Bill S.2185 (An Act Relative to Criminal Justice Reform) will raise the criminal majority age from 18 to 19, allowing young people an extra year’s access to diversion programs that are designed to help them stay out of the adult justice system. Being convicted in the adult justice system has a permanent effect on an individual’s ability to secure employment, housing, and education. This bill would give these young people a chance to avoid a public criminal record that would affect the rest of their lives.

The Bill
S.2185: An Act relative to criminal justice reform

Elevator Speech
We’re Max and Ely, undergraduates at Brandeis University. For the future betterment of our communities, it’s essential that we give justice involved juveniles a fair shot to become contributing members of society. We’re concerned that with the current age of criminal majority, 18. They are adolescents who do not yet have fully developed brains and decision making abilities that are being forced into the adult criminal justice system. These young people deserve access to the diversion programs and counseling that were meant for them.

The current Senate criminal justice reform omnibus bill would raise the age to 19, giving this whole extra year’s worth of people a chance to engage in these diversion programs and grow into successful, mindful adults. We ask that you support these young people by supporting this by sending a letter to the Conference Committee on this bill.

Excerpts from Storybook
Testimony from an experienced social worker, Beth Mix: “I run a Youth Service Bureau program designed to divert young offenders from juvenile court [in Connecticut]. We have collected evidence that shows that punitive measures do not deter juvenile criminality. Children older than 18 could greatly benefit from being treated as children – because developmentally, they are not yet adults. I would like to see the age raised further because evidence and experience suggests this change would be likewise successful.”
Khalil Cumberbatch, The Avid Advocate: As the Associate Vice President of Policy at The Fortune Society’s David Rothenberg Center, Khalil leads the advocacy efforts for criminal justice reform on behalf of the organization’s thousands of clients every year. Khalil stated that raising the age of criminal majority is really about “actively including science in decision making” and is part of a national conversation about criminal responsibility. This is in reference to the fact that adult brains do not fully develop until at least 23 years of age, particularly the prefrontal cortex which helps control impulses and decision making. As a person who was impacted directly by these issues, Khalil is a passionate advocate for criminal justice reform, and he believes that raising the age of criminal responsibility is a viable way to reduce the mass incarceration epidemic.

Op-Ed
Maxwell

It’s the middle of April, the snow is melting, and kids are starting to look forward to their summer break. For soon-to-be graduates looking to find a job, this period of time of time can be both stressful and exhilarating. The task of entering the adult world is daunting, but the future is bright.

For young people with a criminal record, the future doesn’t look as bright.

Even a criminal record containing non-violent offences can make it incredibly difficult to gain housing or employment. For a young person trying to figure those things out for the first time, it can become impossible.

Kids make mistakes. They have to learn not to listen to peer pressure, they have to learn not to shoplift, they have to learn not to disturb the peace. And for some kids, the learning process involves slipping up. In Massachusetts, if a young person happens to be over the age of 18 when that slip up happens, they will be handled in the adult court system, and given a criminal record. There are a number of reasons to raise the age of criminal majority, and housing is just one of them.

By raising the age of criminal majority, we give more kids access to diversion initiatives that are meant to teach and guide them to becoming more productive adults. This state has many programs meant to help troubled kids. These include things like counseling, mental health services, and family mediation visits. By throwing children in the adult justice system after they become 18, we’re cutting them off from valuable resources that they could still make good use out of. These programs are the key to turning small mistakes into real growth opportunities for young people, and we want as many of them to have access as possible.

When we look at the numbers, it becomes abundantly clear that we need to put the most effort into reforming young people. Currently, people between the age of 18 and 25 make up 29% of arrests, even though they only make up 10% of the population. Not only that, but this group of people is most subject to cyclical involvement in the justice system and repeating offences. In 2011, 76% of the people in this age group that were released from Houses of Correction went back to court within 3 years. Diversion programs keep these numbers from being even more alarming. If we raise the age of criminal majority to 19, we’re giving a whole extra years worth of young people the tools they need to break free from these destructive patterns.

Young people deserve a fair shot at becoming healthy, productive citizens. By raising the age of criminal majority and extending a hand to young people, we are taking action to create a community of more rounded, patient and healthy adults in the future. Call your legislators and tell them you support the raising of the age.

Letter to the Legislator

Firstly, we would like to thank you again for your time in meeting with us on February 28, in which we discussed the age of criminal majority. As we alluded to in our conversation, young people in Massachusetts who are arrested for a criminal charge are treated as adults the moment they turn 18. This means that they develop a permanent record, which keeps them from housing opportunities, job opportunities, and other resources essential to developing a comfortable life. It also means that they lose access to the many diversion programs that this state has specifically established to help young people get on the right track. Counseling and community service programs aim to make kids’ first offence their only offense, and they are necessary for counteracting the tendencies of an age group in which recidivism rates are naturally the highest.

A strong solution to this lies in the Senate criminal justice omnibus bill S.2200, which raises the age of criminal majority in Massachusetts from 18 to 19. The current age is arbitrarily chosen, and it marks a period in which young people’s decision making faculties still aren’t fully developed. By raising the age, we will be giving these young people access to the resources that were meant to help them become more productive members of our communities.

The cost of the bill was estimated to be upwards of eight million dollars. This sounds like a huge amount of money; however, it fails to consider several important factors that influence this figure. The 18-year-olds who would now be under the juvenile system would have had the same burden on the adult system, which is more expensive than the costs...
of the juvenile justice system. So these costs are not new, they are just shifted. Furthermore, by helping these young people learn to be better decision makers, we save money that would be spent in future periods of incarceration, which is empirically higher in those who have been incarcerated as a juvenile.

This portion of the bill is essential to develop a healthier community full of young people who are given the care and attention they need to become the independent individuals we are looking for. In the final version of the criminal justice reform bill, the age of criminal majority needs to be 19. We ask that you send a letter to the Conference Committee for this Bill, and that you urge your colleagues in the House and Senate to do the same.

**Excerpts from Campaign Journals**

**Maxwell**

*Meeting with Sana Fadel, Acting Executive Director for Citizens for Juvenile Justice*

The meeting with Sana Fadel actually challenged a lot of assumptions I had made about lobbying. She was happy to hear from Ely and I, and we had a long conversation about what CFJJ did, as well as what the organization hoped citizen advocates would do to help. She emphasizes the importance of personal stories and testimony from people affected by the issue we were lobbying, just as had been said many times in class.

One thing I had wrongly assumed was that when we were speaking with legislators, we should bring up the fact that we were working with CFJJ. In my mind, that made it seem like we had more authority on the issues. However, Sana told us that bringing up lobbying organizations as a citizen advocate could be detrimental to your message. Professional lobbyists get paid to bring the pertinent information to the legislators. After that information has been brought, these legislators want to hear from people unaffiliated with those organizations: people who chose to lobby of their own volition. She said that bringing up our connection with CFJJ would dilute what we were trying to say by indicating that CFJJ might be influencing us.

She also had some really interesting things to say about differences in how to frame the issue when talking to Democrats versus Republicans. Previously, Ely and I had thought that it would be difficult to convince Republicans, but Sana said not to write them off. She said that she had had success by turning the issue into an economic one, and talking about all the money there is to be saved by keeping kids out of detention centers.

Talking with her was interesting and helpful, but also incredibly encouraging. Sometimes I can’t help but feel that I’m not qualified to be an advocate, even thought it’s a cause I really care about and one I’ve studied a lot recently. Our class has always been encouraging, but getting that same encouragement from a professional lobbyist for our issue was really incredible.

**Ely**

*Meeting with Maxwell Geist, the Communications and District Director for Representative Kay Khan*

We went into the meeting already knowing that Rep. Khan is publicly supportive of raising the age of criminal majority, but since this was our first meeting with a legislator’s office that we scheduled ourselves, Max and I really had the goal of learning more about the political landscape around this issue.

The three of us first talked about the general aspects of raising the age of criminal majority; one thing I specifically asked Maxwell about was the Senate Committee on Ways and Means’ financial assessment of raising the age, which was estimated to be $8,000,000 to $13,000,000. Maxwell stated that he was unsure as to how that figure was calculated. This largely seemed to be the case with the people with whom we met.

The conversation then shifted to how Max and I should go about lobbying for this issue, and Maxwell suggested that we talk to legislators in the conference committee. I think it was really useful to first meet with a legislator’s office which we know supported the issue, as this gave me and Max both the confidence to talk to other offices and we had an idea as to what meeting with someone would be like. One thing I would change about the meeting, however, is I would focus the conversation more on how to influence those in the conference committee since those legislators are typically not open to discussing their views on the issue to the public.

**Updates**

As of October 2018, the bill has failed to pass.

**For more information**

View the bill: malegisature.gov/Bills/190/S2185/

Citizens for Juvenile Justice cfjj.org