

Screening for ADHD Before Questioning Juvenile Suspects Leads to Better Legal Outcomes

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BACKGROUND

- ▶ Of the two million adolescents and children arrested each year in the United States, 65-70% have mental health disorders (National Conference of State Legislatures, 2011).
- ▶ The general theory of crime by Gottfredson and Hirschi argues that crime is a function of low self-control and criminal opportunity, and some research supports this point (Armstrong et al., 2020; Beaver et al., 2010; Palumbo, 1992; Shoepfer et al., 2019).
- ▶ Psychological research tells us that lack of self-control stems from social and neuropsychological deficits (Beaver et al., 2010).
- ▶ ADHD has been acknowledged as a neuropsychological disorder that may involve impulsive behavior and hence has a disproportionate representation amongst offenders (Aguilar-Carceles & Farrington, 2017; Lindsay et al., 2012).

FORENSIC IMPLICATIONS

- ▶ Individuals with ADHD come in contact with the police earlier in life (Barkley et al., 2004; Dalsgaard et al., 2013; Gudjonsson & Young, 2010) and are more likely to recidivate (Cunial et al., 2018; DeLisi et al., 2013; Young et al., 2011).
- ▶ They are also disadvantaged during the different stages of the criminal justice system (Gudjonsson & Young, 2010).
- ▶ Memory problems, inattention, and inability to cope with questioning pressures have led to false confessions and accounts of interrogative suggestibility, especially in the youth ADHD population (Gudjonsson et al., 2007, 2016).



DISCUSSION

- ▶ Youth with ADHD may lack competency to stand trial, which is a grave miscarriage of justice if they are declared competent (Freckelton, 2020; Gudjonsson, 2010).
- ▶ Given this knowledge, identification of ADHD in the early stages of police interrogation is required. Parental confirmation of mental illness in youth is ineffective because they may or may not be aware of undiagnosed ADHD, giving the police added responsibility to screen for mental illness.
- ▶ National Center for Mental Health and Juvenile Justice promotes screening for mental illness in youth (National Conference of State Legislatures, 2011) because early problem identification should lead to better treatment outcomes.
- ▶ However, in many jurisdictions, screenings occur only after the youth has been adjudicated and as part of the intake process at a correctional facility (Nelson, 2021). At this point, it is too late. Early identification of ADHD, especially in the case of juvenile offenders, is needed.

RECOMMENDATIONS

- ▶ While there are no simple ways police can gather this information, an ADHD screening process – conducted by a qualified mental health professional – can be introduced before the questioning begins.
- ▶ ADHD cannot be used as an excuse for criminal conduct or incompetence to stand trial, but it warrants that law enforcement professionals adjust their interviewing process once identified.
- ▶ Early identification and pharmacological treatment in the criminal population has also shown reduced recidivism, provided there is compliance in taking medication (Lichtenstein et al., 2012), thus recognizing a more significant need for an early screening of ADHD.

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