

Citizens for Juvenile Justice and Other Organizations' Response to Task Force Report on Emerging Adults in the Massachusetts Criminal Justice System

February 28, 2020

It has been an honor and privilege to serve on this task force. I want to praise Senator Creem and Representative Tucker and their staffs for their phenomenal job guiding such a thorough and informative process. The expertise of the task force members and the panelists who presented made this a tremendous learning experience and highlighted the impressive level of knowledge in our Commonwealth and the commitment to the success of justice-involved emerging adults.

On behalf of Citizens for Juvenile Justice and the 85 undersigned organizations, we are pleased that the task force's report clearly states that:

- Emerging adults (ages 18-25) are at a distinct developmental stage where they have great potential for rehabilitation.
- Emerging adults are not appropriately served by the adult system, as evidenced by their high recidivism rate.
- The collateral consequences of adult system involvement uniquely and detrimentally impact emerging adults, limiting their ability to rehabilitate and stifling their future.
- Emerging adults would benefit from the approach and services of the Department of Youth Services (DYS).
- A declining juvenile court caseload creates the potential to include emerging adults in the juvenile justice system.

All of these points strongly support raising the age of juvenile jurisdiction to include 18- 20-year-olds, one of a number of recommendations in the task force's report. We strongly support raising the age as the most appropriate, efficient and just response to the task force's findings of fact.

While we welcome efforts to make the adult system more rehabilitative and better suited to serve younger people - these capabilities already exist in the juvenile justice system.

We recommend against the exclusion of youth with serious offending from the rehabilitative opportunities offered by the juvenile system, especially given that DYS has an established track record effectively serving emerging adults 18-20 who have high-level offenses. The juvenile system currently has the processes and the interventions that result in better public safety outcomes for youth with more serious offending than those in the adult criminal legal system.

We do not support solutions that involve a transfer process, which is so often a source of racial inequity. Racial and ethnic disparities are already high among emerging adults in Massachusetts.

Massachusetts found that raising the age to 18 was accompanied by continuing decreases in youth crime and that it cost taxpayers far less than predicted. The state should expand upon a policy that has already served it well.

Commentary on Task Force Raise the Age Recommendations

Recommendation 1. Raise the age to include 18-, 19-, and 20-year-olds in the juvenile justice system.

We strongly support this recommendation, which is most consistent with the findings of fact in the task force report. The juvenile justice system already serves young people in this age cohort and has capacity, thanks to decades of falling delinquency caseloads, to serve more. Raising the age will keep communities safer by lowering recidivism, give young people better opportunities to succeed and ultimately save taxpayers money.

Recommendation 2: Include 18-year-olds in the juvenile justice system.

We would be willing to support raising the age to include 18-year-olds, only if there is an evaluation of the impact of that decision and consideration, within two years, of whether to include 19- and 20-year-olds.

Recommendation 3: Create a “young adult offender” category for individuals aged 18-20 within the jurisdiction of the Juvenile Court system.

The task force was most impressed with DYS’s quality supervision and intensive programming. However, this proposal carves out the young people who would most benefit from DYS’ level of supervision. **By excluding youth with more serious offenses from juvenile jurisdiction, we will continue to have the poor public safety outcomes our current criminal justice system produces.** Therefore, we do not support this recommendation.

Recommendation 4: Provide District Court and Boston Municipal Court judges discretion on their own or by motion of either party to refer eligible cases to Juvenile Court.

The task force report recognizes the harm of adult prosecution. Yet by initiating court proceedings in the adult district courts, we would still subject young people to these harms. Additionally, this recommendation continues the theme of excluding youth with more serious offending from the rehabilitative opportunities offered by the juvenile system. “Reverse Transfer” laws have persistently exacerbated racial inequities in our legal system. Therefore, we do not support this recommendation.

Recommendation 5: Create an emerging adult court session in juvenile or district court

We are supportive of making the adult criminal system more developmentally appropriate and rehabilitative for emerging adults. However, the juvenile justice system has already made

these strides over the past several decades and is ready – now – to address the needs of emerging adults. CfJJ recommends that 18- 20-year olds be moved into the juvenile justice system while steps are made to expand existing programming (such as young adult correctional units) and develop new models (emerging adult courts) for the older population of emerging adults, with a goal of expanding them to universal application for all emerging adults.

Adult System Recommendations

Recommendations to replicate DYS practices and approaches within the adult system – while important and necessary – do not account for the investment in time and policy and that the state has already made to reform programming in its juvenile system. DYS led the nation in reforms starting with the closing of youth prisons in the 1970s to the adoption of Positive Youth Development principles in the past decade. Adult corrections should invest in this long-term policy, practice and culture shift to ensure a universal application of these reforms for all youth through their mid-20s.

Additionally, most youth in the juvenile system are assigned to Probation (as a court condition or as a sentence), and Juvenile Probation has already adopted Positive Youth Development principles, which adult Probation is working to replicate.

Finally, the presentations to the Task Force on emerging adult women in correctional institutions indicated that there are relatively few young women in state prisons and county jails. We fully support the Task Force recommendations to expand community-based resources for young women that offer a more effective intervention model with young women while expanding opportunities to reduce institutional placements. Young parents **and their children** are more likely to succeed through community-based programming rather than incarceration – particularly due to the increased risk of legal system involvement for children of incarcerated parents. **We would support adding a recommendation to expand the primary caregiver provision as passed in the 2018 Criminal Justice law to allow for the presumptive alternative placement of primary caregivers of minor children.**

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Task Force member

And the following organizations:

Action for Boston Community
Development

ACLU of Massachusetts

Bethel Institute for Social Justice/Generation
Excel

Black and Pink

Black Lives Matter- Worcester

Boston Teachers Union

Bridge Over Troubled Waters

Center for Public Representation

Center for Teen Empowerment

Charles Hamilton Houston Institute, Harvard
Law School

Children’s Law Center of Massachusetts

Children's Mental Health Campaign
The Children's Study Home
Citizens for Juvenile Justice
City Mission Society
The City School
Coalition for Effective Public Safety
Collaborative Parent Leadership Action
Network (CPLAN)
College Bound Dorchester
Committee for Public Counsel Services
Community Resources for Justice
Criminal Justice Policy Coalition
Criminal Justice Task Force of Congregation
Dorshei Tzedek
Crystal Springs
Determined Divas
Dorchester Youth Collaborative
Ending Mass Incarceration Together
Fair Sentencing of Youth
Fall River Deaconess Home
Families for Justice As Healing
Family Continuity
Friends of Children
GLBTQ Legal Advocates & Defenders
Greater Boston Legal Services, CORI & Re-
entry Project
The Home for Little Wanderers
High Risk Youth Network
HopeWell
I Have a Future/Youth Jobs Coalition
InnerCity Weightlifting
Jobs Not Jails
Justice Resource Institute
Juvenile Rights Advocacy Program, Boston
College Law School
Latham Centers
Law Enforcement Action Partnership (LEAP)
Lawyers Committee for Civil Rights
League of Women Voters of Massachusetts
Louis D. Brown Peace Institute
LUK, Inc.
Mass Mentoring Partnership
Massachusetts Bar Association
Massachusetts Coalition for the Homeless
Massachusetts Communities Action Network
Massachusetts Commission on LGBTQ Youth

Massachusetts Society for the Prevention of
Cruelty to Children
Massachusetts YouthBuild Coalition
Mental Health Legal Advisors Committee
MissionSAFE
More Than Words
Mothers for Justice & Equality
My Life My Choice
National Alliance on Mental Illness – MA
National Assoc. of Social Workers – MA
chapter
North American Family Institute
Parents/Professional Advocacy League
Prisoners' Legal Services
Project RIGHT
RFK Children's Action Corp
Real Costs of Prison Project
Roca, Inc.
Roosevelt Institute @ Boston
Roxbury Youthworks, Inc.
The Salvation Army/Bridging the Gap
Between Youth & Community Services
Sociedad Latina
Spectrum Health Systems
Strategies for Youth
Stuck on Replay
UTEK
Unitarian Universalist Mass Action Network
Unitarian Universalist Urban Ministry
Violence Intervention Advocacy Program @
Boston Medical Center
Vital Village Network
Year Up – Greater Boston
Young Men's Committee (MCI-Norfolk)
Young Sisters United/Young Brothers United
Youth Build Boston
Youth Villages MA & NH
YW Boston