



Testimony submitted to the Joint Committee on the Judiciary
In Support of [S.825/H.3420](#) An Act to promote public safety and better outcomes for young adults
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In 2013, Massachusetts raised the age of juvenile jurisdiction through age 17, and there has been a 34% decrease in juvenile crime outperforming national decreases in property and violent crimes¹. Studies have shown that older adolescents processed as juveniles or diverted to community-based programs are much less likely to offend again than if sent to adult facilities². It is time to consider including 18- to 20-year-old youth in our juvenile courts and provide services appropriate for this age group. There would be no change on adult sentencing for serious offenses such as murder or “Youthful Offender”³ cases as we already have a separate path for age 14 and up. We should also expand the upper age of commitment with the Department of Youth Services (DYS) for emerging adults in a step-wise fashion (18-20) so there is time to rehabilitate older youth entering the system, including extending commitment of “Youthful Offender” cases up to age 23.

The national League of Women Voters “believes alternatives to imprisonment should be explored and utilized, taking into consideration the circumstances and nature of the crime.” The League also “supports policies and programs at all levels of the community and government that promote the well-being, encourage the full development and ensure the safety of all children.” In addition, the League of Women Voters of Massachusetts (LWVMA) is in favor of “the use of adequately funded and supervised alternative punishments for offenders where mitigating circumstances exist,” and supports “measures to protect the civil and individual rights of the offender and to promote the offender's rehabilitation through individualized treatment,” legislation to “delineate clear lines of authority and accountability in the state agency responsible for juvenile programs,” and programs “for prevention, detection and treatment of juvenile delinquency.”⁴

Current research on brain development shows that, up to the mid-twenties, brains are in a critical period of development. Dr. Judith Edersheim, co-director of the Center for Law, Brain and Behavior at the Massachusetts General Hospital, explains there are three differences between adult and adolescent brains.⁵ During adolescence, brains are losing “gray matter” in the frontal lobes, where computation, self-control, planning, decision-making and other executive functions occur. Second, the brain develops more “white matter,” to increase processing speed and make the brain more efficient, and third, the adolescent brain has more dopamine, which is released when a person seeks out rewards and novelty. “If you don’t provide an adolescent with an opportunity to develop a social competency or self-esteem, if you don’t put them in contact with pro-social peers, then you’re setting trajectories which actually might persist through adulthood,” Edersheim said, which is why it is important that teens are provided more guidance during this developmental stage.



Vermont passed legislation to increase the age for most juvenile offenses to include 18- and 19-year-olds by 2022 and place them under family court jurisdiction where they can refer youthful offenders to community-based programs emphasizing rehabilitation.⁶ Massachusetts already has community-based programs like Roca and UTEC proven programs that reduce recidivism for high-risk youth as compared to youth sent to adult facilities.⁷

At least three District Attorneys in Massachusetts support raising the age.⁸ Paul Faria, who has worked in corrections for over 30 years and who represents correctional officers for AFSCME Council 93, said AFSCME supports raising the age as long as proper planning and training is in place. “DYS provides services rather than sending to state prison,” he said, calling the juvenile system “a lot more hands-on”⁹ Although DYS Commissioner Peter J. Forbes has said the department wouldn’t weigh in on whether or not to raise the age, he said DYS will be prepared, especially as they already work with some 18-, 19- and 20-year-olds.¹⁰

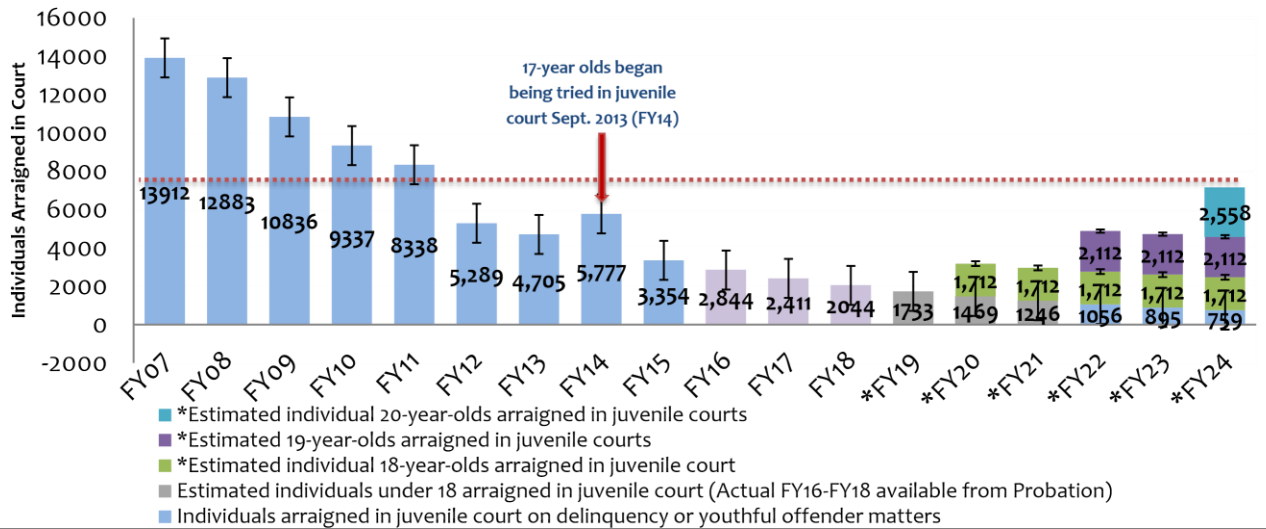
An analysis done by Citizens for Juvenile Justice, shows that the number of 18- to 20-year-olds charged with offenses has been decreasing over time, as has the Juvenile Court’s caseload.¹¹ By gradually adding this population to the juvenile courts, there should be no capacity issues since the expected increase in cases will still be lower than what the court processed before 2011 (Fig. 1) and would only match the capacity handled by DYS before 2012 (Fig. 2 and 3) There will need to be significant resources invested to make this transition work, as this is an older population with particular needs the facilities are not currently seeing as much.

Ages 18, 19 and 20 are transition ages where some adult milestones may be met, but not all. Some of these individuals may be in the military or be married, but our society does not bestow all privileges of adulthood at 18. Instead, many milestones that present a significant risk are delayed taking a young person’s maturity. For example, young people are prohibited from alcohol, drugs and marijuana until age 21; one cannot carry a gun or be a police officer until they are 21; and young people can remain on their parents’ health insurance until they turn 26.. This is also of concern for these young 18 to 20 year-olds who are still maturing.

With current knowledge about brain development, evidence that lower recidivism is possible in Massachusetts using community-based programs for high-risk youth and expanded access to diversionary and restorative justice programs, and that crime decreased when 17-year-olds were included into the juvenile court system, it seems that Massachusetts is ready to gradually raise the age for the juvenile court system to include 18, 19, and 20-year-olds. Older adolescents are a distinct population that would greatly benefit from improved programs and services to guide them to a better path.

For those reasons, LWWMA, representing 47 local Leagues from Cape Cod to the Berkshires, urges this committee to report H.3420/S.825 favorably out of committee. Thank you for your consideration.

Figure 1. Summary of Key System Trends of Justice Involved Youth and Young Adults in Massachusetts, Citizens for Juvenile Justice, April 2019, p 6 Juvenile Arraignments



Source: Massachusetts Probation Service, by request * Estimated values for 2016 – 2024:

- Under 18 Estimates: calculated based on average annual reductions (15%) in juvenile arraignments since 2009. Probation should have actual (not estimated) data for FY16-18.
- In 2015, there were 1,712 18-year-olds, 2,112 19-year-olds, and 2,558 20-year-olds arraigned in MA (Source: Massachusetts Probation Service). Relying on these values likely overestimates the actual arraignment numbers, as the young adult caseload has been declining over the past decade as well.

Figure 2. Summary of Key System Trends of Justice Involved Youth and Young Adults in Massachusetts, Citizens for Juvenile Justice, April 2019, p 7 Anticipated Impact on DYS Detention Caseload (CY)

Anticipated Impact of Including 18, 19, and 20-Year-Olds on the Department of Youth Services:

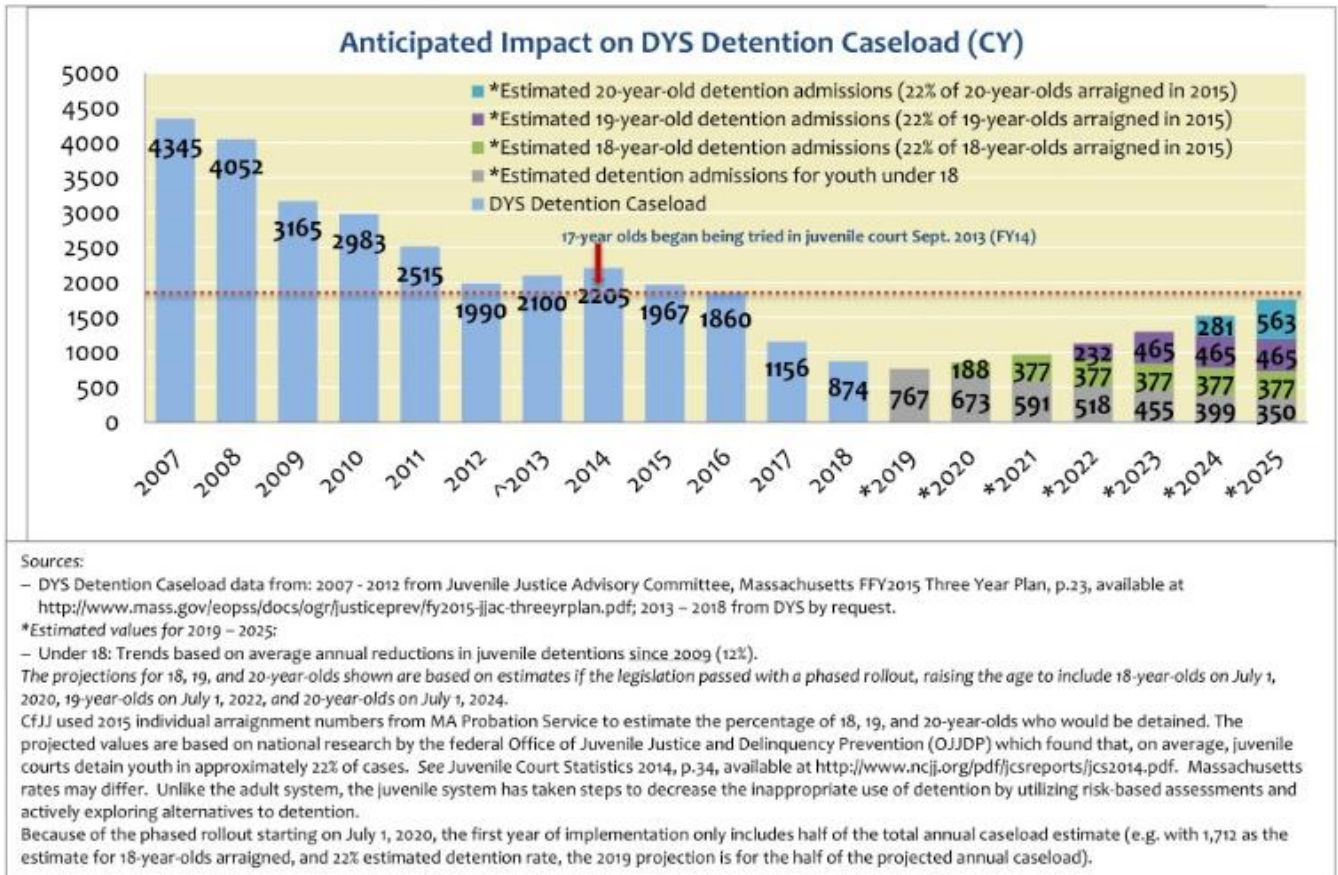
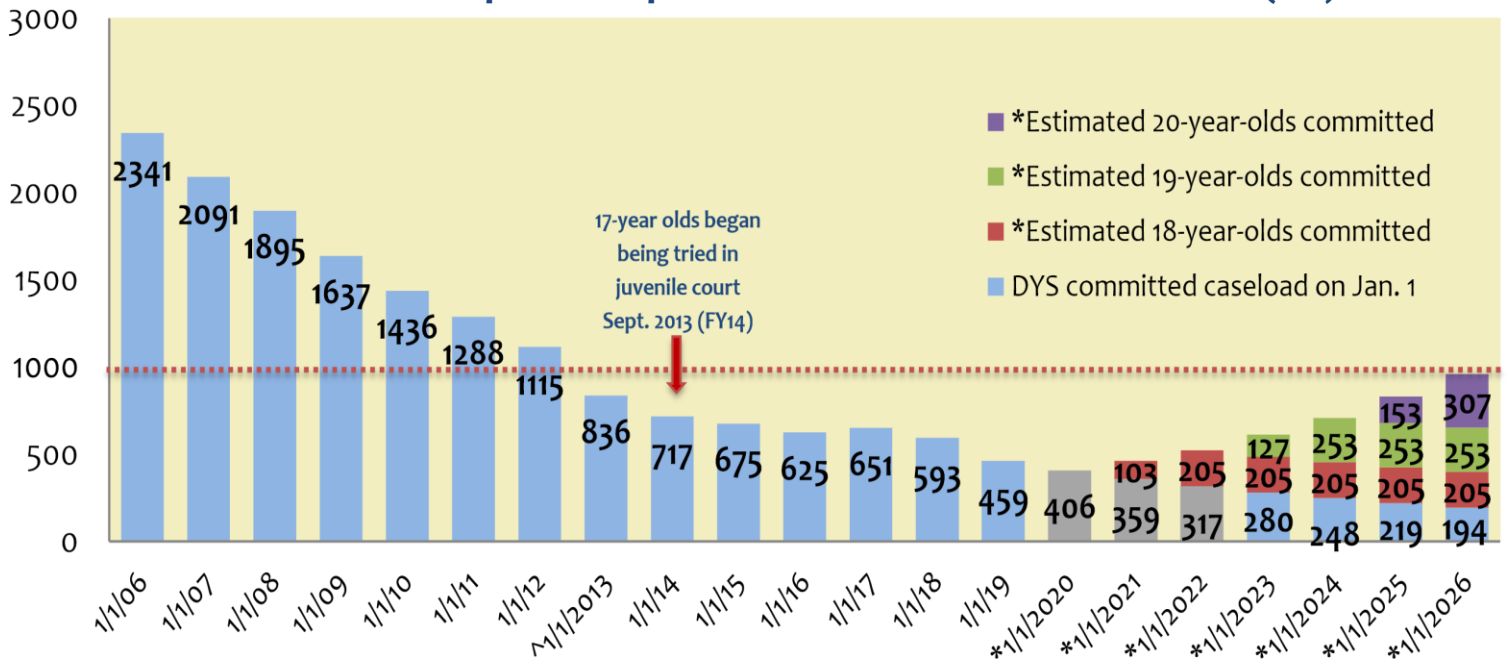


Figure 3. Summary of Key System Trends of Justice Involved Youth and Young Adults in Massachusetts, Citizens for Juvenile Justice, April 2019, p 8 Anticipated Impact on DYS Committed Caseload (CY)

Anticipated Impact on DYS Committed Caseload (CY)



* Estimated values for 2018 – 2026: The projections shown are based on estimates if the legislation passed with a phased rollout, raising the age to include 18-year-olds on July 1, 2020, 19-year-olds on July 1, 2022, and 20-year-olds on July 1, 2024.

- Under 18: Trend line calculated based on average annual reduction (12%) in juvenile commitments since 2009.

- CfJJ's estimate of the number of 18, 19, and 20 year olds who will be committed is based on historical rates of sentencing: 12% of 17- and 18-year-olds were sentenced to HOCs or to DOC in 2009. This is slightly higher than the 2015 juvenile rate of commitment of 10.3% (calculation based on % individuals juveniles arraigned in 2015 resulting in new DYS Commitments, 345/3,354 = 0.1029 or 10.3%). We opted to use the more conservative estimated rate of 12%, multiplied by 2015 data of 18, 19, and 20-year-old individuals arraigned to project commitment numbers for 2016 – 2018. We do not have more recent data for 2015 HOC/DOC commitments broken down by age.

- Because of the phased rollout starting on July 1, 2020, the first year of implementation only includes half of the total annual caseload estimate (e.g. with 1,712 as the estimate for 18-year-olds arraigned, and 12% estimated commitment rate, the 1/1/2020 projection is for half of the projected annual caseload).

1. Justice Policy Institute, "Raising the Age", Executive Summary, p.8 at http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheagesummary_final_3_6_16.pdf
2. <https://commonwealthmagazine.org/criminal-justice/criminal-justice-bill-game-changer-young-adults/>

3. "Youthful offender", a person who is subject to an adult or juvenile sentence for having committed, while between the ages of fourteen and 18, an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison, and (a) has previously been committed to the department of youth services, or (b) has committed an offense which involves the infliction or threat of serious bodily harm in violation of law, or (c) has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine; provided that, nothing in this clause shall allow for less than the imposition of the mandatory commitment periods provided in section fifty-eight of chapter one hundred and nineteen. (This would expand to older ages as the age is raised.)
4. <https://lwwma.org/advocacy/league-postions/>
5. http://www.abajournal.com/magazine/article/adult_prosecution_juvenile_justice
6. <https://www.csmonitor.com/USA/Justice/2018/0706/Vermont-rolls-out-a-new-idea-to-rehabilitate-young-offenders>
7. <https://www.telegram.com/news/20190403/unforseen-directions-of-raising-juvenile-court-ages-in-massachusetts>
8. <https://masslawyersweekly.com/2019/07/03/raise-juvenile-court-age-to-21-das-urge/>
9. <https://commonwealthmagazine.org/criminal-justice/task-force-weighs-raising-juvenile-court-age/>
10. <https://www.bostonglobe.com/metro/2019/07/09/crime-bill-would-redefine-juveniles-age/maHshbBT6QaaX9ooVDVidN/story.html>
11. Summary of Key System Trends of Justice Involved Youth and Young Adults in Massachusetts, Citizens for Juvenile Justice, April 2019 p. 5-7. <https://www.cfjj.org/rta-data>