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CLBB News

A newsletter from the Center for Law, Brain & Behavior

August 15, 2022

CLBB Summer Research Assistant Project Highlights

The Center for Law, Brain & Behavior regularly engages students in the Center's work related to juvenile and criminal justice, trauma and asylum law, and aging brains. Students at the Center come from diverse backgrounds and have included undergraduates and post-baccalaureate and post-doctoral students in law, medicine, public policy, bioethics, and other fields. CLBB Executive Director Robert Kinscherff, PhD, JD has project oversight responsibilities for the Summer Research Assistants and active participation in several of them.

For more information about our summer 2022 research assistants, as well as some of our past student researchers, take a look at their [impressive bios](#).



UNITAR

Priya Bajwa, Duke University School of Law
Caitlyn Tabor, Harvard Medical School

Caitlyn and Priya have been working on a project for the United Nations Institute for Training and Research (UNITAR) alongside collaborators from Maastricht University in the Netherlands. They are developing international training materials intended for lawyers, judges, and policymakers that details comparative neurolaw approaches in the United States and the European Union. Caitlyn and Priya are researching the intersection of law and neuroscience with the insanity defense, addiction, and interpersonal violence in formatting the neurolaw training modules for UNITAR. They have agreed to continue to support this project in coming months.

Suffolk County Diversion Program

Naicha Christophe, University of Massachusetts Amherst
Emma Schultz, Boston College Law School

The Suffolk County District Attorney's Office plans to develop a pre-arrest Young Adult Diversion Program for persons ages 18 - 25 in Suffolk County because of the positive individual and community-safety outcomes and cost-savings criminal justice diversion programs tend to have in the communities in which they are implemented.

As Summer CLBB RAs, Emma and Naicha researched young adult diversion programs and specialty courts, both domestically and internationally. They have also collected assessment tools used during the diversion process, operational policies and



procedures, and data on the crime rates and demographics of the counties and cities in which they are implemented. They met with program directors and staff. They have agreed to support the next phase of our project by participating in participating in the design and implementation of the Young Adult Diversion Program.

SUPREME COURT OF THE UNITED STATES

Syllabus

JONES v. MISSISSIPPI

CERTIORARI TO THE COURT OF APPEALS OF MISSISSIPPI

No. 18–1259. Argued November 3, 2020—Decided April 22, 2021

Post-Jones Consortium Project

Nika Rudenko, Harvard College
Emma Schultz, Boston College Law School

The Post-Jones Consortium Project is focused on compiling resources for attorneys and judges navigating developments in the jurisprudence of Juvenile Life Without Possibility of Parole (JLWO) sentences in the wake of US Supreme Court cases in *Miller v. Alabama* (2012) and *Jones v. Mississippi* (2021). The *Jones* case has resulted in intensified litigation and legislative activity on this issue in the states.

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Emma conducted legal research and gathered court cases that cited *Jones v. Mississippi*. Nika focused on reviewing existing research on developmental neuroscience most relevant for judges, attorneys, and legislative advocates on this issue. She is working on adapting and optimizing the current neuroscience and social science frameworks to make them easily accessible and applicable in the legal field. A key goal of the project is to create a comprehensive and user-friendly curriculum that educates those involved in juvenile and emerging young adult cases and sentencing about the history of relevant case law, legislative initiatives, and the use of the latest neuroscience research in the field.

ROCA Project for Younger Adolescents

Nika Rudenko, Harvard College

The project focuses on adapting the existing ROCA model of preventing criminal engagement of juveniles and young adults (ages 16 – 24) for younger adolescents (ages 13 -15) who are at risk of multi-system involvement.

Nika has been supporting this project by providing a research-based scaffolding based on neurodevelopmental and behavioral science and identification of the specific developmental characteristics and needs of younger adolescents. Her work supports Roca’s initiatives to developmentally align its intervention model in hopes to resume a more positive developmental trajectory before individuals reach mid-to-late adolescence.

Sentencing Project - Virginia Restorative Housing

Naicha Christophe, University of Massachusetts (Amherst)

The Sentencing Project is a national research and advocacy center working toward reducing the use of incarceration in the United States and addressing racial disparities in the criminal justice system. The Sentencing Project is working on conducting a research study that will focus on the safety, purpose, and use of Restorative Housing (solitary confinement) housing in Virginia prisons. The Virginia legislature has ordered this study and the specific methodology is currently being negotiated with consultation from CLBB.

Naicha aided in constructing the first two drafts of the interview questionnaire being developed to assure scientifically reliable data collection for this project. The ultimate goal of this project is to provide the Virginia scientific guidance as it reviews the use of Restorative Housing in Virginia with the potential outcome of substantial reductions in the use of – and duration of – solitary confinement.



Riley Hoffman, Harvard College
Adele Mah, Wellesley College

Adele and Riley collaborated with NACC staff and a developmental child psychologist from William James College to develop a legislative briefing on the need for legal counsel for children involved in child protection, high conflict divorce custody, and other cases where decisions will have a life-altering impact upon them. This briefing is intended for use in states where children have very limited or no access to attorneys to represent their interests in court cases.

Adele and Riley conducted a comprehensive literature review looking at decisional capacity and developmental cognitive abilities in a normative child population, and how the exposures to significant adversity characteristic of children and youth in these kinds of case impacts legally relevant capacities such as making case-related decisions with their attorneys. They have agreed to continue to support this project as their research is summarized and communicated as a briefing document for legislators and a set of recommendations for attorneys about how to most effectively represent children and youth.

Elder Protection Project

Victoria Hawekotte, University of Pennsylvania Law School
Riley Hoffman, Harvard College



Tori and Riley are working with CLBB Co-Founders Dr. Bruce Price and Dr. Judith Edersheim to develop a science White Paper on the current state of protection of aging adults from financial fraud and exploitation. The White paper will address concern expressed by financial professionals about how to implement their duty to protect their elder adult clients.

Riley has reviewed literature psychology, gerontology, neurology and other fields on the impact of aging on the capacities of elders when making financial decisions. Tori researched the current state of elder protection laws that protect seniors from financial exploitation. Her review included the Senior Safe Act, FINRA's regulations, SEC anti-fraud provisions, state adoption of NASAA's Senior Model Act, and state APS statutes. Additionally, Riley and Tori are evaluating SEC recommendations for assessing diminished capacity and spotting financial exploitation in senior investors, as well as whether the current framework for preventing elder financial fraud and exploitation is sufficient and actually enforced.

Judge Jay Blitzman (ret.) Project Support

Victoria Hawekotte, University of Pennsylvania Law School



CLBB Affiliated Faculty Member Judge Jay Blitzman's projects center on emerging young adult and juvenile justice reform. Victoria has supported his research on emerging young adult courts and diversion programs around the country. These courts provide emerging adults with the opportunity to participate in programming rather than face possible prison time and reduce charges or expunge criminal records. She also evaluated data regarding these programs' efficacy in reducing recidivism rates, providing vocational and educational resources to participants, and assuring racial and ethnic equity.



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