

Focus: The state of juvenile justice in the US

Goal: Understand the influence of developmental psychology and neuroscience research on juvenile justice reform

KEY TAKEAWAYS



Over last three decades, based on research into youth cognitive development, the US juvenile justice system shifted from “adult time for adult crimes” to recognizing youth as a mitigating factor.

- Shift was driven by research supported by MacArthur showing that youths perceive risk differently and have more limited self-control, altering culpability calculus
- The framework of adolescent diminished responsibility drove several US Supreme Court decisions dramatically limiting life without parole (LWOP) sentences for juveniles

Youth involvement in system has been reduced accordingly, but remains comparatively high.

- Total number of youths in custody or confinement has dropped by 70% since 1996
- Daily average of c. 45,000 children in juvenile custody and several thousand more in adult custody remains stunningly high

The most recent US Supreme Court case, *Jones v Mississippi*, preserves focus on youth of the offender, but raises concern around new harsher juvenile sentences.

- With fewer constraints, prosecutors and judges may feel freer to bring back use of LWOP
- With different Court and without Constitutional lever, US advocates must work on state-level
 - 51 independent jurisdictions

In the US, parole boards remain a key obstacle to getting youths out of the system.

- Most re-sentenced youths are sentenced for a period “up to life”, making parole critical
- Parole rules often still view youth of offender as an *aggravating* factor
- Problem of limited process (lack of counsel, inability to produce evidence on individual’s behalf) exacerbates the difficulty

While US has focused on developmental approach, other countries have taken a human rights approach, based on the UN

Convention on the Rights of the Child or national constitutions.

- South African lawyers have used a “best interest of the child” framework from their constitution

Culture of punishment overrides research into efficacy of incarceration and drives wedge between victims and offenders.

- Research shows that there are limited gains from youth incarceration after about 6 months
 - Most sentences are much longer
- Punishment seen as only opportunity for closure
- Higher consciousness of fallibility (errors) of system would raise interest in system conditions and outcomes

Race or marginalization is often coded into the criminal justice system, resulting in disproportionate punishment.

- Even progress can have disparate impact
 - US COVID-induced reduction of prison population led to an increased proportion of Black people incarcerated

Solutions must begin outside the criminal justice system; child poverty reduction programs play a key role.

- Children’s allowance, state-supported childcare, and parental leave are highly effective
- Best programs pair capacity-building with financial support

Gender effects have been insufficiently researched, although gender alters perception and sentences.

- Development varies across genders
- Similarly situated women may be seen as victims or punished more harshly for breaking norms



KEY EXAMPLES

- [Urban Warriors](#) (Chicago, IL)
- [Center for Reintegration Initiatives](#) (Catalonia, Spain)



RECOMMENDED RESOURCES

- [“The Youth Discount: Old Enough to do the Crime, Too Young to do the Time”](#) by Barry Feld
- Works of Bruce Perry on child trauma