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
2\textsuperscript{nd} 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
3\textsuperscript{rd} 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

1990s: Early work—Mental health, neuroscience, MacArthur Research Network

2000-4: Launch—Translating the science, creating the strategy

2005-14: Implementation—Actions to change policy, practice and law
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
    - Culpability, Competence, Desistance
  - Juvenile Detention Alternative Initiative (JDAI)

- Growing quietly in labs
  - fMRI studies of brain development

• 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

• State legislative reform for juveniles’ competence to stand trial
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

• In effect, the NAS reports make the developmental reform of juvenile justice, as conceptualized by the reform movement, national policy going forward