

Commission on Juvenile Justice Reform & Emerging & Best Practices Minutes

March 6, 2025

4-6pm

Virtual Meeting

Commission Attendees: Dr. Aaron Betsinger, Alycia Capozello, Judge Andre Davis, Arntice Crowder-Nickerson, Aubrey Edwards-Luce, Carlotta Woodward, Denise Henderson, Sheriff Donald Baker, Dr. Donna Christy, Lacey Davis, Judge Lara Weathesbee, Dr. Liz Park, Nate Balis, Rhondalyne Reed, Reuben Alvarez, Susan Leviton, Secretary Vincent Schiraldi

Presenters: Dr. Judith Edersheim, Dr. Robert Kinscherff

Other Attendees: Adina Levi, Ainsley Moench, Aishik Palit, Alexa Herzog, Arinze Ifekauche, Aubrey Gerhardt, Bethany Young, Catherine Denver, Dorothy Lennig, Marc Schindler, Meghann Galloway, Michael Sharp, Patti Cleaver, Shannon Bowles

I. Call to Order

Chair Judge Davis called the meeting to order at 4pm.

II. Approval of December 11th, 2024 Meeting Minutes

The December 11th meeting minutes were approved.

III. Update on workgroups from workgroup chairs

Carlotta Woodward gave an update on the Fatality Review Workgroup. She and Judge Weathersbee have met with Rosemary Johnson, who was on the previous Fatality Review Workgroup. They will meet with Kara Aanenson to solidify workgroup plans and will have a meeting soon.

Alycia Capozello gave an update on the Juvenile Justice Processes and System Coordination Workgroup. The Workgroup will move chronologically through the “life” of a juvenile case. The first issue they will look at is jurisdiction and charging youth as adults. The workgroup had two presentations on the issue: one from the Governor’s Office of Crime Prevention and Policy, and one from the Sentencing Project. Their next meeting will discuss takeaways from the presentation.

Chair Judge Davis mentioned he did testify in favor of a bill on limiting automatic youth charging as adults, but he clarified he testified as an individual, not on behalf of the Commission.

Dr. Liz Park gave an update on the Youth Rehabilitative Services Workgroup, which has met twice. At the first meeting, they heard from Deputy Secretaries Lisa Garry and Adina Levi of the Department of

Juvenile Services to hear about Thrive Academy and residential programming. The second meeting was an organizational meeting.

Nate Balis gave an update on the Public Education and Narrative Change Workgroup. Nate Balis reached out to the Vera Institute of Justice, the technical assistance provider for the previous Juvenile Justice Reform Council, to give information to the Commission about the previous Council. At the workgroup meetings, the group discussed what the group wanted to learn about, what they want to inform the public and stakeholders about, and what narratives exist surrounding juvenile justice.

Chair Judge Davis announced that the meeting was streaming publicly on YouTube.

Dr. Donna Christy gave an update on the Prevention Workgroup. The workgroup decided to focus on primary prevention and host different stakeholders to learn about different prevention efforts throughout the state.

IV. Presentation from the Center for Law, Brain, and Behavior

Judge Andre Davis gave an introduction to the Center for Law, Brain, and Behavior, as well as for Dr. Judith Edersheim and Dr. Robert Kinscherff.

Dr. Judith Edersheim gave an introduction to the intersection of neuroscience and juvenile justice. The Center works to provide accurate neuroscience information as it relates to justice policy to policymakers. In *Roper v. Simmons*, the Supreme Court used neuroscience as a justification to ban capital punishment, mandatory life without parole, and life sentences for non-homicide offenses for juveniles, highlighting the importance of understanding juvenile neuroscience for juvenile justice reform.

Dr. Robert Kinscherff went over his presentation.

Dr. Judith Edersheim thanked Dr. pointed the Commission to several resources available on the Center website for further information. The Center created a white paper outlining the neuroscience of late adolescence and early adulthood, as well as a neuroscience library containing modules on juvenile justice.

A. Question and Answer Session

Chair Judge Davis asked if the presenters could identify a jurisdiction that has operationalized the information in the presentation.

Dr. Robert Kinscherff replied that there are several places that are utilizing the information, such as Missouri, Colorado, and Oregon. In Massachusetts, the state has moved towards a treatment-oriented model of corrections over an incarceration model. The state also heavily invested in community- and family-based resources. Additionally, youthful offenders can voluntarily extend services (such as housing, education, and health insurance) past the period of commitment up to the age of 21. Dr. Robert Kinscherff also pointed to Germany and the Netherlands, which has a separate system for up to 18 years old, up to 26

years old, and past 26 years old. For those between 18 and 26, incarceration is similar to an experience at a community college, with a focus on apprenticeships, literacy, and acculturation.

Dr. Judith Edersheim added that though 18 years old was the cutoff age in the Miller v. Alabama Supreme Court case, advanced neuroscience has clarified that this age is arbitrary. Brain development continues at least until age 26, though some argue that brain development never stops. Because of this, Massachusetts launched a diversion program for young adults that goes up to 26.

Aubrey Edwards-Luce asked if neuroscience could be used as a justification to keep youth from their communities until their brains had fully developed. Dr. Robert Kinscherff replied that research indicates that youth need to interact with their communities for typical developmental experiences. Additionally, having a connection to the community and things to lose can prevent criminal activity.

Dr. Robert Kinscherff went on to explain that substance abuse is an example where activity decreases as people age, as the consequences for substance abuse get more severe as one ages. Incarceration increases the connection youth have to criminologic behavior and communities. Youth often age out of criminal activity around age 25, as can be demonstrated in prisons, where it is common for older incarcerated individuals to take on mentor roles for the younger population.

Dr. Robert Kinscherff described the diversion project he worked on with the Annie E. Casey Foundation. Youth who are detained often have worse outcomes than those who are kept in the community, so the project diverted 400 young people who would have otherwise been detained. Those who were kept in the community were more likely to stay in school and graduate, and only three of the 400 kids failed to appear in court or committed a new offense while they were out.

Dr. Judith Edersheim explained that the frontal lobe, which is responsible for planning and impulse control, develops last. The limbic system, which is responsible for novelty, excitement, and emotion, develops before the frontal lobe, which explains the impulsive actions of adolescents without regard to consequences. Additionally, brains develop based on their experiences, strengthening the connections that help them function and adapt to their environment and pruning the connections that are not relevant. Youth who experience trauma and stress will have a brain that is more responsive to those conditions.

Nate Balis asked if the presenters could talk about how juveniles respond to incentives versus sanctions and how juvenile neuroscience should inform how judges and courts should operate. Dr. Robert Kinscherff replied that the severity of the sanction does not matter as much as the predictability and consistency of the sanction. If sanctions are not consistent, avoiding punishment accidentally becomes an incentive for behavior. Punishment is the least effective way to change behaviors; instead, opportunities for learning and growth and adding value to someone's life see the best outcomes in changing behavior towards the better. Dr. Robert Kinscherff then gave examples of some programs successfully doing diversionary work.

Sheriff Donald L. Baker asked how we hold juvenile offenders accountable and how DJS should be handling low-level offenders so they do not become high-level offenders. Dr. Robert Kinscherff replied that low-level offenders should be put in consistent activities that would take them off of the streets and also contribute positively to their life so they feel like they would have something to lose by continuing

with criminal behavior. Detaining kids may feel like we are holding them accountable, but in reality, detention allows them to grow their connections with other kids who are committing criminal acts, which may encourage them to be high-level offenders. He mentioned a restorative justice practice in Portland where graffiti taggers were offered to contribute to a mural as a form of community service. As a result, the taggers went on to contribute to the local art community rather than continue tagging.

Donna Christy offered that it might be helpful to view criminal behavior as a skill deficit. The youth are looking to solve a problem, but do not know how to solve it in a socially proactive way. Teaching problem solving skills and engaging in restorative practices are effective in reducing behavior problems.

Secretary Vincent Schiraldi responded to Sheriff Donald L. Baker's question. First, 71% of youths who come into DJS on their first offense never come back, and even fewer get a new adjudication. In regards to whether DJS is not doing enough with first-time offenders, he mentioned that it may be risky to put kids further into the juvenile justice system, or to have DJS coordinate diversion programs rather than different jurisdictions. Dr. Robert Kinscherff agreed that juvenile justice has two problems: overintervention and underintervention. For those who return, there should be a conversation about why they returned. Not every youth will need the same level of intervention, and it's a question of risk management.

Sheriff Donald L. Baker mentioned there are diversion programs that kids can go through before going to DJS. Kids who are higher-level offenders should get comprehensive wraparound services to ensure they do not re-offend. Secretary Vincent Schiraldi agreed.

Chair Judge Davis thanked Dr. Judith Edersheim and Dr. Robert Kinscherff for their time and presentation.

V. Housekeeping items

Bethany Young announced that all of the materials referenced in the presentation and discussion would be sent to Commissioners in an email along with upcoming workgroup meetings. The next Commission meeting will be held virtually on April 10th.

VI. Adjournment

The meeting was adjourned at 5:50pm.