

# Should Massachusetts raise the maximum age for juvenile court jurisdiction?

## Judiciary

## Law Enforcement

## Service Provider



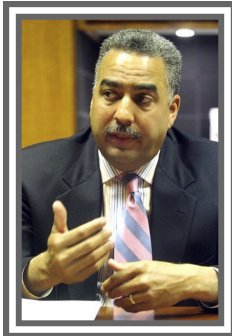
**Gail Garinger (left)**, retired First Justice of Middlesex County, former Child Advocate for the Commonwealth and **Leslie Harris (right)**, retired Justice of Suffolk Juvenile Court, say "Yes."

A high school diploma makes a person less likely to commit crimes. A college degree is better still. That insight gained from years on the bench is what prompted me, together with my colleague, Leslie E. Harris, a retired Associate Justice in Dorchester Juvenile Court, to join in a letter from judges, attorneys, human services professionals, and academics urging lawmakers to include 18-year-olds in the juvenile justice system.

Currently, 18-year-olds are automatically tried as adults. Once convicted and incarcerated, odds that they will complete their education drop significantly.

Many young people are arrested for relatively minor misbehavior at school. Most go through the juvenile court, which has experience getting young people on track. But a 17-year-old and an 18-year-old who pull an ill-advised prank together will face entirely different consequences.

The 17-year-old will stand before a juvenile court judge. As juvenile court judges, we held young people accountable for breaking the law while accessing a range of programs...



**Frank G. Cousins Jr.**, former Essex County sheriff, former state representative, and Newburyport Republican says "Yes."

As a sheriff, I hated seeing a young person come right back to jail after being released. Like all citizens, I hate to see our tax dollars going to support ineffective government programs. I am therefore distressed at Massachusetts' policy of automatically prosecuting 18-year-olds as adults. Currently, our adult justice system spends more on its youngest prisoners than on older inmates, yet young adults tried in our adult system have the highest recidivism rate. What we are doing now simply does not work.

Juvenile justice systems historically have much lower recidivism rates; in fact the US Centers for Disease Control and Prevention recommends keeping youth under age 18 out of the adult system as a strategy to prevent community violence. After Massachusetts raised the age of juvenile court to include 17-year-olds in 2013, we saw crime drop and costs come in way below projections. It worked.

Extending juvenile jurisdiction to 18-year-olds makes sense, particularly since Massachusetts has young adult programs that are national models...

*Continued on the other side....*



**Andy Pond**, CEO of the Justice Resource Institute, a nonprofit whose services include operating the Juvenile Court Clinic Program in Barnstable, Bristol, Dukes, Nantucket, and Plymouth counties, says "Yes."

Let's start with some basics. The juvenile justice system is designed to rehabilitate. Drawing on the capacity of young people to develop responsibility and judgment, it mandates education and counseling while holding youth accountable for their actions. The adult system is designed to punish and is far less invested in turning around lives.

Today the law in Massachusetts ends access to the state juvenile system at age 18. That is failed policy. Young adults have the highest recidivism rate of any age group in our criminal justice system, though we spend more money on them than on older people. Any legislative action that directly reduces young adult incarceration will, if applied fairly, reduce the numbers of young black and brown people whose adult lives are scarred by a criminal record.

After more than 30 years working with young people, I know that no magical transformation happens when a person turns 18. Indeed the state Department of Youth Services already manages youth up to their 21st birthdays.

## Judiciary continued...

...for strengthening families and engaging youth in character-building programs that do not exist in the adult system.

Perhaps most importantly, we could mandate school attendance. Judges in adult court cannot.

The adult system offers few of the special education services which court-involved youth often need. Furthermore, a conviction will brand the 18-year-old with a public criminal record, forever making it harder to apply to schools or jobs, whereas the 17-year-old's juvenile court record will remain confidential.

Prosecuting youth in the juvenile justice system also benefits communities by reducing crime. Study after study demonstrates youth in the juvenile system have lower recidivism rates.

Massachusetts can do this. Juvenile crime is decreasing; so are juvenile court caseloads. The Department of Youth Services, which supervises young people adjudicated delinquent, routinely provides counseling and academic support to people through age 20. Child welfare, mental health, and special education already offer programming beyond 18, often through age 21. The vast majority of young people in the juvenile system are involved with these other systems. Why should we treat them differently in the courts?

Our state has often been a juvenile justice leader and should lead once again by recognizing that high-school-aged youth do not belong in adult courts.

## Law enforcement continued...

...such as UTEC in Lowell, and Chelsea-based Roca, where I am proud to serve as a board member.

As the Legislature hammers out the specifics of its criminal justice package, it should include a provision to treat 18-year-olds as juveniles. The Senate, to its credit, included that reform in its version of the bill. There are legislators in both branches who have done a fine job of listening to their communities and looking at the facts.

If we raised the age of juvenile court jurisdiction, young people accused of the most serious crimes would continue to be prosecuted as adults, though 18-year-olds are not commonly arrested for such offenses. The most common charges they face are for alcohol and drug-related offenses. The juvenile system is not a free pass; young people are held accountable for their crimes. But they also are required to go to school and participate in counseling. They are treated as young people we expect to have a future.

We need them to have a future. These young people will be returning to our communities, where we want them to take their places as responsible neighbors and coworkers. Raising the age makes that outcome far more likely.

## Service provider continued...

Neuroscience demonstrates that the brain is physically changing well into the 20s. When we send an 18-year-old to the adult system, we squander potential. We put young adults, highly influenced by their environments, in situations that only make them worse.

The justice reforms that the Legislature is considering should include moving 18-year-olds to juvenile jurisdiction. Crime will drop -- just as it did when we moved 17-year-olds to the juvenile justice system. That reform proves that "adulthood" is a moving target. That target has always been a bit farther off for white, middle-class youth, typically transitioning to adulthood in the forgiving environment of a college.

I support raising the age based on Massachusetts' experience that moving older adolescents to the juvenile justice system prevents crime and makes communities safer; the scientific evidence that 18-year-olds are primed for rehabilitation; and the belief that human beings are more alike than different. It would have been catastrophic for me to experience the brutalizing adult criminal justice system at age 18. It would have been catastrophic for my own child. How can I wish it on someone else's?



Reported in the Boston Globe (regional editions) December 10, 2017

Questions? Contact Sana Fadel at 617.338.1050.  
sanafadel@cfjj.org <https://www.cfjj.org/emerging-adult-justice>

