

# The View from the Bench

Gina Pera interviews Judge David S. Admire

**DAVID ADMIRE FIRST MADE THE CONNECTION** between undiagnosed ADHD and some of the defendants coming before his bench back in the 1980s. As the youngest judge in Washington state and the father of two small children, both with ADHD and LD, Admire says he simply made the leap from observing his children’s very real challenges to seeing similar challenges among offenders.

Soon after, he initiated a study to examine potential evidence for his hunch. Six weeks of screening offenders for ADHD and LD determined that thirty-seven percent merited in-depth testing.

Serving as a King County District Court judge from 1983 to 2005, Admire heard and decided thousands of criminal and civil cases, resolved constitutional questions, and sentenced and supervised those convicted of criminal offenses. He was reelected consistently without opposition. Most impressive to some, however, is how diligently he has worked to create awareness and innovative programs for offenders with learning disabilities, ADHD, and substance-use disorders.

Now retired from the bench, Admire teaches criminology and other courses at Southern Utah University. We caught up with him as he was preparing a presentation on brain abnormalities in the criminal justice system for an international conference.

**What similarities did you see between your child’s ADHD-related challenges and those of teens and adults appearing in your court?**

For example, there are sequencing problems. When my son was young, I’d say, “Go in your bedroom, get your coat, and come back here.” I’d finally go look for him and find him just kind of standing there. He had a sequencing problem; he couldn’t remember all the things I’d told him to do. Was I was going to punish my son for something he couldn’t do? No, I wasn’t.

Now, say you have a person with ADHD who’s lost his job. He’s running late, as is typical, to another job interview. He gets stopped by an officer for speeding. The officer asks for things—license, registration, proof of insurance—and the speeder gets confused. Maybe out of nervousness while he searches through the mess in his car, he makes a sarcastic remark. This antagonizes the officer, who thinks the speeder is being noncompliant or a smart aleck. So, the

cop cites him for reckless driving instead of speeding. Finally, it gets to the judge, who says, “You’re just snowing us all when you say you didn’t mean it.” But the guy with ADHD really *didn’t* mean it.

Unless you have a personal experience of these issues, it can be difficult to understand. Those of us who can perform tasks so easily cannot fathom how other people can’t. We think it’s a matter of desire or will.

**A few years ago, you presented at a public-policy forum on Learning Disabilities and Attention Deficit Disorder: A New Approach for the Criminal Justice System. Here is an excerpt from your talk: “The criminal justice system in the United States has failed in its primary goal of reducing criminal behavior. Our current system of punishment is costly and mostly ineffective. In an effort to**

**reverse this trend, I suggest we examine the neurological disorders, attention deficit disorder and learning disabilities, that have remained for the most part ignored by the criminal justice system and certainly by political leaders.”**

**To some, this proposal might sound like radical talk from a judge. Perhaps it even smacks of coddling criminals, which to some is synonymous with rehabilitation.**

Definitely, the science here is ahead of the law. ADHD, for example, is not an excuse, but it is a reason. And if I put someone with ADHD in jail as punishment because he was late to court, thinking I’ve taught him a lesson and he will not do it again, I’ve failed at the outset. Why? Because I haven’t addressed the core issue of why he was late. It wasn’t an issue of will.

As for rehabilitation, I never use that term because many people do view that as a code word for coddling criminals. Instead, I put it this way: “If I can find a way to make sure that offenders don’t do it again, would you agree to it?” If I’m talking with decision-makers, I talk money. It costs \$30,000 to keep someone in jail for a year. With our program in place, our recidivism rate has held steady for years, twenty-eight percent versus the previous sixty-eight percent.

The issue, though, is not *do we excuse the crime*. That attacks the underpinnings of the system. It’s what we do at sentencing that can make a difference. It doesn’t make sense to keep spending money if we can change the trajectory.

**And how did the program you helped to implement in Washington state change the trajectory of offenders?**



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David S. Admire is professor of criminal justice at Southern Utah University.

There is a choice at sentencing—take the ADHD training or go to jail. It's similar to being put on probation instead of going to jail as long as you go to alcohol treatment. It is a fourteen-week program that teaches them about all the various tools for managing ADHD. There are also medical resources if they are interested in that. This program teaches anger management, social skills, and especially how to stay out of criminal-justice system. Once they get in, they have big trouble getting out.

Most people are grateful for this option. They say, "You mean there is something I can do about this?" and "You mean I'm not alone?" They're very happy about it.

#### **How does the screening process work, on a practical level?**

When we learned that thirty-seven percent of the offenders we screened under our pilot study merited testing, the question then became how to incorpo-

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rate screening and evaluation into the system. There were no programs to refer to at that time. You couldn't have the judges make those diagnostic or treatment decisions. I had no peers in this area then, so I worked with professionals who developed a questionnaire for the probation intake. We took the judges and probation department out of it, and referred the process out to a local professional organization.

#### **How have various audiences, from judges and police officers to voters and politicians, reacted to your message?**

Judges know the system is not working, and at least in the state of Washington, they want to hear about innovative solutions. The idea of being a judge is to use all tools available to get people to not repeat the crime.

When I've presented to audiences of judges, you could see the lights go on. Suddenly, they have a different understanding of "being disrespected" by people whose ADHD symptoms mean they might be rattling off excuses, interrupting, and so on.

If I'm speaking with conservative voters, I explain that most violent, severe criminals are already treated severely by the court. So, typically, you're not going to reduce crime with "three strikes" laws. If they say they just don't want these people walking among them, I remind them there's a cost for it and are they willing to pay it? I also ask them, "How much are you willing to pay for *failure*?"

For the cops, this is a personal safety issue. They need to know about these neurological conditions so they can defuse potential problems. Even the prosecutors got on board, with recommendations to go through with our program. Dealing with these issues in the system, though, requires constant training and retraining of personnel.

#### **Given your long list of awards, which one were you most pleased to receive?**

That would be the Father of the Year award given to me by our church. After that, it would be the Dreamer of the Year Award, for the work that I've done in looking outside the box to find new answers to old questions. ●