Op-Ed: Think outside box to deal with young adult criminals

Frank G. Cousins Jr., Steven W. Tompkins  Wednesday, February 08, 2017

Massachusetts has long been recognized as a leader in juvenile justice reform for youth who commit crimes prior to age 18. By contrast, our state’s record with “emerging adults” ages 18 to 24 who are handled in our adult criminal justice system is less exemplary. As law enforcement officials, we witness them being failed by the system every day, staying in jail the longest and returning the most quickly.

Massachusetts can do better. By changing our response to this developmentally distinct group, we can help them turn their lives around and improve public safety.

A raft of recent reports has been issued about emerging adults by the Harvard Kennedy School Program in Criminal Justice, MassINC, Roca, and the Council of State Governments. These reports find that emerging adults are less mature than older adults, less future-oriented, more prone to risk-taking and more heavily influenced by negative peers. Developmentally, it is normal for emerging adults to make mistakes; the vast majority of them learn their lessons and “mature out” of criminality if given the opportunity to do so. But incarceration often makes that process more difficult, not less.

To get on track, these youth must be held accountable and pushed to complete their education and obtain gainful employment. They need to find positive role models and spend less time with negative peers and more time engaged in productive activities. They need a justice system that understands that they are more than their worst act and that youthful mistakes shouldn’t block them from jobs for a lifetime.

With few exceptions, our criminal justice system now provides them with the opposite of these opportunities.

The system’s failures fall most heavily on young men of color. Black and Latino youth in Massachusetts are incarcerated at 3.2 times and 1.7 times the rate of white youth, respectively. As elected officials charged with ensuring that our system works fairly, we find these disparities unacceptable.

We believe there is a better way to protect public safety and help young people be productive. That is why, for the past year, we have been meeting with a group of Massachusetts leaders – including judges, prosecutors, defenders, probation officials, juvenile justice administrators, and youth workers – to discuss how to address the challenges and opportunities presented by emerging adults. We have looked at what others around the country are doing to design and gradually implement a better approach, one that tailors the system’s response to the distinct needs of this population.
First, as elected sheriffs, we have designed or are designing specialized housing and programming units for emerging adults within our jails in Essex and Suffolk counties to help them come out no worse, and perhaps better, than when they entered.

But we also believe we can and should do more. That’s why we are supporting legislation introduced this month by state Sens. Karen Spilka and Cynthia Creem and Reps. Evandro Carvalho and Kay Khan to create a more developmentally appropriate response to offending by emerging adults across Massachusetts. That legislation would move 18- to 21-year-olds into the juvenile system, starting next year with 18-year-olds, and including 19 and 20-year-olds over the following two years. This would hold youth accountable in a more rehabilitative and individualized system while still allowing those who have committed more serious offenses to be sentenced as adults.

There has also been omnibus juvenile justice legislation filed in the House and Senate that recognizes the developmental needs of emerging adults ages 21 to 25. This would allow the court to consider youthfulness as a mitigating factor when appropriate and, perhaps even more importantly, provide meaningful incentives for young adults to participate in educational, vocational and substance abuse treatment programs that we know are effective in reducing recidivism.

As sheriffs of two of the commonwealth’s larger and more diverse counties, we believe the time has come for meaningful, comprehensive improvements to our criminal justice system. Now is the time to catch up with what science and experience tell us about emerging adults to produce a safer, fairer and more effective system.

Frank G. Cousins Jr. (R) retired in January 2017 after more than 20 years as sheriff of Essex County. Steven W. Tompkins (D) is sheriff of Suffolk County. Talk back at letterstoeditor@ bostonherald.com.

Copyright (c) 2017 Boston Herald