

Juvenile Justice Reform

The “Fourth Wave”

Thomas Grisso

Univ of Massachusetts Medical School

What you'll learn

- A history of juvenile justice reforms
- How they were influenced by—
 - Psychology
 - The events of their time
- The current “fourth reform,” how it happened, and its implications for—
 - Adolescents
 - Forensic psychology
 - Society

1st Wave: 1899 to 1960s

- Creation of JJ:
Kids are different
- Relieved of criminal responsibility
- Best interests of child
- Discretion to meet their needs
- Social context: Public welfare policy shift
- Psychology and Psychiatry: G. Stanley Hall; studies of delinquency; juvenile court clinics



2nd Wave: 1970s and 80s

- The Due Process reform
- Failure of system to live up to its obligations
- Necessity for rights as a defendant
- Social context: civil rights and the child-savers
- Psychology/Psychiatry: No role in this reform

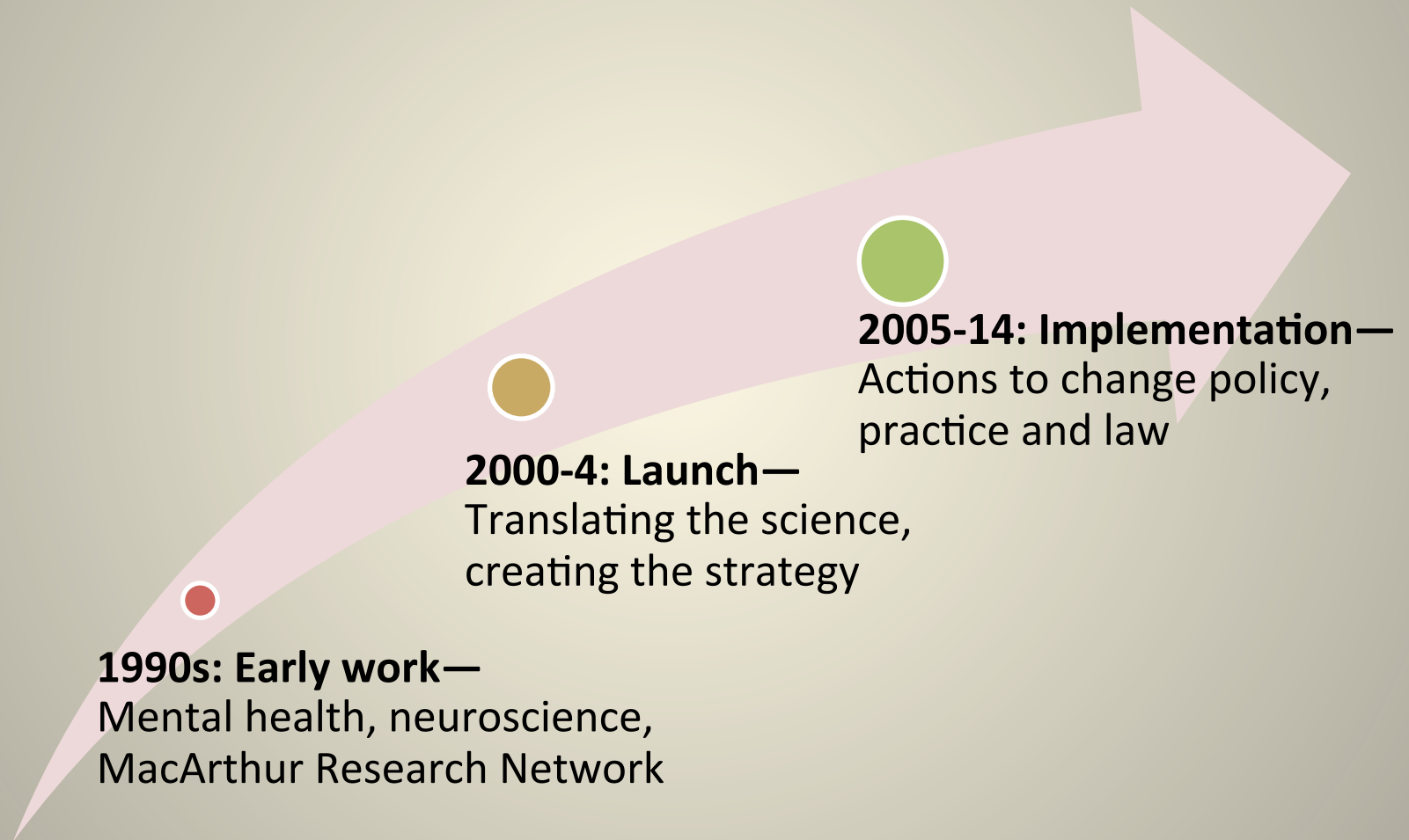


3rd Wave: 1980s and 90s

- Public Safety reform
- Adult crime, adult time
- Social context: Wave of lethal juvenile violence
- Social context: Media-driven public panic and lawmaker response
- Criminology: adolescent “superpredators”



Trajectory of the 4th Wave



4th Wave: Early Work

(1990s)

- Individual, uncoordinated responses reacting to the 3rd Wave
 - Mental health in juvenile justice
 - The Cocozza initiative
 - Research on a mental health screening tool
 - The studies of prevalence
 - Explaining the crisis
 - Legal concerns
 - Raising competence to stand trial in juvenile court
 - Identifying lack of representation
 - Incarceration concerns
 - Detention centers identified as overflowing
 - Massive construction for juvenile corrections

4th Wave: Early Work (2) (1990s)

- Programmatic efforts
 - Delinquency theories using past research
 - MacArthur Network on Adolescent Development and Juvenile Justice (1996-2002): Behavioral developmental research focusing on--
 - Culpability, Competence, Desistance
 - Juvenile Detention Alternative Initiative (JDAI)
- Growing quietly in labs
 - fMRI studies of brain development

4th Wave: Preparing to Launch

(2000-2004)

- MacArthur ADJJ Network's translation of research to influence policy and practice
 - Juvenile CST tools and model practices
 - Mental health screening tools and practices
 - Culpability: Framing the behavioral and neuroscience evidence
- Communications strategies to prepare the public
- Creating a structure for action
 - MacArthur's "**Models for Change--** Systems Reform in Juvenile Justice"

“Models for Change”

- **The Principles**

- “To promote policies and practices that are fair, effective, and recognize the developmental differences between children and adults”
- Developmentally appropriate laws and policies
- Evidence-based tools and interventions

- **The Process**

- Funding national resource centers...
- ...to serve 4 states that committed to reforming their juvenile justice practices across five years, to...
- ...develop programs as models for other states’ systems
- 8 years and over \$150 million
- Eventually expanded to 12 more states (action networks)

Impact on Law

- Strategic action aimed at U.S. Supreme Court
 - *Roper v. Simmons*, 543 U.S. 551 (2005)
 - *Graham v. Florida*, 130 S. Ct. 2011 (2010)
 - *Miller v. Alabama*, 132 S. Ct. 2455 (2012)
- State legislative reform for juveniles' competence to stand trial
 - Larson & Grisso, *Developing Statutes for Competence to Stand Trial in Juvenile Delinquency Proceedings: A Guide for Lawmakers*

Impact on Systems

- Reducing school-based arrests
 - “School-to-Prison Pipeline”
- Reducing pretrial detention
 - “Diversion”
- Improving placement
 - “Risk and needs assessment;” “needs/program matching”
- Reducing racial discrimination in juvenile cases
 - “Disproportionate Minority Contact”
- Increasing upper age for juvenile court
 - “Raise the Age”
- Reducing trial of adolescents in adult court
 - “Transfer to Criminal Court”

Systems impact...

- Eliminating death penalty and life without parole
 - (“Sentencing reforms”)
- Identification/response to behavioral health problems
 - (“MH screening and mental health services”)
- Eliminating juvenile sex offender registration
 - “Repealing SORA”
- Increasing due process protections
 - (“Trial competence” “Miranda waiver” “false confessions”)
- Improving legal advocacy
 - (“Enhanced indigent defense and access”)
- Coordinating juvenile justice & child welfare
 - (“Blending Agencies”)

Impact on National Policy

- National Academy of Sciences
 - National Research Council
 - *Reforming Juvenile Justice: A Developmental Approach* (2013)
 - *Implementing Juvenile Justice Reform: The Federal Role* (2014)
- In effect, the NAS reports make the developmental reform of juvenile justice, as conceptualized by the reform movement, national policy going forward

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