



FOR IMMEDIATE RELEASE

June 27, 2019

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Prosecutors Urge Policymakers to Raise the Age of the Juvenile Justice System to 21

District Attorneys Cite Research Suggesting a Developmentally Appropriate Approach for Emerging Adults Will Improve Public Safety, Fairness and Outcomes

BOSTON—Three elected Massachusetts District Attorneys have joined together to call for state policymakers to raise the age at which youth can be charged as juveniles from 18 to 21 years old. As the Massachusetts [Task Force on Emerging Adults in the Criminal Justice System](#) considers whether to recommend such a change – and a number of reforms already proposed are working their way through the state legislature – District Attorneys Andrea Harrington (Berkshire County), Rachael Rollins (Suffolk County) and David Sullivan (Franklin/Hampshire County) urged policymakers to create a safer, fairer and more developmentally appropriate justice system. To do so they are advocating for allowing many emerging adults to be tried as juveniles and, when removal from the community is necessary, for those young people to be housed in juvenile facilities instead of adult jails.

“It’s a matter of being smart on crime. We’ve learned over the past three decades that tough-on-crime approaches rarely work, and in no population other than emerging adults, aged 18 to 24, is this more evident,” said **District Attorney Rachael Rollins**. “The record shows that young people treated in the juvenile justice system fare better and the community becomes safer. By pushing these young people, who research tells us are still developing, into the adult justice system, we are willfully ignoring decades of data and developmental science and failing to protect the health and safety of communities as public servants are sworn to do.”

The three prosecutors cited an extensive [body of research](#) showing that the brains and personalities of emerging adults are still maturing, rendering them less culpable and more malleable and amenable to rehabilitation. While the evidence indicates this population is particularly responsive to rehabilitation, currently Massachusetts disproportionately subjects these young people – particularly emerging adults of color – to prosecution and incarceration within the adult justice system. According to [research](#) by the Columbia University Justice Lab, while young adults aged 18 to 24 constitute 10% of Massachusetts’ population, they make up 23% of those behind bars in the Commonwealth. Further, while African Americans and Latinos make up only 25% of Massachusetts residents, they make up 70% of incarcerated emerging adults. For more information on emerging adult justice, see Fair and Justice Prosecution’s [“Issue at a Glance” Brief](#) and their webpage on [Juvenile and Young Adult Justice Issues](#).

“It is our responsibility to the next generation to provide youth with opportunities that will help them be healthy and to thrive,” said **District Attorney Andrea Harrington**. “If the intention of our criminal justice system is rehabilitation, the juvenile justice system provides a better pathway forward by looking at youth more holistically in the context of their family, school and community. We must act now to apply all the available research and evidence to ensure young people are provided with the resources needed to achieve this goal.”

Massachusetts has become a leader in juvenile justice with a robust, statewide system grounded in evidence-based practices with judges, attorneys, clinicians, probation and correctional staff with expertise in adolescent development. The proposal to raise the age aligns with decades of developmental science and the rehabilitative principles that the current system is built upon. And while the proposal would allow more young people to be retained within the juvenile system, it also makes space for individual cases to be handled differently, by retaining the ability of prosecutors to seek an indictment and judges to sentence youth as adults in the rare, most serious cases.

Miriam Krinsky, executive director of Fair and Just Prosecution, provided broader context for this issue, noting: “European justice leaders talk about how they apply research – largely from the U.S. – to drive their practice of using the youth justice system for emerging adults. Yet too often our own leaders have ignored settled research and persisted with strategies that produce poor outcomes for individuals and communities. It’s time the U.S. applied what we know about emerging adults to our own practices and policies.”

District Attorneys Rollins and Sullivan participated in educational delegations to Germany – which since 1953 has included youth up to age 21 in its juvenile justice system. On these site visits they met with judges, prosecutors and corrections officials to gain insight into different approaches to juvenile justice that have been shown to produce better outcomes. Earlier this month, District Attorneys Harrington and Sullivan also attended an international conference at Columbia University where officials from Germany, Croatia, and the Netherlands discussed their countries’ juvenile justice systems that allow youth over age 18 to be tried as juveniles. Officials from Vermont – which recently became the first state in the United States to allow youth up to age 20 to be included in its juvenile justice system – also spoke at the conference, which was organized by the Emerging Adult Justice Project at Columbia University’s Justice Lab. The District Attorneys indicated that, while no two states or countries are exactly alike, learning from other jurisdictions’ experiences confirmed their belief that Massachusetts can similarly improve public safety, youth outcomes and equity by moving toward an approach that includes emerging adults in the juvenile justice system.

District Attorney David Sullivan noted: “Massachusetts has the chance to lead the nation on juvenile justice reform, but more importantly, we have the chance to do what is best for the emerging adults who touch the criminal justice system and their communities. It’s time to learn from science and experience to implement strategies aimed at rehabilitation rather than harsh punishment and retribution.”

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