial, not their criminal blameworthiness (i.e., whether someone should be held fully responsible for an offense). These are two separate issues. For example, a young inexperienced driver who accidentally skidded off the road and killed another person might be competent to stand trial for the wrongful death of another, but could be judged less than fully responsible for the death because it was accidental. Whether youths of a certain age have abilities suggesting competence or incompetence to stand trial does not tell us whether youths of that age should or should not be held as responsible as adults for their offenses.

What The Study Found

The study found that juveniles aged 11 to 13 were more than three times as likely as young adults (individuals aged 18 to 24) to be "seriously impaired" on the evaluation of competence-relevant abilities, and that juveniles aged 14 to 15 were twice as likely as young adults to be "seriously impaired". Individuals aged 15 and younger also differed from young adults in their legal decision-making. For example, 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 (e.g., choosing between confessing versus remaining silent when being questioned by the police).



In the present study, juveniles of below-average intelligence (i.e., with an IQ less than 85) were more likely to be "significantly impaired" in abilities relevant for competence to stand trial than juveniles of average intelligence (IQ scores of 85 and higher). Because greater proportion of

youths in the juvenile justice system than in the community were of below-average intelligence, and because lower intelligence was related to poorer performance on abilities associated with competence to stand trial, the risk for incompetence to stand trial is even greater among adolescents who are in the justice system than it is among adolescents in the community. In fact, more than half of all below-average 11- to 13-year-olds, and more than 40% of all below-average 14- and 15-year-olds, were in the “significantly impaired” range on abilities related to competence.

Age and intelligence were the only significant predictors of performance on the evaluation of abilities relevant to competence to stand trial. Performance on the evaluation did not vary as a function of individuals’ gender, ethnicity, socioeconomic background, prior experience in the legal system, or symptoms of mental health problems. Because mental illness and its impact on competence to stand trial was not the focus of this study, very few individuals with serious mental disorders were included in the sample, and the study’s results do not answer questions about the competence of juveniles with serious mental illnesses.

The study did not find differences between juveniles aged 16 and 17 and young adults in abilities relevant to their competence to stand trial. As noted above, however, this does not mean that juveniles of this age are equivalent to adults with respect to other capacities that are relevant to their adjudication, such as their criminal blameworthiness or likelihood of rehabilitation. The MacArthur Network is currently conducting further research to examine age differences in other capacities and abilities that are important in making decisions about the appropriate treatment of young offenders in the legal system.

What The Results of This Study Mean

The results of this study indicate that, compared to adults, a significantly greater proportion of juveniles in the community who are 15 and younger, and an even larger proportion of juvenile offenders this age, are probably not competent to stand trial in a criminal proceeding. Juveniles of below-average intelligence are especially at risk of being incompetent to stand trial. States that transfer large numbers of juveniles who are 15 and under to the criminal justice system may be subjecting significant numbers of individuals to trial proceedings for which they lack the basic capacities recognized as essential for competent participation as a defendant.

Based on these findings, states should consider implementing policies and practices designed to ensure that young defendants’ rights to a fair trial are protected. In some jurisdictions, this may mean requiring competence evaluations for juveniles below a certain age before they can be transferred to criminal court. States that permit juveniles 13 and under to be tried as adults may wish to re-examine this policy in light of the substantial proportion of individuals of this age who are at great risk for incompetence to stand trial.

For more information about the study, contact:

Dr. Thomas Grisso
Director, MacArthur Juvenile Adjudicative Competence Study
University of Massachusetts Medical School
(508) 856-3625
Thomas.Grisso@umassmed.edu

Dr. Laurence Steinberg
Director, MacArthur Research Network on Adolescent Development and Juvenile Justice
Temple University
(215) 204-7485
lds@temple.edu

For more information on the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, visit the Network's website, at <http://www.mac-adoldev-juvjustice.org>

or contact:

Marnia Davis, Network Administrator
(215) 204-0149
mdavis@temple.edu