



Strategies to Reframe Adolescent Development and Juvenile Justice A Memo Prepared for Public Defender Service for DC

As the Public Defender Service for DC (PDS) recognizes, there is growing need for the goals, practices, and policies of the juvenile justice system to be grounded in a firmer understanding of how young people develop and what they need. Research shows that a person's development and likelihood of offending are strongly impacted by their experiences, environments, and opportunities. In addition, adolescents thrive when they have access to positive connections with peers and adults, safe and secure places to live, learn, and play, and opportunities to engage as learners and leaders in their communities. Many judicial practices that rely on containment and confinement deprive young people of these experiences, or fail to tailor their responses to an offender's unique circumstances, needs, or background. The challenge going forward is to make it easier for stakeholders within the justice system to embrace and act upon these findings.

This memo provides recommendations for PDS to communicate more effectively about these topics to a range of different audiences – including judges, jurists, policymakers, and the broader public. It is designed to offer a set of core framing strategies to: (1) translate a set of key principles of child and adolescent development, including brain development, the role of stress on developmental processes, and the science of resilience; and (2) build public understanding and support for judicial practices that better take into account adolescent development and that are tailored to an individual offender's needs, circumstances, and social environment.

Research Methods

FrameWorks' researchers conducted three peer discourse sessions to test communications hypotheses and ideas. These were conducted in the Washington DC Metro Area in February 2020. Each session included six participants. Participants were recruited by a professional marketing firm, and the composition of each group was designed to approximate the demographics of the local area. These sessions were designed to meet the following objectives:

- To identify and confirm patterns of thinking about adolescent development, adversity, and juvenile justice identified in prior research using national samples; and
- To explore the effects of particular framing strategies on group thinking and discussion.

The recommendations below are drawn from the analysis of these peer discourse sessions, as well as from FrameWorks' extensive portfolio of existing communications research on issues

such as early childhood and adolescent development, child maltreatment and neglect, juvenile justice, human services, and child mental health.

Framing Recommendations

Recommendation #1:

Tell a developmental story

FrameWorks' research shows that members of the public lack a solid understanding of how children and adolescents develop. This makes it harder for them to appreciate how early adversity disrupts these developmental processes and can lead to negative outcomes – including a higher risk of justice system involvement. Communicators should therefore explain how development “works”. The following explanatory metaphors, tested extensively in the US, help people quickly grasp fundamental aspects of child and adolescent development:

1. Brain Architecture

The *Brain Architecture* metaphor can be used to help explain how children’s brains develop early in life—and how this development is crucial for later learning and behavior:

The basic architecture of the brain is constructed through a process that begins before birth and continues into adulthood. Like the construction of a house, the building process begins with laying the foundation, framing the rooms, and wiring the electrical system. These things have to happen in the right order, and early experiences lay the foundation and shape how the brain gets built. A strong foundation in the very early years increases the chances of good health and learning later on, while a weak foundation increases the odds of later difficulties.

This metaphor can also be applied more specifically to speak about the kinds of experiences and environments that young people need within the juvenile justice system. For example:

At probation camps and juvenile halls housing youth, officials sometimes temporarily isolate juveniles for their safety and others'. But too often an hour or two of isolation turns into a day, week, or month of solitary confinement. This practice is especially harmful to young people, whose brains are still developing. Adolescence is a period of intensive construction for brains, when the architecture of the brain is being built. Traumatic experiences such as solitary confinement can have lifelong consequences for brain functioning, and that's counter-productive to helping these youth re-enter their communities successfully.

2. Toxic Stress

The *Toxic Stress* metaphor helps members of the public differentiate between different types of stress and understand the impact of chronic, severe stress on developmental processes. This

metaphor has been used in public and scientific communications for over a decade and can help communicators make the link between early adversity and its negative developmental effects:

There are three main kinds of stress that children and young people can experience: there's positive stress, tolerable stress, and toxic stress. Positive stress is a challenge that can help children develop—like facing a new social situation. Tolerable stress is something that could damage development, but not if it's buffered by strong and supportive relationships—like having adult support when a loved one dies. And then there is toxic stress. Toxic stress happens when a child or young person experiences severe and ongoing stress—like extreme abuse, poverty, or neglect—without any support. Toxic stress can harm the developing brain and can lead to problems with physical health, mental health, and behavior – including problems that can make it more likely for a young person to find themselves involved in illegal activity.

In FrameWorks' research on juvenile justice, these metaphors have helped members of the public understand the unique developmental needs of system-involved young people and helped them appreciate the need for a system that is developmentally informed.

Recommendation #2:

Build understanding of resilience

FrameWorks research shows that the public thinks about overcoming challenging life experiences as primarily a matter of willpower: negative outcomes are attributed to children's lack of effort, while positive developmental outcomes are explained by grit, drive, and determination. This focus on willpower is an expression of the long-standing American cultural emphasis on independence and self-reliance. The problem with this "up-by-the-bootstraps" perspective is that it obscures the roles that relationships, external supports, policy, and contexts have on youth development.

The metaphor of a *Resilience Scale* was created to translate the emerging science of brain plasticity and resilience. It channels thinking towards the multiple factors that influence development. In so doing, this explanatory metaphor addresses some of the most critical gaps in public understanding of resilience. The metaphor encourages the public to focus less on internal willpower, and moves people away from the idea that adversity makes you stronger, or is too much to overcome. Additionally, scales themselves are dynamic; the position and movement of a scale are the result of intentional action taken by external forces. The movement of a scale is by no means determined by the scale itself. The analogy of adding or removing weights from a scale helps the public see outcomes, or final positions, as the result of interventions and contextual influences.

A positive developmental outcome for a young person is like a scale tipped to one side. The scale tips toward the positive side when positive factors like supportive relationships, skill-building opportunities and challenges, good jobs, or access to quality health care are added to it. The scale can tip toward the negative if things like stress, violence, and poverty are stacked on to it. Resilience is an outcome that can be built; when young people have what they need for positive outcomes the scale is tipped toward the positive,

even when there are negative things loaded on the other side. We can also remove negative factors from the scale and add additional factors to the positive side by making sure all families and communities are supported.

Communicators can use the *Resilience Scale* idea to discuss how the juvenile justice system can “stack” the scale with protective factors – things like comprehensive mental health services that promote resilience. It can also be used to talk about offloading specific dangers on the negative side that undermine resilience, such as when detained youth are separated from their families and communities who are the most invested in their success.

Recommendation #3:

Explain the importance of intervention and diversion programs

Members of the public overwhelmingly believe that young people enter the criminal justice system as a result of bad choices, weak character, and a rational calculus of their likelihood of getting caught doing something wrong. What’s missing from this dominant perception of who ends up in the juvenile justice system (and why) is a deeper understanding of the relationships among child and adolescent development, mental health, education, racial disparities, and the juvenile justice system itself. As a result, people are likely to conclude that the solution to preventing and reducing young people’s participation in the criminal justice system is more community surveillance and more punitive sentencing. When reasoning from these assumptions, people are also much *less* likely to support juvenile justice programs that champion alternatives to detention or mental health care.

The *Justice Maze* metaphor works by steering the public’s focus away from individuals and instead making the juvenile justice system more visible *as a system*—one that can be redesigned to work better. The *Maze* metaphor helps the public imagine more concretely how young people can get stuck in the system and enables people to think more expansively about solutions that can keep youth out of the system to begin with and help those already in it to get the help they need to exit the maze permanently.

Even in the most difficult mazes, there’s a way to get in and out. But the juvenile justice system is designed without enough paths that come out of the maze. A lot of young people get trapped on a path that goes straight to prison and has no way out. For the system to meet our communities’ needs, other routes must be made available, such as paths to mental health services, addiction services, or programs that allow youth to serve sentences in alternative settings. We need to redesign the justice maze so that fewer young people get caught up in it, and if they are, it is easier for them to leave it behind, join our communities, and begin productive adult lives.

In FrameWorks’ DC-based peer discourse sessions, as well as in earlier research, the metaphor fostered discussion of the idea that there are significant problems with our existing juvenile justice system *and* the idea that it can be redesigned or “fixed”. The strength of this metaphor also lies in its flexibility. Communicators can assign different problems in juvenile justice to the “routes into the maze” (such as over-policing, racial profiling, mandatory minimums, or

criminalization of school infractions) as well as the “blocked exits” (things like solitary confinement, social isolation, or lack of effective rehabilitative services).

Recommendation #4:

Lead with the value of *Equity* (and avoid discussion of *Fairness*)

A common advocacy strategy is to appeal to people’s sense of fairness when making the case that the juvenile justice system should take into account a young person’s unique needs and circumstances when making sentencing decisions. But FrameWorks’ research has found that appeals to fairness can have the opposite effect. Members of the public very often understand a “fair” justice system to be one that should function the same way for everyone; “unfairness”, according to this understanding, is doing something different based on a person’s identity.

In DC-based peer discourse sessions, FrameWorks tested alternatives to the fairness frame and found that starting a message with the value of *Equity* led to much more productive conversations around the need for an individualized, responsive system. Values are tools that orient audiences’ thinking about an issue. They tap into shared beliefs about what is positive, ideal, or desirable, and invoking them early on in messages primes people to engage productively with an issue. Here, the value of *Equity* elevated support for effective policies and helped guide people’s thinking toward the roots of juvenile crime, such as differential access to resources, different neighborhood contexts, quality of schools, housing, and opportunities for recreation. Here’s an example of how the value can be expressed:

We need to make sure our juvenile justice system works for every young person, regardless of their race, ethnicity, family income, or where they live. By making the system more equitable, we can make sure it works for all youth, their families, and the public.

The implications for advocacy are clear. Begin communications by reminding people of the goals that the juvenile justice should serve for society: to make a system that works for everyone, regardless of their background.

Recommendation #5:

Break through the public’s sense of fatalism about changing systems

Prior FrameWorks’ research on juvenile justice – echoed in the peer discourse sessions conducted as part of the present research – shows that the public are highly fatalistic about society’s capacity to address juvenile crime or improve the justice system. When discussing systems reform, members of the public reliably fall back on notions of corrupt or ineffective government. This results in a fatalistic attitude—i.e., that nothing can be done—and prevents productive conversations about how the system could work better for young people. Communicators can use a number of strategies to break through this sense of fatalism.

1. Use the value of *Pragmatism*

The value of *Pragmatism*, or the need to take a practical, commonsense approach, has been shown to be effective in prior FrameWorks' research on criminal justice, and it was also productive in peer discourse sessions conducted in DC. This value is effective because it focuses attention on the outcomes we want to achieve—a safer, better functioning society—and on the need to consider these outcomes when thinking about how the system should work. Emphasizing the idea that problems can be solved through careful goal setting and a step-by-step plan helps overcome people's fatalistic attitudes and allows them to understand that reform is possible:

By taking a practical, common-sense approach to solving problems in our criminal justice system and our communities, we can decrease crime, enhance public safety, and make more responsible use of our resources. We know that more children and young adults end up in the system when they are from communities with high unemployment or underachieving schools, or that lack other resources and social supports. We need to identify the proven alternatives that work to address these issues. Instead, we spend resources sending more people to prison, which does not work and is taking a toll on our society.

2. Show alternatives to the status quo

Advocates have a clear sense what kinds of systemic changes can improve outcomes and that facilitate the healthy social, intellectual, and moral development of juvenile offenders. It is difficult, however, for audiences to grasp what these changes look like and what they mean in practice. People need very detailed and concrete examples of how the justice system can incorporate a developmental perspective and what outcomes would result.

Communicators should therefore offer examples and case studies about the system's changes they wish to see. These should: 1) highlight the status quo (i.e., that developmental considerations are typically *not* the focus of existing practice), and 2) emphasize that we can make changes to these systems, both big and small, to better support and facilitate outcomes for youth, their families, and their communities. These stories should include three parts:

1. *Current state*: Description of an existing system or practice where development is not centered.
2. *Action*: Explanation of a change to that system or practice.
3. *Outcome*: Statement about how outcomes will improve once a developmental perspective is adopted into an existing system or practice.

Conclusion

The communications recommendations detailed in this memo have been shown to deepen appreciation and understanding of the foundations for healthy child and adolescent development, and of the failings of the current system to provide those foundations. Implementing a

comprehensive framing strategy with tested frames will help PDS find a unified voice across their advocacy work, raising the visibility of and support for their efforts to show how the current system fails young people and how structural reforms can offer them justice.