

Representative Aaron Michlewitz, Chair
Joint Committee on Ways and Means
Room 243, State House
Boston, MA 02133

Representative Claire Cronin, Chair
Joint Committee on the Judiciary
Room 136, State House
Boston, MA 02133

RE: S.2820 Reforming Police Standards

July 17, 2020

Dear Chair Michlewitz, Chair Cronin, Vice Chair Garlick, Vice Chair Day, House members of the Joint Committee on Ways and Means and House members of the Joint Committee on the Judiciary:

We were excited to see and are thankful for the passage of the Criminal Justice Reform Act of 2018 and more recently, all the energy from Massachusetts Legislators work toward further reforms. Because of our experience helping young men and women turn their lives around, we've been strong advocates of the Raise the Age to 21 legislation and we respectfully request that a provision to gradually raise the age at which a young person is automatically prosecuted as an adult from age 18 to age 21 be included in the House version of legislation regarding Racial Justice and Police Accountability.

Raising the age is a unique opportunity to make a meaningful change – a change that would have a strong impact statewide and a particularly strong impact on the Commonwealth's young men of color. We are confident that this reform will improve community safety, advance positive outcomes for young adults, and create a more economically prosperous Commonwealth by saving money on prison costs for returning offenders in the long-run.

Roca has been serving justice-involved young people in Massachusetts since 1988. Over the past year alone, we have served over 1000 high-risk young men ages 17-24, who are all involved in the criminal and juvenile justice systems. Roca operates in 21 communities across Massachusetts, with offices in Boston, Springfield, Chelsea, Holyoke, and Lynn. We are privileged to partner with the Commonwealth on SSYI and the Massachusetts Juvenile Justice Pay for Success Project.

Like our partners, we know that for 18, 19, and 20 year olds are more susceptible to peer pressure, but also highly amenable to rehabilitation. CDC research has shown that similar adolescents had a 34 percent lower recidivism rate when they were in the juvenile v. adult system. In Massachusetts, the recidivism rate for formerly incarcerated young people is lower for those committed to DYS compared to those incarcerated in the adults system (26% vs. 55% reconviction rate). We know that something needs to be done about this group—18 to 24 year olds are the highest risk, and need solid rehabilitation plans, which are tailored and developmentally appropriate.

On a daily basis, we witness the struggles and challenges of young people in the criminal justice system. The fact that 76% of 18-24 year olds in Massachusetts are re-arraigned within three years of release is unacceptable. The status quo is not making us any safer. We understand that this recidivism rate is also a nightmare for police officers and other law enforcement officials—namely, having to deal with the same young people that come out of prison and go back onto the streets, often times more dangerous because they were exposed to criminals in adult prisons, which has been shown to often increase offending. Our model recognizes this, and our youth workers are knocking on these young people’s doors, bringing them into programs, and forming long term and meaningful relationships. This helps young people stay out of jail, and it assists police and probation officers in their work. After Roca participants have gone through the first two years of our intervention model, 97% of them had no new arrests.

We’ve spent a number of years now delving into what allows for that change to take place—how you go from a traumatized young man caught up in the cycle of violence and poverty, to a hopeful, hardworking, and law-abiding young adult. One thing we’ve looked at is the brain development of young adults. As many of you all here today already know, the brain doesn’t complete development until age 25, and actually one of the highest times of plasticity in the brain is from 18 to 24 years old. What’s encouraging to us is the fact that when you repeat and practice new behaviors—positive behaviors—you can change the pathways in your brain. So, if you decide to raise the age to 21 so that 18, 19, and 20 year olds would be in juvenile centers instead of adult prisons, you’re giving them the opportunity to have the time and space to develop and change those pathways for the rest of their lives.

We understand, though, that many people are concerned that young adults will not be held accountable for their crimes if we raise the age and move 18, 19, and 20 year olds to juvenile prisons. So, the most serious crimes will continue to be eligible for adult sentences. As is currently law, young adults facing murder charges would still be tried in adult court, and prosecutors can seek a “youthful offender” indictment in other serious offenses. If adjudicated a youthful offender, the judge has the power to impose (1) a juvenile sentence (until age 21); (2) an adult sentence; or (3) a combination of juvenile and adult sentencing past their 21st birthday. It is clear that these young adults will NOT be let off the hook.

We also know some lawmakers are worried about DYS’s capacity to handle 18-20 years olds. However, Massachusetts DYS agency is national model and already serves this age group. 80% of new commitments to DYS are for young people age 16 to 20. Moreover, the number of youth entering DYS facilities has also decreased steadily since 17-year-olds were brought into the juvenile justice system in 2014.

We also realize that some individuals are concerned that older teens would interact with younger teens. Currently, providers have a variety of program models that ensure younger teens do not interact with older ones. Older, more serious offenders are kept in certain facilities, while young offenders are put in more community-based places. Federal laws that protect the rights of juveniles in the justice system – the Prison Rape Elimination Act and the Juvenile Justice Delinquency and Prevention Act – would allow young adults, as long as they were under the jurisdiction of the Juvenile Court, to be considered a “juvenile” for compliance purposes.

Finally, we would not be the first state to raise the age above 18. In May 2018, Vermont became the first state to set its juvenile justice age threshold above 18. By 2022, with a few minor exceptions, all teens (including 18 and 19 year olds) will be treated as juveniles. This gives us a state to watch and learn from. Moreover, Illinois

signed a bill into law in early 2019 that creates a parole process for people convicted of offenses they committed before 21, providing them review after either 10 years or 20 years depending on the offense category.

We've raised the age before (from 17 to 18 in 2013), and we can do it again. Since the State raised the age from 17 to 18, juvenile crime has declined by 34%, and has seen faster declines in violent and property crime rates than the national average. We also want to commend the Commonwealth, Sheriff's Departments and other state agencies for identifying a need to approach emerging adults in the criminal justice system differently. Young adult units in the Department of Correction and Houses of Corrections, young adult courts and resources allocated to re-entry projects in the state are so important to approach this group of young adults differently.

As always, we invite you join us to explore how we can all work to create a meaningful change and seek better outcomes for our young people, our partners and our communities. Thank you for considering our testimony, please reach out to me if you have any questions or would like to discuss this further.

Respectfully,

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CC: Representative Denise Garlick, Vice Chair, Joint Committee on Ways and Means
Representative Michael Day, Vice Chair, Joint Committee on the Judiciary
House members of the Joint Committee on Ways and Means
House members of the Joint Committee on the Judiciary