



Yale Child Study Center

FROM GENERATION
TO GENERATION

Statements by Dr. Steven Berkowitz

April 4, 2007

Judiciary Committee Public Hearing

H.B. NO. 6285: An Act Concerning the Age of a Child with Respect to Juvenile Court Jurisdiction

As a Child and Adolescent Psychiatrist at the Yale Child Study Center much of my work has focused on the impact that psychosocial adversity and traumatic experiences have on development and pathways to poor functioning. Perhaps, no outcome is more problematic to individuals and society than that of delinquency and criminality. The economic, social and emotional burden of youth engaging in delinquent activities is beyond our capacities to fully measure and discern. But it is up to us here to do our best to prevent youth who have engaged in delinquent activities from becoming adults who become hardened criminals that create additional burdens for all. I'm afraid that Connecticut's current laws that place 16- and 17- year olds automatically in the Adult System actually increase the likelihood of youth becoming criminals rather than preventing it.

First of all, it's absolutely critical to recognize that adolescents are different than adults. In fact, there is a medical basis for teens' poor decision-making and acting out behaviors-- the very things that have long frustrated parents about their teenagers. We all know that adolescence is a time a tremendous change, and it should not be a surprise that it is a time of tremendous growth and change in the brain. Between childhood and adulthood, the brain's wiring or neural networks becomes significantly more complex and more efficient. This is especially true in the brain's frontal and pre-frontal cortex, the key place in the brain that governs decision-making, consideration of alternatives, planning, setting long-range goals, and organization of sequential behavior. In fact, there is some research that demonstrates that the pre-frontal cortex is not fully formed and "on-line" until into the early 20's.

So while an adolescent's judgment is dubious in general, it is especially vulnerable during situations of emotional arousal and social pressure, the impulsive, short-sighted judgment of youth increases their likelihood of making poor choices and engaging in delinquent behaviors. The bottom line is that 16 and 17 year olds have an especially limited capacity for calculated judgment in these situations.

No matter where a child comes from or what their circumstances happen to be, the teen age years are a risky time regardless; they have the physical capacity to do most things, but their brains' capacities are far behind that of their bodies. At present, any 16 or 17 year old can make a poor

choice that can change their lives forever. Yet the research shows that our most victimized and wronged children are also the most likely to find themselves in the Juvenile justice system. From very early ages, risk factors, such as poverty, child maltreatment, violence and trauma have significant impacts on youths' development and, in turn, play a causal role in future delinquency if not properly addressed early on.

Martin Teicher, one of the leading researchers in brain development stated:

“Our brains are sculpted by our early experiences. Maltreatment is a chisel that shapes a brain to contend with strife, but at the cost of deep, enduring wounds.”

It has been demonstrated time and time again that maltreated and abused children's brains are greatly impaired by these traumatic experiences and that one of the primary areas of the brain affected is the very pre-frontal cortex that is so essential in moderating impulses and behavior.

Now any child may be the victim of abuse and neglect and some children may overcome and thrive despite their circumstances and untoward experience. But poor and disadvantaged children are more likely to be subject to an exponential risk of entering the Justice System because they are far more likely to be abused and neglected than children from higher socio-economic status.

The Third National Incidence Study of Child Abuse and Neglect (NIS-3) revealed that children from families with incomes below \$15,000 were more than 20 times more likely to be maltreated than children from homes where family income was greater than \$30,000 (Sedlak & Broadhurst, 1996). And there is research that indicates that it is being poor, not people who are poor that results in this behavior towards children.

Our society not only ignores poor children, but then treats them as adult criminals when they are 16 and 17 if they commit a delinquent act.

Whether disadvantaged or not, abused or not, adolescent brains have not yet matured and are subject to innumerable internal and external influences. We are all aware of the profound impact that peers, the media and other influences have on teenagers' beliefs, ideas and behavior. We know that from birth on they learn how to behave via their environment. This occurs because the brain is the interface between the outside world and the individual and the brain actually changes in its biochemistry and structure in response to external events. An analogy may be helpful, if you think of building construction—think of the framing as our genes and experience as the boards, insulation and façade. Clearly both are essential to a safe structure. While this happens to some extent throughout a person's life, it is most salient the younger the individual is. Younger children's brains are designed to grow and change in response to the environment and teenagers' brains, while less plastic, also change in response to environmental stimuli more so than the brains of adults.

This is extremely important for a number of reasons. First and foremost, adolescent brains, and thus their behavior, can change and improve or change and decline in response to their environments. And, as we can see, many of the adolescents in the justice system have wounds that are in need of healing. For most teenagers and especially those with delinquent behavior,

close supervision, support, training and positive role models are likely to have a more profound and positive effect on youth than adults. The opposite is also true. Lack of supervision, support and intervention, as well as affiliation with negative role models and peers will have a more profound negative effect. Operationally speaking, I've just drawn the distinction between the Juvenile Justice System and the Criminal System. The Juvenile system is based in the Rehabilitation Model, while as we all know the Criminal Justice system is based on punishment and retribution.

Knowing what we know about teenagers, we must ask how we would want our 16 and 17 year old sons and daughters to be treated-- with hope or resignation. Do we want to attempt to treat and rehabilitate or put them in an environment that increases the trajectory to criminal and antisocial activity? We've recognized the differences between youth and adults in our statutes concerning driving licenses and legal ages for drinking, but somehow we've ignored it when it comes to issues of justice. Raising the age of the juvenile offender is not only morally right, it is also scientifically sound and the best course of action for children and our state.

