



**Testimony Submitted to the Joint Committee on the Judiciary  
In Support of S.942/H.1710  
An Act to promote public safety and better outcomes for young adults  
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The League of Women Voters of Massachusetts asks the Joint Committee on the Judiciary to support S.942/H.1710 and to report it favorably. This bill would raise the age of juvenile jurisdiction gradually over five years to include young people from 18 through 20 years of age (emerging adults) in the juvenile justice system, or alternatively divert them to community-based diversion programs. If passed, this legislation would protect people in this age group from being sent to adult correctional facilities and ensure that they receive the age-appropriate rehabilitative programming necessary to help them mature into healthy, well-adjusted adults. The most serious offenses would remain eligible for processing through the adult legal system.

This bill aligns with policy positions adopted by the League of Women Voters. The League of Women Voters of the United States (LWVUS, 2022) supports:

- Policies that address recidivism by instituting programs that focus on rehabilitation, education, mental health treatment, substance abuse recovery and transitional programs.
- The elimination of systemic bias, including the disproportionate policing and incarceration of marginalized communities.
- Reliance on evidence-based research in decision-making about law enforcement programs and policies.
- Procedures that consider community-based treatment programs and other alternatives to incarceration when appropriate.

In 2013, Massachusetts raised the age of juvenile jurisdiction to include young people until their 18<sup>th</sup> birthday. This reform was adopted in response to studies demonstrating that brain development continues throughout adolescence, a period during which impulse control and judgement are not fully developed. The Department of Youth Services (DYS) in Massachusetts has developed age-appropriate evidence-based models of programming with a “Positive Youth Development” approach, which holds teenagers accountable for their actions while at the same time preparing them to lead healthy and productive lives.

Despite success in providing age-appropriate programming for juveniles, the Commonwealth has largely failed to extend those efforts to young people who are only few years older and display similar developmental characteristics related to impulsivity and decision-making. The Massachusetts Legislature’s Task Force on Emerging Adults in the Criminal Justice System found that emerging adults (ages 18-24) are a unique population that requires developmentally-tailored programs and services. The Task Force recommended expanding DYS programs and best practices to all facilities serving emerging adults (Task Force 2020). While a few county houses of correction have adopted promising programs, the Massachusetts Department of Correction (DOC) has made no apparent progress in supporting emerging adult rehabilitation in our adult correctional facilities with programs tailored to their needs. A wealth of research and policy analysis supports raising the age of juvenile jurisdiction to include emerging adults.

**Scientific studies have shown that brain development relevant to illegal activities continues into a**

**young person's mid-20s** (Fountain, et al. & CLBB 2022). The neurodevelopment characteristics of emerging adults have been linked with impulsivity, risk taking and poor decisions, but also with heightened susceptibility to social learning and rehabilitation. Given these characteristics, late adolescence and young adulthood offer unique opportunities to influence behavior and rehabilitate young people. The Commonwealth's responses to illegal activity should take advantage of these opportunities (NRC, 2019).

**Young people between the ages of 18 and 24 are the largest age group entering Massachusetts prisons and also the most likely to return to prison upon release** (Forman & Yee, 2015). Collateral consequences of legal system involvement include acquiring a criminal record, being subject to social labeling and affiliation with incarcerated adults. Over time, these factors can increase the risk of recidivism (CLBB 2021). The Massachusetts legislative Task Force on Emerging Adults reported that this age group (aged 18-24 years) had a recidivism rate of 76% within 3 years of release, higher than any other age group. Further, among justice involved young people between the ages of 18 and 20, those involved in the adult system had a 55% re-conviction rate, compared with 26% for the juvenile system, a startling difference (task Force, 2020). These numbers demonstrate that incarceration in adult prisons has not been effective in rehabilitating emerging adults. "Tailoring the justice system's response to emerging adults' developmental needs can reverse this cycle of crime and improve public safety" (Perker & Chester, 2017).

**Imprisoning young people in adult correctional facilities is likely to do more harm than good.** The adult correctional system does not treat trauma, but it is likely to exacerbate it. Nationally, about 30% of young people in juvenile justice systems suffer from PTSD, eight times the rate in the general population (JJPAD, 2021). Emerging adults who are just slightly older and come from comparable communities and backgrounds are likely to be similarly affected. "Exposure to toxic environments such as adult jails and prisons further traumatizes justice-involved emerging adults, making them more vulnerable to negative influence, and as a result, increases recidivism among this group" (Perker & Chester, 2017). Furthermore, incarceration can disrupt social development, limit educational opportunities and impede the development of healthy social relationships (NRC, 2019). "At a time when emerging adults should be creating social bonds that contribute to being productive members of their community, it is important that court involvement or incarceration not disrupt the healthy development of education, career, family, or other prosocial engagements. Justice responses instead should increase positive societal connections, rather than create barriers that hinder healthier development" (Deal, et al. 2022).

**Racial disparities pervade our criminal legal system, and Black and Hispanic emerging adults are disproportionately incarcerated in Massachusetts' adult correctional facilities.** Age-appropriate rehabilitative programs to support positive development of emerging adults would be a step toward redressing some of the inequities and disadvantages that lead to disproportionate incarceration.

**Failure to effectively address substance use disorders among system-involved young people endangers public safety and leads to loss of life (Perker & Chester, 2018).** Incarcerated people with substance use disorder are more likely to return to prison than others who have been released. Moreover, relapse after incarceration is common. The rate of opioid-related deaths for those released from incarceration is 120 times greater than for the general public in Massachusetts (Perker & Chester, 2018). As of 2017, only about 25% of people incarcerated in Massachusetts received substance use treatment (Perker & Chester, 2018). The high rate of post-release overdoses exposes the inadequacy of treatment in our adult correctional facilities.

In 2018, the Massachusetts Department of Correction published a comprehensive review of research related to young adult males in the criminal justice system, which concludes: "The research to date

suggests that the benefits of tailoring interventions to this population will outweigh the costs and it is worth surmounting the issues that will inevitably pop up along the way. It is a significant investment that has the capacity to provide returns in the form of safer prisons, positive transitions to the community, decreases in crime rates, and lower cost interventions that have better results” (McDonald, 2018). Raising the age of juvenile jurisdiction would be an important step in the right direction. The League of Women Voters of Massachusetts, representing 44 local Leagues across the Commonwealth, urges this committee to report S.942/H.1710 favorably in a timely manner.

Thank you for your consideration.

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