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TESTIMONY OF MICHELLE G. CARRO, Ph.D.

Assembly Committee on Judiciary

Nevada State Legislature

March 27, 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. They are criminal defendants awaiting trial for murder, and several have ranged in age from 15 to 17 years.

I have been authorized to testify on behalf of the Nevada State Psychological Association, representing approximately 140 psychologists in the state. Moreover, I will attach with my testimony a copy of the 84,000 member American Psychological Association's Policy Statement on the Death Penalty in the United States wherein juvenile executions are listed as a deficiency.

Dr. Fassler provided an excellent review of many of the developmental issues to be considered here today. My testimony comes from a slightly different, albeit complementary, perspective. I

- 1 -

ASSEMBLY JUDICIARY
DATE: 3/27/03 ROOM: 3138 EXHIBIT F
SUBMITTED BY: MICHELLE CARRO

too will draw from scientific research about youth violence while incorporating my personal experiences 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.

I met Ken Shawn in my waiting room. He sat in shackles flanked by two armed officers. He was African-American. Despite my training, I admittedly found myself fighting back stereotypical thoughts of this kid - probably dangerous, angry, anti-authority, without feeling, and perhaps even deserving of some extreme punishment. After all, he had killed two people.

Over the next year, I spent approximately 14 hours with Ken Shawn, and I began studying youth violence, trying to understand the lives of the youth who engage in violent, sometimes lethal, behavior. I came to learn that Ken Shawn's case illustrates what the research reveals - 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. An authority in this field, Dr. James Garbarino, a psychologist from Cornell University, writes in his book Lost Boys, "Inside almost every violent teenager I've spoken to is an untreated traumatized child... At the heart of the matter is whether a young child is connected rather than abandoned, accepted rather than rejected, and nurtured rather than neglected and abused..." (Garbarino 1999, pp 28 and 34).

Dr. Fassler reviewed vulnerabilities of adolescents as they make the long transition into adulthood with regard to their still-developing abilities to reason and control impulses. 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).

Now, add to these baseline 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, regular exposure to violence at home and in the community, poverty, and minority status. These are many of the factors that psychological research has identified as putting children 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 ultimately removed from his father's care to be 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, religious and spiritual anchors, a positive and stable family environment, emotional intelligence and the ability to cope with stress, a school environment that provides a sense of shared responsibility and belonging, and a safe and secure 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 remorse. He was well behaved in grammar school and well liked by his teachers. He spoke to me of trying to avoid negative influences. He stayed home alone many days, watching movies or, on one New Year's Eve, volunteering to baby-sit 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, or even thought earlier that evening, that his night would end in his shooting and killing not only a bartender but that same friend after events escalated.

At Ken Shawn's penalty phase, the jury came to understand the mitigating factors associated with his adolescence and history, and thankfully, chose to spare his life. In prison, he has been a model inmate. He sticks mostly to himself, more mature now and able to avoid negative influences.

I understand that in contrast to Ken Shawn's story, you may hear this morning horrible details of violent crimes committed by other juvenile offenders. I know that these offenses occur and that they cause great pain. In no way do I seek to excuse violent behavior. It is my argument, however, that it is wrong to execute adolescents when they lack the resources to turn away from violence by virtue of their underdevelopment physiologically, socially, and emotionally and when those who were charged with the job to promote this development failed to do so. It is also unfair when we can identify from sound research those most at risk, along with the prevention and intervention programs that work. I have attached materials in that regard with my testimony here.

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 aggression and violence in society. Everyone who comes into contact with a youth... has the potential one way or another to mitigate a child's involvement with violent behavior. Every institution that touches that child can contribute positively to a child's sense of safety by teaching and demonstrating peaceful, effective coping alternatives to violence." I believe that passage of Assembly Bill 118 is necessary to represent such a commitment here in Nevada. Thank you.

MGC/jhs
T: 03/25/03

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.

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.