

An Act to Promote Public Safety and Better Outcomes for Young Adults – S.825/H.3420

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MASSACHUSETTS CURRENTLY SPENDS THE MOST MONEY ON YOUNG ADULTS IN THE JUSTICE SYSTEM AND GETS THE WORST OUTCOMES

Shifting 18- to 20-year-olds into the juvenile system, **where they must attend school and participate in rehabilitative programming, would lower recidivism.** The young adult brain is still developing making them **highly amenable to rehabilitation. This development is influenced – positively or negatively – by their environment.**

An overly punitive approach can actually cause more offending: Most young people "age out" of offending by their mid-twenties, particularly with developmentally appropriate interventions. Exposure to toxic environments, like adult jails and prisons, entrenches young people in problematic behaviors, increasing probability of recidivism.

Recidivism among young people incarcerated in the adult corrections is *more than double* similar youth released from department of youth services commitment

Teens and young adults incarcerated in Massachusetts' adult correctional facilities have a 55% re-conviction rate, compared to a similar profile of teens whose re-conviction rate is 22%¹². DYS has been successful in reducing its recidivism rate following almost four decades of reforms building in an emphasis on providing treatment and imposing policies whose primary goal is to ensure young people's healthy and positive development into adulthood.

Emerging adults make up 10% of the state population, but represent more than 29% of arrests,³ 23% of Houses of Correction commitments (HOC), and 20% of Department of Correction commitments.⁴ The Council on State Governments' final report identified emerging adults as a key priority for reform, with the highest recidivism rate in MA (in 2011, 76% of emerging adults released from HOC were re-arraigned within 3 years).⁵

Massachusetts already serves "transition age youth" through child- and adolescent-serving agencies and divisions recognizing that those services are more appropriate and effective than adult services for young people: child welfare, healthcare, K-12 education, mental

health, developmental disabilities, labor and other state agencies have created dedicated policies and programs to support young adults' transition to independent adulthood.

In 2017, DYS served 357 young people 18-years and older who were either committed to DYS until age 21 or through their voluntary services through age 22. Eighty percent of new commitments to DYS are for young people age 16 to 20.

MASSACHUSETTS' JUVENILE JUSTICE SYSTEM HAS THE CAPACITY TO HANDLE THE ENTRY OF 18- TO 20-YEAR-OLDS.

In 2013, Massachusetts policy makers ended the practice of automatically prosecuting 17-year-olds as adults. Since then, **juvenile crime has declined by 38%**, and has seen faster declines in violent and property crime rates than the national average.⁶

With juvenile crime at historic lows, the system – including courts and DYS – now has the capacity to absorb 18 – 20 year-olds:

- The total number of juvenile court cases has steadily declined over the last decade: Since 2009, all juvenile court case filings decreased by 56%. Juvenile arraignments fell by 81%
- Since 17-year-olds were introduced into the juvenile justice system, there has been a 16% decrease from 19,712 cases in the juvenile courts to 16,627 in FY2018 (prior to implementation of the Criminal Justice Reform Act of 2018.)

MASSACHUSETTS' JUVENILE JUSTICE SYSTEM HAS THE SPECIALIZED SKILLS TO HANDLE 18- TO 20-YEAR-OLDS.

The juvenile system already effectively handles the cases of young people under the age of 21 who are indicted on serious offenses. Young people charged with serious offenses can be indicted in Juvenile Court as a “Youthful Offender” where they are eligible for juvenile and/or adult sentences. Over 80% of young people over the age of 18 that are committed to the Department of Youth Services are adjudicated as a Youthful Offender and committed until age 21. Young people who are charged with murder will continue to be automatically tried in Superior Court.

THIS BILL WOULD MOVE EMERGING ADULTS INTO A DEVELOPMENTALLY APPROPRIATE JUSTICE SYSTEM TO REDUCE RECIDIVISM AND PREVENT DEEPER CRIMINAL INVOLVEMENT

Raise the upper age in delinquency and youthful offender (Y.O.) cases to gradually include 18, 19 and 20 year olds over three years. Our juvenile justice system is designed to provide individualized, developmentally appropriate services for young people. Young adults with serious offenses would still be eligible for adult sentencing in murder and Y.O. cases as is currently law.

Expand the upper age of commitment to DYS for emerging adults (18-20) to ensure there is an adequate opportunity to rehabilitate older youth entering the system. DYS already serves Y.O.s up to age 21; this legislation would allow for extended Y.O. commitment up to age 23.

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¹ Council of State Governments Justice Center, “Justice Reinvestment in Massachusetts: Policy Framework,” February 21, 2017. Available at <https://csgjusticecenter.org/jr/massachusetts/publications/justice-reinvestment-in-massachusetts-policy-framework/>

² Department of Youth Services, “Juvenile Recidivism Report For Youth Discharged During 2014” November 19, 2018. Available at <https://www.mass.gov/files/documents/2018/12/17/recid2018.docx>

³ Council of State Governments Justice Center, “Justice Reinvestment in Massachusetts: Key Findings and Policy Options,” December 21, 2016. Available at https://csgjusticecenter.org/wp-content/uploads/2016/12/JR-in-Massachusetts_Key-Findings-and-Policy-Options.pdf

⁴ MassINC, “Viewing Justice Reinvestment Through a Developmental Lens: New approaches to reducing young adult recidivism in Massachusetts,” December, 2015. Available at <http://massinc.org/research/viewing-justice-reinvestment-through-a-developmental-lens/>

⁵ Council of State Governments, footnote 1.

⁶ Citizens for Juvenile Justice, “Summary of Key System Trends of Justice Involved Youth and Young Adults in Massachusetts” August 2019. Available at <https://www.cfjj.org/rta-data>.