

A Developmental Approach to Reducing Recidivism of Emerging Adults (*SD.238/HD.3020*)

Lead sponsors – Senator Cynthia Creem and Representative Kay Khan

- **Massachusetts already recognizes emerging adults as a distinct population:** *DCF, DDS, DMH, DPH, DESE, MCB, MRC, MassHealth, and Commonwealth Corp. have regulations governing or dedicated services to guide youths' transition into independent and successful adulthood.*
- **The young adult brain is still developing.**
- **This development is influenced – positively or negatively – by environment.**
- **An overly punitive approach can actually cause more offending.**
- **Most young adults will “age out” of crime by their mid-20s.**

Why we need emerging adult justice reform now: The wrong interventions with young adults are likely to extend their involvement in the criminal justice system and slow their desistance from crime. Exposure to toxic environments, such as prisons, entrenches young adults in problematic behaviors, increasing probability of recidivism.

- *High rates of trauma:* Young adults aged 18-20 experience violent victimization at more than twice the rate of the general population, and those with a history of foster care are 10 times more likely to report being arrested when they were 18 or 19.¹
- Emerging adults make up only 10% of the overall Massachusetts population, but they represent more than 29% of arrests,² 23% of Houses of Correction commitments, and 20% of Department of Correction commitments.³
- In 2011, 55% of emerging adults released from Houses of Correction were reconvicted within 3 years (the highest recidivism rate in the Commonwealth)⁴

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 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 youthful offender (YO) cases as is currently the law.
- **Expand the upper age of commitment to DYS for emerging adults (18-20)** to ensure that there is an adequate opportunity to rehabilitate older youth entering the system. DYS already serves YOs up to age 21; this legislation would allow for extended YO commitment up to age 23.
- **Raise the lower age of delinquency court jurisdiction to 12.** This would ensure that young children are served in other, more appropriate agencies (such as DCF) that are funded and equipped to treat young children in crisis, and ensure that the juvenile justice system can more effectively focus on adolescents and emerging adults.

¹ Velazquez, T, “Young adult justice: A new frontier worth exploring,” The Chronicle of Social Change, May, 2013. Available at <http://chronicleofsocialchange.org/wp-content/uploads/2013/05/Young-Adult-Justice-FINAL-revised.pdf>

² 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

³ 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/>

⁴ Ibid.

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