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OPINION

Juvenile justice should focus on rehabilitation not punishment

We can't ignore the fact that justice-involved 18- to 25-year-olds have been ill served by a system that relies on excessive punishment, fails to rehabilitate them, and perpetuates racial disparities.

By **Malcolm Brogdon** Updated March 31, 2023, 3:00 a.m.



At the Auerbach Center, a discussion featured Celtics players, coaches, and others, September 2022. Later there was a basketball game between formerly incarcerated people and former Celtics coaches and players, part of the Celtics United push to support the “raise of age” of who is considered a juvenile offender. Celtics players in the background are (left to right) Jayson Tatum, Derrick White (holding a microphone), Payton Pritchard, and Jake Layman. JIM DAVIS/GLOBE STAFF

Basketball is what I do, but fighting for change is part of who I am. I come from a line of activists who dedicated their lives to advancing social justice in the generations before ours. [My grandfather, the late John Hurst Adams, was one of those leaders.](#) His belief in the promise of democracy drove his commitment to fighting racial injustice, working to support the movement, and using his platform as a community leader to speak truth to power. As Bay Staters confront the challenges of our generation, I hope we can do the same.

Nearly 50,000 children are incarcerated in the United States. And that number is

more of a snapshot of the problem than a true count because it masks the larger churn of kids detained on any given day — a 2019 estimate [by the Sentencing Project](#) puts the real number at a shocking 240,000 children over the course of a year. Equally as troubling is the fact that young people between the ages of 18 and 25 represent [a disproportionate share of the justice system population](#). While these numbers are alarming, the personal accounts of the adverse impact of justice system involvement for our young people are far more alarming.

The good news is that youth incarceration has fallen by 60 percent since 2000, a decline that parallels the downward trend in youth arrests. But we can't ignore the fact that justice-involved 18- to 25-year-olds have been ill served by a system that relies on excessive punishment, fails to rehabilitate them, and perpetuates racial disparities.

Unlike in other advanced countries, American juvenile justice practices do not fully take into account well-accepted neuroscience on juvenile brain development. Countries like Croatia, Germany, and the Netherlands [have adopted policies](#) that recognize a young person's capacity for rehabilitation. One example of such a policy is "Raise the Age," which has been used in Germany since 1953 and allows young people under the age of 21 to [remain under juvenile court supervision](#) to receive age-appropriate services. Not only does this type of policy help to strengthen public safety, it reduces the number of young persons who are likely to reoffend.

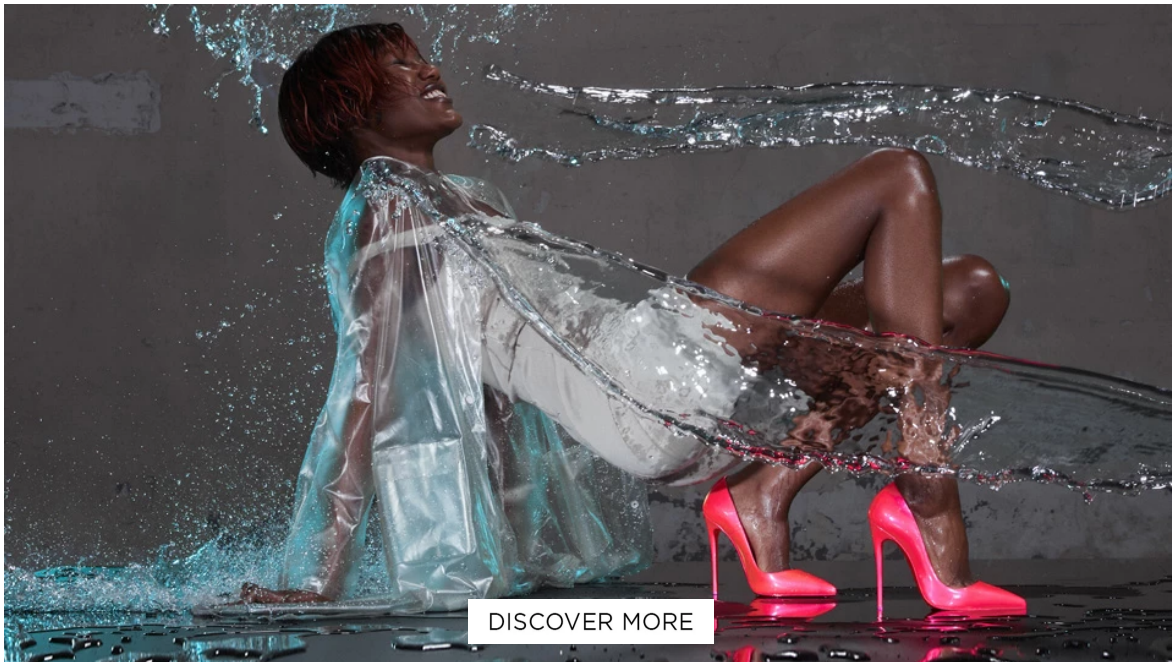
In last year's legislative session, Massachusetts missed an opportunity to pass [a similar measure](#) that would raise the age for juvenile court supervision to 21 from 18. Massachusetts advocates like Citizens for Juvenile Justice have been instrumental in pushing this legislation. The bill has been reintroduced for the 2023-24 session. Passing it would build on the success of previous statewide reforms: Massachusetts

has raised the age before with promising results.

In [2018, state lawmakers passed the Criminal Justice Reform Act which raised the minimum age of criminal responsibility](#) from age 7 through 11. Since passing this bill, Massachusetts has reduced its reliance on the juvenile justice system at every step in the process — from arrest to arraignment to commitment — with decreases ranging [from 15 percent to 40 percent](#). Similarly, after raising the maximum age for juvenile court supervision to 17 in 2013, there was [a 56 percent decrease](#) in the number of youth in detention between 2013 and 2022. Raising the age to 21 will bring the youth justice system closer to its original purpose — rehabilitation over punishment — as well as address longstanding systemic disparities, such as the overrepresentation of youth of color at every point in the juvenile justice system.

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I learned from my grandfather that we can never stop pushing for the kind of change we wish to see. As a student of history, I'm inspired by him and his peers who stood bravely in the face of fear and terror and did the hard work of creating a better nation. We inherited their legacy. And, like them, Bay Staters can work to create a world that is more compassionate and equitable in our lifetimes. Let's start with kids.

Malcolm Brogdon is a professional basketball player with the Boston Celtics, a vice president of the National Basketball Players Association, and the founder of the Brogdon Family Foundation.

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