

Research challenges treatment of young criminals

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Research by a Murdoch University academic is challenging the way young people accused of serious crimes in the United States are treated.

Psychology lecturer Dr. Kathy Modecki's research has shown that adolescents' decision-making is relatively immature compared to adults'.

It suggests that this significant difference should be taken into account when punishing a youth that has committed a criminal offence, and that the notion of 'adult crime compels an adult punishment' could be unnecessarily harsh.

Dr. Modecki's research is currently being used in the US Supreme Court

to help make a challenging decision on the coercive practice of police interrogating children in school for non-school matters. The case currently before the courts is J.D.B. v. State of North Carolina.

“My research shows that adolescents are affected by emotional and social influences that contribute to immature judgement which is reflected in their decision making,” Dr. Modecki said.

“The problem is that in a clinic or laboratory setting, adolescents may display similar decision-making capabilities as adults, but in the real world when faced with many outside influences – such as when faced with police questioning – they may perform very differently.

“Adolescents are more likely to be influenced by peers, less likely to think about future consequences and more susceptible to their emotions.”

J.D.B. v. State of North Carolina deals with the interrogation of a 13-year-old student with special needs about a series of neighborhood break-ins that did not take place on school property or implicate school safety.

The Juvenile Law Center has argued that J.D.B. was ‘in custody’ during his interrogation on school grounds and that the student’s age is relevant to the custody determination. This means that although the questioning took place at [school](#), J.D.B should have been treated as if they had been taken under arrest and been read their rights.

Dr. Modecki is looking forward to the outcome of the case this month and is keen to see the research have an impact on society at large, both in the US and possibly in the future for Australia as well.

Dr. Modecki’s research was also used last year in a major landmark case

for the US Supreme Court. In that case, the US [Supreme Court](#) ruled that it is an unconstitutionally cruel and unusual punishment to lock up teenagers for life without any chance of parole (unless for murder).

Provided by Murdoch University

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