



**Testimony of Patience Crozier, Esq., Senior Staff Attorney at GLBTQ Legal Advocates & Defenders (GLAD), to the Criminal Justice Task Force on Juvenile Age in Support of Raising the Age of Juvenile Jurisdiction  
December 9, 2019**

Dear Chair Creem, Chair Tucker, and members of the Task Force,

Thank you for the opportunity to submit this testimony with our recommendations on reforms regarding emerging adults to produce better outcomes for our youth and our communities. GLBTQ Legal Advocates & Defenders (GLAD) is a legal rights organization that seeks equal justice for all persons under the law regardless of their sexual orientation, gender identity, or HIV status. Since 1978, GLAD has worked in New England and nationally through strategic litigation, public policy advocacy, and education. GLAD has a particular interest in the rights of lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth who are disproportionately represented in the juvenile justice system.

GLAD asks that this task force recommend gradually raising the age of juvenile jurisdiction to end the automatic prosecution of older teens (18- to 20-year-olds) as adults.

GLAD has engaged in a variety of youth-focused work, including assisting the Department of Youth Services (DYS) in the development of its LGBTQ policy, working with youth incarcerated at Maine's Long Creek Youth Development Center and other juvenile justice legislative and policy work in Maine, and engaging in family acceptance work through the Massachusetts Commission on LGBTQ Youth.

GLAD engages in juvenile justice work because LGBTQ youth, particularly low-income LGBTQ youth and LGBTQ youth of color, are disproportionately represented in the juvenile justice system due to stereotypes, pervasive stigma, bias, and structural factors.<sup>1</sup> Family rejection, unsupportive schools, and discriminatory policing practices contribute to increased interactions between LGBTQ youth and the juvenile and criminal justice systems.<sup>2</sup> In Massachusetts, DHS has recently begun collecting data on youth in its care, and its findings support this point: nearly 9% of DHS-involved youth from 2015-2018 identify as LGBTQ<sup>3</sup>, in a

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<sup>1</sup> Ctr. Am. Progress & Movement Advancement Project, *Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System 3* (2017), <http://www.lgbtmap.org/file/lgbtq-incarcerated-youth.pdf>.

<sup>2</sup> Bianca D. M. Wilson et al., *Disproportionality and Disparities among Sexual Minority Youth in Custody*, 46 *J. Youth Adolescence* 1547, 1549 (2016).

<sup>3</sup> *Data Matters*, Mass. Dept. Youth Servs. Newsl. (Mass. Dept. Youth Servs., Bos., Mass.), Sept. 10, 2019.

state where only 5.4% of the population identifies as LGBTQ.<sup>4</sup> Recent research by the Movement Advancement Project (MAP) reveals that 20 percent of the youth in seven juvenile detention centers and correctional facilities across the U.S. identify as LGBTQ or gender non-conforming, which is almost three times their estimated number in the general population.<sup>5</sup> And LGBTQ youth of color are disproportionately more likely to be targeted by the juvenile justice system, with Black youth four times as likely as white youth to be incarcerated, and Latinx youth nearly twice as likely as white youth to be incarcerated.<sup>6</sup>

GLAD supports raising the age of juvenile jurisdiction. Through this systemic reform, Massachusetts can lower recidivism rates and prevent further involvement of youth in the criminal legal system. Research demonstrates that young people who are incarcerated in adult facilities are more likely to re-offend, re-offend sooner, and commit more violent offenses in the future.<sup>7</sup> Further, youth in juvenile facilities are safer when placed in juvenile facilities as opposed to adult facilities.<sup>8</sup>

Massachusetts has already benefitted from 2013 legislation that raised the age of juvenile jurisdiction to 17 years old: Massachusetts and other states that had similar legislation had larger reductions in violent crime and property crime arrests than the rest of the country.<sup>9</sup> By raising the age of juvenile jurisdiction again, Massachusetts can continue to lead the rest of the country in juvenile justice reform, supporting youth and improving communities in the process.

Thank you for considering my testimony. Please feel free to contact me if you have any questions.

Sincerely,  
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cc: Chair Claire Cronin, Judiciary Committee  
 Chair Jamie Eldridge, Judiciary Committee

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<sup>4</sup> *Massachusetts' Equality Profile*, Movement Advancement Project (Nov. 7, 2019), [https://www.lgbtmap.org/equality\\_maps/profile\\_state/MA](https://www.lgbtmap.org/equality_maps/profile_state/MA).

<sup>5</sup> Ctr. Am. Progress & Movement Advancement Project *supra* note 1, at 4.

<sup>6</sup> *Id.* at 3

<sup>7</sup> Robert Hahn et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, 56 *Morbidity & Mortality Weekly Report* (2007); Lonn Lanza-Kaduce et al., *Juvenile Offenders and Adult Felony Recidivism: The Impact of Transfer*, 28 *J. Crime & Just.* (2012). Richard E. Redding, *Off. Juv. Just. & Delinq. Prevention*, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* (2010); Jason Ziedenberg, *Nat'l Inst. of Corr.*, *You're an Adult Now: Youth in Adult Criminal Justice Systems* (2011).

<sup>8</sup> Nat'l Prison Rape Elimination Commission, *National Prison Rape Elimination Commission Report* (2009).

<sup>9</sup> Justice Policy Institute, *Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System* (2017).