

Juvenile Justice Update™

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Word From Washington

by *Marion Mattingly*

Reauthorization of JJDP

We live in interesting times. In December 2018, juvenile justice advocates celebrated the passage of H.R. 6964, the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP), the result of bipartisan support in both the House and the Senate. The JJDP's last reauthorization was in 2002, 16 years earlier. Many attempts were made during the intervening years. Last year's success was the result of strong bipartisan leadership from Chuck Grassley (R-Iowa), Bobby Scott (D-VA), Sheldon Whitehouse (D-RI), and Virginia Foxx (R-NC), and the hard work of the Coalition of Juvenile Justice (CJJ) and the Campaign for Youth Justice (C4J), as well as other organizations and individuals.

Jeff Sessions is no longer U.S. Attorney General, having resigned under pressure from the President. Donald Trump has since appointed William Barr in Sessions' place. Barr, a well-established attorney and premier litigator, has been there before. From 1991 to 1993, he held the same position during the Administration of President George H.W. Bush. At that time, Barr took little interest in juvenile justice but definitely expressed being in favor of a "tough on crime" approach. Because of the greater accountability in the recently passed reauthorization, he may now be more supportive.

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Policing the Teen Brain

by *J. Thomas Manger*

More than a few years ago, I was dispatched to a street robbery that had just occurred. I arrived at the apartment complex and found the victim, who waved me down. He advised that three guys had just robbed him. One held a knife while the other two pulled his wallet and keys from his pockets. They fled on foot. We got a good description of the suspects: All three appeared to be Hispanic males, late teens to early twenties. One of the suspects was described as much taller than the other two.

After getting the information I needed from the victim, I started looking around the area for anyone who matched the description given by the victim. Within a few minutes, one of the officers on my shift called out with three males who matched the lookout. He had them stopped at a fast-food restaurant just a block from the robbery scene. When I got there, I observed three young men, one significantly taller than the other two, speaking with the officer.

As cops often do, we split the group up and began talking to them, individually, about their whereabouts 30 minutes earlier. One of the subjects admitted to my shift-mate that they had just robbed a guy in the nearby apartment complex. I was talking to the taller guy. He was around my height, 6'2", and matched the clothing description given earlier. As I now had probable cause to believe he had committed a robbery, I inquired whether he had ever been arrested before: Yes, he had. By this time, my colleagues suspected

that these guys might have some gang affiliation. It was at this point that I asked whether he had any tattoos. Without my asking him to do it, the young man removed his T-shirt to show off a six-inch "M" on his left shoulder blade, a six-inch "S" on his right shoulder blade, and a 12-inch-high "13" in the middle of his back. I recall thinking that the guy was likely 18 or 19 years old, from the looks of him. When I asked him how old he was, he told me that he was 14 years old. My heart sank.

I was sad to see a 14-year-old so deep into the gang life that he might never get out. I was equally frustrated that what I thought was going to be a fairly straightforward robbery arrest had turned into something very different. You see, law enforcement officers who encounter teens have a tough job. It is much more complicated than handling adults. For us, dealing with juveniles is as different from dealing with adults as three-dimensional chess is from checkers. Writing in *The Hill* newspaper last September, two subject matter experts summed up our dilemma in fairly simple language: "Policing teenagers isn't easy. But they are worth it."

The Legal Requirements

On one level, of course, are the legal requirements that we have to follow. The U.S. Supreme Court has repeatedly found that teens are "constitutionally different from adults" when it comes to sentencing.

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The *Roper v. Simmons* case in 2005 barred capital punishment for children. *Graham v. Florida* in 2010 barred life sentences without the possibility of parole for children found guilty of non-homicide offenses. *Miller v. Alabama* in 2012 went further, barring mandatory life sentences without possibility of parole for juveniles who had been found guilty of murder.

For some in the judicial process, those rulings are the extent of their interest. The notion that adolescents are different from adults is simply taken into account as a fact to be considered as part of larger concerns.

Police officers have a different role to play and a different set of circumstances. Officers need to take into account the large body of research that led up to those rulings, with the studies that reflect the complex world through which the officers in my department, and in every department, must navigate.

The Multiple Roles of Police Officers: Understanding and Applying the Findings

Law enforcement officers do more than simply make arrests. We are counselors, psychologists, mediators, confidants, and even friends. We have to remember every day that every time we encounter a teen, the results of that interaction can determine a course of action and a mind-set that can last a lifetime. We can build trust or break trust.

Simply to say that teens are different from adults isn't enough. In our work,

we have to understand what those differences are, what makes teens unique, and how those differences guide the work we do.

The American Psychological Association (APA) put it well in a brief submitted to the U.S. Supreme Court in the *Miller* case:

Compared to adults, juveniles are less able to restrain their impulses and exercise self-control; less capable of considering alternative courses of action and avoiding unduly risky behaviors; and less oriented to the future and thus less attentive to the consequences of their often-impulsive actions.

As far as interactions with police are concerned, the APA noted: "... juveniles are less capable than adults of mature judgment and decision-making, especially in the social contexts in which criminal behavior is most likely to arise." The Court in the *Miller* case cited the APA brief as expanding and strengthening the understanding of the juvenile mind that had been set out in the earlier cases.

To their credit, police departments and organizations have picked up on the guidance from the Court and included it, to varying degrees, in their training:

- The Everett, Washington, Police Department said in a 2007 Policies and Procedures order: "The Everett Police Department recognizes that juveniles are psychologically, emotionally, and physically different than adults and occupy a unique legal

status in the court system. These differences require officers to be aware of juveniles' special circumstances and needs..."

- In 2016, the Police Foundation published "Teen Brain: Preparing Your Officers to Engage With Youth." This paper said, "Researchers have identified that teen brains differ from those of adults. Understanding these differences can help police engage more effectively with youth in schools and neighborhoods."
- Just last year, the International Association of Chiefs of Police released "The Effects of Adolescent Development on Policing," which included strategies for law enforcement to apply the knowledge of how teens think and act differently from adults to everyday practices and procedures.
- An entire organization, Strategies for Youth, was founded in 2009 for the express purpose of "Connecting Cops and Kids." It does an excellent job providing training, research, and advice.

Not every police agency will use this information in the same way. A recent study from Strategies for Youth found that few police departments have specific training courses in how to relate to juveniles. That doesn't mean, however, that the topic is ignored.

In Montgomery County, Maryland, the school resource officers (SROs) who

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are stationed in each of our public high schools frequently receive training from our Montgomery County Public School system (MCPS), to enhance our understanding of what is going on with teens and to follow current trends, such as the arrival of young immigrants, or increased use of marijuana and the explosion of vaping. We want to avoid arresting teens when possible, so MCPS has been very helpful in introducing advanced mediation techniques that help teens work out differences with their families and with their peers. The National Association of School Resource Officers (NASRO) is an excellent source of information and guidance.

Montgomery County has for years put special emphasis on interactions with those who have autism or other intellectual development and disability (IDD) issues, which are becoming more prevalent among teens. Each of our units has its own strategy for dealing with this group, so that our Traffic Division, for example, will learn how to interact with teen drivers who are on the spectrum. The combination of the developing teen brain with autism or other IDDs can make our dealings even more complex than under circumstances of working with teens generally.

Practical Advice for Improving Police Interactions With Teens

Over the years, I have found that police officers run into problems with teens when youth feel threatened by cops, when cops feel they are not respected by youth, and when that mix turns into a negative experience for all involved.

In an effort to make our interactions with young people better, we need to follow two courses of action.

First, we need to teach cops better communications skills by taking into account that the adolescent brain development means that, compared to adults, teens:

- Are not as able to make rational decisions;
- Don't consider consequences;
- Are impulsive;
- Feel invulnerable;
- Consider short-term rewards rather than long-term consequences;
- Are driven by emotion;
- Are easily distracted; and
- Place more value on the present than on the future.

Second, we have a strategy for officers so that when a situation occurs, they:

- Approach youth with a calm demeanor;
- Establish rapport;
- Are patient;
- Show respect; and
- Empower teen choices.

A Real-World Example

A real-world example of how cops should think about teens showed up on Facebook in December 2018, when an

dead and broken 18-year-old bodies that I've pulled from cars. Broken bodies that I've found in front yards after crashes. Unrecognizable bodies. They thought they were invincible too. They weren't. They were gone, so they missed the part where I had to tell their parents that they were dead. Part of your soul disappears every time you have to tell parents that their kid is dead.

I don't KNOW your parents, but I know them. I know that when you leave every day they say, "Be careful. Drive safe." Those aren't just words.

Police run into problems with teens when youth feel threatened by cops, when cops feel they are not respected by youth, and when that mix turns negative.

officer from the North Ridgeville, Ohio, police department posted an open letter to a youngster he had stopped. It has gone viral and is worth reprinting in full:

To the 18-year-old kid I stopped on SR 10,

You're welcome. I'd like to believe that you were minutes away from creating an unspeakable Christmas tragedy when I stopped you. If not only killing yourself, you were well on your way to killing some innocent person who was minding their own business doing nothing else wrong but being in front of you.

You said you didn't realize how fast you were going. That's a lie. You may not realize when you're doing 45 in a 35, but you are fully aware of every mile per hour at 100. You realize it with every bump you hit. You realize it as you pass cars so fast the wind moves your car. You realize it every time you drift over the line and when you move the wheel the car reacts a lot quicker than you're used to. You absolutely realized it.

You were scared when I stopped you. You were visibly shaking and breathing hard. Unfortunately, you were scared one minute too late and for the wrong reason. You should have been scared that you were trying to kill yourself. I know you're invincible. I know that you can't even fathom your own death.

I can tell you dozens of stories of

That is the very last act of them pleading with you to come home safe. When they get a knock on the door, it's not, "Good afternoon, ma'am. Your 18-year-old son just had a massive heart attack." It's "Can we sit down? Your son has been involved in a very serious crash. I'm so sorry. He's died." When you leave the house, they know that, far and away, the best chance you have of dying that day is in that car. Sometimes you're the innocent person hit by someone with no regard for anyone else and sometimes you're the one with no regard for anyone else. Today you were the latter.

You seemed like a really nice kid who made a bad decision. I don't feel bad about this ticket at all. In fact, I'm proud of it. I hope you're paying it off for months and with every payment you think about how it wasn't worth it. I hope you slow down. I hope that when your mom tells you to "drive safe" you make a promise to her, and yourself, that you will. I hope you can envision me sitting in your kitchen telling your screaming mother that you have been killed.

Slow down. Please. You are not invincible. I promise.

That is wise advice for all of us.

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