Reforming the Juvenile Justice System

Extending the age that a person facing trial for non-violent crimes can go to juvenile court and juvenile prison. This would apply to those who are between the ages of 18-20.

Zosia Busé ’20
Gabriel Sol Fontes ’19

S.825/H.3420: An Act to promote public safety and better outcomes for young adults, colloquially referred to as “Raise the Age,” intervenes by gradually shifting the age of juvenile jurisdiction to include 18, 19 and 20-year-old offenders. This intervention will give young adults the opportunity for developmentally appropriate rehabilitation. Under the jurisdiction of the Department of Youth Services (DYS), emerging adult offenders will have the opportunity to receive counseling and academic and vocational training in a safe and developmentally appropriate environment.

The Bill
S.825/H.3420: An Act to promote public safety and better outcomes for young adults

Elevator Speech
My name is Zosia Busé, and my name is Gabriel Fontes. We are students at Brandeis University, passionate about fundamental fairness and opportunity for Massachusetts youth, and we are advocating on behalf of S.825/H.3420, An Act to Reduce Recidivism and Better Outcomes for Young Adults. According to Massachusetts law, you must be 21 years of age before you can try your first sip of alcohol, rent a hotel room, or rent a car. Yet, at the same time, if you are caught for a nonviolent offense such as vandalism or disorderly conduct, at just 18 years old, you will be tried in adult court and could be sent to an adult prison. We can agree that youth are society’s most vulnerable population and our most valued asset. It is our duty as a society protect them. Our current Justice System is failing young adults. Adult prison is a traumatic environment for the developing brain of emerging adults and can have long term physical, emotional and mental effects. The brain continues to develop into the mid-20s. This renders 19 and 20-year olds more likely to benefit from positive and therapeutic environments but also more vulnerable. Emerging adults have the highest recidivism rates of any age group which means our current system is neither rehabilitating these young adults nor protecting the communities they go back to. In addition, the mismanagement of young adult delinquents disproportionately places an economic burden on those already struggling neighborhoods, specifically communities of color. For instance, Residents of Dorchester and Roxbury made up 47% of those committed to the Nashua Street Jail and Suffolk County House of Corrections in 2013, and the state directed nearly $34.5 million locking up these residents instead of directing funds to schools, civic life, or health. The juvenile justice system objectively works much better.
than adult system. Sending young adults to DYS facilities will provide them with education, mental health services, counseling and other programming that are developmentally appropriate. Since the 2013 legislation to raise the age from 17 to 18, recidivism has for 18-year-old offenders has decreased by 34%. Overall, S.825/H.3420 will young adults will have the ability to rehabilitate, increasing their chances of reintegrating positively back into society. This legislation isn’t soft on crime, it’s smart on crime. We urge you to schedule a hearing to move this bill forward and vote this favorably.

**Excerpts from Storybook**

“I am 18 and I can’t smoke, drink or even gamble, but I am supposed to be able to handle prison?” – member of Dorchester Bay Youth Force

“Because the brain continues to develop into the mid-20s, young adults are more susceptible to change. This renders 19 and 20 year olds more likely to benefit from positive and therapeutic environments but also more vulnerable to harm from criminal socialization in an adult prison environment.”
– Stephanie Tabashneck, Psy.D., J.D.

**Op-Ed**

Zosia

**Developmentally Tailored Justice**

Adolescence is often a tumultuous time for emerging adults making the difficult leap to the real world. Teenage culture is one of exploration, risk-taking, rebellion, and making mistakes. With raging hormones, teenagers often find themselves sneaking out their bedroom windows to see their friends, skipping school, and exploring the party scene. Everyone can relate, we’ve all made a bad decision or two. However, the worst that usually happens is being grounded for a few weeks. Yet, this is not the case for everyone. April and May are the months that every high-school senior looks forward to. Planning for prom, senior week, and graduation parties is the top-priority. These celebrations of the last days before entering adulthood often include quite a bit of partying and mischief. Yet, one wrong move could ruin everything, as many of these kids have already turned 18. If they get caught drinking, smoking, or otherwise misbehaving, at just 18 years old, they will be tried in adult court and could be sent to an adult prison.

Science strongly supports the claim that the emerging adult brain does not fully develop until around the mid to late 20s. According to Deborah Todd-Yurgelun, PhD, of Harvard University’s McLean Hospital Cognitive Neuroimaging and Neuropsychology Laboratory, adolescent brains process information differently than adult brains, and these brain differences explain teen traits such as impulsivity, poor judgment and social anxiety. Because brain development is still in flux, teenagers are more likely to make mistakes. Should these mistakes follow them for the rest of their lives? However, the juvenile brain is more likely to benefit from positive and therapeutic environments but are also more vulnerable to toxic environments. Adult prison is a traumatic environment for the developing brain of emerging adults and can have long term physical, emotional and mental effects. Their vulnerability causes long term mental health issues, such as PTSD, criminal socialization, and most troubling, recidivism. Emerging adults have the highest recidivism rates of any age group which means our current system is neither rehabilitating these young adults nor protecting the communities they go back to. 76% of justice-involved young adults return to prison within three years. Moreover, the mismanagement of young adult delinquents disproportionately places an economic burden on neighborhoods and communities of color. For instance, Residents of Dorchester and Roxbury made up 47% of those committed to the Nashua Street Jail and Suffolk County House of Corrections in 2013, and the state directed nearly $34.5 million locking up these residents instead of directing funds to schools, civic life, or health. The juvenile justice system objectively works much better than adult system in that it provides necessary resources for rehabilitation and reintegration into society. The problem is clear: emerging adults are being unfairly treated via being processed through the adult system. But what is the solution?

Representatives Kay Kahn and James Day, along with their Senate counterpart, Joseph Boncore, have presented the “Raise the Age” bill, S.825 and H.3420, to the Massachusetts legislature. S.825 and H.3420, if passed, would raise the age of juvenile jurisdiction, gradually to the age of 21. This would also emerging adults to be processed in juvenile courts and, if convicted, would be sent to facilities run by the Department of Youth Services. The juvenile justice system objectively works much better than adult system. Sending young adults to DYS facilities provides them with education, mental health services, counseling and other programming that are developmentally appropriate. This solution works. In 2013, the legislature passed an iteration of this bill raised the age from 17 to 18. Since then, recidivism for 18-year-old offenders has decreased by 34%. Moreover, almost 90% of 18 year old offenders, upon release, voluntarily enroll themselves in therapeutic resources through DYS, to include employment services and job training, which they are eligible for until they turn 22. Raise the Age will young adults will have the ability to rehabilitate, increasing their chances of reintegrating positively back into society. Numerous studies and research have concluded that the brain is still developing, and emerging adults should be treated with this consideration in mind.

Zosia Busé is a student at Brandeis University studying Social Policy and Conflict
Dear Representative Michlewitz,

We are students at Brandeis University in Waltham MA, asking for the support of the Joint Committee on Ways and Means of bill S.825/H.3420 An Act to promote public safety and better outcomes for young adults.

We believe in fundamental fairness and opportunity for emerging adults, aged 18 to 20 years old. Young people, like ourselves, who commit nonviolent offenses deserve the opportunity to rehabilitate, get a good job, and become productive members of society. Unfortunately, the way we currently deal with emerging adults is not working. Emerging adults make up 10% of the state population but represent more than 20% of arrests and 23% of House of Correction commitments (Tabashneck, 2018). Emerging adults have the highest recidivism rate of any age group. In 2011, 76% of emerging adults released from prison were brought back to court within three years, (Citizens for Juvenile Justice).

High recidivism rates are harmful to justice-involved young adults and dangerous for our communities. The solution is to pass S.825, colloquially referred to as the “Raise the Age” bill, which will gradually raise the age of juvenile jurisdiction from 18 to 21 years old. If passed, Bill S.825 will reduce recidivism rates. Emerging adults will have the opportunity to rehabilitate in a developmentally appropriate environment under the care of the Department of Youth Services. Emerging adults will receive education, vocational training and mental health services. When Massachusetts raised the age of juvenile jurisdiction from 17 to 18 years old in 2013, we saw a 34% decline in juvenile crime, far performing national averages.

Leading evidence from neuroscientists and psychologists show that the human brain is still developing until the mid-20s. Until that age, the prefrontal cortex, which controls impulse control and decision-making skills is not fully formed. In contrast, the limbic system which responds to short term rewards or negative emotions is overly sensitive. Furthermore, emerging adults are more responsive to peer pressure than older people. Therefore, emerging adults are particularly susceptible to the traumatic environment and criminal socialization found in adult prisons. Young adults in prison are more likely to be assaulted and have higher rates of suicide.

Now that you have been apprised of the moral and safety benefits of this bill, you may be asking “at what cost?”

The short answer is not as much as you think. MassINC, in their research report on Justice Reinvestment, reaffirmed that it is extremely expensive to keep someone in adult prison (MassInc 2018). Some estimates indicate costs can rise to over $80,000 a year per prisoner, (MassInc 2018). In 2013, opponents warned that raising the age would cost taxpayers almost $25 million. Instead, the juvenile justice department received an increase of just $15.6 million (MassBudget.org). A 2015 report by DYS confirmed, “Costly construction and staffing changes in the adult facilities were not needed in Massachusetts because of the shift of youth under 18 to the juvenile system.” (DYS Annual Report, 2015).

While there will be an increase in up-front costs, the long-term benefits of reduced recidivism rates will save the state money. According to Dr. David Mitchell, Director of the Bureau of Economic Research at Missouri State University, “there is a greater reliance and stress on rehabilitative services in the juvenile system versus the adult system, [so] the initial per-person per-year costs might be slightly higher,” (Mitchell, 2017). However, Fiscal benefits must be evaluated in the long-term. As Dr. Mitchell posited in his research, a convict processed by the juvenile system has a different role in the economy post-release (2017). When provided with mental health services, educational opportunities, and vocational training, emerging adults are more employable and more likely to contribute to the Massachusetts economy (Tabashneck, 2018).

Raising the age will protect emerging adults from the traumatic consequences of adult prisons and ultimately keep our communities safer. Though we will incur higher up-front costs, we will see long-term benefits. Our question for you Chairman Michlewitz is: “Is investing in our youth and communities worth it?”

Thank you for your time.

Zosia and Gabriel

Excerpts from Campaign Journal

Zosia

On phone call with Stephanie Tabashneck, Juvenile Justice Specialist

In my opinion, this was one of the most successful connections we made this semester. Stephanie was one of the resources that I found for our legislative report. I found her website, reached out via a listed email, and she jumped right into action and has helped us in a variety of ways. This conversation began with a conversation regarding her work as well as her research on Raise the Age. She explained that she has a Juris Doctorate, but also a Ph.D. in Forensic Psychology. Her current work is through the juvenile court system, and her work focuses on Child Custody Category E (“G.A.L.”) Evaluations, Psychological Evaluations, Substance Use Evaluations, Parole, Competency to Stand Trial, and Criminal Responsibility, and Risk Assessments. She was a particularly special resource as she could speak on circumstances and logistics within DYS and the Juvenile court, but also was able to discuss her research on juvenile psychology and the
emerging adult brain. She spoke in depth about prisonization and criminal socialization. However instead of emphasizing the lack of impulse control and other arguments people make about the emerging adult brain, she emphasized the unique ability for the emerging adult brain to be positively impacted by rehabilitative resources. Her testimonies were very helpful for my and Gabriel's work throughout the semester, as she was able to hit on all of the relevant topics as well as provide arguments against the counter-arguments. As this conversation was so early in the semester, I was unsure about where all of the information she gave to us would fit in. We realized later on in the semester that the brain development research was THE argument. That is what everyone both supporting and opposing the bill are focused on. It would have been beneficial to reach out to more neuroscience and psychology specialists if we had realized this earlier in the semester.

- **Update**

As of August 11: There has been no action taken on the bill.

---

**For more information**

**View the bill (MA legislature website):**
- S.825: https://malegislature.gov/Bills/191/S825
- H.3420: https://malegislature.gov/Bills/191/H3420

**Organization or Coalition support:**