

# CLBB News

A newsletter from the Center for Law, Brain & Behavior

July 20, 2020

## Special Event - Tomorrow!

### [Justice and the Developing Brain: A Learning Series](#)

More Than Words, Suffolk County DA, CPCS, CLBB  
July 21, 2020 | 1:00 PM - 2:00 PM EDT

Join us for the final session of this amazing webinar series. Register [here](#). Session #5 will feature lawyer, academic and ninja warrior [Sean Darling-Hammond](#) on the topic of **implicit racial bias** in juvenile and emerging adult justice. This webinar series is led by CLBB Associate Director Robert Kinscherff, PhD, JD, the Juvenile Unit/Juvenile Alternative Resolution Program (JAR) at the Office of Suffolk County District Attorney Rachael Rollins, the Committee for Public Counsel Services, and the staff and youth at [More Than Words](#).

If you missed earlier sessions led by Dr. Kinscherff, you can see archived video and slides on the [CLBB web site here](#).

## CLBB Highlights

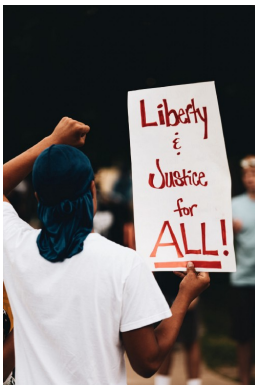


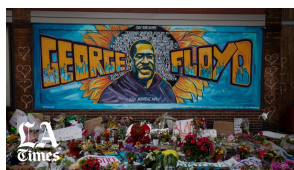
Photo by LOGAN WEAVER on [Unsplash](#).

### [Developmental Neuroscience and Justice: Can a 19-year-old be Sentenced to Life without Parole?](#)

Ian Hayes | Harvard College & CLBB Summer Research Asst.  
July 14, 2020

In this update, CLBB research assistant Ian Hayes provides a detailed look at on-going litigation in Illinois arguing that recent advances in developmental neuroscience should change constitutional protections for those who commit crimes as emerging adults.

*Highlight:* "Johnson and Ruiz have made prima facie showings in their pleadings that evolving understandings of the brain psychology of adolescents require *Miller* to apply to them. Their petitions and their counsel on appeal urge that we account for the emerging consensus that the development of the young brain continues well beyond 18 years, the arbitrarily demarcated admittance to adulthood for those arrested and entering our criminal law system."



### [Op-Ed: The Moment the Police Approached George Floyd, the Wheels of Injustice Started](#)

Nancy Gertner and Paul Butler | Los Angeles Times | June 5, 2020

CLBB Managing Director Judge (Ret.) Nancy Gertner and Georgetown Law professor Paul Butler contrast the arrest of George Floyd with the arrests of the four cops involved in his murder.

*Highlight:* "The cornerstone of equal justice is treating all citizens alike. If the criminal system treated African Americans at the arrest-decision point the way it treats police suspects - such as Chauvin and his three colleagues - George Floyd would still be alive."

### [It's Time to Raise the Age](#)

Jay Blitzman | Commonwealth Magazine | June 13, 2020

Massachusetts Juvenile Court Judge Jay Blitzman argues that the state should follow Vermont's lead and raise the age of juvenile court jurisdiction from 18 to 21. Treating emerging adults in the juvenile court system, Blitzman contends, is both more consistent with racial equity and more in line with good public policy, as the Department of Youth Services uniquely promotes positive psychosocial development and has reduced recidivism rates.

*Highlight:* "There is little doubt that if we raised the age to 21 in phases, perhaps starting at 19, there would be no problem. Raising the age in the more rehabilitative and developmentally oriented juvenile court is better for youth, costs the public a lot less, and better protects public safety."

### [Police Aren't Needed in Schools](#)

Jay Blitzman | Commonwealth Magazine | June 10, 2020

Massachusetts Juvenile Court Judge Jay Blitzman details the problem with the school-to-prison pipeline and how policing in schools exacerbates the issue. This dilemma disproportionately affects students of color, especially Black youth, who are two times more likely to be arrested in school than their peers. Much of the funding for school-based police initiatives would benefit students more if redirected towards directly supporting children and their communities.

*Highlight:* "Police lack the skills to effectively interact with emotionally dysregulating students or deal with routine disciplinary matters. There are police mental health and diversion programs, but these are inadequate substitutes for educators using proportional discipline, restorative justice, and emotional and social learning that supports positive youth development. Zero tolerance is intolerance."

## Faculty Research and News

### [Dormio: A targeted dream incubation device](#)

Adam Haar Harowitz | Consciousness and Cognition | May 30, 2020

*Highlight:* "Along with validation data, we discuss how Dormio and TDI protocols can serve as tools for controlled experimentation on dream content, shedding light on the role of dreams in the overnight transformation of experiences into memories."

### [Where You Live Matters: Zip Codes Are a Key Factor in Assessing Risk](#)

Jay Blitzman | Commonwealth Magazine | May 23, 2020

*Highlight:* "The current vulnerabilities faced by communities of color reflect our past failures in treating youth and their families with equity...We must search for vaccines to cure the pandemic as well as our persistent structures of inequality. Where you live shouldn't matter."

### [Helping Teens Cope With No Prom or Graduation](#)

PX11 | May 21, 2020

CLBB Affiliated Faculty Member Gene Bersin, MD was interviewed by PX11 Daily News, where he shared his thoughts about coping strategies for young people and families grappling with the emotional toll of the pandemic and quarantine.

### [Justice for Some: A Tale of Two Americas](#)

Jay Blitzman | Juvenile Justice Update | Summer 2020

*Highlight:* "The COVID-19 epidemic has graphically illustrated the separated worlds we inhabit. ... It is imperative that we adopt a more community-based public health orientation."

## [So You Had a Bad Day](#)

Jen Miller | The New York Times | May 12, 2020

In this New York Times Piece, CLBB Chief Scientific Officer Lisa Feldman Barrett offers strategies for combating emotional distress. She explains the "experiential blindness" that results from nervous system overload and makes it difficult to manage mood. Ultimately, the article suggests meditation, exercise, distraction, and social connection as tools for emotion management amidst experiential blindness.

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

Jay Blitzman | ABA Criminal Justice | 2020

*Highlight:* "Although males and white youth still comprise the largest percentage of youth in the formal probation caseload, the percentage of African-American youth is much larger than that of the general population. This disturbing reality is underscored by the fact that in spite of the dramatic decreases in juvenile arrests and arraignments, racial and ethnic disparities continue to persist and in some instances have increased."

## In the News

### *Juvenile and Emerging Adult Justice*

[Advocates Hang Hopes on Hung-Up Albany Bills to Curb Aggressive Police Interrogations of Kids](#) | The City | July 13, 2020

[A Year After Prison, He Has a Job, a Fiancee-And a Week Left of Freedom](#) | The Marshall Project | July 12, 2020

[Other DAs Undermine Rachael Rollins, and the Will of the Voters Who Elected Her](#) | The Boston Globe | July 8, 2020

[Juvenile Justice During COVID-19 is Closer to No Justice At All](#) | The Philadelphia Inquirer | May 3, 2020

[Solitary, Brawls, No Teachers: Coronavirus Makes Juvenile Jails Look Like Adult Prisons](#) | The Marshall Project | May 12, 2020

[COVID-19 Reveals Fractures in California's Failed Youth Correctional System](#) | Juvenile Justice Information Exchange | May 26, 2020

[Trapped](#) | Slate | June 22, 2020

### *Trauma and Immigration Justice*

[The True Costs of Deportation](#) | The Marshall Project | June 18, 2020

[Many Asylum Seekers in Mexico Can't Get U.S. Court Hearings Until 2021. A Coronavirus Outbreak Could 'Devastate' Them](#) | TIME | May 14, 2020

[Coronavirus Makes Migrant Workers Choose: Money or Health](#) | Los Angeles Times | May 22, 2020

### *Elder Justice*

[Like Domestic Violence, Elder Abuse Appears to Be Climbing, Too](#) | Forbes | June 18, 2020

[Protecting Seniors From COVID-19 Fraud](#) | Journal of Accountancy | May 29, 2020

[For Older Adults, COVID-19 Has Set Off a Pandemic of Despair](#) | Considerable | May 29, 2020

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