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TESTIMONY OF MICHELLE G. CARRO, Ph.D.**Senate Committee on Judiciary****Nevada State Legislature****April 25, 2003 (Grant Sawyer Building, Las Vegas, Nevada)**

Good morning and thank you for the opportunity to speak before you in support of Assembly Bill 118. My name is Michelle Carro. I hold a Doctorate in Clinical Psychology and have been a licensed psychologist in Nevada since 1999. My Doctoral training began in 1991, and has focused in the areas of children, families, and psychological testing. I practice in Las Vegas conducting psychological evaluations of children and teens, plaintiffs in civil litigation, and criminal defendants. I also maintain a small caseload of therapy clients, referred by the Special Public Defender, who are awaiting trial for murder. Several have ranged in age from 15 to 17 years.

I have been authorized to testify on behalf of the 140 member Nevada State Psychological Association. Also, I am a member of the American Psychological Association which, I was told this week, now has 150,000 members and is in the midst of passing a resolution calling for a ban on juvenile executions (personal communication, Jeff McIntyre, M.A., Senior Legislative and Federal Affairs Officer, American Psychological Association, Washington DC).

My testimony will compliment Dr. Fassler's review of the organic dimension of the differences between adults and adolescents. I will discuss psychological research about adolescent

development and youth violence, illustrating the findings with my personal experience working with a teenager who faced the death penalty in Nevada.

Shortly after I became licensed, the Special Public Defender's Office asked me to meet with one of their clients, Ken Shawn Maxey. He was awaiting trial for the murder of two people and faced the death penalty. He was 17 years old. Over the next year, I spent approximately 14 hours with Ken Shawn, and in an effort to understand youth who engage in violent behavior began studying the issue. I came to learn that Ken Shawn's case illustrated what the research revealed – that there are known social and psychological risks and vulnerabilities that, when accumulated, predispose youths to use or engage in violent behaviors to get their needs met or to solve their problems.

Dr. Fassler reviewed vulnerabilities of adolescents as they make the very long transition into adulthood with regard to their still-developing brains. Building on this, adolescents' moral reasoning abilities are still developing. They may know that a behavior is wrong, but their ability to resist temptation is underdeveloped, particularly when faced with frustration or when under stress, including peer pressure. Statistics on juvenile crime indicate that teenagers do not typically commit offenses alone but, rather, often to impress or gain acceptance from their peers (Grisso, 2000). The ability to fully consider or appreciate future consequences is also still developing in middle and even late adolescence (Grisso, 2000). Adolescents perceive risk differently than adults – being more influenced by the immediate short-term consequences of their decisions and more likely than adults to give greater weight to anticipated gains than possible losses or negative outcomes.

Now, add to the "normal" adolescent vulnerabilities, a few more to juggle: the presence of an abusive father, the absence of a nurturing mother, multiple disrupted connections with caregivers, learning disabilities, routine exposure to violence in the home and community on which you depend, poverty, and minority status. These are the factors that research has identified as putting youth at the greatest risk for perpetrating violence.

Returning to Ken Shawn- his mother was murdered when he was eight years old. He had known her for one week, as she had just been released from prison. She had gone to prison when he was an infant. His father was physically abusive and neglectful. Ken Shawn recalled being beaten with electrical cords. He liked to go to school because, in his words, "I could eat there." He was later placed in over nine foster or residential settings over a period of five years. And as a result of either inherited traits or due to the head traumas inflicted by his father's abuse, Ken Shawn was found to have significant learning, thinking, and problem-solving deficits.

Psychological research also reveals factors associated with positive outcomes: a stable positive relationship with at least one caring adult, spiritual anchors which provide young people a more meaningful orientation toward the future, a positive and stable family environment, the ability to cope with stress, a school environment that provides a sense of shared responsibility and belonging, and a community that protects children from violence.

Ken Shawn had seen glimpses of positive influences in his life. His grandmother had cared for him as an infant and toddler, providing early stability and attachment from which he developed

the capacity to give and seek out love and acceptance, and feel deep remorse. He spoke to me of trying to avoid negative influences, for example, on one New Year's Eve, volunteering to babysit because he knew there would be trouble in the neighborhood that night. Although Ken Shawn's desire to avoid trouble was present, his desire to gain acceptance was stronger even if it meant turning to an older young man who had a serious criminal record. One night, he convinced Ken Shawn to help him rob a bar. I assure you Ken Shawn had not woken up that day thinking that his night would end in his shooting and killing not only a bartender but that same friend after events escalated.

The jury ultimately came to understand the mitigating factors associated with Ken Shawn's adolescence and history, although they almost did not. As I understand it they were one vote away from giving him the death penalty for a good portion of the deliberation. He is serving a life sentence in prison and by reports has been a model inmate.

Ken Shawn's behavior and choices deserved punishment and by sharing his story it was not my intention to gain sympathy for him or others like him per say. My intention was to illustrate that there are identifiable factors marking those adolescents who are most vulnerable and identifiable factors providing hope for developing resilience in that group as well.

In closing, I will quote from the American Psychological Association's Public Interest Initiative on Youth Violence: "We must make a legislative and social commitment to the reduction of ...violence in society. Everyone who comes into contact with a youth... has the potential... to mitigate a child's involvement with violent behavior. Every institution that touches that child can

contribute positively... by teaching and demonstrating peaceful, effective coping alternatives to violence." I believe that passage of Assembly Bill 118 is a necessary step in representing such a commitment here in Nevada. Thank you.

MGC/jhs
T: 03/25/03

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REFERENCES

Garbarino, James (1999). Lost Boys: Why Our Sons Turn Violent and How We Can Save Them. New York, New York: The Free Press.

Grisso, T. and Schwartz, R.G. (2000). Youths on Trial: A Developmental Perspective on Juvenile Justice. Chicago: University of Chicago Press.

The MacArthur Foundation Report. <http://www.mac-adoldev-juvjustice.org>

ATTACHMENTS

American Psychological Association Public Interest Initiative: Is Youth Violence Just Another Fact of Life?

American Psychological Association Policy Statement: The Death Penalty in the United States.