



## Ending the Automatic Prosecution of 18- to 20-Year-Old Adolescents as Adults

Lead Sponsors: Rep. O'Day/Rep. Cruz (HD.3510) and Sen. Crighton (SD.428)

### MA spends the most money with worst outcomes for older teens

- This age group has the highest recidivism rate of any in the adult system, and **double** the recidivism of similar teens in the juvenile system.
- We're making things worse: Exposure to punitive environments like adult jails and prisons and more severe collateral consequences can actually **increase** offending.

### Young men of color bear the harshest brunt of these policies

- Nationally, Black teenage boys are 12.4 times more likely to be incarcerated in adult corrections than their white counterparts, worse than any other age group (20's and older).
- This racial disparity in adult system involvement further exacerbates the disparity by leading to lower educational and economic opportunities for young people of color.

### This reform will decrease crime

- Adolescents are highly amenable to rehabilitation: programs that require kids to develop positive decision-making and concrete skills, further their education and engage with their families and other positive adult role models are far more likely to result in increased public safety, particularly compared with policies that push young people into the adult system, increasing their likelihood of recidivism and even escalation into serious, violent crime.
- Keeping 18 – 20 year-olds in the juvenile system where they will have increased access to diversion, record protections, educational and rehabilitative programming, will lower recidivism.
- Similar adolescents had a 34 percent lower recidivism rate when they were in the juvenile system.
- MA has seen a 51% reduction in juvenile crime rates since raising the age to include 17 year-olds, outperforming national reductions in both property and violent crime

### Young people will be held accountable, including for violent crimes

- Juvenile system is well-suited to, and currently does, process young people accused of, and adjudicated for serious, violent crimes. DYS has been working with 18-20 year-olds since the 1990's.
- The juvenile system typically imposes more supervision and intensive programming while in confinement, with an emphasis on positive youth development, which is strongly tied to desistance from re-offending.
- The most serious crimes will continue to be eligible for enhanced sentencing, including adult sentences.

### Massachusetts' economy will benefit

- An educated workforce is one of the state's best economic assets.
- Adult system involvement is tied to increased high school dropout, reduced college graduation, decreased employment income, and adult criminal records further reduce educational, housing and employment opportunities.



# WHAT MAKES THE JUVENILE JUSTICE SYSTEM DIFFERENT?

## IT IS BETTER AT REDUCING LEGAL SYSTEM INVOLVEMENT



### DIVERSION

Juvenile system has greater opportunities for formal diversion and alternatives to arrest for low-level arrest

## IT PROVIDES LEGAL PROTECTIONS UNIQUE TO YOUTH

### DISPARITIES

Federal and state mandates to reduce racial/ethnic disparities. Model regulations to protect LGBTQ youth in confinement.



### POLICING INTERACTIONS

Special protections during arrest and confinement.

## ITS PRIMARY EMPHASIS IS ON REHABILITATION

### EDUCATION & PROGRAMMING

Youth in the juvenile system must attend school, family engagement and have more access to mental and behavioral health services



### SOLITARY CONFINEMENT

DYS has banned the use of solitary confinement since 2013. Young people in adult prisons disproportionately end up in solitary

## IT HAS FEWER COLLATERAL CONSEQUENCES

### CONFIDENTIALITY

Juvenile proceedings are confidential and juvenile records do not appear on a CORI.



### ADJUDICATION VS CONVICTION

A juvenile "adjudication" does not carry the collateral consequences and repercussions of a conviction.

## BETTER OUTCOMES FOR YOUTH, PUBLIC SAFETY AND TAX PAYERS

### LOWER RECIDIVISM

Young people incarcerated in the adult system recidivate at more than DOUBLE the rate of similar youth exiting DYS.



### IMPROVED PUBLIC SAFETY

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