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Report on adolescent brains hits nerve in criminal justice debate

By **Mike Ward**

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The rancorous debate over how to curb violence in Texas' lockups for teenage offenders is focusing anew on research that shows adolescent brains may not fully develop until age 25, eight years after youths can now be held accountable as adults under state law.

Should violent adolescents be locked up in a security-first, prison-style environment to keep them and others safe, as legislative leaders and state officials argue?

Or should they be kept in rehabilitation and treatment programs, despite their bad behavior, because they may not be able to fully control what they are doing, as advocates who cite the studies insist?

The debate will probably be fueled by a national report released today that says states have begun changing their laws to focus on rehabilitation for juvenile offenders, as a way to curb future criminal behavior.

The report by the National Conference of State Legislatures, a group of lawmakers from around the country meeting in Chicago this week, cites the brain-development studies as having "contributed to recent legislative trends to distinguish juvenile from adult offenders, restore the jurisdiction of the juvenile court and adopt scientific screening and assessment tools to structure decision-making and identify needs of juvenile offenders."

The report cites ongoing studies by the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice that found adolescents are more susceptible to committing crimes, but that they are not destined to become adult criminals.

By most measures, according to the report, Texas has made standout progress in juvenile justice by moving to rehabilitate a majority of youthful offenders in community-based probation and treatment programs, and by reducing the number of state-run lockups from 12 to six.

Even so, a recent upswing in violence at the remaining state lockups has triggered changes in top leadership at the Texas Juvenile Justice Department, amid demands from legislative leaders to stop the violence.

"The brain development studies have been part of the discussion and will continue to be, but the main issue we're dealing with is providing proper security," said Texas House Corrections Committee Chairman Jerry Madden, R-Richardson.

"If you're getting assaulted by a youth, it doesn't make much difference to you whether his brain will not fully develop until he's 25. We have to have a safe environment in these (lockups) to have any success at programming and rehabilitation."

Jay Kimbrough, interim executive director at Texas' juvenile justice agency, said the agency's new Phoenix Program — a secure lockup for violent offenders outside Waco that by Monday had at least seven occupants — is designed to curb the violence by temporarily isolating violent youths from others while they continue to receive schooling and rehabilitation programming.

Even so, advocacy groups have criticized the program as an improper, prison-like solution to the chronic violence. On Friday, they voiced their concerns at a public hearing in Austin, insisting that juvenile

offenders should not be treated like adult prisoners.

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Our View: New truancy program will hold parents accountable

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We understand there will always be excuses, that each case is different and each must be judged on its own merits.

None of that, however, changes the fact that state law requires parents to make sure their children attend school. A new truancy program this school year will hold both parents accountable in cases of chronic unexcused absences. Every effort will be made to resolve the problem without resorting to the last option, which would be taking parents to court. But, those who simply refuse to meet their parental obligations under state law will be criminally prosecuted. And we think that's a good thing.

There were 274 truancy referrals to the Doña Ana County Juvenile Probation Parole Office in the 2011 fiscal year. At a time when global competition in the workplace is greater than ever before, that number is simply unacceptable. Our students of today must be well prepared in order to compete for the jobs of the future. And that won't happen if they are continually skipping class.

The new Truancy Parent Accountability Court is a collaborative effort of the Third Judicial District Attorney's Office; Juvenile Probation Parole Office; Children, Youth and Families Department; and Las Cruces, Gadsden and Hatch school districts.

Area schools are mandated to notify parents when their child incurs three, five, seven and 10 absences. Representatives from the school administration and the Juvenile Probation Parole Office will meet with parents of chronic truants to make sure they are aware of the problem, offer help and assistance, and explain the consequences if the problem continues.

"In most cases, attendance improves," District Attorney Amy Orlando said in a letter to parents. "When it does not improve, my office will prosecute parents and hold them accountable."

Since both parents are responsible for compliance with the mandatory attendance law, both will be subpoenaed to appear in court in problem cases, unless either can provide documentation that they don't have custody of the child.

District Judge Jacinto Palomino will preside over truancy cases one day per month. At the end of the first year, the program will be evaluated, and changes could be made to improve it.

The intent is not to put more people in jail. The very real threat of criminal charges should be enough to get the attention of most parents. But for those who decline help and refuse to comply with state law, there must be enforcement for that law to have any impact.