



The Honorable Robert DeLeo
Speaker of the House of Representatives
State House, Room 356 Boston, MA 02133

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

The Honorable Claire Cronin
Chair House Judiciary Committee
State House, Room 136 Boston, MA 02133

The Honorable Michael Day
Vice Chair House Judiciary Committee
State House, Room 136 Boston, MA 02133

July 14, 2020

Dear Speaker DeLeo, Chair Michlewitz, Chair Cronin, Vice Chair Day:

Judge Baker Children's Center understands that the Massachusetts Legislature is considering amending existing expungement legislation to better reflect the latest brain science and advance racial justice in Massachusetts. We applaud the Legislature's commitment to advancing racial justice and improving outcomes for vulnerable populations in the Commonwealth. 85% of youth arraigned in Massachusetts are accused of low-level nonviolent crimes. However, these accusations may follow a youth into adulthood, well beyond their involvement in (or dismissal from) the justice system. The presence of a criminal record can lead to long-term negative consequences, often posing a significant barrier to future academic, professional and social life, and can contribute to future justice system involvement.

Based on research and best practices, the recommendations outlined in UTEC's recent proposal are consistent with recommendations in our 2019 Policy Brief: [Promoting Positive Outcomes for Justice-Involved Youth](#) (hyperlinked; printed copies available on request). Notably:

- Research shows that juvenile justice-involvement can contribute to negative outcomes well beyond an individual's adolescent years;
- Research shows that adolescent brain development is a complex process lasting through a youth's early to mid- twenties, inhibiting abilities to make safe and appropriate decisions or consider long-term consequences the way an adult would – often resulting in impulsivity or poor decision making. For some youth this leads to delinquent acts, interactions with the juvenile justice system and a corresponding record;
- Racial and ethnic disparities are of paramount concern. Youth involved in the juvenile justice system are disproportionately impoverished and members of racial and ethnic minority groups. National research has found that youth of color make up approximately two-thirds of incarcerated youth, but only one third of the general adolescent population. In Massachusetts, youth of color make up about 33% of the youth population; but they represent 60% of those

arraigned, 66% of pre-trial detainees and 68% of DYS-committed youth. Research on racial and ethnic disparities in juvenile courts has further found that practices are both directly and indirectly influenced by racial bias, that racial biases are more likely to occur earlier in system processing, and that racial disparities often worsen as youth move through the system.

- Continued and enhanced system reform can lead to improved outcomes for youth, greater diversion from system involvement, bolstered community strengths and resources, and significant return on investment and overall cost-savings.

Tenets of Positive Youth Development include building on strengths, promoting emotional, cognitive, behavioral and moral competencies, fostering a belief in the future, and providing opportunities for pro-social involvement. Criminal records can derail this positive development and therefore undermine the essential restorative premise of the Massachusetts juvenile justice system. As the Commonwealth considers justice system reform and practice improvement, focusing on the police alone is not enough. Pathways to healing for individuals who have experienced system involvement also warrant consideration. Record expungement under appropriate circumstances can give individuals an opportunity to move beyond the transgressions of their youth and pursue positive, healthy lives contributing to society. This in turn can provide a pathway to healing for victimized populations and begin repairing damage caused by systemic racism.

With respect and gratitude,

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