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Support for H.3420: An Act to promote public safety and better outcomes for young adults

I'm writing on behalf of the Prison Policy Initiative in strong support of H.3420, which proposes to shift young adults between the ages of 18-20 into the juvenile system, rather than the adult criminal system.

The Prison Policy Initiative was founded in 2001 to document and publicize how mass incarceration undermines our national welfare. We are best known for leading effective campaigns for justice reform, such as our projects to end prison gerrymandering and to protect families from the predatory prison and jail telephone industry.

In our recent report *Youth Confinement: The Whole Pie*, we highlight the harms of confinement for young people and some of the successful reform strategies that have been used to reduce the unnecessary criminalization and confinement of youth. Chief among these is "raising the age" in accordance with current research on brain development and on "what works" for young people involved in the criminal justice process.

As detailed in a 2019 report to the Vermont Legislature¹ by the Columbia Justice Lab's Emerging Adult Justice Project and Vermont Department for Children and Families, we can expect better outcomes by processing more cases involving "emerging adults" (those ages 18-25) through the juvenile justice system than through the criminal justice system:

"This developmental period is marked by malleability, which makes this cohort more effectively served by the juvenile justice system's rehabilitative approach than by the adult system's more punitive approach. Fortunately, research shows that: (1) nearly all youth will mature and age out of crime if given the opportunity to do so, and (2) that there are times when less formal intervention is better, as the justice system can unintentionally interfere with the natural desistance process."

Because juvenile courts are more likely to hand down sentences *other* than incarceration, the passage of this reform bill would reduce the number of young adults held in jail or prison, for whom even short periods of incarceration can be enormously harmful. Research² shows that compared to rehabilitation, the incarceration of youth:

- slows the natural process of aging out of delinquency,

¹ See *Report on Act 201 Implementation Plan Report & Recommendations* (November 1, 2019), available online at: https://www.eajjustice.org/s/Vermont-RTA-DCF-Report-Final_EAJP.pdf a

² This academic research is summarized in the Justice Policy Institute Report *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* (2006), available online at: http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf.

- exacerbates any existing mental illnesses,
- increases the odds of recidivism,
- reduces the chances of returning to formal education, and
- diminishes success in the labor market.

Raising the age in Massachusetts to process people who are 20 and under in juvenile court would spare countless emerging adults these negative consequences, and give them a fair chance to develop into adulthood and grow past their mistakes. Furthermore, as others have pointed out,³ Massachusetts is ready to implement this change effectively, having already “raised the age” to 18 in 2013 and having two successful models already working with “emerging adults” in the state. For these reasons, among others, our organization supports HB3420, and I urge you to support it as well for the safety and development of young people in our Commonwealth.

Sincerely,



Wendy Sawyer
Research Director

³ In *Emerging Adults: A distinct population that calls for an age-appropriate approach by the justice system* (2017), Selen Siringil Perker and Lael Chester of Harvard University note, “[Legislative reform] proposals are particularly fitting for Massachusetts. Massachusetts successfully raised the age of juvenile jurisdiction to 18 in 2013, and the Department of Youth Services jurisdiction already extends to age 21 for a category of juvenile cases (youthful offenders). Furthermore, two of the most renowned national models with expertise and success in working with this population are in Massachusetts – ROCA and UTEC. Massachusetts has both the experience and capacity to improve the way its justice system handles emerging adults while reducing crime and enhancing socio-economic outcomes.” The report is available at: https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/MA_Emerging_Adult_Justice_Issue_Brief_0.pdf