



Date and Time: Tuesday, January 16, 2024 3:27:00PM EST

Job Number: 214667794

Document (1)

1. [ARTICLE: The Developmental Reform in Juvenile Justice: Its Progress and Vulnerability, 28 Psych. Pub. Pol. and L. 151](#)

Client/Matter: -None-

Search Terms: TITLE("The developmental reform in juvenile justice: Its progress and vulnerability")

Search Type: Terms and Connectors

Narrowed by:

Content Type

Secondary Materials

Narrowed by

Source: Psychology, Public Policy, and Law

ARTICLE: The Developmental Reform in Juvenile Justice: Its Progress and Vulnerability

2022

Reporter

28 Psych. Pub. Pol. and L. 151 *

Length: 29117 words

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This article was published Online First October 14, 2021.

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The Fourth Wave Threat Assessment Project was supported by funding from The John D. and Catherine T. MacArthur Foundation to the University of Massachusetts Medical School (PI: Thomas Grisso). We thank the participants, as well as Laurie Garduque of the John D. and Catherine T. MacArthur Foundation for her guidance in Phase I of the project, and Jonathan Clayfield for assistance with Phase I analyses. We have no known conflicts of interest to disclose.

This manuscript is based on data from the Fourth Wave Threat Assessment Project, a two-phase study of juvenile justice field leaders' perspectives on threats to the progress of the developmental reform in juvenile justice. The Phase I results have not been published in peer-reviewed form. The general results were reported at a December 2015 meeting convened by the MacArthur Foundation as the Models for Change 10th Anniversary National Working Conference (Title: "Addressing Key Issues in the Fourth Wave of Reform: A Town Hall Summary Report.") In addition, portions of Phase I results were used as material for a MacArthur Foundation "brief" (2016) posted online at <http://www.modelsforchange.net/publications/index.html>. Phase II results have not been presented or published elsewhere. Due to the nature of the project (i.e., an iterative, consensus-building series of discussions and reflections among a panel of experts), there is no publicly available data, code, or written analyses.

All three authors contributed to writing the manuscript, overseen by the Caitlin Cavanagh. Caitlin Cavanagh aided in project conceptualization, aided in collection of Phase 1 data, and collected and analyzed the data for Phase II. Jennifer Paruk aided in Phase II data collection and analyzation efforts. Thomas Grisso 2 conceptualized the project, developed the methodology, and implemented Phase I.

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Highlight

Over the past twenty years, the developmental reform to juvenile justice has shifted law, policy, and practice toward a research-informed perspective on adolescent development. However, as with any reform, the developmental reform has vulnerabilities that may reduce its likelihood to be sustained. In order to maintain and build upon the gains of the developmental reform to juvenile justice, we document a 2-phase, 5-year effort to identify and track threats to the reform. In Phase I, a threat assessment methodology was employed to develop a consensus among a panel of experts about threats to the developmental reform and potential mitigating strategies. In Phase II, panelists completed a follow-up survey 5 years later to report the manifestation and impact of the threats they had forecasted. Overall, panelists viewed the health of the developmental reform in juvenile justice positively, particularly in its rate of progression and states' interest in the reform. Eleven threats were identified in Phase I, but only 3 of these (Racial Bias, Fragmented Efforts, and Trends in Other Social Systems) were reported as having manifested in Phase II. Notably, many of the panelists were largely unfamiliar with new and ongoing reform-relevant research, pointing to an opportunity for reform-minded researchers to disseminate their findings among policymakers and practitioners. In addition to offering a perspective on the developmental reform, the threat assessment methodology used in the project offers potential for threat assessments to forecast future trends in other public policy reforms. We close with recommendations for sustaining the progress of the developmental reform movement.

Keywords: juvenile justice, adolescent development, social policy, reform

Text

[*151] The past 20 years produced a dramatic shift in law, policy, and practice in the juvenile justice system. The direction of the reform has countered the punitive, "get-tough" era of the 1980s and 1990s, offering a developmental perspective that emphasizes differences between adolescent and adult offenders, as well as specific justice system responses that both reduce offending and promote adolescents' positive growth. The recent developmental reform, now considered the fourth wave of policy changes in juvenile justice history, has had a progressive trajectory since 2000. Yet public policy reforms tend to run in cycles, rising and then falling to be replaced by an alternative. Can this latest juvenile justice reform be sustained? What are its vulnerabilities, and how can the reform be protected from them?

This article reports the method and results of a project designed to identify potential threats to the recent developmental reform in juvenile justice as perceived by the consensus of a panel of experts **[*152]** in 2015. We also report a follow-up survey, in 2021; of the panel's perceptions regarding the subsequent manifestation and impact of the threats they had forecasted five years earlier. In addition to offering a perspective on the developmental reform, our report of the method used in the project offers potential for threat assessments to forecast future trends in other public policy reforms and social movements.

The Fourth Wave: Developmental Reform in Juvenile Justice

Juvenile justice reforms follow a cyclical pattern, influenced by juvenile crime rates in the context of existing juvenile justice policies (Bernard & Kurlychek, 2010). By 2000; juvenile justice in the United States had already experienced three waves of reform in its 100-year history. The first reform beginning in the late 19th century was characterized by a civil child welfare approach: youth were to be rehabilitated instead of treated as adult criminals. In practice, however, the newly established juvenile courts had wide discretion in their responses to delinquency and often did not act in the best interests of the youth (Bernard & Kurlychek, 2010). In addition, early juvenile justice reforms were influenced by White attitudes on race and social class (see Tanenhaus, 2005). For example,

reformers often denied Black youth rehabilitative court services, such that Black youth experienced more severe, violent, or adult punishments, as well as disproportionate rates of institutionalization (Ward, 2012). As juvenile justice and other progressive reforms made their way through the country, juvenile treatment was naturally affected by regional laws and policies, such as Jim Crow laws and forced assimilation (Seelau, 2012; Ward, 2012).

Criticism of discretionary and discriminatory juvenile court practices led to a second "due process" wave of reforms in the 1960s. These reforms provided youth procedural safeguards and recognized the rights of youth in juvenile court as similar to defendants' rights in criminal court (e.g., In [Re Gault, 387 U.S. 1](#), 1967; see Feld, 2005). Then, in the 1980s, in the context of skepticism of the treatment and rehabilitation model (Feld, 2005), a significant increase in juvenile violent crime (Butts & Mears, 2001), and sensational media reports that construed "the crime problem as a black problem" (Gilliam et al., 1996), nationwide reform in laws and practices created a third, "get-tough" era. This third wave of reforms emphasized zero tolerance and harsh penalties for juvenile offenders (Butts & Mears, 2001), and often targeted youth of color (Henning, 2012; Rios, 2011).

The current fourth wave of juvenile justice reform emerged in the late 1990s as a response to the damage done by the "get-tough" reforms (Grisso, 1996; Scott & Grisso, 1997). Some philanthropic foundations began specific juvenile justice interventions, such as reduction in the overuse of incarceration for youths with minor or first-time offenses (e.g., the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative, see Mendel, 2009 for a description) and identifying youths with mental health needs entering the system (e.g., William T. Grant Foundation's funding of mental health screening: in juvenile justice: Grisso & Barnum, 2000). In 1996; the John D. and Catherine T. MacArthur Foundation (hereinafter, MacArthur Foundation) embarked on eight years of funding to support a national network of developmental, child clinical, and criminology researchers, working together with juvenile legal scholars and practitioners. The collaborative studies of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice focused on adolescents' decisional capacities, legal competencies, and delinquency trajectories, testing hypotheses about adolescents' legally relevant immaturity compared to adults (MacArthur Foundation Research Network on Adolescent Development & Juvenile Justice, 2006).

At the same time, neuroscience researchers were performing early studies of adolescent brain development using new MRI technology (for a review see, Luna & Wright, 2016). By the time the MacArthur Research Network's studies were completed, evidence of youths' behavioral and brain immaturity supported a call for broad reform in juvenile justice based on youths' relative immaturity (Scott & Steinberg, 2008). In both behavior and in brain development, adolescents were found to be immature in ways that accounted for their tendencies toward risk-taking and impulsiveness, and their illegal behaviors often were not signs of future criminal lifestyles in adulthood. Rather than face punishment as though they were adults, a better social response would be to avoid incarceration when possible, provide second chances and restorative justice methods, and engage youth in rehabilitative efforts. The essence of the message was later articulated succinctly by Zimring and Tannenhaus (2014): (a) kids are different than adults; (b) kids change; (c) growing up is effective crime control; and (d) juvenile courts are well-suited to the special needs of young offenders.

During the time that this research was ongoing, issues of disproportionate minority contact in juvenile justice received increased attention when the federal government began (in 1987) requiring that states' juvenile justice programs collect data to determine the proportion of minority youth in contact with juvenile justice ([P.L. 93-415, 42 U.S.C., 5601](#)). By 2000; substantial research had identified racial disparity in juvenile justice, as well as specific points in the process when decisions differentially affected youth of color negatively (Bishop, 2005). Yet remarkably little research or effort had been made to reduce it, thus making racial disparity in juvenile justice "the elephant in the room" (National Research Council, 2013, p. 213).

Beginning early in the 21st century, scholars and juvenile justice advocates began framing the developmental research results to suggest reforms in juvenile justice laws, policies, and practices. The MacArthur Foundation's project, Models for Change: Systems Reform in Juvenile Justice, played a major role in translating the new research into nationwide policy and practice reform. Across 10 years (2004 to 2014), this initiative provided \$ 121 million to a coordinated network of social science and legal advocacy centers nationwide to assist 35 states willing

to introduce developmentally and empirically-based reforms in their juvenile justice systems. Areas for change included, for example, reduced detention and incarceration through diversion; improved community-based options; improved risk assessment and mental health screening; better indigent defense; racial and ethnic fairness and reduction in disproportionate minority contact and an emphasis on empirically supported practices in all aforementioned areas (Stevens et al., 2016).

Fourth Wave Policy Change

One of the first signs of the impact of this development reform research on national policy was in [*Roper v. Simmons*, 543 U.S. 551 \(2005\)](#), the first of several United States Supreme Court cases (Graham v. Florida, 2010; [*Miller v. Alabama*, 132 S. Ct. 2455](#) [*153] (2012); [*Montgomery v. Louisiana*, 136 S. Ct. 718, 2016](#)) to acknowledge developmental research in their decisions, which restricted the harshest sentences for juveniles tried in criminal court for the most serious offenses. In addition, national professional organizations for juvenile courts, detention and corrections, as well as federal agencies, adopted many of the developmentally driven practices as recommended policy. The impact was further magnified by the Models for Change collaboration with federal agencies such as the Substance Abuse and Mental Health Services Administration and the Office of Juvenile Justice and Delinquency Prevention. In 2013; the National Research Council published an extensive set of recommended policies for reforming juvenile justice, stating, "The central premise of this report is that the goals, design, and operation of the juvenile justice system should be informed by the growing body of knowledge about adolescent development" (National Research Council, 2013, p. viii).

Moreover, there was much evidence that the developmental reform had taken hold. Between 2000 and 2016: (a) transfer of juveniles to criminal court for trial as adults had reduced by one third; (b) the number of youths in juvenile detention centers and juvenile corrections facilities had been reduced by about one half; (c) whereas use of risk assessment and mental health screening tools in juvenile justice decision making had been rare in the 1990s, by 2015 over one half of states had laws or uniform policies requiring their use (Juvenile Justice, Geography, Policy, Practice, & Statistics, 2021); and (d) solitary confinement for juveniles is banned in federal prisons, and several states have reduced or banned their use of solitary confinement (Cauffman et al., 2018). Competency to stand trial in juvenile court had rarely been addressed until the late 1990s, but during the developmental reform it was recognized in all states and defined by new legislation in nearly two thirds of states (Kruh & Grisso, 2017). In 2020 alone, several state legislatures made it easier for youth to seal or expunge their juvenile records, and three states (NJ, MD, LA) reduced fines and fees associated with juvenile justice processing (National Conference of State Legislatures, 2021). As the result of Raise the Age reform efforts, since 1997; ten states out of thirteen that had juvenile court jurisdictions ending at the 16th or 17th birthday have raised their jurisdictions to the 18th birthday (Juvenile Justice, Geography, Policy, Practice, & Statistics, 2021).

Assessing Threats to the Developmental Reform

By 2014; about 15 years into the developmental reform, juvenile crime rates and juvenile justice contact had reduced remarkably. Nevertheless, by 2014; many laws, policies, and practices from the "get-tough" era remained in place in every state. Reduction in the number of youth entering the system had benefited youth across racial and ethnic groups, yet the benefits had been disproportionate, such that youth of color were still overrepresented in juvenile justice contacts (Abrams et al., 2021). Additionally, some developmental reforms had not had time to take root, as some states were slower to adopt the developmental perspective. After 2 decades of support, various foundations were preparing to scale down their investment in the reform that they hoped had gained enough momentum to continue with other resources. It was in this context that the "Fourth Wave Threat Assessment Project" emerged. Could the progress of the developmental reform be sustained without the support that had launched it? What might threaten its continued influence and, knowing those threats, what might be done preemptively to reduce their impact?

The Fourth Wave Threat Assessment Project was designed to identify potential threats to the progress of the developmental reform, and to develop strategies for mitigating their effects. Descriptions of threat assessment methods are numerous, although largely outside the social sciences literature, and our review located no examples for their use in assessing threats to a social reform or an application of science to social policies or practices. Our

review of a sample of 30 threat assessment strategies clustered in two broad domains. Some focused on threats to national security, terrorist threats, risks of targeted lethal actions against political figures, and school violence threats (e.g., Borum et al., 1999; U.S. Department of Justice, 1998, 2012; United States Secret Service, 2004). Others addressed threats of cyber-information theft, facility/building breaches, and risks of harm to commercial interests (e.g., American Society for Industrial Security, 2002; International Maritime Contractors Association, 2007; Wynn, 2014; Stango, Prasad & Kyriazanos 2009; Renfroe & Smith, 2011; World Bank, undated).

There was substantial consistency across models in the aims for a threat assessment: (a) identifying what needs to be protected (defining the assets); (b) considering the system's vulnerabilities and the likelihood that each will occur (nature and probability of threats); (c) estimating the implications if the threats occur (degree of damage); and (d) identifying ways to minimize exposure to the threats and their damage (threat mitigation). Most threat assessment strategies classified an event according to both its likelihood and the extent of the damage that would result if it occurred. They referred to the effort as forecasting, rather than prediction, implying a time frame within which the likelihood of the event was being estimated.

The methods described in the literature converged on several strategic elements or steps in a threat assessment. First, threat assessment studies invariably employed a group consensus process to answer the strategic threat assessment questions, using a panel of persons who were likely to have diverse knowledge and perspectives because of their professional relations to the target asset or the field in which it operated. Second, the process included provision of relevant background information to the panel, as well as carefully structured questions to guide the consensus process. Third, the process was driven by an opportunity for participants to express and refine their perspectives in iterative interactions that challenged their initial individual perspectives. Finally, the group process typically was guided and monitored in a way that would drive toward a synthesis of perspectives (an acceptable consensus).

Project Aims

The goals of this project were threefold. (1) Historically, we wished to document the developmental reform's origins, progress, and perceived threats to sustaining the reform. (2) Methodologically, we wished to test a novel application of defensive security threat assessment methods to inform the future of a social policy reform movement. (3) From a policy perspective, we aimed to provide recommendations for sustaining the progress of the developmental reform.

The project involved two phases. Phase I examined potential threats to the progress of the developmental reform identified by a [*154] panel of experts in 2015. At the time that Phase I was conducted, a Phase II follow-up had not been anticipated. However, five years after Phase I was completed, the authors conceived of a follow-up investigation (Phase II). Phase II was conducted in 2021 to examine the extent to which the panel believed that the Phase I fore-casted threats had been manifested in recent years, as well as their consequences.

The 2015 Fourth Wave Threat Assessment (Phase I) addressed the following questions:

- a. What are the potential threats to the continued progress of the values and practices of the developmental reform in juvenile justice, projecting across the next five years?
- b. How should the threats be prioritized for attention, based on their perceived likelihood of their occurrence and perceived damage or loss if they occur?
- c. What active strategies might minimize the emergence or damage of the prioritized threats?

The five-year follow-up (Phase II) in 2021 addressed the following questions:

- a. Did the forecasted threats (and their anticipated damage) arise as anticipated in policy and practice?
- b. Did unanticipated threats to the developmental reform arise?

We first report the methods for Phases I and II together, then the results for both phases, and close with an integrated discussion of the implications.

Method

Phase I: Identifying Threats and Mitigation Strategies in 2015

General Process

To identify threats to the Fourth Wave reform movement and potential mitigation strategies, Phase I used the Delphi method, a group communication technique to develop consensus among diverse and multidisciplinary expert panels (Armstrong, 2001; Rowe & Wright, 1999). The Delphi method asks members of an expert panel to generate their individual opinions about the structured questions posed to the group. Next, these individual views are synthesized and summarized, and the experts are then asked to rank, edit, or comment on the initial ideas via interactive reflection. Finally, a test of consensus and diversity is employed, and the results are fed back to the group for further consideration until a consensus is reached. This dynamic process also allows for reconfiguration or revision of the forecasts as they evolve, seeking improvement to the consensus.

The Delphi method used in Phase I comprised three rounds (see Figure 1). Each round consisted of a premeeting electronic survey to the panelists, followed by an in-person meeting (November 2014; March 2015; and September 2015) to achieve panel consensus while considering the anonymized individual answers to the premeeting questions. All premeeting surveys, preparation of results for meeting discussion, meeting agendas, and the meetings themselves were structured and directed by the moderator (TG) in a manner consistent with the objectives of a threat assessment (described in the Introduction) employing a Delphi method to arrive at group consensus. This method was approved by the Michigan State University institutional review board.

Participants

A panel of 15 nationally recognized experts¹ were chosen by the project director in consultation with the project's liaison from the MacArthur Foundation (who was the Foundation's director of its Models for Change initiative). They were chosen from among a much larger number of professionals who had been funded by, and/or actively participated, the Foundation's juvenile justice reform initiatives during the previous 20 years (the MacArthur Research Network on Adolescent Development and Juvenile Justice; and/or the Models for Change: Systems Reform in Juvenile Justice). Therefore, almost all panelists were "veterans" of the Foundation's reform activities, acquainted with and/or had directly worked with each other, and knew their areas of expertise and past contributions.

The number of panelists was decided based on judgments about (a) creating sufficient diversity in perspectives on the reform, (b) diversity in gender and race/ethnicity, and (c) a size manageable for the planned group consensus activities. Only one panelist who was originally approached declined to participate. Regarding gender and race/ethnicity, there were 8 men and 7 women, and 3 with minority racial/ethnic background (2 Black, 1 Hispanic). Education degrees included 7 in law, 6 in social science (e.g., psychology, sociology, criminal justice), and 2 in both law and social science. Types of primary employment positions included 5 in academic institutions and 10 in nonacademic positions. Their primary professional activities included: (a) 6 leaders of national (nongovernment) juvenile justice advocacy organizations (e.g., juvenile law centers, juvenile justice system technical assistance centers); (b) 3 juvenile court practitioners: 1 judge, 1 public defender, 1 prosecutor; (c) 5 in scholarly research: 2 legal, 3 developmental, clinical and/or social; (d) 1 juvenile public policy consultant. None of the panelists worked in the same geographic communities, to ensure geographic variability among responses.

First Round

¹ James Bell; Richard Bonnie; Joseph Cocozza; Maryann Davis; Joshua Dohan; Kim Dvorchak; Kim Godfrey; Sandra Graham; Hon. Maria Hernandez; Marsha Levick; Donald Ross; Andrew Shealy; Laurence Steinberg; Janet Wiig; Frank Zimring.

The first round was designed to (a) review what needed to be protected (defining the assets) and to (b) identify, categorize, and reaching consensus on possible threats to the developmental reform within the next five years (threat identification). Delphi panelists received materials ²through e-mail two months before the first face-to-face meeting. The materials included a description of the purposes and process for the Threat Assessment project, as well as definitions of frequently used terms. Additionally, the moderator assembled a portfolio of published descriptions of the developmental reform's principles and purposes, as well as networked activities during the reform. The portfolio was supplemented by links to over 40 brief descriptions of government and nongovernment organizations that had contributed in various ways the developmental reform in juvenile justice, as well as 49 links to websites each describing a specific advance in developmental practice in juvenile justice programs nationwide. Collectively, these materials were intended to prepare the panelists with a common view of the scope of the developmental reform.

[*155] Figure 1 Methodological Process

Note. The study took place across two phases. Phase I involved three rounds. Phase II comprised

Before the first meeting, panelists were sent a survey with open-ended questions asking panelists to offer their initial nominations for threats to the future of the developmental reform. Semistructured ideas were provided regarding where to look for potential threats: for example, intrasystemic vulnerabilities, intersystemic conflicts, political change, public and media perceptions, crime trend curves, and factions potentially opposed to the reform. The moderator compiled the survey results, finding 17 nonredundant nominations for threats to be discussed in the first meeting.

The opening afternoon of the first-round meeting included invited presentations by panelists on the principles and purposes of the reform (in areas of research, law/policy, and practice) with group discussions. The next full day involved guided discussion of the nominated threats, preceded by brief invited presentations by panelists. The final half-day involved a semistructured moderator-driven process to reach panelists' consensus on a final set of threats for further consideration, of which the original 17 were reduced to 11, as well as group discussion to refine the definitions and content of each threat.

Second Round

After the first meeting, panelists were sent an electronic message accompanied by one-page descriptions of each of the 11 threats identified during their discussions in the first round. Panelists were asked to rate each threat as follows.

Likelihood: the degree to which one can expect the phenomena and events underlying each threat to occur within the next 5 years. "Likelihood" ratings were made on a scale of 1 (high) to 3 (low).

Damage: if the events associated with each threat were to occur, the degree of damage that panelists expect would be done to the developmental reform. "Damage" ratings were made on a scale of 1 (high) to 5 (low).

Threat Management: the degree to which it would be difficult to reduce the likelihood or damage of each threat. "Threat Management" ratings were on a scale of 1 (difficult) to 5 (easy).

Mitigation Strategy: an open-ended response box in which panelists provided their initial ideas about a threat mitigation strategy that might reduce the likelihood or damage of each threat.

Prioritization Ranking: To begin establishing priorities among the threats, panelists were asked to rank the threats in terms of [*156] likelihood to occur. They were instructed to select three most likely threats and assign them a rank of 1, three least likely threats and assign rank of 4, then assign ranks of 2 or 3 to the middle set of threats. This was repeated for rankings of damage if the threat occurred.

² All pre-meeting materials described for all rounds are available from the authors on request.

At the second-round meeting, graphic results of mean ratings and rankings were presented to the panelists for guided discussion. Panelists made adjustments to arrive at consensus regarding those threats that were more likely to be difficult to mitigate. Time was also devoted to reviewing the mitigation strategies suggested by panelists in the premeeting survey.

Third Round

The third round solidified potential strategies that could mitigate the occurrence or damage of the threats. The moderator used the information about possible mitigation strategies raised in the second round to create a premeeting survey that would structure the final discussion of mitigation strategies. Each threat and the group's initial corresponding mitigation ideas were described, followed by open-ended questions asking the panelist to propose specific strategies to implement one or more of the mitigation ideas, as well as the strategy's advantages and challenges to implementation. Each panelist was assigned only three threats, so that ideas for implementing threat mitigation for any one threat were provided by four to five panelists. The moderator collated and summarized these results for use in the third meeting.

The third-round meeting focused entirely on discussing the mitigation strategies, aiming for a final set of recommendations to help sustain the developmental reform. The group process refined the list of recommendations in two ways. First, the group decided that, by their nature, three threats were outside control by any interventions. For the remaining threats, the panelists reached consensus that some strategies, if implemented, could mitigate more than one threat. Therefore, threat mitigation strategies evolved not targeted for each specific threat, but as a reduced number of mitigation recommendations that could reduce the likelihood or damage of several threats.

Phase II: The Fourth Wave Threat Assessment Follow-Up in 2021

General Process

A Phase II follow-up had not been anticipated at the time of Phase I. As noted in the "Authors' Notes," during the five intervening years the Phase I results were presented at a Models for Change national conference and were used in a "brief" on the MacArthur Foundation's Models for Change website, but the project was never reported in peer-reviewed sources. In 2020; discussions began about the value of conducting a Phase II follow-up study.

The goal of Phase II was to identify the panelists perceptions of (a) the progress of the Fourth Wave reform during the five years following Phase I, (b) whether the Phase I threats to the reform had been manifested (and their associated damage), and (c) to identify unanticipated threats that has arisen during the past five years. A secure electronic survey was developed for ease of distribution. These procedures were approved by the Michigan State University institutional review board.

Participants

All panelists from Phase I were contacted in Fall 2020 to gauge their interest in participating in Phase II. Thirteen of the fifteen original panelists agreed to participate. A set of study description materials and a link to complete the electronic survey were sent to the 13 panelists, 11 of whom ultimately completed the survey in January-February 2021. The decrease in number of original panelists may have reduced the diversity of responses, but the Phase II panelists still allowed for representation from all the primary categories used to select the Phase I panelists. The primary reason for attrition of the 4 Phase I panelists was that they had either retired or their careers had shifted away from the juvenile justice space, and they felt that they were no longer in a position to reflect authoritatively on the state of juvenile justice developmental reform. The responding panelists were informed that their responses would be anonymous.

Measures

The Phase II electronic survey consisted of open-ended and Likert-type questions, divided thematically into four parts, described below. Each Likert-type question was followed by an open-ended question asking the panelist to explain, and give evidence for, their response. Panelists had the option to skip any question.

Part I: Overall Progress of the Developmental Reform. Panelists were asked to rate compare the present status of the reform to five years ago in three areas- (1) law, (2) policy and practice, and (3) reform-oriented research--each on a scale from 1 ("Has progressed at a greater rate than before") to 5 ("Has regressed--lost ground").

Part II: Threats to Fourth Wave Reform. Each of the eleven threats forecasted in Phase I were displayed one at a time so that panelists could be reminded of them. After reading each threat, panelists rated to what extent the threat was manifested during 2016-2020 with response choices 1 ("Was manifested to a significant degree"), 2 ("Was manifested somewhat"), and 3 ("Was not noticeably manifested"). Panelists who rated the threat manifestation as 1 or 2 then answered a follow-up question, asking them to rate the extent to which the manifestation of the threat impaired the reform's progress from 1 (Significantly) to 3 (Insignificantly).

Part III: Emergence of Threat Mitigators. The five mitigators to the threats identified in Phase I were listed. Panelists were asked to select those mitigators that they had observed over the past five years, then provide evidence for their selection as an open-ended response. Similarly, they were asked to indicate whether there had progress in each of the eight research topics, identified in Phase I, that might mitigate threats to the reform.

Part IV: Future Progress. Panelists were asked to reflect on the future of the developmental reform to juvenile justice through three sets of questions. First, panelists responded "yes" or "no" to the question, "During the past five years, have you become aware of any new threats to the future of the developmental reform that were not anticipated in the project five years ago?" Those who answered yes responded to a follow-up question asking them to describe the unanticipated threat(s) and to rate the potential damage posed by the new threat on a scale of 1 ("Minimal damage") to 5 ("A great deal of damage").

[*157] Second, panelists rated the current status of the developmental reform on a Likert-type scale from 1 to 5 on each of the following dimensions: Regressing/Progressing; Fragile/Stable; Rootless/Embedded; Underfunded/Adequately funded; Public Disinterest/Public Interest; State Policymakers Disinterested/State Policymakers Interested; and Federal Policymakers Disinterested/Federal Policymakers Interested.

Finally, panelists responded to a series of open-ended questions asking them to describe the advances most needed to continue the Fourth Wave developmental reform in juvenile justice, in each of seven areas: state legislation, federal legislation, state appellate courts, federal appellate courts, state policy/practice, federal policy/practice, and reform-oriented research.

Results

Phase I: Identifying Threats and Mitigation Strategies in 2015

Having initially nominated 17 potential threats, the group consensus arrived at 11 threat to be considered in the project. Brief summaries of each threat are provided in Table 1. ³They can be clustered in three categories. First, two threats represented vulnerabilities in the reform itself: "Insufficient Roots" (reform not yet embedded) and "Fragmented Efforts" (when financial support for collaboration between advocates is withdrawn). Five other threats referred to the potential effects of events outside the reform: for example, "Resistance" by parties opposed to the developmental reform, and "Public Safety Concerns" leading to regressive policies if there were to be a cyclical increase in youth violent crimes. Finally, four threats referred to reform dynamics and concepts themselves: for example, "Behavioral Health Net-Widening" referring to possible increases in use of detention as the reform improves services within detention, and "Juvenile Corrections" being challenged by an increased density of more difficult offenders due to the success of diversion and Raise the Age legislation in many states.

Although we examined the likelihood and damage ratings of the threats, the ranking offered greater value for establishing priorities regarding threats requiring greatest attention. *M* likelihood and damage rankings are shown in the two-dimensional graph in Figure 2 Threats ranked highest relative to the others in both likelihood and possible damage are in the upper right quadrant, thus offering initial priority for attention to mitigation strategies to

³ More completed descriptions of each threat are available from the authors.

counteract them. Recall, however, that the second round had also obtained ratings of the degree to which each threat might be mitigated using some mitigation strategy. Four of the threats received substantially lower Mitigation Management ratings than the others; that is, they were perceived as unlikely to be manageable with any strategies for reducing their likelihood or damage. Those threats are underlined in Figure 2, and they are all threats in the "external threat" category in Table 1.

To develop threat mitigation strategies, the group decided to set aside two threats for which little influence was possible (Trends in other Social Systems; Public Safety Concerns), as well as one other threat that had received very low priority (Developmental Conundra). The threat of Public Safety Concerns is based on the possibility of an increase in juvenile crime that might raise public concern. In not addressing mitigation, the panel recognized its inability to influence the possibility of cyclical increases in juvenile crime. When considering the threat of Trends in Other Social Systems, panelists in Phase I felt that influencing other systems like the Mental Health System and the Criminal Justice System were either too ambitious or too long-range in scope to warrant intervention. The group developed specific strategies for each of the remaining eight threats (available from the authors on request) but found that several strategies served potentially to mitigate multiple threats. Therefore, Table 2 reports the threat mitigation strategies that evolved generally from the group process. Three strategies focused on reducing the reform's vulnerabilities (Sustaining Connections; Leadership Training; A Monitoring and Messaging Center). Two sought the increase support for the reform from groups who benefited from it (Youth and Family Voice) and those in the professional ranks of those who might oppose it (Prosecutors' Organization). Finally, eight mitigation items sought support through research and new conceptual models to address various threats.

The results of Phase I of the project were reported only at a final, national conference of the MacArthur Foundation's Models for Change initiative (December 2015) and reported in a "brief" posted on the MacArthur foundation's website. Thus, the project did not formally seek to promote the threat mitigation strategies that had been recommended, although many juvenile justice advocates associated with the reform were exposed to the project's results and recommendations.

Phase II: The Fourth Wave Threat Assessment Follow-Up in 2021

Overall Progress of the Developmental Reform

Table 3 displays all quantitative data related to advances in law, policy and practice, and reform-oriented research. With respect to advances in state and federal legislation and appellate court decisions, six of the 8 panelists (75%) who expressed an opinion (3 did not) indicated that the developmental reform had increased in pace or kept up the same pace in the years between Phase I and Phase II as it had prior to Phase I. Panelists noted numerous examples of continuing reforms in legislation or court decisions, including eliminating life without parole and mandatory sentences, and the passage of Raise The Age legislation in several states. Some of the panelists described how they saw some reforms slowing or progressing at a lesser rate, but none felt that the developmental reform had lost ground in terms of advances in law.

Among those offering an opinion, the clear majority of panelists felt that advances in policy and practice had advanced at the same or greater rate as before. Several panelists described a decrease in the use of harsh sanctions, including decreases in youth incarceration and detention, and an increased reliance on diversion and informal processing over formal processing. Panelists also described expanding efforts to use evidence-based approaches, such as the adoption of risk/needs assessments. However, a few ($n = 2$) felt that the reform had not progressed at all or had regressed. For example, one panelist wrote, "I also saw some negative reaction to the 'keep kids out' and 'close all youth prisons' advocacy movement- I think some folks just threw the whole research/approach out because of that. Like throwing the baby out with the bath water."

[*158] Table 1

Phase I: Abstracts of Threats to the Developmental Reform With Likelihood and Damage M Ratings

Threats to developmental reform	Description	Mean likelihood to occur within the next 5 years
System vulnerability threats		
Insufficient roots	The seeds of the reform have been broadly sown but not yet deeply rooted. The reform's principles and practices are not yet "culturally embedded" or recognized as the established way things are done. In addition, new leadership is needed to sustain the and extend the gains under last leadership. Until these vulnerabilities are remedied, the reform will be vulnerable to a variety of external threats.	1.55
Fragmented efforts	The reform has been advanced by extraordinary collaboration of a network of agencies, centers and organizations, made possible by the funding and coordination of philanthropic foundations. That support will soon be reduced, which might lead to a reduced ability to see the bigger picture, to collaborate, and to coordinate their efforts, making the reform vulnerable to lack of (or mis-) communications and less resilient in the face of external challenges.	1.45
External threats		
Resistance	Continued progress may be meet opposition, most likely from participants within the juvenile justice system (e.g., some prosecutors, unions, system administrators) with interests and concerns that conflict with developmental reform. Their proactive efforts to counteract the reform can also influence local or national public opinion, threatening set-backs in further implementing the reform's principles and practices.	1.25
Trends in other social systems	Much of the juvenile justice system's work interfaces in complex ways with other social services for children and families (e.g., education, child welfare). Changes and evolutions in those systems can have an impact on juvenile justice practices. If those changes conflict with the reform's principles, this may have an impact on continued future progress of the reform.	1.54

Threats to developmental	Description	Mean likelihood to occur
reform		within the next 5 years
Public safety concerns	Crime rates, which have been low for a decade, tend to run in cycles and thus are likely to increase. Also, media reports of dramatic cases of youth violence are common. At such times, the public tends to call for greater police presence /power and more retributive social responses. This could counter public acceptance of a developmentally appropriate responses to youthful offending.	1.20
Recidivism as a measure of success	The reform seeks to reduce recidivism and contribute to positive youth growth. Yet recidivism rates alone are the traditional measure of success in juvenile justice. Recidivism rates run in cycles and sometimes are unrelated to current policies and practices. A one-sided focus on recidivism fails to recognize the importance of the reform's positive developmental impact on youth with longer-range benefits.	1.62
Racial bias	Race-based bias inn juvenile justice decision-making and in society at large is a general factor that contributes dynamically to other threats. Bias leading to disproportionate minority processing of youth in juvenile justice threatens not only to fairness and outcomes for youth of color, but also loss of community support.	1.75
Reform dynamics and concepts		
Behavioral health net-widening	The reform is increasing the quality of mental health screening and services in juvenile detention. At the same time, the availability or quality of mental health services in many communities remains low. There is already evidence these conditions together increase the referral of troubled youth to juvenile justice to receive services they cannot get in the community. This can draw more youth into juvenile justice processing, often for relatively minor charges, which is counter to reform objectives to reduce incarceration.	1.84

Threats to developmental reform	Description	Mean likelihood to occur within the next 5 years
Persistent offenders	Diversion is reducing the number of first-time, minor and (probably) repeat offenders entering the juvenile justice system. This might increase the proportion of youth who do enter juvenile justice who are more persistent offenders. Thus, juvenile justice recidivism statistics may record a rise in repeat offending for the juvenile justice population, artificially reflecting negatively on developmental reform policies.	1.70
Juvenile corrections	There is evidence the population within juvenile corrections is becoming more difficult to manage and threatening poorer outcomes. This may derive from front-end diversion of minor offenders, creating a greater density of more difficult to manage youth, possibly combined with raise-the-age efforts in many states that increase the average age of youth in juvenile corrections. These conditions might lead to poorer outcomes for juvenile corrections, reflecting negatively on the developmental reform and weakening its support.	1.75
Developmental conundra	The term "conundrum" refers to potential conceptual conflicts related to the reform's developmental messages. Examples include: (a) conflict between due process's uniformity and sensitivity to the individualized needs of youth in criminal cases; (b) seemingly conflicting arguments about adolescents' decision-making capacities as sufficient for medical conditions for criminal culpability; and (c) the potential for adolescent, immature impulsivity to be argued not only as a mitigating culpability but increasing the need for custodial incarceration.	2.45

[*159] *Note.* "Likelihood" ratings were made on a scale of 1 (high) to 3 (low). "Damage" ratings were made on a scale of 1 (high) to 5 (low).

Most panelists (72.7%) were unsure ("I do not know") about advances in reform-oriented research. The three panelists who offered an opinion felt that reform-oriented research had progressed at a lesser rate or not at all.

Finally, panelists rated the current status of the developmental reform across 7 dimensions (on a 1-5 Likert scale) All quantitative results for the current status of the developmental reform are displayed in Table 4. Overall, most panelists described the reform as more progressing than regressing ($M = 3.7$, $SD = 1.06$) and fairly well embedded ($M = 3.4$, $SD = .84$). State policymakers were described as more interested than disinterested ($M = 3.4$, $SD = .70$), although federal policymakers were described as more disinterested ($M = 2.7$, $SD = 1.25$). Funding was the area of greatest concern (Mode = 2, $M = 2.2$, $SD = .79$).

Figure 2 Mean Likelihood and Damage Rankings of Threats Identified in Phase I

Note. The X axis represents damage posed by the threat and the Y axis represents likelihood of the threat occurring. Those threats that are underlined were rated as difficult to mitigate, and classified as "external threats." See the online article for the color version of this figure.

[*160] Table 2

Phase I: Abstracts of Threat Mitigation Strategies

Mitigator

Key Strategies for Resilience of the Reform

Sustaining Connections

Develop an annual, national gathering (convening, co-located) by developmental reform advocates and organizations to share and disseminate new knowledge relevant to the reform (e.g., research, models, newly developing issues). Implementation might involve...

Leadership Training

Develop programs or projects to help individuals develop leadership skills in various areas in which leadership for the reform is needed. Among these areas are (a) influencing local (state, county, city) guiding juvenile justice policy and administration, (b) community level, (c) learning to use and respond to media coverage of juvenile justice, and (d) managing coordination on cross-system level with stakeholders. Implementation might involve an academic...

Monitoring and Messaging Center

Develop a threat surveillance center that can discover and respond to threats that arise in real time. The center could employ a hotline and a website to report rising threats, then alert others in the reform community. The center would be on early detection, alerting the reform community to emerging strategies and m...

Youth and Family Voice

Developing a project that allows youth and families to share their views on a developmentally relevant juvenile justice response. The project, using these descriptions strategically to educate...

Prosecutors' Organization

Develop a national association of progressive juvenile justice prosecutors, though it might be small, would provide a voice that is not dominated by retributive-based messages and views ba...

Scientific Research and Models to Reduce Threats

Construction of a Youth Development Outcome Measure

Offering a balance for the tendency of juvenile justice systems to measure recidivism as an outcome measure. (Related to "Recidivism as an Outcome Measure")

Research on a Population-Corrected Recidivism Index

To address the problem in "Persistent Offenders" (Table 1)

Mitigator

	of youth in the juvenile justice population are persistent (e.g., recidivism of low-level offenders), and if this will create an artificial barrier to entry for the juvenile justice population, develop a "crisis response" that is empirically correct for such changes.
Research on Decision-Makers' Implicit Racial Bias	Potentially offering decision-makers insight into, and ways to address, their biases.
Research on Tools to Reduce Racial Bias	Especially building decision tools that have potential to reduce bias despite implicit bias.
Research on Juvenile Corrections	Focused on anecdotal evidence that juvenile corrections are becoming increasingly challenging due to successful diversion and raise-the-age policies.
Research on Policy Extending Juvenile Justice Jurisdiction	Examining the impact of raising the age, given that raising the age may have both positive and negative effects.
Develop Models for Public Funding of Mental Health Services	Involving collaborative efforts between juvenile justice and mental health providers.
Develop Standards for Behavioral Health Services in Juvenile Justice	Focusing on appropriate services--sufficient to meet youths' needs but not so intensive that inappropriately makes the juvenile justice system a mental health provider (see the threat "Behavioral Health Services in the Juvenile Justice System").

Note. "Likelihood" ratings were made on a scale of 1 (high) to 3 (low). "Damage" ratings were made on a scale of 1 (high) to 5 (low).

Threats to Fourth Wave Reform

Only 2 of the 11 threats were perceived by the majority of panelists as having significantly or somewhat manifested in the past five years: Racial Bias (63.6%) and Fragmented Efforts (72.7%; see Table 5). A third, Trends in Other Social Systems (45.5%), came close to meeting the criterion. Regarding Racial Bias, a majority of panelists (85.8%) indicated that it had significantly or somewhat impaired the developmental reform's progress. Several of the panelists wrote that racial bias is a significant issue that needs to be addressed and noted that they saw a heightened awareness to the issue. For example, one panelist wrote, "I am aware of some very open dialogues since the racial justice protests and know my organization and some other nonprofits are making [diversity, equity, and inclusion] a priority in strategic planning/frameworks." We report panelists' comments on the implications of racial bias in our Discussion section.

[*161] Table 3

Phase II: Overall Progress of the Developmental Reform

Item	Advances in law		Advances in policy and practice		Advances in reform-oriented research	
	n	Percent	n	Percent	n	Percent
Progressed at a greater rate than before	2	18.2%	3	27.3%	3	27.3%
Progressed at about the same rate as before	4	36.4%	3	27.3%	3	27.3%
Progressed at a lesser rate	2	18.2%	0	0.0%	0	0.0%
Has not progressed at all (or as many losses as gains)	0	0.0%	1	9.1%	1	9.1%
Regressed--lost ground	0	0.0%	1	9.1%	1	9.1%
I'm not sure	3	27.3%	3	27.3%	3	27.3%

Note. "Likelihood" ratings were made on a scale of 1 (high) to 3 (low). "Damage" ratings were made on a scale of 1 (high) to 5 (low).

When considering the Fragmented Efforts, some panelists noted the lack of support in bringing juvenile justice leadership, stakeholders, and allies together. For example, one panelist wrote, "There has been no replacement for [The MacArthur Foundation's] support in this space. Other foundations have stepped up around much more discrete issues (Arnold Foundation, economic justice; most recently, heightened foundation interest in race equity). This has fragmented the movement to some degree and weakened collaborative efforts." Another panelist wrote, "The loss of the [Models for Change] conferences was a real blow. They were a great opportunity for helping pull in new allies (especially new judges) and for inspiring people to be a little more courageous." Panelists also wrote that the COVID-19 global pandemic hampered planned efforts to meet and collaborate.

When considering the threat of Trends in Other Social Systems, some panelists noted that behavioral health systems remain difficult to access, especially for young people. Some panelists referred specifically to a continuing lack of juvenile justice and mental health system connections. Others commented on the child welfare system, especially during the pandemic: "The child welfare system continues to feed kids into the JJ system. The CW system also seems to have done nothing to prepare for a surge of kids harmed by the poverty and social isolation caused by the pandemic or the opioid epidemic that preceded the pandemic."

Emergence of Threat Mitigators

A majority of panelists said they had observed two threat mitigators in recent years: Mitigator 2: Training Programs, and Mitigator 4: Increasing Youth/Family Voice. In addition, a near-majority said they had observed a prosecutor's organization supportive of the developmental reform. Other mitigators were not observed (See Table 6).

Regarding Mitigator 2 (Training Programs), panelists described judicial and stakeholder meetings, as well as trainings across disciplines and roles, such as public defenders training probation staff. Regarding Mitigator 4 (Increasing Youth/Family Voice), panelists commented on programs to include youth and family voice in national organizations, state agencies and policy decisions, and facility practices. For example, one panelist wrote, "Agencies did focus on inclusion of youth and family voice - I saw [changes] in state policies and in facility practices, [such as] families visits any time, family counseling and case planning arranged around family members' schedules."

When asked if they had observed in recent years eight types of research that might mitigate threats to the reform, a majority of panelists indicated that they had not seen evidence that they had manifested. However, we erred in not providing an "I do not know" response option. As noted earlier regarding research progress (which did provide an "I do not know" response option), most of the panelist admitted not knowing about the latest research relevant to the developmental reform. Therefore, relying only on the minority (3) of panelists who had earlier said they were familiar with the research, each of the eight threat mitigating research areas were identified as having progressed by either 2 or 3 of those panelists.

Unanticipated Threats. Asked if they were aware of any new threats to the developmental reform 54.54% reported that some threats had arisen that were not anticipated during Phase I, including a need for leadership for a new generation of researchers and practitioners. Perhaps unsurprisingly, four panelists described the COVID-19 pandemic as an unanticipated threat to the progress of developmental reform. For example, one panelist noted that, "Covid has challenged the JJ system in multiple unanticipated ways." One panelist noted, "I am worried about what I'm seeing during the pandemic and a lasting negative change" while another panelist wrote that the pandemic could exacerbate existing disparities.

Table 4

Phase II: Current Status of the Developmental Reform

Item	Mode	Mean	SD
Regressing / Progressing	4	3.7	1.06
Fragile / Stable & Resilient	3	3.1	1.20
Rootless / Embedded	3	3.4	.84
Underfunded / Adequately Funded	2	2.2	.79
Public Disinterest / Public Interest	3	3.2	.79
State Policymakers Disinterest / State Policymakers Interest	4	3.4	.70
Federal Policymakers Disinterest / Federal Policymakers Interest	3	2.7	1.25

Note. "Likelihood" ratings were made on a scale of 1 (high) to 3 (low). "Damage" ratings were made on a scale of 1 (high) to 5 (low).

[*162] Table 5

Phase II: Threat Manifestation and Damage

Item	Significantly		Not noticeably		I don't know		Significantly		Somewhat		Insignificantly	
	n	Percent	n	Percent	n	Percent	n	Percent	n	Percent	n	Percent
Behavioral health net widening	1	9.1%	2	18.2%	5	45.5%	2	18.2%	0	0.0%	3	
Persistent offenders	0	0.0%	2	18.2%	7	63.6%	1	9.1%	0	0.0%	1	
Juvenile corrections	1	9.1%	3	27.3%	4	36.4%	2	18.2%	0	0.0%	4	
Developmental conundra	0	0.0%	2	18.2%	3	27.3%	5	45.5%	0	0.0%	1	

This table shows the percentage of respondents who indicated that the reform's progress was significantly impaired, not noticeably impaired, or that they did not know, significantly, somewhat, or insignificantly.

Of the panelists who identified new threats, the anticipated damage of the new threats varied widely; on a 1-5 scale between minimal damage and a great deal of damage, the mean response was 3, and each of the 5 scalar points was selected by at least one panelist.

Discussion

This report does not necessarily describe the past or current state of the developmental reform in juvenile justice. It was based on the consensus opinions of experts who contributed to the reform and therefore might not correspond with some independent assessment of the reform's status. The report does provide their consensus opinion about threats to the reform's future, potential mitigators of those threats, and the degree to which they perceived their forecasted threats as having been manifested in subsequent years, as well as their perceptions of the reform's current status. In addition, the study demonstrates a method for assessing threats to a policy reform that may be useful in other areas of psychology, public policy, and law.

Progress of the Reform

Overall, the panelists' view of the general health of the developmental reform in juvenile justice was relatively positive. Across the seven dimensions in Table 4, the reform can be considered in at least "modest health." In fact, the reform was perceived to be strong in two key areas: its rate of progression and states' interest in the reform. Likewise, although recent funding for research and reform-oriented services was rated as weak, continued advances in state and federal legislation and appellate court decisions were rated as having increased or maintained their pace. As one panelist noted, "From my observations, there was continued momentum over the past five years, where one might have anticipated reforms slowing. For example, raise the age continued and has now focused on the other end of the spectrum, raise the minimum age⁴."

Progress in developmental reform related research was far less clear. Importantly, for the minority of panelists who were aware of current developmental research, this research was being conducted in the areas in which the panel originally had hoped to see progress. For example, one panelist identified four areas of research progress, all of which correspond to the goals of the developmental reform movement: emerging adulthood; school safety; positive youth development; and evidence-based instruments.

The panelists were surveyed a few months before the U.S. Supreme Court's opinion in *Jones v. Mississippi*, 593 U.S. (2021), which appeared to weaken the reform's advances observed in the Court's four landmark cases (from 2005 to 2016: see the Introduction). Although *Jones* affirmed that juveniles' immature characteristics must be considered when a sentence of life without parole (LWOP) is possible, it ruled that an LWOP sentence did not require a finding of facts showing that the juvenile was "permanently incorrigible." If panelists had been surveyed after this decision, some might have seen it as a setback for the reform and a possible signal of a future trend in the wrong direction, especially in light of new appointments to the Court by a conservative administration. Alternatively, others might have recognized that, because of earlier reform successes, one half of the states had already abolished life without parole for crimes as a juvenile (Campaign for the Fair Sentencing of Youth, 2021), thus arguably softening the negative impact of *Jones*.

[*163] Table 6

Phase II: Mitigators Observed

⁴ "Raise the Age" refers to reform efforts to increase the maximum age of juvenile court jurisdiction. "Raise the Minimum Age" refers to efforts to increase the minimum age of juvenile court jurisdiction. Most states (n=28) have no minimum age for prosecuting children in the juvenile justice system, so "Raise the Minimum Age" efforts have focused on setting a standard minimum age for juvenile justice jurisdiction to age 14, in line with the United Nations Convention of the Rights of the Child (see National Juvenile Justice Network, 2021).

Item	Observed	
	n	Percent
Key Strategies for Resilience of the Reform		
Sustaining Connections	3	27.3%
Leadership Training	6	54.5%
Monitoring and Messaging Center	3	27.3%
Options for Advocacy		
Youth and Family Voice	8	72.7%
Prosecutors' Organization	5	45.5%
Scientific Research and Models to Reduce Threats		
Construction of a Youth Development Outcome Measure	3	27.3%
Research on a Population-Corrected Recidivism Index	2	18.2%
Research on Decision-Makers' Implicit Racial Bias	3	27.3%
Research on Tools to Reduce Racial Bias	2	18.2%
Research on Juvenile Corrections	3	27.3%
Research on Policy Extending Juvenile Justice Jurisdiction	3	27.3%
Develop Models for Public Funding of Mental Health Services	3	27.3%
Develop Standards for Behavioral Health Services in Juvenile Justice	3	27.3%

Note. "Likelihood" ratings were made on a scale of 1 (high) to 3 (low). "Damage" ratings were made on a scale of 1 (high) to 5 (low).

Reform Vulnerability and Recommended Mitigation

Most of the threats forecasted in Phase I had not materialized by Phase II, according to our panelists. However, they believed that three threats were manifested--Racial Bias, Fragmented Efforts, and Trends in Other Social Systems--as well as a few unanticipated threats. Here we offer our interpretations and recommendations regarding these threats to the reform's continued progress.

Racial Bias

Racial Bias was identified in Phase I as a high-likelihood and relatively damaging threat and, in Phase II, as an escalating threat to the developmental reform. In Phase I, panelists feared that as the reform improved conditions in juvenile justice, racial bias could cause disproportionate improvement for white youth more than for racial/ethnic minority youth. There is evidence that this has happened: for example, the reform's reduction in the use of juvenile pretrial detention and increase in diversion has benefited white youth more than racial/ethnic minority youth, widening disparities over time (Abrams et al., 2021). Indeed, in Phase II one panelist noted that efforts to reduce secure placements in favor of community probation "have not impacted the disparate numbers of youths of color in residential placements. . . It's still a huge issue we need to address." Such disparities threaten to reduce support for the reform by racial/ethnic minority communities who are affected. Losing faith in the reform, these families' voices for the reform may be reduced. Moreover, if the developmental reform does not respond to racial bias, it is morally negligent and less worthy of support.

Some panelists noted that the increased attention to racial bias was not a threat but an opportunity. Indeed, it can be, to the extent that the national attention to racial bias might lead to enhanced funding opportunities for research and implementation of strategies for racial bias reform. As one Phase II panelist said, "Heightened recognition of the prevalence of bias and the role of systemic racism has been an expected and promising development on many fronts including JJ reform."

In Phase I, panelists identified two potential initiatives to mitigate the threats of racial bias for the developmental reform. One is to promote research and implementation of ways to reduce racial bias through training of juvenile justice personnel. A second approach focused on development of evidence-based tools for use by juvenile justice decision makers that standardize their assessments of youth in ways that can reduce decisions based on implicit bias. At the end of this Discussion we further expand on these research recommendations.

Fragmented Efforts

Panelists in Phase I forecasted that the reform could be threatened by fragmented, uncoordinated efforts across agencies and organizations that had worked together during the early years of the reform. A specific reason for the Phase I panelists' concerns was that various organizations (e.g., the MacArthur Foundation; Annie E. Casey Foundation) were, at that time, beginning to scale down their support for juvenile justice reform. Those organizations, through their annual meetings of juvenile justice reform groups, and their networking and coordinating efforts, had been the primary support for the reform in its formative years. Five years later, the Phase II panelists believed that the transition is, indeed, threatening future progress.

In Phase II, the panelists' comments focused especially on the need for an umbrella organization that would allow legal, research, state-based advocacy initiatives, and national technical assistance providers to coordinate their efforts. As one panelist described it, "Organizations are bumping into each other, sometimes competing in the same jurisdictions and/or providing technical assistance with conflicting strategies." This issue was noted both when considering the threat of Fragmented Efforts and the threat of Trends in Other Social Systems. System intervention to change any single part of a system inevitably affects other parts of the system. **[*164]** Without coordination, reform interventionists addressing only their individual pieces of the reform risk unintended negative consequences

for other parts of the reform. The solution, however, is unclear. It requires an umbrella organization that can coordinate efforts or at least monitor and inform diverse contributors to the reform. Where the resources for this will come from is not apparent.

Unanticipated Threats

Some unanticipated threats were mentioned by panelists, ranging from the rise of social media to the development of leadership for a new generation of researchers and practitioners. Several panelists' Phase II responses reflected an entrenched anti-Fourth Wave sentiment in the adult criminal justice system. In Phase I, panelists had anticipated resistance within the juvenile justice system, but not the criminal justice system. This resistance may stem from reform-driven efforts to raise the age of juvenile jurisdiction above 18 (Cauffman et al., 2017; Tolliver et al., 2021) or to apply developmental reform principals to 18-25 year olds in the adult criminal justice system (Lindell & Goodjoint, 2020; Perker et al., 2019), an idea with community support (Fountain et al., 2021). Alternatively, the national de-incarceration movement in the criminal justice system (Reitz, 2019), accelerated due to the COVID-19 pandemic (Abraham et al., 2020), may have provoked a broad resistance to any reform to the criminal justice system. Concerns about resistance to the juvenile justice reform are naturally tied to resistance to reform in the criminal justice system. Thus, reform-minded researchers and practitioners are encouraged to coordinate across both the juvenile and adult systems.

The COVID-19 pandemic was described as a new threat by several panelists. On its own, there was concern that the pandemic may disrupt the developmental reform by squeezing state budgets and family resources. Others saw the pandemic as exacerbating existing threats. For example, one panelist discussed how the pandemic contributed to the threat of fragmented efforts, saying "The COVID-19 drive for webinars has resulted in so many choices it's overwhelming and unclear of any coherent, coordinated messages and best practices."

Others touched on how the pandemic may worsen racial inequality, a concern that is reflected in emerging empirical data (see Perry et al., 2021). Given the difficult to anticipate nature of the COVID-19 pandemic, the finding that many panelists viewed the pandemic as a threat to the developmental reform underscores the need for the developmental reform movement to be flexible in accommodating unanticipated threats, and to understand how threats may overlap with one another.

Threat Assessment Method

The project demonstrates how a threat assessment can be accomplished when used with the intention to promote and protect public policies supported by both science and ideology. Such policies are numerous in Psychology and Law, typically taking form when science firmly supports public policy change that is consistent with human rights. When an area of psychological science progresses to the point that it can support policy change, it often transitions to a translational-science phase to promote implementation in law, public policies, and the practices of social institutions (Grisso et al., 2019). Assessing threats to those initiatives is not itself a scientific enterprise. Nevertheless, it may be construed as a responsible step in promoting the social impact of scientifically sound and ethically appropriate policy.

Our demonstration offers no way to evaluate the accuracy of a group's identification of threats, their likelihood, or their degree of potential damage. That would require some independent assessment. The group's own follow-up opinions indicate that they believed that most of their forecasted threats had not materialized. Their original forecasts, however, should not be viewed as "predictions" to be evaluated by whether they did or did not later occur, but rather as areas of potential threat to be monitored. Moreover, by the group's own observations, the two threats that the majority agreed had emerged in subsequent years (Fragmented Efforts and Racial Bias) were among those originally seen as having a higher likelihood to arise.

Our use of the threat assessment method did not employ a final step used in many applications of the method. We arrived at a set of "threat mitigators," but included no effort to implement them to reduce the likelihood or damage of the threats. Application of the method in other initiatives might well proceed to that step, followed by monitoring of their effect.

Finally, Phase I occurred with three in-person meetings during about 12 months. The method could be employed in ways that would require much less time and cost. For example, a process of electronic mail and video conferencing could achieve the informational and consensus-development steps required for a threat assessment.

Research Recommendations

Most of the panelists in Phase II were not sufficiently familiar with new reform-related research to judge its progress. Those few who were familiar felt that progress was being made in most areas of research that would promote the reform and mitigate the Phase I threats. Our Phase II results have a few implications for social science research related to the reform.

First, most of the panelists were not social science researchers, many being in law, government, policy and practice sectors of the developmental reform. Presuming that these were the panelists less sure of recent research advances related to the reform, this itself suggests a possible lag in the pipeline from researchers to those in law, policy and practice. Researchers, therefore, might take note that the dissemination pipeline to those who can apply their research may need tending. This might be accomplished with extra attention, after mainline journal publication, to summarizing their work in briefs that can be sent to selected juvenile advocacy centers where the results might support applied juvenile justice reform efforts. Second, research should be encouraged especially in two of the three threat areas identified by the Phase II panelists that are readily researchable. Those threats are Racial Bias and Trends in Other Social Systems.

With respect to racial bias, we recommend researching practical solutions to it in the juvenile justice system. Social psychological research suggests that implicit racial bias happens automatically and unintentionally (Ito et al., 2015). Current research suggests that steps involved in reducing implicit racial bias may occur on an individual level (Gonsalkorale et al., 2011), as well as a context-specific level (Payne et al., 2017), including in justice system contexts (Hetey & Eberhardt, 2018). Enough is known to begin to move to the development and testing of focused interventions on implicit bias. Another avenue is via juvenile risk assessments, which [*165] estimate risk of reoffending among justice-involved youth based upon empirically validated, standardized criteria. Although the purported benefits of risk assessments include the reduction of bias through standardized judgment (Hoge, 2002), other studies find that imprecise estimates of criminogenic risk by race (Campbell et al., 2018) and the conflation of risk factors with systemic disadvantage may exacerbate the racial bias risk assessments promise to reduce (see discussions by Robinson & Koepke, 2019; Starr, 2015). Thus, further research is needed to understand whether practically applicable solutions to racial bias in the juvenile justice system--like risk assessments--are effective and scalable.

As noted in the National Research Council's (2016) report on a developmental perspective in juvenile justice, racial bias in justice system processing is not the only potential sources of disproportionate minority contact. The developmental reform will be advanced also by research on the impact of environmental risk factor on development, involving adverse conditions to which youth of color are disproportionately exposed. Such research improves the juvenile justice system's ability to respond more fairly and effectively to youth of color.

The threat of trends in other social systems also represents an area ripe for future research. Youth involved in multiple child-serving systems remain an understudied population (see review by Vidal et al., 2019). For example, rates of child welfare system to juvenile justice system crossover range from 2%-42% (Vidal et al., 2019); yet, due in part to a lack of information sharing across systems (Herz et al., 2012), little is known about these youth and no national study of dually involved youth exists. Dedicated research focused on youth who interact with multiple systems is necessary to understand how trends in social systems may inhibit--or bolster--the developmental reform. Ultimately, the developmental reform is only one piece in the puzzle of necessary humanistic and equity-based reform across all people-serving systems. Researchers are encouraged to conduct their empirical work through this lens.

Conclusion

Overall, according to the panelists in the present study, the Fourth Wave of developmental reform in juvenile justice continues to march forward, if imperfectly. New leaders in the developmental reform with diverse perspectives will continue to emerge, as will new potential threats. To maintain and improve on the gains made by the reform over the last several decades, continued vigilance by researchers, policymakers, and practitioners is necessary.

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Received May 7, 2021

Revision received June 30, 2021

Accepted July 1, 2021