

Testimony of Jennifer L. Woolard, Ph.D.

Assistant Professor of Psychology, Georgetown University

October 29, 2007

Prepared for the

PUBLIC OVERSIGHT HEARING

COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY

D.C. CITY COUNCIL

Thank you for the opportunity to speak with you this morning about incarcerating youth in adult prisons. Today I share with you some of what behavioral science research can contribute to the policy discussion about incarcerating youth in adult jails and prisons. This population is of incredible importance because they are often the most targeted or talked about group in policy discussion about juvenile crime. Yet from a research perspective, we are only beginning to understand the developmental impact of incarcerating youth with adult offenders.

First, adolescents *are* developmentally different from adults in ways relevant to delinquency and crime. This statement is not based in stereotype or intuition but in science. Although the belief that adolescents are different may not be different longstanding, the news is that advances in behavioral and brain research support this fundamental tenet of the juvenile justice system.

The socio-emotional network refers to brain systems responsible for emotion, rewards, and social processing, which undergo major changes in early adolescence, also a time of increased sensation-seeking, increased/easier emotional arousal, and increased attentiveness to social information. So, adolescence is characterized by a socio-emotional system that is easily aroused and highly sensitive to social feedback.

At the same time, adolescence is characterized by a still-immature cognitive control system. Although intellectual ability peaks by about age 16, the capacity for planning, future orientation, and the ability to regulate oneself involve portions of the brain that

continue to develop well into young adulthood. Sometimes called the “CEO” of the brain, these areas activate during what we might consider mature or deliberate thinking – the abilities to identify and consider future consequences, understand possible sequences of events, and control impulses.

As a result, adolescents are less able to control impulses, less able to resist pressure from peers, less likely to think ahead, and more driven by the thrill of rewards. Compared to adults, juveniles’ cognitive capacity is undermined by that socioemotional system in circumstances that are not controlled, deliberate, and calm – circumstances that may encompass much of adolescent delinquency risk. Theory suggests that with maturation comes the integration of the two systems, bringing their influence into greater balance and perhaps contributing to the reduction in risky behavior we see in adulthood.

Now, there are certainly adults who engage in risky behavior or act immaturity. The crucial distinction, though, is that adolescents *as a class* are more likely to demonstrate these deficiencies due to normative development that is incomplete; most will mature into law-abiding, productive adult citizens. As a result, the research on developmental differences challenges policymakers and practitioners to sort and manage a young population that can appear simultaneously adult-like and immature. So, what guidance can developmental research provide?

I believe the body of behavioral and brain research calls into question assumptions made by some that juveniles are simply “miniature adults” because they are capable of

committing certain offenses. Prior to age 16, adolescents are different intellectually and emotionally. After age 16, they are still different emotionally. While many laws allowing or requiring juveniles to be tried as adults use age-based determinations, their expressed rationales are tied to developmental maturity not age per se. The expansion of waiver mechanisms has resulted in a larger, more heterogeneous population with many for whom maturation is likely not yet complete.

The importance of separating youth from adults in correctional settings cannot be overemphasized. Youths' foreshortened time perspective, for example, can mean that the same amount of time in isolation imposed for disciplinary sanctions for adults can have a more severe or excessive impact on youth. One study comparing the perceptions of youth transferred to the adult system with those retained in the juvenile system found youths reported that juvenile sanctions had an effect because they gained something (e.g., skills, hope, services); adult sanctions tended to have an effect on attitudes and behavior because they cost something (e.g., loss of hope, safety, respect).

One of the dangers therefore, is that housing youth within adult prisons will itself lead to negative effects, causing youth who would otherwise exit their delinquent trajectory to become entrenched in a criminal lifestyle. By exposing juveniles to a criminal culture where inmates commit crimes against each other, adult institutions may socialize juveniles into true career criminals. An early study by Eisikovits and Baizerman reported that the daily survival of the inmates requires that young inmates find ways to fit into the inmate culture: this often involved adopting an identity that hides their youthful status

with respect to both physical and intellectual ability and forces them to accept violence as a routine part of institutional life.

Juvenile offenders in adult facilities are also at greater risk for victimization and self-inflicted harm as compared to adult inmates and adolescents in the juvenile justice system. Beyer reported that juvenile inmates in adult facilities were 500 times more likely to be sexually assaulted, and 200 times more likely to be beaten by staff than juveniles held within juvenile facilities. Reports also indicate that youth in adult prisons and jails are eight times more likely to commit suicide than their counterparts within juvenile facilities who are already at high risk.

The adult corrections system provides limited medical and mental health treatment to the general adult inmate population, usually providing no additional services that are specifically targeted for youth under 18. Criticized for failing to meet adult inmates' needs, the "same" programming is likely to fall short when faced with meeting the unique developmental challenges that juvenile offenders present. The adult system must accommodate different assessment and service provision needs in the traditional areas of medical and mental health and education. In addition, juveniles require special attention to issues less salient for adults such as developmentally appropriate programming, parental visitation, and peer interactions.

Finally, juvenile offenders who are sentenced to adult prison are also more likely than both their same-aged peers within juvenile facilities and adults serving time alongside

them to re-offend upon release from prison. For example, official recidivism statistics from 15 states indicates that that 82% of prisoners under the age of 18 were rearrested within three years of their release from state prison compared to 66% of adults. A Task Force of the Centers for Disease Control and Prevention found that transferred juveniles are approximately 34% more likely than juvenile justice youth to be re-arrested (2007).

Incarceration in the adult system has the potential to arrest normal development and interact exponentially with the youth's current risk status. Sanctions imposed on juvenile offenders should hold them responsible, but should not harm them in ways that imperil their development. Incarcerating youth in adult prisons may do just that.