

Juvenile Competency

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What is Competency?

- To have a proper trial, the defendant must be capable of:
 - (1) Participating in legal proceedings
 - (2) Understanding the charges against them
 - (3) Be able to confer with their lawyer

(Mayzer et al., 2009)

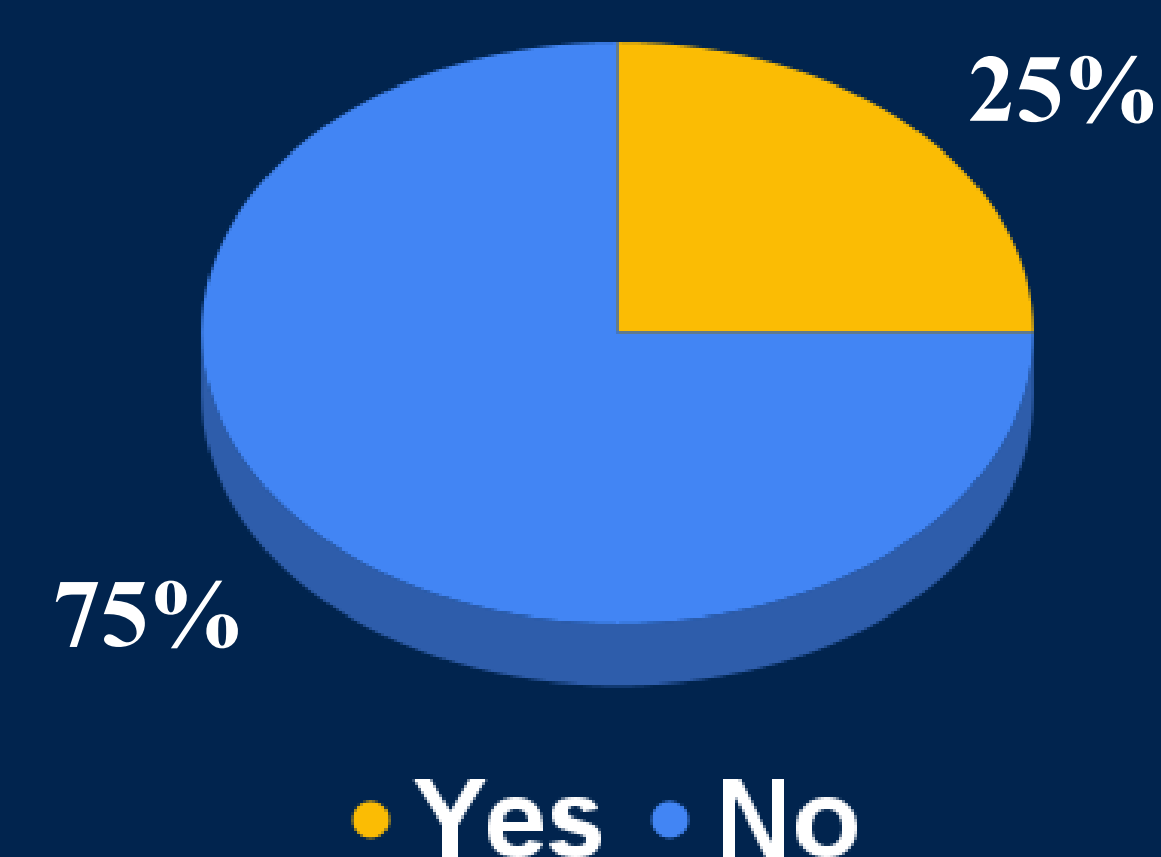
Background

- Dusky v. United States (1960)**
 - Dusky was convicted of kidnapping and rape.
 - He was schizophrenic, but was found to be competent to stand trial (CST)
 - Dusky appealed and argued that he was not CST just because he was somewhat able to recall the events that happened
 - The Supreme Court ruled:
 - The test given to a potentially incompetent defendant should be examining:
 - (1) Sufficient ability to comprehend the proceedings against them
 - (2) The ability to consult with an attorney
- (*Dusky v. United States*, 1960).

Literature Review

- Neuroimaging studies have demonstrated:
 - Axon myelination occurs posterior to anterior
 - The prefrontal cortex is one of the final areas to fully mature (Mayzer et al., 2009).
 - This is associated with vital cognitive skills, including decision making and impulse control

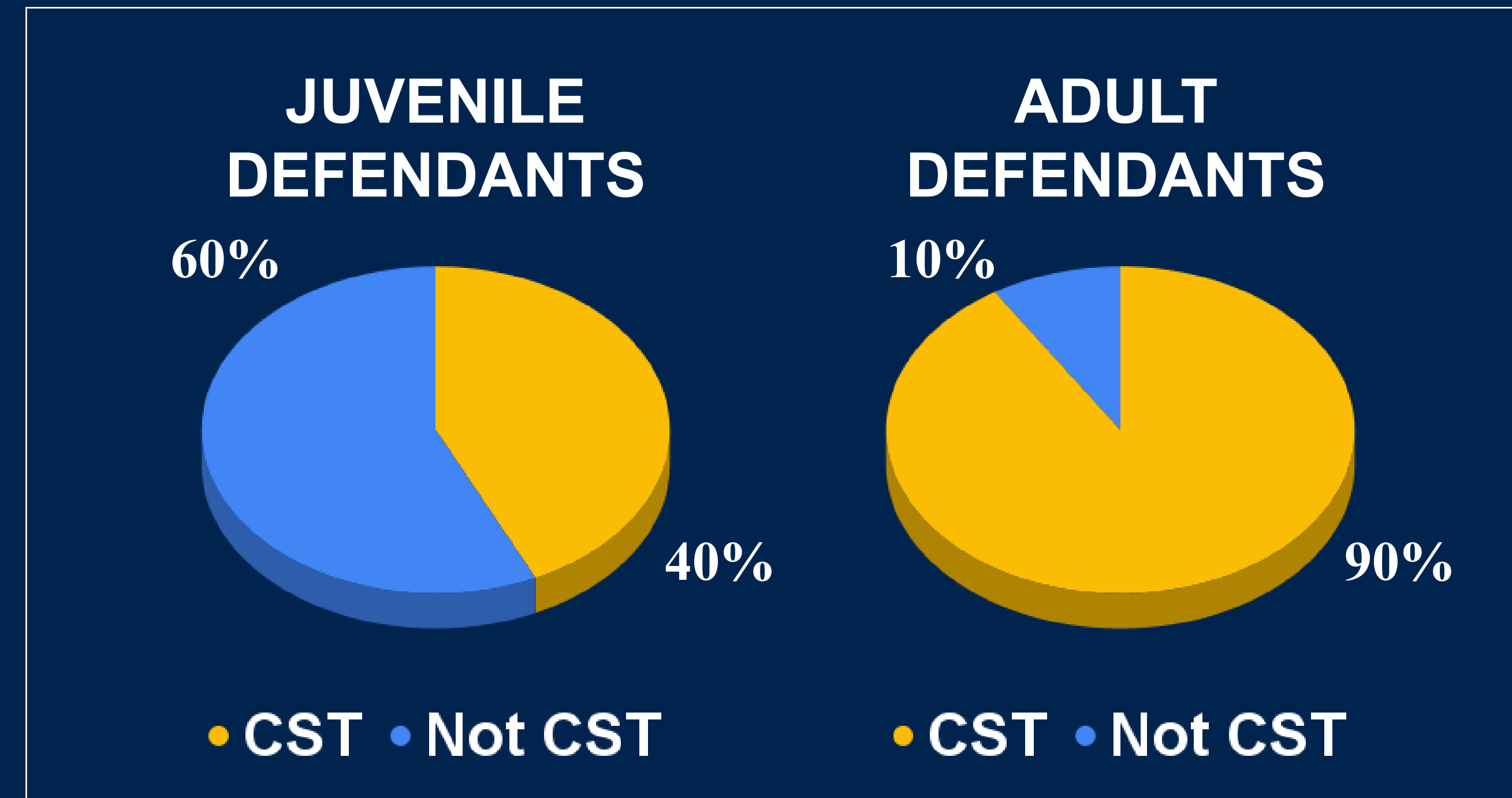
Percent of Juvenile Defense Attorneys and Judges Who Believe a Juvenile's Developmental Immaturity Affects Their Competency



(Berryessa & Reeves, 2020)

Juvenile Competency & Trials

- Juveniles are more likely than adults to be found incompetent to stand trial.



(McKee, 1999)

- Some juveniles may be sentenced to adult criminal court, in which it is likely plea bargains will settle cases.
 - Many adolescents are deficient in their knowledge of plea arrangements.
 - Juveniles prioritize short-term rewards, such as release, over the adverse long-term repercussions of pleading guilty (Mayzer et al, 2009).

Juvenile Competency & Interrogations

- Minors are:
 - Less likely to defend themselves against misinformation presented by law enforcement.
 - More likely to comply with authority figures.
 - Compliance becomes an issue when officers utilize deception
 - Ex: presenting fake evidence, accusing the suspect, posing leading questions to obtain a confession, etc.
- The pressure of interrogations can become so intense that juvenile suspects will fail to consider the long-term consequences and confess to get the questioning to end.

(Ferguson et al., 2010)

Current Legislation

- Illinois State Statute, 705 ILCS 405/5-401.6:
 - A confession from a minor that was a result of a custodial interrogation shall be presumed to be inadmissible in court if an officer knowingly engaged in deception.
- Oklahoma State Statute, 10A OK Stat § 10A-2-2-401.1:
 - A minor is incompetent if they are:
 - (1) Unable to understand the charges against them
 - (2) Incapable of assisting with their defense
 - If an attorney has reason to believe that a juvenile is not CST, then the party must file a motion for a competency evaluation.

Conclusions

- Competency became a critical issue after *Dusky v. United States* (1960), which specified what the minimum requirements are to be CST.
- It is challenging for juveniles to be CST because their brains are still developing.
- Juveniles are vulnerable to false confessions as they:
 - Focus on short-term rewards
 - Have a higher chance of submitting to officials, especially if deception is used.
- Few states have recognized juvenile competency through legislation.
 - The IL and OK statutes are the basis for juvenile competency reform throughout the nation.

References:

- 10A OK Stat § 10A-2-2-401.
705 ILCS 405/5-401.6.
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- Ferguson, A. C., Jimenez, M. M., & Jackson, R. L. (2010). Juvenile false confessions and competency to stand trial: Implications for policy reformation and research. *New School Psychology Bulletin*, 7(1), 62–77.
- Mayzer, R., Bradley, A. R., Rusinko, H., & Ertelt, T. W. (2009). Juvenile competency to stand trial in criminal court and brain function. *Journal of Forensic Psychiatry & Psychology*, 20(6), 785–800.
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