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# CLBB News

A newsletter from the Center for Law, Brain & Behavior

December 20, 2021

## CLBB Highlights



### [Fetal Alcohol Syndrome Disorder](#)

MPAP News | October 2021

Massachusetts initially failed to include Autism Spectrum Disorders (ASD) and Fetal Alcohol Spectrum Disorders (FASD) in that state's definition of "developmental disability." They were not eligible for state developmental disability services and a poor fit for state mental health services. Some years ago, advocates for persons with autism successfully convinced the legislature to expand eligibility to include persons with ASD. Legislation has now been introduced to include persons with FASD. FASD arises from brain injuries due to consumption of alcohol during pregnancy and manifests on a continuum from minor to profound impairments. FASD is commonly not identified or misdiagnosed and so becomes an "invisible disability."

As a result, persons with unidentified or unaddressed FASD are substantially overrepresented in child protection foster care systems, juvenile justice settings, jails and prisons, and deep-end psychiatric settings. Yet, many persons with FASD can live meaningful lives in their communities if afforded proper supports informed by an understanding that FASD is a neurological rather than psychiatric condition.

On October 29, 2021 **CLBB Executive Director Robert Kinscherff, PhD, JD** offered testimony to the Joint Committee on Children, Families and Persons with Disabilities in support of extending eligibility for services of the state Department of Disability Services to persons with FASD and their families.



### [Stephanie Tabashneck Appointed to Ethics Committee of the American Psychological Association](#)

American Psychological Association | Fall 2021

Incoming Senior Fellow in Law and Applied Neuroscience **Stephanie Tabashneck, PsyD, Esq** has been appointed to the Ethics Committee of the American Psychological Association.

"The Ethics Committee shall have the power to receive, initiate and investigate complaints of unethical conduct of members (to include fellows), associate members and affiliates; to report on types of cases investigated with specific description of difficult or recalcitrant

cases; to dismiss or recommend action on ethical cases investigated; to resolve cases by agreement where appropriate; to formulate rules or principles of ethics for adoption by the association; to formulate rules and procedures governing the conduct of the ethics or disciplinary process for approval by the Board of Directors acting on behalf of Council; and to interpret, apply and otherwise administer those rules and procedures."



### [Dr. Robert Kinscherff Testifies at Juvenile Court Hearing](#)

Des Moines Register | December 3, 2021

**CLBB Executive Director Robert Kinscherff** testified at fifteen year old Pieper Lewis's juvenile court hearing on July 6, 2021. Lewis is being charged for the murder of the man "to whom she said she was being sexually trafficked." A district associate judge decided to waive her case to adult court.

*Highlight:* "Robert Kinscherff, executive director of the Center for Law, Brain and Behavior in Boston, testified that, though her chances of committing a future crime wouldn't be zero, a violent attack made in adolescence isn't a predictor of future violent tendencies. Noting her anxiety and post-traumatic stress symptoms, he said, 'I think it's highly unlikely that Pieper would've done this on her own without these circumstances' — or that she would again. 'I have seen people like Lewis who were well-served as juveniles who've lived positive lives,' he said."



### [The State of Juvenile Justice](#)

The State of Criminal Justice 2021

This chapter in *The State of Juvenile Justice 2021*, written by **CLBB Faculty Member Judge Jay Blitzman (Ret.)** discusses the unintended consequences of policing in schools, raising the age for juvenile court jurisdiction, juvenile life without parole and mandatory sentencing, and state reforms.

*Highlight:* "This chapter has emphasized that while juvenile arraignments have continued to decline, in many neighborhoods, Black and Latinx youth are still overrepresented at every point of the juvenile justice system for which data is available. It is past time to break the cycle."

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## Advisory Board Member News

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### [Hundreds of DC Inmates May Be Moved After 'Deeply Concerning' Conditions Reported](#)

ABC 7 News | November 2, 2021

**Atty. Avis Buchanan** was quoted in this article about the hundreds of inmates who will be moved to a federal Pennsylvania penitentiary after "unacceptable conditions" were reported inside the DC Central Detention Facility. Inspections in October reported that detainees were living in an unsanitary environment and denied access to food and water.

*Highlight:* "'We refuse to stay silent and call on the U.S. Attorney's Office to stop seeking clients' detention and the D.C. Superior Court judges to take immediate action and release clients who are facing these unconstitutional and inhumane conditions,' said Avis E. Buchanan, Director, Public Defender Service for the District of Columbia."

### [A Parole in the Brink's Robbery Case](#)

The New York Times | October 29, 2021

In this NYT Letter to the Editor, **Atty. Marty Garbus** celebrates the



New York State parole board's grant of David Gilbert's parole. Gilbert was one of several far-left activists convicted in an armored car robbery in New York in 1981.

*Highlight:* "People change over time. Our system of criminal justice also must change. The impact of mass incarceration must be addressed and remedied, especially for communities of color and the families of those jailed. This grant of parole to David Gilbert, who has a demonstrated record of nonviolence and helping and mentoring others who are jailed, should be celebrated."

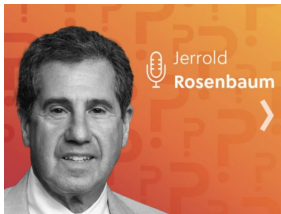


### [Dr. Neal Baer to Teach Inaugural Humanities, Arts and Public Health Practice Course at Yale University](#)

Yale School of Public Health | October 14, 2021

Formed in early 2019, the Humanities, Arts and Public Health Practice at Yale (HAPPY) is an interdisciplinary initiative focused on health and the humanities, leveraging the rich resources across Yale's campus. **Dr. Neal Baer** will be co-teaching HAPPY's inaugural Humanities, Arts and Public Health Practice course in the spring of 2022 as a visiting scholar and lecturer. Dr. Baer, filmmaker Jonathan Smith, and other guest artists will also be developing a summer storytelling workshop for healthcare professionals.

*Highlight:* "'Neal Baer is very interested in this space and this project,' Lichtman said. 'We have dedicated this gift to bringing in Neal as a collaborator to help us develop the vision for HAPPY.'"



### [Jerrold Rosenbaum: Are Psychedelics an Effective Treatment for Mood Disorders?](#)

Harvard Magazine | November 29, 2021

**Dr. Jerrold Rosenbaum** was interviewed for the podcast "Ask a Harvard Professor" on the potential for using psychedelics, particularly magic mushrooms, to treat mood disorders like depression and anxiety.

*Highlight:* "With psilocybin, it's several hours, with shorter-acting agents, like 5-MeO-DMT, you'd expect it to be very brief. And so it's not a durable effect. It's a transient effect. But after that happens, and whether it's because of it, or despite it, people feel some kind of profound, or often feel some kind of profound change: a loss of depression, or anxiety, or a sense of calm or peace they've not known in the world."

The classic studies about reflecting and that are LSD and psilocybin, which have both been used in the past for individuals who had received medical death sentences, you know, terminal diagnoses, and when exposed to these psychedelic agents have lost their depression and anxiety or fear of dying, or at least that's what the reports indicate. And that those who had survived for several months, six months, retain that, that sense of peace, that somehow they felt a different connection with the universe."

## Faculty News



### [Cumulative Risk of Immigration Prison Conditions on Health Outcomes Among Detained Immigrants in California](#)

NIH National Library of Medicine | November 29, 2021

**CLBB Faculty Member Altaf Saadi** conducted this study on how detention catalyzes worsening health in the US immigration system.

*Highlight:* "Confinement conditions are associated with poor physical and mental health outcomes among immigrants detained in immigration prisons. Policies that seek to improve specific conditions in detention centers may remove some risks of harm, but

alternatives to detention are likely to be most effective."



### [When Opioids are the Cure to Depression and Psychache](#)

Vice | November 01, 2021

This article, featuring **CLBB Faculty Member Steven Hyman**, discusses whether opioids can be safely used as an antidepressant.

*Highlight:* "Decades of research in neuroscience failed to bring novel psychiatric treatments to the market, leading biotech firms to abandon their hunt for the next generation of drugs that treat mental illness. 'This exodus creates a dangerous gap in the public health ecosystem,' Dr. Steven Hyman, director of the Stanley Center for Psychiatric Research at Broad Institute of MIT and Harvard, wrote in a 2019 Science commentary titled 'Revolution Stalled.' Hyman observes that numerous antidepressants have been developed since the mid-century spate of discoveries in psychiatric medicine, 'but none has improved on the efficacy of imipramine or the first MAOIs [monoamine oxidase inhibitors].'"

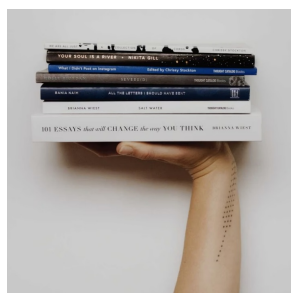


### [Families Separated at the U.S.-Mexico Border Suffer PTSD, Anxiety and Depression, Study Finds](#)

The Dallas Morning News | November 30, 2021

This [study](#) reports "how long the symptoms of mental health disorders are sustained" after families who have been separated at the U.S.-Mexico border are reunited.

*Highlight:* "None of these children knew what was going on...They had the most traumatic experience of their lives happen to them without any sort of understanding about why that happened."



### [Can Cli-Fi Fiction Help Us Imagine A Sustainable Future?](#)

Pebble | November 05, 2021

"Cli-Fi or Climate Fiction is a spin-off genre of science fiction, bringing in elements of speculative fiction telling stories of a world impacted by climate change." This article focuses on the importance of imagination to reframe the confounding issue of the climate crisis. **CLBB Faculty Daniel L. Schacter** comments on how stress inhibits our imagination.

*Highlight:* "Anxiety has an important relationship to imagination, because it can lead us into a position where we're focusing on imagining negative future outcomes that may further cause us to become even more anxious."

## Upcoming Events



### [Neuroscience and Criminal Law: The Post-Jones Landscape for Late Adolescents and Emerging Adults](#)

Harvard Law School | February 9, 2022 at 12:00 PM ET

The U.S. Supreme Court landmark case of *Roper v. Simmons* (2005) barring execution for crimes committed prior to age 18 launched a line of cases extending Eighth Amendment protections for juveniles.

**This panel discussion hosted by the Center for Law, Brain and Behavior and the Petrie-Flom Center** will survey the current landscape of cases and legislation focused on crafting developmentally aligned frameworks for responding to misconduct by younger adolescents, late adolescents (ages 18 – 20) and emerging adults (21 – 25), including "raising the age" of full criminal

culpability past age 18. The contributions of neuroscience to informing a developmentally aligned jurisprudence for late adolescents and emerging adults will be reviewed.

Register [here](#)!

*This event is part of the Project on Law and Applied Neuroscience, a collaboration between the Center for Law, Brain and Behavior at Massachusetts General Hospital and the Petrie-Flom Center for Health Law Policy, Biotechnology, and Bioethics at Harvard Law School.*

## In the News

### General

[Best Predictor of Arrest Rates? The 'Birth Lottery of History'](#)

The Harvard Gazette | June 22, 2021

[Bill Would Build on Reforms to Program for Florida Kids With Birth-Related Brain Injuries](#)

Miami Herald | December 15, 2021

### Juvenile Justice

[Teran, Robinson, Pacheco: Raise Juvenile Court Age So Young People Can Thrive](#)

Boston Herald | December 10, 2021

[Juvenile Justice Advocates and Police at Odds Over Reform Bill](#)

The Washington Post | December 11, 2021

[Uplifting Children's Voices in the Child Advocacy Clinic](#)

Harvard Law Today | December 15, 2021

### Elder Justice

[Associate Attorney General Vanita Gupta Delivers Remarks at the Elder Justice Coordinating Council Meeting](#)

US Department of Justice | December 7, 2021

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