

Don't Wait Up—Issues in Juvenile Justice

by Charisa A. Smith

It is 10:30 p.m. on a warm Friday night in July, and countless parents in America are facing the same dilemma, wondering where their teenager is and what on earth he or she is getting into. At around 3:47 a.m., a knock echoes on the door of one New Jersey home. The Marshalls have been eagerly awaiting the arrival of their son, and he is standing at the doorstep at long last, looking disheveled and sheepish. Perhaps the sheepishness is due to the

nies, criminologists, and parents see as common sense, namely that teenagers are more likely to thrill-seek, act impulsively, be influenced by peer pressure, and seek short-term satisfaction simply because of their developmental stage. Lucky for the Marshalls in the scenario above, the officer agreed to escort Ben home rather than booking and holding him in juvenile detention. New research on juvenile psychosocial and neurological development comes at a time when some

of juvenile offenders. At that time, New Jersey dispensed with certain distinctions between juvenile and adult court procedures and sentences. For offenders 16 and over, who are charged with the most serious offenses under N.J.S.A. 2A:4A-26, there would no longer be a rehabilitation hearing. The practice of "prosecutorial" waiver gave county prosecutors the waiver decision-making authority previously entrusted to judges in certain cases.¹ For some younger and less serious offenders, the evidence of his or her rehabilitation could still be presented. However, New Jersey greatly expanded its existing discretionary and presumptive waiver provisions applicable to juveniles of at least 14.

Like at least 31 other states, such as Connecticut and Florida,² New Jersey's changes in its juvenile justice system in 2000 ran counter to the founding, rehabilitative premise of the original juvenile justice system. Rather than implementing "social work and psychological approaches to delinquency" in courtrooms where youths' "amenability to treatment" was the yardstick,³ New Jersey removed the rehabilitative focus as previously mentioned. Further, the myriad of protections the juvenile court setting had provided were now lost for juveniles tried in adult court. For example, the court records of waived juveniles are not confidential, and these youth are subject to media and public scrutiny.

Transfers of juveniles to adult criminal courts have been possible since the onset of juvenile courts, but have recently become more common. Roughly 200,000 youth are criminally charged as adults

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stern-looking police officer standing next to him. The Marshalls now pose the age-old question to their son, Ben: "What were you doing cruising Hamilton's streets at that time of night with four of your friends, and why on earth did you think it was OK to drag race with another car at the stoplight?"

Ben's answer may surprise you. Essentially, Ben and his friends were caught in the heat of the moment, and dared the driver of their car to play a deadly game. When Ben's parents ask what he was thinking, Ben replies, "I don't know..."

EVER WONDER WHY?

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nies, criminologists, and parents see as common sense, namely that teenagers are more likely to thrill-seek, act impulsively, be influenced by peer pressure, and seek short-term satisfaction simply because of their developmental stage. Lucky for the Marshalls in the scenario above, the officer agreed to escort Ben home rather than booking and holding him in juvenile detention. New research on juvenile psychosocial and neurological development comes at a time when some

states are beginning to question their shift toward a more punitive juvenile justice system with correctional-style facilities and, as in New Jersey's case, the trial of juveniles as adults. While this research has had various policy implications in states across the country, it must be considered from several different perspectives, due to the danger of stereotyping youth, stifling their development, and making knee-jerk policy arguments.

THE LEGAL LANDSCAPE: MORE PUNITIVE TREATMENT OF JUVENILE OFFENDERS

In 2000, New Jersey joined many other states in choosing a shift toward a more punitive treatment

each year in the U.S. In New York and North Carolina, youth age 16 and older can automatically be tried as adults regardless of their offense.⁴ Eighteen states have expanded their transfer laws in some way from 1998 through 2002.⁵

In *Kent v. U.S.*,⁶ the court emphasized that "special rights and immunities" are given to a youth in the juvenile system, making it "critically important" that transfer processes be scrutinized by judges.⁷ However, the practice of prosecutorial discretion in New Jersey allows judges only limited discretion to find probable cause for commission of a criminal act for older, more serious offenders.

NEW DEVELOPMENTS IN PSYCHOSOCIAL AND NEUROLOGICAL RESEARCH ON ADOLESCENTS

The question remains whether the punitive policy shifts are in tune with the reality of adolescent development. New research suggests that the 200,000 juveniles tried in criminal court each year may not necessarily resemble adults simply because their crimes may be serious. In fact, several scholars suggest there are marked differences between the decision-making capabilities and brain maturation of juveniles and adults.

A leading group of researchers in this field is from the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. The network's research was cited in *Roper v. Simmons*,⁸ a Supreme Court opinion outlawing the death penalty for offenders who were younger than 18 when they committed their crimes. The decision in *Roper* centered on the issue of culpability. The research conducted by the network and other scholars, such as Dr. Abigail Baird of Vassar, points to factors dealing with an offender's state of mind at the time of the offense, including factors that would mitigate the degree of responsibility, such as impaired decision-making capacity.⁹

The network's issue brief, *Less Guilty by Reason of Adolescence*, acknowledges that adolescents' cognitive abilities closely resemble the cognitive abilities of adults. However, the characteristics that undergird decision making, and that are relevant to mitigation in a criminal context, such as impulsivity and risk processing, future orientation, sensation seeking, and resistance to peer pressure, change over the course of adolescence, and are linked to brain maturation. The characteristics undergirding decision making can be collectively called "psychosocial capabilities."¹⁰

The network has performed experiments with close to 1,000 "ethnically and socioeconomically diverse" subjects between the ages of 10 and 30, "from the general population in five regions." A series of puzzle-solving experiments, car-driving tasks, and long-term and short-term rewards choice-making experiments have shown that out of the 1,000 subjects studied, adolescents exhibit more "short-sighted decision-making...poor impulse control...[and] vulnerability to peer pressure."¹¹

Dr. Robert Johnson, director of adolescent and young adult medicine at UMDNJ-New Jersey Medical School, affirms these findings. He adds that, "Juveniles don't consider punishment before a criminal act. They haven't developed consequential thinking yet. Adults use knowledge of what could happen if they do something. That frequently is a deterrent."¹²

As the above scenario illustrates, the existence of these adolescent traits may be simple, commonsense knowledge to most parents across the country. Dr. Baird, who frequently writes on the issue of adolescent development, points out that widespread knowledge about adolescents' differences from adults is precisely the reason why people under age 18 have never served on juries. As Baird puts it, "psychological research, brain pictures, and another angle confirm

what we already know—children are children."¹³

Dr. Laurence Steinberg, the network's director, and Laura H. Carnell, professor of psychology at Temple University, use four main points to summarize the emerging neuro-scientific (as opposed to psychosocial) research that "lines up well"¹⁴ with the network's psychosocial research:

1. Brain development continues longer than people previously thought. There is structural maturation into an individual's mid-20s.
2. There is a temporal gap between the changes in the brain system that makes people emotionally aroused and impulsive, and the changes in the system that give it regulation. The first system develops around puberty, while the second system develops more gradually and much later.
3. The connection between the brain system responsible for emotional arousal, sensation-seeking, and excitation, and the one that regulates impulses, is still developing in late adolescence. Since development is not complete until the mid-20s, an individual's ability to coordinate thoughts and feelings is still developing during adolescence.¹⁵
4. Further, emerging evidence shows that hormonal changes during puberty affect the adolescent brain in ways that make juveniles more sensitive to the reactions of those around them, and thus more susceptible to the influence of peers.¹⁶ Steinberg even notes that teens perceive anger and hostility in human faces more readily than other age groups.¹⁷

DISTINGUISHING BETWEEN COMPETENCE TO STAND TRIAL AND CULPABILITY

Those involved with the juvenile criminal justice system should not automatically conflate the factors contributing to a juvenile's maturity

and culpability with a juvenile's competence to stand trial. Research by the network also shows that a significant number of youthful offenders, particularly those under age 15, are not capable of competently assisting in their own trials due to developmental immaturity. These researchers firmly assert that the standard governing competence or incompetence to stand trial does not accurately reflect which juveniles should or should not be held as responsible as adults for their offenses.¹⁸

USE OF NEW PSYCHOSOCIAL AND NEUROLOGICAL RESEARCH ON ADOLESCENTS TO SHAPE JUVENILE JUSTICE POLICY

Research on adolescent psychosocial capabilities and brain maturation has increasingly been utilized to turn the tide away from more punitive, less rehabilitative treatment of juveniles in the justice system. This research is only one of a plethora of tactics advocates use to change the law. Other methods include the technique of cultivating an organized citizenry and policy-making constituency, citing lower recidivism rates for youth who remain in the juvenile system, noting dropping juvenile crime rates, and arguing that public safety demands more rehabilitation for youngsters who will most likely re-integrate into society while still young. However, the use of this research has proven effective in many jurisdictions.

For example, advocates in Illinois raised awareness of adolescent psychosocial and neuro-scientific research in order to change a statutory scheme that tried all 15-, 16-, and 17-year-old drug offenders as adults. Betsy Clarke, of the Illinois Juvenile Justice Initiative, notes that the International Convention on the Rights of the Child requires age 18 to be the minimum cutoff age for trying youth as adults, and Afghanistan sets the age at 21. She adds that there has been no negative impact on public safety since the

change in Illinois law occurred.¹⁹

The new Illinois legislation, Senate Bill 283, was signed into law as Public Act 094-0574 on Aug. 15, 2005. Legislators were guided by a bipartisan legislative task force, which included study of the network's research. The bill passed the Illinois General Assembly unanimously, and was supported by a wide array of state and national organizations. The legislative change came after an outcry from youth advocates, the public, and others over the disparate racial impact of the previous transfer scheme requiring low-level juvenile drug offenders to be tried as adults. Advocates for change also criticized the previous transfer, because it failed to focus on the serious, violent offenders who critics thought were most in need of criminal sanctions.

Now, Illinois law lays out clear factors that the court must consider before transferring a juvenile to the adult criminal justice system for prosecution. In deciding whether to transfer juvenile offenders, the court must consider: whether there is evidence that the offense was committed in an aggressive and premeditated manner; the juvenile's age; the seriousness of the offense; abuse and neglect, physical health, educational health, and mental health histories of the juvenile; which system has appropriate facilities for treatment or rehabilitation; the offender's history of services and willingness to participate in treatment; whether public safety requires criminal sentencing; whether the victim(s) suffer serious bodily harm; whether the juvenile is likely to be rehabilitated before the expiration of juvenile court jurisdiction; and, whether a deadly weapon was used.

In proceedings to determine transfer, the court must also apply the rules of evidence. Finally, greater weight is given to the seriousness of the offense and the juvenile's record of delinquency.²⁰

Clarke states that the number of transferred youths has dropped by

about two-thirds, and that the number of youth in detention is down as well. Clarke anticipates the cost savings to the state must be "huge," because there are fewer juveniles crowding adult facilities, awaiting trial.²¹ After three years, Illinois' Statistical Analysis Center will assess the effects of the new law and report to the General Assembly.²²

Wendy Henderson, a policy analyst with the Wisconsin Council on Children and Families, comments that the new adolescent psychosocial and neuro-scientific research guides leaders down the path toward treating juveniles as youth (as opposed to adults), because it shows that juveniles are still developing and are more amenable to treatment. Child advocates in Wisconsin have begun to use this research in their court cases. On March 8, 2007, the Wisconsin Joint Legislative Audit Committee unanimously recommended an audit on the effects of criminal court jurisdiction on all Wisconsin 17-year-olds. The audit report, which will examine the cost of returning 17-year-olds to juvenile court jurisdiction was issued in February 2008, and can be found at www.wccf.org.

Henderson notes that while treating 17-year-olds in the juvenile system may present increased costs up front, the benefit is that the youthful offenders treated in the juvenile system will be less likely to commit future crimes than their counterparts who were subjected to the adult system. Youth treated in the juvenile system, Henderson points out, will live more productive lives when given educational services and rehabilitative options.²³ Dr. Johnson supports this notion that the educational services provided by the juvenile system are crucial for decreasing crime. He notes, "There is a clear inverse relationship between literacy and the potential for criminal activity or delinquency."²⁴

In Connecticut, using the new research on adolescents has helped

legislators and advocacy organizations change the *status quo*. A multi-disciplinary group of citizens and policymakers began attempting to change Connecticut's juvenile court jurisdictional age maximum of 15 early in the present decade. Ultimately, new psychosocial and neuro-scientific research played an important role in persuading legislators to change the law.

Abby Anderson, executive director of the Connecticut Juvenile Justice Alliance, explains that her coalition created a fact sheet on brain development and a legislative briefing book incorporating the new science. Connecticut advocates reiterated the facts used in *Roper* to argue that trying juveniles as adults is not sound policy, since the state would not be treating youth in a fair or age-appropriate manner. According to Anderson, "Punitive treatment of juveniles without rehabilitation is counterproductive if policy-makers want to prevent crimes from re-occurring."

Anderson considers Dr. Baird's presentation to the Connecticut General Assembly in 2006 to be a crucial moment in the history of Connecticut policymaking. Baird's presentation "had a profound impact on Connecticut's legislature," in Anderson's opinion. The presentation was televised, and legislators such as Rep. Toni Walker and Sen. John Kissel raised her arguments in their floor speeches. Baird appealed to the legislators' own understandings of youth, noting that many of them were probably raising teens and could identify places where the research was on point. She went on to present the new scientific research to a large group of public defenders in the state.

As a result of the combined research, advocacy, and legislative efforts in Connecticut, SB 1196 passed the Connecticut Senate in the late spring of 2007, raising the jurisdictional age of Connecticut's juvenile court to 17.²⁵ Connecticut State Representative Toni Walker

comments of the change in juvenile jurisdiction age:

For youth, it gives the opportunity to grow and develop without being penalized from acting out as children...Insurance companies even know a child isn't developed until [age] 25...In Connecticut, if we're going to sustain a workforce in global markets, and incarcerate all our children, we eliminate what could potentially be our future in Connecticut. By raising the age, we allow the state to learn how to work with adolescents, training them for the workforce.²⁶

A SLIPPERY SLOPE?

Scientists, attorneys, child advocates, and others are nevertheless aware that juvenile brain research may create a slippery slope for youth rights, and for society in general. Individuals working with youth leaders note that it is a hard sell to convince youngsters to promote research that labels the leaders themselves as poor decision makers. Anderson points out that this problem can be addressed by explaining to youth leaders that the research "doesn't mean all kids make bad decisions at all times or that they are incapable of being leaders. . ."²⁷ Clarke adds that the research simply "does not mean that juveniles don't have anything to do in society." In fact, Clarke states, youth "can be valued members of society."²⁸

Nevertheless, youth rights arguments may be compromised by the new research in public discussions about parental consent for abortion, voting rights, alcoholic beverage drinking rights, military enlistment age, lifeguard duty age limits, and countless other subjects. As researchers increasingly confirm that adolescents' decision-making capabilities are still developing and their brains are still maturing, some individuals are already making the logical leap that youth just cannot be trusted with mature responsibilities. Some policymakers improperly argue

that the research provides a greater rationale for treating youth harshly for criminal justice purposes. These individuals claim that youth cannot control themselves without strict discipline to keep them in line.

The Center on Juvenile and Criminal Justice's senior researcher, Mike Males, penned a *New York Times* opposition editorial strongly criticizing the research.²⁹ In an interview, Males asserted that scientists studying these matters are "using 19th Century prejudices and thinking." To Males, a former sociology professor at the University of California at Santa Cruz, arguments attributing juveniles' impulsivity and increased risk-taking to their brain physiology are reminiscent of old Social Darwinist claims about racial minority groups.³⁰

In Males' view, "[Researchers] have to rule out competing explanations...Another explanation is poverty. Youth are two to three times more likely to live in poverty than middle aged adults."³¹ Males is a major contributor on Youthfacts.org, a website "dedicated to providing factual information on youth issues such as crime, violence, sex, drugs, drinking, social behaviors, education, civic engagement, attitudes, media, and whatever the latest teen terror *du jour* arises."³² Males' July 2007 article on Youthfacts.org compares teenage death rates from guns and traffic crashes through the lens of poverty, and finds:

As poverty rates rise, the two biggest causes of teenage death skyrocket. The poorest teens suffer traffic death rates three to five times higher, gun death rates five to six times higher, and gun murder rates 16 times higher than teens living in the richest counties...[Even though] richer teens drive many more miles (roughly twice as many per year) and are more likely to live in homes where firearms are present than are poorer adolescents...the risks are due to the very different contexts in which teenagers

encounter guns and driving depending on their differing socioeconomic statuses.

Essentially, Males argues, "If biodeterminist notions about adolescents are valid, they should apply to all teens—yet middle class and more affluent American adolescents and European youth display very low rates of risky behaviors of the types commentators stereotype as characteristic of teenagers."³³ Males added in his interview that he is "not saying that this [the poverty - teen-risk-taking connection] is the last word."³⁴

YOUTH ARE PEOPLE TOO

Despite competing explanations for *typical* teenage behavior, such as socioeconomic status, which could overshadow the age/brain/risky behavior connection, cultural currents proffering the idea of *teenage rebellion* and parental angst have echoed throughout American history and across socioeconomic lines. Films, literature, and other media have long capitalized upon the common understanding that teen hormones rage, teens feel particularly misunderstood, and youth is the time to make mistakes one can learn from. Many adolescent psychologists and psychiatrists also agree with and affirm the emerging teen psychosocial and neuro-scientific research findings. One point of consensus rests in the notion that regardless of some level of less-than-adult maturity, adolescents must be given continued opportunities to make choices so they will ultimately grow into responsible adults.

Mary Ann Scali, deputy director of the National Juvenile Defender Center, asserts, "One of the most important things we can do is model decision-making processes for youth. Not making all the decisions for them. So we engage them in the decision-making about their own lives. In defense work, there is an attorney-youth client relationship. Research makes us better able

to work with [adolescents]."³⁵ Baird notes, "Anyone seeking to restrict children's rights could use this work [recent research] but that would give us less qualified adults. We don't let kids make low-cost mistakes anymore...That doesn't prepare them for reality."³⁶

In the opinion of Jason Ziedenberg, executive director of the Justice Policy Institute, there are two ways to view juvenile delinquency: a) Most youth naturally desist from delinquency regardless of the treatment they are given; or, b) Some youth need mental health and substance abuse treatment to improve their behavior, so we should target the resources at them. Ziedenberg emphasizes that, "When juvenile justice advocates talk about youth through the treatment frame, we're overstating it. We use a paternalism that isn't necessary."³⁷

Balance is the key. There are scores of responsible youth, while there are others who act less-than-responsibly. Both must be given the opportunity to change and rehabilitate.

Dr. Steinberg, of the network, asserts that while science on brain development should certainly inform public policy, it should not dictate. He explains, "We have age cutoffs for different privileges and responsibilities for all sorts of reasons," and many such cutoffs do not make scientific sense. For example, if we reason on the basis of science alone, driving at age 16 and voting at age 18, or buying cigarettes at age 18 and alcohol at age 21 would not make sense. However, society "draws lines for different reasons and purposes" which may be non-scientifically valid but otherwise sensible. Steinberg also notes, "We must strike a balance [about when to trust youth on the road] for kids with jobs, in school, etc. Not just on the basis of science."³⁸

NEW SCIENCE ABOUT THE POLICY OF TRYING YOUTH AS ADULTS

In addition to new science about juvenile development and

brain maturation, there are now more scientific studies about the impact of trying youth as adults. Dr. Johnson headed an analysis for the Task Force on Community Preventive Services to determine whether transfers to adult court reduce or prevent violent crimes by youth under age 18 "either by individual deterrence (reducing future violence by the individuals transferred) or general deterrence (reducing juvenile violence generally)."³⁹ The task force examined "all the research on the effect of juvenile transfers done in the last two decades, in various jurisdictions."

Dr. Johnson explained the study's results by noting:

Not only did the practice [of transfer to adult court] not deter juvenile crime specifically, but it tended to make transferred youth worse. There was higher reincarceration than that among youth with similar crimes but in the juvenile justice system. To the extent corrections should rehabilitate, it failed miserably. The issue is if we want to be rehabilitative...⁴⁰

The findings of the task force study are in line with the American Bar Association's (ABA) "firm policy regarding the transfer of juveniles into the adult justice system." The ABA "believes that underage defendants generally should not be placed in the adult system." This policy stems from a February 2002 resolution of the ABA House of Delegates, which includes the "pillars...1. that youth are developmentally different from adults, and these differences should be taken into account...[and] 6. that judges should consider the individual characteristics of the youth during sentencing."⁴¹

Several other agencies and organizations studying the practice of trying juveniles as adults have come to similar conclusions.⁴² Regardless of the emerging science about adolescent psychosocial development, brain maturation, and the possible

effectiveness of juvenile transfer and waiver, scores of youth remain transferred to adult court each year.

CONCLUSION

Scientists doing research on juvenile brains and juvenile psychosocial capabilities admit that the science is in its beginning stages. If scientists, courts, policymakers, insurers, parents and others throughout the country are waiting for teenagers to shed all remnants of immature, risky behavior before their early 20s, don't wait up. ■

ENDNOTES

1. Milgram & Paw, *Analysis of Prosecutors' Data 2005*.
2. A total of 31 states made substantive changes to their laws governing the criminal prosecution and sentencing of juveniles during the five-year period from 1998 to 2002. (National Center for Juvenile Justice, "How have state laws governing criminal prosecution of juveniles changed in recent years?," *National Overviews* (as amended through the 2004 legislative session) at www.ncjj.org/stateprofiles/overviews/transfer9.asp.)
3. An attitude of benevolent paternalism and hopes for rehabilitating delinquents of all ages inspired late nineteenth century reformers to create the juvenile courts. Adopting a "medical model" that stressed multidisciplinary evaluations and crime prevention, progressives in Chicago stressed "treatment" versus "pathology," and established the first juvenile court in 1899. The American Orthopsychiatry Association began as a means of understanding the causes and treatment of delinquency, and youth reform facilities focused on moral instruction and industrial education, in addition to discipline. Con-

- finement was viewed as temporary, administrators acted as guardians in the spirit of *parens patrie*, and non-adversarial proceedings were differentiated from those in adult courts and jury trials (Davidson & Redner *et al.*, *Alternative Treatments for Troubled Youth* at 4-5, (1990); Schetky *et al.*, eds., *Principles and Practice of Child and Forensic Psychiatry* at 3-4; see Krisberg & Austin, *Re-inventing Juvenile Justice* at 15-40; Schetky *et al.*, eds. at 360-61; Martin, *The Delinquent and the Juvenile Court: Is there Still a Place for Rehabilitation?*, 25 *Conn. L. Rev.* 57, 66-67, (1992) at 66 (describing the judges' terms, 1906-15 and 1916-32, respectively); see Fagan, *Juvenile Justice Policy and Law: Applying Recent Social Science Findings to Policy and Legislative Advocacy*, 183 *Pli/Crim* 395-402, (1999) at 402.
4. Campaign for Youth Justice, *The Consequences Aren't Minor: The Impact of Trying Youth as Adults and Strategies for Reform* at 6 (2007).
 5. National Center for Juvenile Justice, *supra* note ii..
 6. 383 U.S. 541 (1966).
 7. See Martin, *supra* note iii (describing the rights and immunities scrutinized in *Kent* as the shield from publicity, the right to be jailed separately from adults, detainment only until age 21, and protection against use juvenile records in subsequent proceedings and public employment disqualifications). See also Beresford, "Is Lowering The Age at Which Juveniles Can be Transferred to Adult Criminal Court the Answer to Juvenile Crime? A State-by-State Assessment of the Age at Which a Child Should be Held Responsible

- for his or her Actions Has Been Debated for Centuries," 37 *San Diego L. Rev.* 783 at 795; see also *Kent v U.S.*, 383 US 541 at 566-67 (1966).
8. 543 U.S. 551, (2005).
 9. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, *Less Guilty by Reason of Adolescence* at 1-2 (Issue Brief 3 (2006)).
 10. *Id.* at 2.
 11. *Id.* at 2-3.
 12. Phone interview with Dr. Robert Johnson, MD, FAAP, director of adolescent and young adult medicine at UMDNJ-New Jersey Medical School (Oct. 8, 2007).
 13. Phone interview with Dr. Abigail Baird, Ph.D., professor of psychology at Vassar College (Oct. 16, 2007).
 14. MacArthur Foundation, *supra* note vii at 3.
 15. Phone interview with Laurence Steinberg, Ph.D., director, MacArthur Foundation Research and Distinguished University Professor and Laura H. Carnell, professor of psychology at Temple University (Oct. 2, 2007).
 16. Gardner & Steinberg, "Peer influence on risk-taking, risk preference, and risky decision-making in adolescence and adulthood: An experimental study," *Developmental Psychology* 41, 625-635 (2005) (as cited in MacArthur Foundation, *supra* note vii at 4).
 17. Steinberg, "Implications of Research in Adolescent Development for Juvenile Justice in New Jersey," (Address at the Trenton War Memorial, Feb. 17, 2006).
 18. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice, *Adolescent Legal Competence in Court* 1 (Issue Brief 1 (2006)).
 19. Phone interview with Betsy Clarke, president, IL Juvenile

- Justice Initiative (Oct. 1, 2007).
20. A conversation on Oct. 5, 2005, with Liz Kooy, research and policy consultant with the IL Juvenile Justice Initiative, revealed additional details about the recent Illinois policy change. Kooy stated that the earlier transfer scheme began in 1985, and that her organization and others began to study the actual population that was transferred to determine if transfer really served its purpose. Additionally, Kooy noted that Illinois has an inclusive blended sentencing scheme, which did not decrease the number of transfers but only widened the net, causing more offenders to receive criminal sentences. *See also*, "Illinois Law Gives Judges More Discretion Over Youth Charged as Adults" on the IL Juvenile Justice Initiative website (www.jjustice.org/template.cfm?page_id=4).
 21. Interview with Betsy Clarke, *supra* note xvii.
 22. Interview with Liz Kooy, *supra* note xviii.
 23. Phone interview with Wendy Henderson, Policy Analyst at the WI Council on Children and Families (Oct. 1, 2007); and WI Council on Children and Families, *Justice for Wisconsin Youth (2007)* at www.wccf.org/proj_justice.php.
 24. Phone interview with Dr. Robert Johnson, MD, FAAP, *supra* note x.
 25. Phone interview with Abby Anderson, Executive Director, CT Juvenile Justice Alliance (Oct. 8, 2007).
 26. Phone interview with CT state Representative Toni Walker (Oct. 16, 2007).
 27. *Id.*
 28. Interview with Betsy Clarke, *supra* note xvii.
 29. Mike Males, Ph.D., "This is Your (Father's) Brain on Drugs," *New York Times*, Sept. 17, 2007.
 30. Interview with Mike Males, Ph.D., senior researcher, Center on Juvenile and Criminal Justice (Oct. 10, 2007).
 31. *Id.*
 32. *About Us*, at www.youth-facts.org/aboutus.html.
 33. Mike Males, *The "Teen Brain" Craze: New Science, or Ancient Politics?* (2007) at www.youth-facts.org/brain.html.
 34. Interview with Mike Males, *supra* note xxviii.
 35. Phone interview with Mary Ann Scali, deputy director, National Juvenile Defender Center (Oct. 16, 2007).
 36. Phone interview with Dr. Abigail Baird, Ph.D., *supra* note xi.
 37. Phone interview with Jason Ziedenberg, executive director, Justice Policy Institute (Oct. 5, 2007).
 38. Interview with Dr. Laurence Steinberg, Ph.D., *supra* note xiii.
 39. Tonry, "Treating Juveniles as Adult Criminals," *Am J Prev Med* 2007; 32(4S).
 40. Phone interview with Dr. Robert Johnson, MD, FAAP, *supra* note x.
 41. Mathis, (American Bar Association), "Adult Justice System is the Wrong Answer for Most Juveniles," *Am J Prev Med* 2007, 32.
 42. For more sources positing this assertion, *see* Campaign for Youth Justice, *The Consequences Aren't Minor: The Impact of Trying Youth as Adults and Strategies for Reform* at 6 (2007).

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Domestic Violence

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violence act, and deliberate ruse perpetrated on the victim, who was caused to endure needless fear over fallacious allegations, must not be allowed to diminish the claims of those victims who justly require the protections of the law.

Before the creation of the Prevention of Domestic Violence Act of 1991, our laws afforded law enforcement with tools to combat crime. It was the special needs arising out of domestic violence cases that justified the heightened protections afforded by the act. As indicated, the Prevention of Domestic Violence Act affords many laudable protections to victims, and has proven invaluable to the detection, documentation, prosecution and prevention of domestic violence; however, overzealous law enforcement and domestic violence victims should be dissuaded from eroding the purpose and justification for the Prevention of Domestic Violence Act, by using its protections as a means to accomplish other ends. ■

ENDNOTES

1. N.J.S.A. 2C:25-17, *et seq.*
2. N.J.S.A. 2C:25-21a.
3. N.J.S.A. 2C:25-21d(1).
4. N.J.S.A. 2C:25-26a; N.J.S.A. 2C:25-28j; and N.J.S.A. 2C:25-29b(16).
5. N.J.S.A. 2C:25-21d(3).
6. 367 N.J. Super. 178, 181 (App. Div. 2004).
7. *Id.*
8. *Id.*
9. 189 N.J. 108 (2007).
10. *Id.* at 120.
11. *Id.* at 115.
12. 383 N.J. Super. 205 (App. Div. 2006)
13. 186 N.J. 358 (2006)
14. 189 N.J., at 121
15. *Id.* at 123.

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