

# JUVENILE PLEAS: A DEVELOPMENTALLY INFORMED APPROACH FOR PROSECUTORS

## ADOLESCENT PLEA BARGAIN DECISION MAKING

- In high stakes or stressful situations, adolescents:
  - make short-sighted decisions
  - are motivated by immediate gratification
  - may give in to pressure from authority figures
- Prosecutors or State's attorneys can increase the likelihood that youth make informed plea bargain decisions by making offers early, allowing sufficient time for consultation, and limiting impossible choices for youth.

BELOW ARE SOME SUGGESTIONS FOR HOW PROSECUTORS CAN INCREASE THE CHANCES YOUTH MAKE INFORMED, REASONED, AND VOLUNTARY PLEA BARGAIN DECISIONS.



### Give Youth Time to Make Reasoned Decisions

- Make an appropriate plea offer as **early** as possible.
- **Avoid time-limited offers.** Leave offers open until the adjudicatory hearing to allow the youth the necessary time to make a knowing and rational decision.
- Consider **deferred adjudication, diversion, or adjustment.**
- Develop office policies for collecting and **sharing all discovery** immediately upon filing a petition and throughout the adjudicatory process.

### Avoid Creating Impossible Choices



- For example:
  - Avoid offers to drop charges against a **friend or a family member** if a plea is accepted.
  - Avoid offers of a plea contingent on a program that is **unlikely to be available** for the youth.
  - Avoid offers to drop charges contingent on a plan the youth is very **unlikely to be able to successfully complete.**
  - Don't use the **threat of transfer** to the adult system to induce a plea.
- When making an offer, consider not just the explicit consequences the youth must accept, but also the **collateral consequences** that will go along with their plea. Consider collateral consequences as part of the weight of the punishment.



### Help Shape the Whole of the Plea Process

- When addressing the court, use **age-appropriate language** and **open-ended** discussion.
- Provide opportunities for the youth to **ask questions.**
- When applicable, raise any questions you have about the youth's competence to enter a plea or consider dismissing the charges if the youth is likely unable to **competently plead.**

### Consider What Happens After the Plea Deal



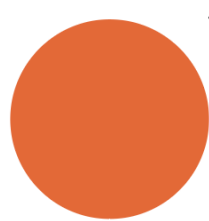
- Once a plea has been entered, attempt to tailor probation requirements to **realistic expectations** the youth is likely to be able to meet.
- When a youth is charged with a probation violation, identify areas in the youth's life that need improvement and **connect them to the appropriate resources.**

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Images by Mallory Bory

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individuals under the age of 18 were arrested in the United States in 2017, the majority for non-violent offenses



Non-violent offenses  
579,080

Violent offenses  
41,184

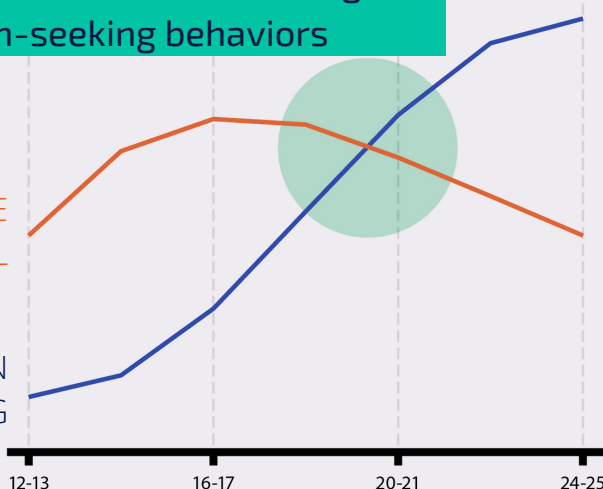
## Teens are not small adults

Though they may look all grown up, teenagers' brains are still far from mature. Adolescent brains do not process emotions in the same way as adult brains and the ability to regulate emotions continues to develop into young adulthood. Teens' drive to seek rewards is strong while the neural circuits that support impulse control are still immature. This results in a predisposition toward risk-taking behaviors.

It's not until our early twenties that we begin to see a decline in risk-taking and sensation-seeking behaviors

IMPULSE  
CONTROL

SENSATION  
SEEKING



## Context is critical

Teens' decision-making skills are compromised when...

there is an imminent threat or reward

NO  
TRESPASSING

Just Try it

in social situations surrounded by peers

You won't get caught

C'mon

under stress or emotional distress

Difficulty regulating emotions and heightened impulsivity makes teens more vulnerable to making poor decisions in stressful and social situations. Emotionally charged situations can drive normal adolescents to take risks that typical adults would not take.

## Vulnerability and opportunity

Connections in the brain are still forming during adolescence, making teens extremely sensitive to both positive and negative experiences.

