

Franklin Hearing Evaluations: Research to Practice (Part 1 & Part 2)

Nicole Vienna, PsyD

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Level

Introductory/Intermediate

Track

Clinical/Legal/Juvenile

CE

CPA/BBS/BRN/CJER/MCLE

Bio

Nicole Vienna, PsyD, is a licensed psychologist with specialization in forensic and neuropsychological evaluations. Nicole received her PsyD in Clinical Forensic Psychology from Alliant International University, Irvine/San Diego. She also completed a now APA Accredited Pre-Doctoral Internship at the Los Angeles County Department of Mental Health Men's Forensic Outpatient Program at Twin Towers Correctional Facility, where she received specialized training in clinical and forensic psychology. Nicole also completed Postdoctoral Rotations at Los Angeles County Department of Mental Health, Juvenile Justice Camps & Halls, where she received specialized training in adolescent psychological assessment and treatment. She also completed a two-year post-doctorate specialization program in neuropsychology from Fielding Graduate University. Nicole is also a member of The Los Angeles County Juvenile Delinquency Expert Panel and Los Angeles Adult Criminal Panel of Psychologists. Her forensic interests include youthful offender evaluations, NGRI, mitigation for high stakes sentencing evaluations and neurodevelopmental disorders in the forensic populations.

Di Nguyen, PsyD, is a clinical psychologist with Los Angeles County Department of Health Services-Correctional Health Services. She is currently working on the Mental Health Unit providing treatment for severely mentally ill patients in the county jail system. Di is also a forensic psychologist at Vienna Psychological Group, a forensic private practice, where she specializes in juvenile competency, transfer to adult court and Franklin Hearing Evaluations. She graduated from The Wright Institute with her doctorate and received her MA and BA from John Jay College of Criminal Justice. Her background includes working with children, adolescents, and their families, justice-involved individuals, SMI population, sex offenders and Vietnamese immigrants. In addition, Di serves as a per-diem crisis line counselor on the National Suicide Prevention Lifeline.

Narrative

Franklin Hearings have become common in juvenile delinquency and adult criminal court cases, especially since the passage of prop 57- where the District Attorney Office is no longer able to direct file a petition against a minor in adult court regardless of age or seriousness of offense

and many cases are being remanded to the sentencing courts for a hearing. A plethora of requests are pouring in from defense attorneys, parole board attorneys and non-profit firms representing youthful offenders who have been given lengthy sentences and older offenders who are currently serving juvenile LWOP (Life Without Parole) or a lengthy sentence. Attorneys are in need of an expert to complete a psychological evaluation to be reviewed at a future parole hearing or upcoming parole hearing for post-conviction cases. What do you? Where do you start?

The recentness of Franklin Hearings poses a lot of questions related to how psychological evaluations are completed in a Franklin Hearing. There has not been much training or guidance in the area. The first part of this presentation will overview the background of the Franklin and Miller case, other relevant and notable juvenile cases, PC 3051, the 8th amendment and a brief overview of adolescent brain development. Part two will review a redacted and sanitized Franklin case evaluation study and the presenters will present their approach to completing such an evaluation for a Franklin Hearing.

Learning Objectives

Part 1:

1. Identify three relevant juvenile cases to the Franklin Hearing Type of Evaluation
2. Analyze the five Miller factors
3. Describe how adolescent brains are fundamentally different from adult brains

Part 2:

1. Describe the primary purpose for Franklin Hearing Evaluations
2. Assess how incomplete brain development coupled with various Miller factors (i.e., family home environment, peer pressure, etc.) impact decision making
3. Describe how incomplete brain development coupled with various Miller factors (i.e., family home environment, peer pressure, etc.) impacts vulnerability to peer influence