

Emerging Adult Justice Project

Bridging justice between childhood and adulthood

The EAJP Released Fact Sheets on Impact of Bill to Raise the Upper Age of Juvenile Jurisdiction in Massachusetts, Coinciding with Joint Committee on the Judiciary Hearing

On Tuesday, October 22, 2019, The Emerging Adult Justice Project at Columbia University's Justice Lab released two fact sheets on important legal and practical implications of raising the upper age of juvenile court jurisdiction to include youths beyond their 18th birthday. In *Massachusetts' Youth Justice System: Data Trends and Three Key Indicators*, the EAJP found that Massachusetts' (MA) juvenile justice system has been dramatically shrinking since 2008, even after the Commonwealth raised the upper age of its juvenile jurisdiction from 17 to 18 in the fall of 2013. Arrests of youths under age 18, delinquency caseloads, and the population of youth in the custody of the Department of Youth Services have all dropped by double digits in the last decade, indicating that the Commonwealth's youth justice system has the resources and capacity to accommodate older youth. At the same time, the number of arrests of emerging adults ages 18-20 declined 60%. This is welcome news for justice stakeholders as MA considers raising the age of its juvenile jurisdiction once again to include most youth ages 18-20.

As highlighted in *A Comparison of Juvenile and Adult Justice Systems in Massachusetts*, treating 18-20-year-olds in Massachusetts' robust, rehabilitation-focused juvenile justice will systemically provide them with protections and measures that are not offered in the adult system but are essential, even after the 18th birthday, for youths' healthy transition to adulthood and desistance from crime. These measures include: confidentiality of proceedings, the judicial discretion to divert a case before arraignment, adoption of the "positive youth development" framework by system actors, and others listed in the EAJP's fact sheet. While localized efforts in several jurisdictions across the state, such as specialized correctional units and courts within the adult system, have improved emerging adult justice and afforded protections to some young people, raising the age of juvenile jurisdiction would ensure *all* youth throughout the state are protected.

The releases coincided with a hearing held by the Joint Committee on the Judiciary, which included their review of a bill that would gradually raise the

upper age of juvenile jurisdiction to the 21st birthday (An Act to Promote Public Safety and Better Outcomes for Young Adults (S.825/H.3420)). Massachusetts District Attorneys Rachael Rollins (Suffolk County) and Andrea Harrington (Berkshire County) spoke at the hearing in support of the bill's passage. DA Rollins described the bill as "not only the right thing to do, it is the smart thing to do," and said that its passage would do away with "outdated and ineffective" policy and replace it with a more developmentally appropriate system that affords young people more access to necessary resources and programs.

Emerging Adults in the U.N.'s Global Study on Children Deprived of Liberty and General Comment No. 24 of the Committee on the Rights of the Child

On October 8, 2019, the first [report](#) of the U.N. Global Study on Children Deprived of Liberty was presented to the Third Committee of the United Nations General Assembly in New York. Last year, the EAJP at Columbia University Justice Lab hosted a [Regional Consultation for NGOs in support of the Global Study](#) and submitted a [statement](#) inviting officials to consider the age of juvenile jurisdiction when assessing the magnitude of the phenomenon of children behind bars. In that spirit, the new Global Study report recommends that States should establish a minimum age of criminal responsibility that is not below 14 years of age and that States should not automatically transfer children deprived of liberty who reach 18 years of age to the adult criminal justice system.

On September 18, 2019, the U.N. Committee on the Rights of the Child released their [General Comment No.24](#) on children's rights in the child justice system, in which the Committee commends States that allow the application of their juvenile justice systems to persons aged 18 and older, acknowledging that such approach is in line with "the developmental and neuroscience evidence that shows that brain development continues into the early twenties."

This year marks the 30th anniversary of the U.N. Convention on the Rights of the Child. The U.S. is the only nation in the developed world that has not ratified this treaty.

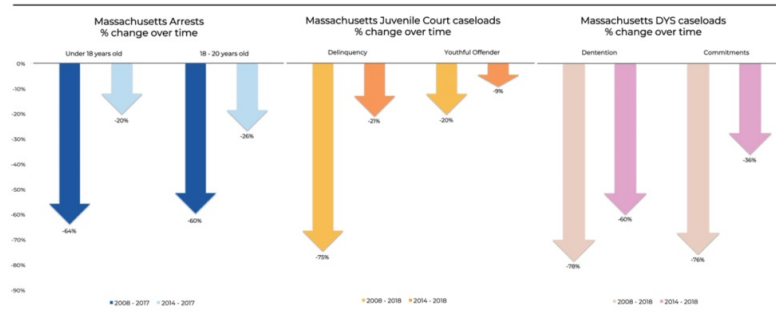
Boston's NPR Station Airs Story on Vermont's Raise the Age Legislation and its Implications for Massachusetts

On October 3, Boston's NPR station, WBUR, ran a [story](#) about the historic legislation passed in Vermont to gradually raise the state's upper age of juvenile jurisdiction from the 18th to the 20th birthday, and the jurisdictional shift's implications for Massachusetts, as it considers following suit.

The story highlighted the Justice Lab's research (see [image right](#)) and included interviews with the Justice Lab and Vermont stakeholders about the reasoning behind the state's reform.

As EAJP Director Lael Chester explains in the report, "Eighteen year olds don't suddenly become independent mature adults. It's actually quite a long transition. . . Yet we treat them just like a 30, 40, 50 year old if they allegedly committed an offense. Couldn't we do better?"

Massachusetts' Youth Justice System
Data and trends of three key indicators:
Arrests, Court Caseloads and Confinement



Source: Massachusetts State Police CrimeSOLV database, <https://masscrime.chs.state.ma.us/>

Source: Massachusetts Trial Court, <https://www.mass.gov/info-details/trial-court-case-statistics#statistics-2014-2018> and <https://www.mass.gov/files/documents/2016/09/td/fy2015-11jac-threeyrplan.pdf>

Source: DYS Annual Report 2017, <https://www.mass.gov/service-details/dys-reports-and-resources>; and Massachusetts Trial Court, <https://www.mass.gov/files/documents/2016/09/td/fy2015-11jac-threeyrplan.pdf>

The Emerging Adult Justice Project Travels Down Under: Vincent Schiraldi in Australia and New Zealand

Justice Lab co-director Vincent (Vinny) Schiraldi traveled to Australia and New Zealand to consult with leaders about the future of youth justice and to present the keynote address on emerging adult justice at the National Justice Symposium in Melbourne, Australia.



Vinny's presentation at the Symposium, which was held by the Jesuit Social Services, featured a showing of a video from the Emerging Adult Justice Project's series made in collaboration with Echoes of Incarceration.

Vinny urged the Victorian government not to pursue its plan to construct a 224-bed, high-security youth prison, and his consultation ultimately led the state to shrink the planned building by 100 beds. Mr. Schiraldi also spoke on Australia's ABC news about the need for emerging adult justice reform and offered international perspectives as guidance.

The Justice Lab Presents at the Advancing Juvenile Justice Reform in Vermont Conference

On September 27, the Justice Lab presented at the Advancing Juvenile Justice Reform in Vermont conference. Vinny Schiraldi delivered the keynote speech at the Conference and Lael

Chester shared information about the EAJP's work supporting Vermont's implementation of the legislation to raise the upper age of juvenile jurisdiction to the 20th birthday.



Pictured: Lael Chester and Karen Vastine, Senior Advisor to the Commissioner of Vermont's Department for Children and Families

Review of Former San Francisco D.A. George Gascón's Accomplishments in Office, Including Creation of the Young Adult Court

A recently released report documenting the reform initiatives undertaken by former San Francisco (SF) District Attorney (DA) George Gascón, *Transformative Justice: Prosecution Strategies to Reform the Justice System & Enhance Community Safety*, highlights the Young Adult Court created by the SFDA in 2015 in partnership with the San Francisco Superior Court, Adult Probation, the Public Defender, clinical and workforce development partner agencies. The report describes the Court, which has become a model for similar initiatives around the United States, as offering "a collaborative, problem solving model for young adults ages 18-25 facing a wide range of offenses, including violent and nonviolent felonies." The Court involves a 12-18 month collaborative process, and has seen almost 100 young people graduate since 2015.

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