

## Juvenile Competency

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## Abstract

The present research examines the issue of juvenile competency, specifically in the interrogation process and in criminal trials. Existing literature has identified critical components related to juvenile competency, such as highlighting the significance of age regarding the inability to appreciate the seriousness of offenses and the increased levels of immaturity within adolescents. The present research displays a thorough review of academic literature and relevant legal cases that shifted the justice system's perspective on juvenile competency to better understand why juveniles are more likely to be deemed incompetent than adults. Although there are a limited number of laws that address the issue of juvenile competency, current legislation is also evaluated. The findings of this research support the implementation of more laws that protect juvenile suspects within trials and interrogations.

## **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).

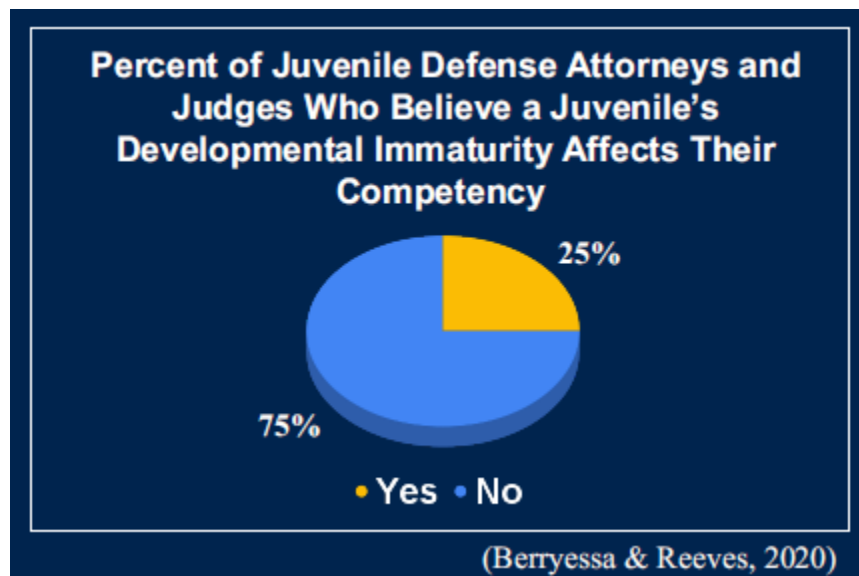
## **Literature Review**

Neuroimaging studies have demonstrated:

Axon myelinization occurs posterior to anterior.

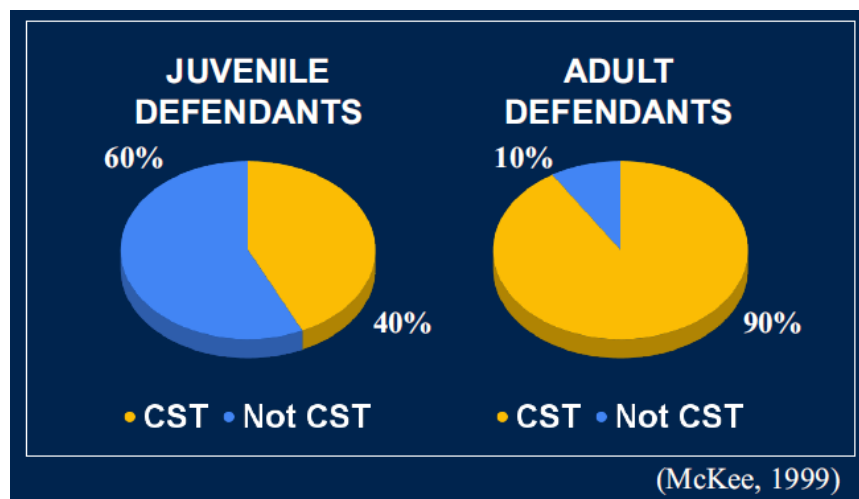
The prefrontal cortex is one of the final areas to fully mature (Mayzer et al., 2009).

This is associated with vital cognitive skills, including decision making and impulse control.



### Juvenile Competency & Trials

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



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

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