



## Testimony to the Criminal Justice Task Force on Juvenile Age

December 9, 2019

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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 to our legal system's response to emerging adults to produce better outcomes for our youth and for our communities. This task force has a unique opportunity to propose reforms that will have one of the most impactful improvements to our justice system, while improving the trajectories of young people who today have the worst outcomes in our criminal justice system.

Massachusetts' juvenile justice system<sup>1</sup> offers a model that effectively utilizes the science of Positive Youth Development to improve public safety by focusing on providing developmentally appropriate sanctions and supports to help young people transition positively into adulthood. Citizens for Juvenile Justice (CfJJ) and the undersigned organizations urges the Task Force to recommend to the legislature reforms that would reduce recidivism of young people that are systemic in nature and apply to all young people through their mid-twenties.

Social science research in youth development of 14- to 25-year-olds in justice settings clearly demonstrates that guiding young people as they transition into adulthood will help them desist from crime. Young people's problematic behavior peaks at age 18 and 19<sup>2</sup>. It is imperative that we recognize that successfully reducing recidivism is directly tied to young people's ability to meet key youth developmental milestones. Our recommendations are based on that framework and are, broadly stated, as follows:

- Gradually raise the age of juvenile jurisdiction to incorporate 18-, then 19-, then 20-year-old youth with a two-year gap between each age cohort to allow the system to adjust programmatically to this older adolescent population;
- Infuse developmentally-appropriate, evidence-informed policies modeled after Massachusetts' juvenile justice system into the adult correctional agencies to ensure positive outcomes for all incarcerated young adults through their mid-twenties, by requiring educational programming; family engagement; incorporating Positive Youth

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<sup>1</sup> The "juvenile justice system" refers to a variety of agencies at the municipal, county and state level. This testimony will refer to the "juvenile system" when referring to multiple agencies within the system, otherwise, it will indicate which agency or government entity is being discussed.

<sup>2</sup> Loeber, Rolf, and Rebecca Stallings, "Modeling the Impact of Interventions on Local Indicators of Offending, Victimization, and Incarceration," in *Young Homicide Offenders and Victims: Risk Factors, Prediction, and Prevention from Childhood*, eds. Rolf Loeber and David P. Farrington, New York: Springer, 2011: 137-152. Accessed at <https://nij.ojp.gov/topics/articles/juvenile-delinquency-young-adult-offending>

Development principles; and prohibiting harmful practices including solitary confinement and discrimination against LGBTQIA prisoners.

This testimony will present:

1. The problem of high recidivism of young people prosecuted and incarcerated as adults;
2. The benefits of using an approach based on the social and developmental science with young people that is directly tied to helping guide young people to desist from crime;
3. Recommendation #1: Raising the Age of Juvenile Jurisdiction so that older teens are held accountable in a system that is more appropriate for their development:
  - Caseload analysis and projections
  - Juvenile system is well-suited to, and currently does, process young people accused of, and adjudicated for, violent crimes
  - Parental Involvement with young people older than 17-years-old
  - Contrasting the effects of juvenile and adult system processing on young people
  - Collateral consequences of adult criminal justice involvement
  - Raise the age as systemic reform
  - Raising the age does not violate the federal PREA or JJDP
  - Massachusetts already serves “transition age youth” through child- and adolescent-serving agencies and divisions
4. Recommendation #2: Infusing developmental policies and practices into the adult correctional system, modeled after the juvenile system, for young people under age 26
  - Systemic reforms incorporate a positive developmental approach to all youth under age 26
  - Curtailing practices that delay young people’s development (and are tied to persistence in crime)
  - Specialized carve-outs are a positive and limited short-term solution until system-wide reforms are adopted

#### **PROBLEM STATEMENT:**

*Justice-involved young adults (18-24) have the worst outcomes and costliest to taxpayers. Recidivism among young people incarcerated in the adult corrections system is more than double the recidivism of similarly-aged youth released from Department of Youth Services commitment*

**An overly punitive approach can actually cause more offending:** Most young people “age out” of offending by their mid-twenties, particularly with developmentally appropriate interventions. The juvenile system’s focus on accountability through rehabilitation and positive youth developments is directly tied to lower recidivism rates. CDC research has shown that similar adolescents had a **34 percent higher felony re-arrest** rate when they were processed in

court as adults compared to those arraigned as juveniles<sup>3</sup>. Young people exposed to toxic environments, like adult jails and prisons, entrenches them in problematic behaviors, increasing probability of recidivism.

Teens and young adults incarcerated in Massachusetts' adult correctional facilities have a 55%<sup>4</sup> re-conviction rate<sup>5</sup>, while teens exiting DYS commitment have a re-conviction rate of 22%.<sup>6</sup> DYS has been successful in reducing its recidivism rate following almost four decades of reforms building in an emphasis on providing treatment and promoting policies whose primary goal is to ensure young people's healthy and positive development into adulthood.

## **SOLUTION:**

*Increase public safety through a Positive Youth Development framework – which Massachusetts' juvenile justice system has adopted*

*“Programs that promote positive development can help young offenders grow up and out of crime.”*

– Pathways to Desistance<sup>7</sup>

### **Give young people the time and skills to mature, and most young people will stop offending.**

In general, programs that require kids to develop positive decision-making and concrete skills, further their education and engage with their families and other positive adult role models<sup>8</sup> are far more likely to result in increased public safety, particularly compared with policies that push young people into the adult system, increasing their likelihood of recidivism and even escalation into serious, violent crime.<sup>9</sup>

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<sup>3</sup> Centers for Disease Control and Prevention. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*. MMWR 2007;56 (No. RR-9). Available at <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>

<sup>4</sup> Council of State Governments Justice Center, “Justice Reinvestment in Massachusetts: Policy Framework,” February 21, 2017. Available at <https://csgjusticecenter.org/jr/massachusetts/publications/justice-reinvestment-in-massachusetts-policy-framework/>

<sup>5</sup> Re-arraignment rate is 46% after DYS commitment compared to 76% after incarceration at county jails.

<sup>6</sup> Department of Youth Services, “Juvenile Recidivism Report for Youth Discharged During 2014” November 19, 2018. Available at <https://www.mass.gov/files/documents/2018/12/17/recid2018.docx>

<sup>7</sup> CA Schubert & EP Mulvey, *Programs that Promote Positive Development can Help Young Offenders Grow Up and Out of Crime*. Available at <https://www.pathwaysstudy.pitt.edu/documents/MacArthur%20Brief%20Promote%20Positive%20Development.pdf>

<sup>8</sup> Butts et al. *Positive Youth Justice*.

<sup>9</sup> Centers for Disease Control. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to Adult Justice System* (November 2007). Available at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5609a1.htm>

National incidence studies have shown that young people’s offending behavior peaks age 18 and 19, and naturally decreases as they mature and grow older (Figure 1).<sup>10</sup>

Pathways to Desistance<sup>11</sup>, a major, long-term longitudinal study of over 1,300 serious juvenile offenders, identified factors that led some young people to persist in their offending and those that led to their desistance from crime. The study found that young people – including those with serious offenses – mature psychologically, socially, and cognitively—over time. It went further to reveal that the severity or frequency of offending did not predict future offending, however maturation and the pace young people met developmental milestones was more predictive of offending.

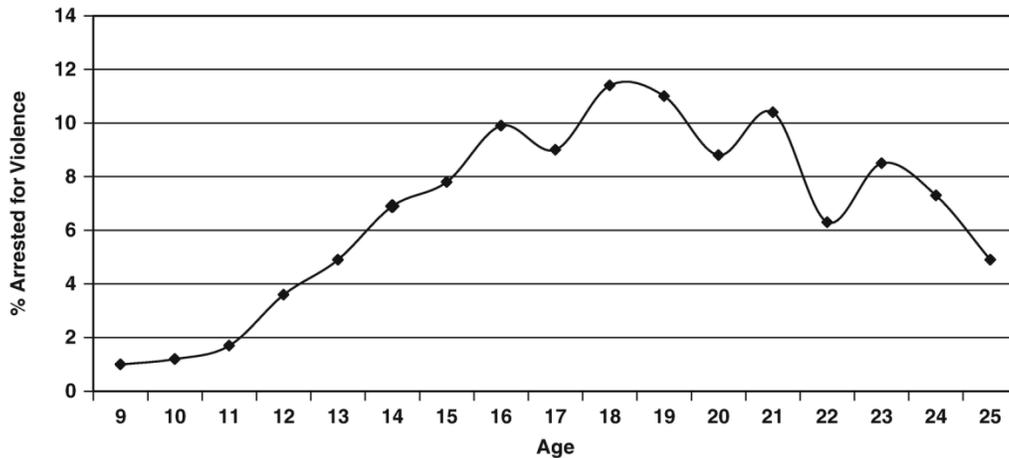


Figure 1: Age crime curve for arrests for violence by age.

**Intervening with young people (teens through mid-20s) with a focus on their positive development into adulthood is more effective in improving youth outcomes, including reducing recidivism.** Interventions that delay young people meeting developmental milestones, increases the likelihood of persistence in offending behavior. The Pathways to Desistance study examined the factors that are tied to young people’s desistance or persistence in offending and found that young people who stopped their anti-social behavior had significantly increased their psychosocial maturity than those who persisted in offending into their full adulthood. Specifically, young people who had diminished impulse control and diminished suppression of aggression were more likely to persist in offending (Figure 2).<sup>12</sup>

<sup>10</sup> Loeber, Rolf, and Rebecca Stallings, “Modeling the Impact of Interventions on Local Indicators of Offending, Victimization, and Incarceration,” in *Young Homicide Offenders and Victims: Risk Factors, Prediction, and Prevention from Childhood*, eds. Rolf Loeber and David P. Farrington, New York: Springer, 2011: 137-152. Accessed at <https://nij.ojp.gov/topics/articles/juvenile-delinquency-young-adult-offending>

<sup>11</sup> Laurence Steinberg (2014) *Give Adolescents the Time and Skills to Mature, and Most Offenders Will Stop*. Chicago, IL: MacArthur Foundation.” Available at <https://www.pathwaysstudy.pitt.edu/documents/MacArthur%20Brief%20Give%20Adolescents%20Time.pdf>

<sup>12</sup> Monahan KC, Steinberg L, Cauffman E, Mulvey EP. Trajectories of antisocial behavior and psychosocial maturity from adolescence to young adulthood. *Dev Psychol.* 2009;45(6):1654–1668. doi:10.1037/a0015862. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2886970/>

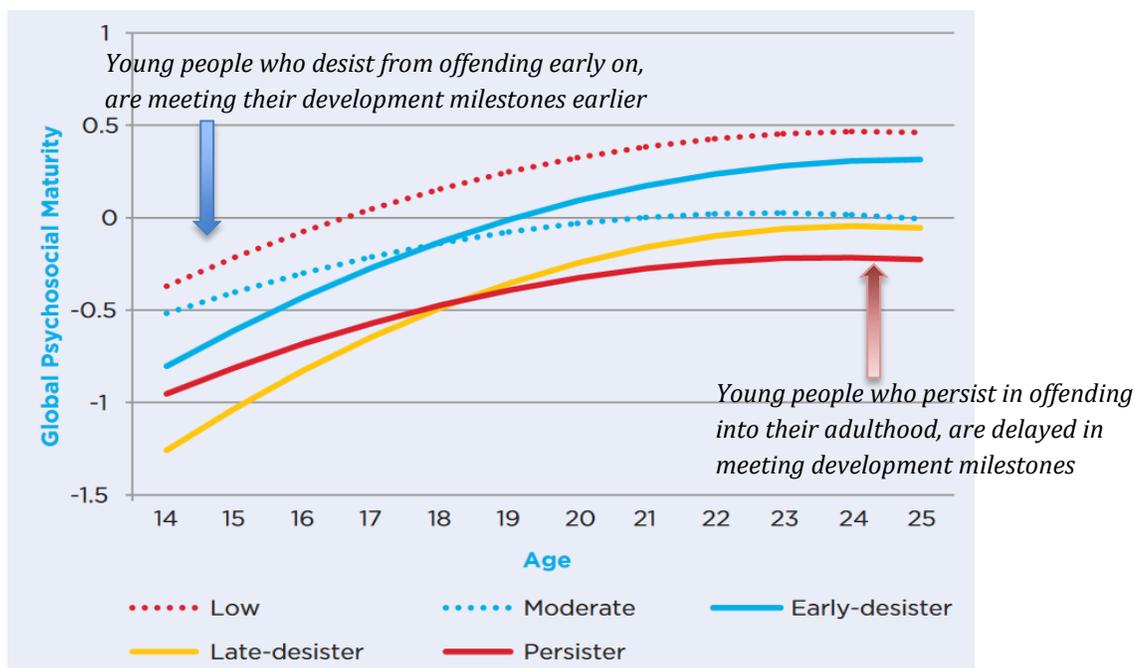


Figure 2: Trajectories of antisocial behavior and psychosocial maturity

**There are six domains of development that are tied to improved outcomes of justice-involved young people<sup>13</sup>.**

*“Young people are assets to be developed, not problems to be fixed.”*

*– Commissioner Peter Forbes*

Nationally, with Massachusetts being an early-adopter, youth-serving legal systems are moving towards interventions that are geared towards equipping young people with skills as well as with social connections. For youth involved in more serious or persistent risky activity, research demonstrates that successful crime prevention and rehabilitation programs<sup>14</sup>:

- Are developmentally appropriate;
- Promote “positive youth development” by building relationships between youth and adult role models and ensuring that youth have opportunities to learn and demonstrate new skills, including self-control and interpersonal skills;
- Engage youth in effective, age-appropriate therapy or drug treatment when necessary;
- Avoid the use of institutional placements or incarceration unless necessary for public safety; and
- Avoid exposing youth to the adult criminal justice system

<sup>13</sup>Butts, Jeffrey A., Gordon Bazemore, & Aundra Saa Meroe, “Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development” (2010). Available at <https://positiveyouthjustice.files.wordpress.com/2013/08/pyj2010.pdf>

<sup>14</sup> Butts et al. *Positive Youth Justice* at 17-19; Centers for Disease Control and Prevention. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*. MMWR 2007;56 (No. RR-9). Available at <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>

Our recommendations are based on the best available research on the appropriate interventions with young justice-involved people:

- Raising the age of juvenile jurisdiction will ensure that Massachusetts' legal system intervenes with 18- to 20-year-olds in a system that is already equipped with the expertise and the capacity to handle this age group. Based on statewide arrest data, older teens who are 18- to 20-years-old are similar to 16- and 17-year-olds in both their development and offending patterns.
- Incorporating the Positive Youth Development framework into the Commonwealth's adult correctional institutions is a more effective intervention with young people through their mid-20's who would not be appropriate for the juvenile system. Massachusetts' Department of Youth Services would serve as a model for adult system reforms. DYS' policy shifts over the past decade towards using a Positive Youth Development framework provides a roadmap on that transition for the adult system.
- Finally, both recommendations would curtail practices that delay young people's development (and are tied to persistence in crime). Young people are disproportionately subjected to solitary confinement and LGBTQI youth experience disparate and harmful treatment in the adult system, while these practices are either banned or being addressed, respectively, in Massachusetts' juvenile system.

#### **RECOMMENDATION #1:**

*End the automatic prosecution of 18- to 20-year-olds as adults by moving transition-age youth into a developmentally appropriate justice system to reduce recidivism and prevent deeper criminal involvement*

Massachusetts can improve outcomes for young people and improve public safety outcomes by **raising the upper age in delinquency and youthful offender (Y.O.) cases to gradually include 18-, 19- and 20-year-olds over five years.** Our juvenile justice system is designed to provide individualized, developmentally appropriate services for young people. Older adolescents charged with serious offenses would still be subject to adult sentences under the youthful offender statute, and those charged with the most serious offenses (first or second degree murder) would still be tried and sentenced in adult court.

**This will also expand the upper age of commitment to DYS or probation supervision for this population of transition age youth (18-20)** to ensure there is an adequate opportunity to rehabilitate older youth entering the system. DYS and Probation already serve young people adjudicated as Youthful Offenders up to age 21; this legislation would allow for extended Y.O. commitment and supervision up to age 23.

Research demonstrates that adolescents are substantially less likely to commit future crimes when processed in the juvenile system than they are when processed in the adult system<sup>15</sup>.

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<sup>15</sup> Centers for Disease Control and Prevention. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*. MMWR 2007;56 (No. RR-9). Available at <https://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>

Unlike youth who are incarcerated with adults -- who are not required to attend school, often do not receive Special Education services to which they are entitled, and are much more likely to be victimized – committed youth who are served in the juvenile system by DYS are *required* to attend school and receive age-appropriate services.

In Massachusetts, these youth also benefit from specialized Juvenile Court Clinics and Juvenile Probation, as well as other professionals with training and experience with kids. Most young people in the juvenile court are sentenced and supervised to Probation rather than to DYS. Massachusetts' Probation Services has specialized juvenile Probation Officers and in recent years has introduced multiple changes to its juvenile probation services guided by Positive Youth Development principles. A key piece of Probation's specialized work with young people is the use of a case management tool (Juvenile Probationer Individual Change Agreement (JPICA)) developed collaboratively between the youth and the probation officer. This case management tool helps a young person work on incremental goals for their positive development based on the young person's stated interests. The goal of this case management model is to strengthen the youths' internal motivation for change and to facilitate their development of constructive skills. One of the most recent reforms is the introduction of a graduated response system recognizing that young people are more amenable to change through positive reinforcement. Through a range of incentives, juvenile probation officers reward young people for achieving short- and long-term goals, which in turn encourages the young person into further positive behavior.<sup>16</sup>

In contrast to the adult system, where parents have no right to be notified or even told if their child is arrested or charged, the Juvenile Court system notifies parents of all proceedings against their children and provides a role for them to participate in many aspects of the system as well, under the "interested adult rule". While a young person 18 or older will have more of a say if their parent would be involved or not, there is at least a process and role for parents in the juvenile system to which the child can have their parent or another interested adult involved.

Finally, because of the improved life outcomes for youth, and because the Department of Youth Services has a range of services available for detained or committed youth, including much cheaper options than those available in the adult correctional facilities, **Citizens for Juvenile Justice anticipates that moving transition-aged youth to our juvenile justice system could actually save the Commonwealth money.**

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***Massachusetts' juvenile justice system has the capacity to handle the incremental entry of 18- to 20-year-olds.***

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In 2013, Massachusetts policy makers ended the practice of automatically prosecuting 17-year-olds as adults. Since then, **juvenile crime has declined by 28%**, and has seen faster declines in violent and property crime rates than the national average.<sup>17</sup> With juvenile crime continuing to plummet, the system – including courts and DYS – now has the capacity to absorb 18 – 20 year-

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<sup>16</sup> Amanda NeMoyer, *Progressing Toward Best Practice: Brief on Juvenile Probation Innovation in Massachusetts*. Forthcoming (to be published by Citizens for Juvenile Justice)

<sup>17</sup> Citizens for Juvenile Justice, "Summary of Key System Trends of Justice Involved Youth and Young Adults in Massachusetts" November 2019. Available at <https://www.cfjj.org/rta-data>.

olds. Over the past decade, the juvenile system's caseloads have dropped significantly, creating ample capacity to absorb older teens into the system:

- The total number of juvenile arrests decreased by 70% since 2008.<sup>18</sup>
- The total number of juvenile court cases (child welfare, CRA, delinquency and youthful offender cases) has steadily declined: Since the introduction of 17-year-olds into the juvenile court in FY14, there has been a 16% decrease in juvenile court filings through FY2018.<sup>19</sup>
- Juvenile delinquency and youthful offender arraignments fell by 50% (FY13 to FY20)<sup>20</sup>
- DYS detention admissions dropped by 73% and commitments dropped by 72%.<sup>21</sup>

The juvenile system is already serving 18- to 20-year-olds. Over 80% of young people over the age of 18 that are committed to the Department of Youth Services are adjudicated as a Youthful Offender and committed until age 21. In 2017, DYS served 357 young people 18-years and older who were either committed to DYS until age 21 or through voluntary services provided by DYS through age 22.

The arrests of 18- to 20-year-olds during the same period (2008-2018) similarly dropped by 72%, indicating that even with full implementation, the caseloads at all stages of the juvenile system would still be lower than the caseloads of years prior to the first Raise the Age law.

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***Massachusetts' juvenile justice system has the specialized skills to handle 18- to 20-year-olds with serious and violent charges.***

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Approximately 10% of 18- to 20-year-olds are charged with a serious felony that leads to Superior Court charges<sup>22</sup>. The juvenile system currently handles almost all of these cases, including the cases of young people under the age of 21 who are indicted on serious offenses.

Although the focus of the Juvenile Court is treatment and rehabilitation of youth, the court is empowered to impose more severe, adult sentences in "youthful offender" (YO) cases for children as young as 14.<sup>23</sup> In those cases, the prosecutor has the discretion to indict a young person as a "Youthful Offender" or arraign them as a delinquent. An indictment requires that an offense: (1) resulted in or threatened to cause serious bodily injury; (2) involved a firearm; or (3) is a felony and the young person was previously committed to DYS for another offense. If the

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<sup>18</sup> Uniform Crime Reports (UCR) arrest data received by CfJJ from the FBI, EOPSS and Boston Police Department, 2008-2018. In 2008, there were 17,302 arrests of youth under age 18, compared to 5,217 arrests in 2018.

<sup>19</sup> Massachusetts Trial Courts, *Juvenile Matters in their Summary of Case Filings by Type* (multiple years). In FY08, there were juvenile court case filings; in FY14, there were 19,712 case filings, and in FY18, 16,627 case filings.

<sup>20</sup> Massachusetts Trial Courts, Chief Justice Paula Carey, private correspondence, 2019.

<sup>21</sup> Department of Youth Services, data requests and DYS annual reports. Detention admissions dropped from 4,052 FY09 to 1,079 in FY18. DYS commitments dropped from 1,637 on January 1, 2009 to 459 on January 1, 2019.

<sup>22</sup> Massachusetts Sentencing Commission, *Survey of Sentencing Practices FY 2013*, December 2014. Available at <https://www.mass.gov/files/documents/2016/08/oo/fy2013-survey-sentencing-practices.pdf>

<sup>23</sup> MGL Ch 119 § 52 gives prosecutors the discretion to indict the young person as a "Youthful offender" or arraign them as a "delinquent".

young person is adjudicated a Youthful Offender, then the judge has the discretion to sentence in three ways: (1) commitment to DYS until age 21; (2) a straight adult sentence; or (3) commitment to DYS until age 21 with a subsequent adult sentence. So even with the possibility of an adult sentence (due to the discretion of prosecutor and judge), the youth is still in Juvenile Court where they are eligible for juvenile and/or adult sentences.

By contrast, the district courts only handle misdemeanors and felonies punishable by imprisonment for no more than five years; the Superior Court has the jurisdiction over the remaining more serious felonies<sup>24</sup>. Since the juvenile courts have jurisdiction over all offenses, with the exception of first and second degree murder cases, the juvenile courts and its practitioners have more experience dealing with serious offenses<sup>25</sup>.

The **juvenile system typically imposes more supervision and intensive programming** while in confinement than the adult criminal justice system. Educational, counseling and independent living programs are **difficult-to-impossible to access in adult correctional settings**. Teens in the juvenile system may be required to receive evaluations and assessments and frequently must participate in services and programs designed to teach responsible behavior as part of their sentence.

This legislation does not change the current statute requiring the prosecution of young people who are charged with murder to be automatically tried as an adult in Superior Court and subject to adult sentences.

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### ***Parental involvement is a key component of the juvenile justice system.***

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Parental involvement does not end at age 18:

*“Despite the fact that the “age of majority” is eighteen, this does not mean that all obligations between parents and children will end on the day a child turns eighteen. In fact, Massachusetts courts have stated that in this state, there is no fixed age when complete emancipation occurs, and that it does not automatically occur when the child turns eighteen. For example, in some cases, parents can be required to support their children beyond the child’s eighteenth birthday. See, Turner v. McCune, 4 Mass.App.Ct. 864, 357 N.E.2d 942 (1976) and Larson v. Larson, 30 Mass.App.Ct. 418, 469 N.E.2d 406 (1991). This may occur when the child lives with a parent and is principally dependent upon that parent for support.”<sup>26</sup>*

The juvenile justice system already has charge of people over 18 and is one of many systems within the Commonwealth that involves the parents of people up to the age of 21 – and in some cases beyond that. In families with resources, parents are typically quite involved in providing guidance and help to their children through college and beyond. Families with children involved

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<sup>24</sup> MGL Ch. 218 §26

<sup>25</sup> These cases are automatically tried in Superior Court if the defendant is at least 14-years-old at the time of the offense.

<sup>26</sup> Children's Law Center of Massachusetts, *Emancipation and the Legal Rights of Minors in Massachusetts*. Available at <https://www.masslegalhelp.org/children-and-families/emancipation>

in the juvenile justice system are no less invested in their children and no less essential to their children's success. However, parental involvement is close to impossible in the adult criminal justice system which makes it very difficult for these older teens to benefit from family support. The Department of Youth Services already supervises youth up to age 22 and involves parents in their programming and discharge planning.

While there are older youth whose parents will not be involved in their case for any of a variety of reasons – whether the youth or the parent is unwilling or unable to have the parent involved – most older teens will opt-into having a parent or other interested adult guiding them through their case. The juvenile court has a precedent of overseeing similar children whose parents are not involved, particularly with youth in the care and custody of DCF who are disproportionately involved in the juvenile justice system. In those cases the court can assign, though infrequently – and for youth 18 and older, the youth can choose – a case worker, an assigned guardian or other interested adult to help guide the youth. Cases generally are not delayed or stuck in those circumstances, especially as a child is older.

Youth who age out of foster care are more likely to be involved in the criminal justice system than similarly aged youth, yet when they turn 18, the adult courts do not take into consideration that in the preceding years the Commonwealth was their parent. Families are welcome but cases don't bog down as long as they are not critical to the disposition of the case. DCF kids – caseworker can sign, guardians can be appointed when needed, rare, legally old enough to decide for yourself interested.

Parental involvement past the 18<sup>th</sup> birthday is evident in other state systems. The most common setting for parental involvement of youth 18 and older is public education<sup>27</sup>. More than 22,000 students in Massachusetts high schools are aged 18 to 20. That's more students than play high school football. When students turn 18, schools do not stop sending report cards home to parents or stop communicating with families about health, safety and behavior. This involvement is especially evident with special education students, who are also at much higher risk of school discipline and school-based arrest than their peers. When students have an Individualized Educational Plan, parents usually remain part of the IEP team even after the student turns 18.

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### ***Contrasting the effects of juvenile and adult court processing***<sup>28</sup>

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Adult court processing and incarceration actually result in *substantial* increases in recidivism among young offenders, particularly among violent offenders, and have “little general deterrent effect on would-be juvenile offenders.” In fact, adult court processing alone, even without incarceration, increases the likelihood that a young person will commit future crimes.<sup>29</sup>

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<sup>27</sup> 603 CMR 28.00

<sup>28</sup> See generally, Citizens for Juvenile Justice, *Minor Transgressions, Major Consequences* (2011). Available at <https://www.cfjj.org/s/cfjj-minor-transgressions-report.pdf>

<sup>29</sup> Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* OJJDP Juvenile Justice Bulletin (June 2010). Available at <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>

In contrast to their younger peers in the juvenile system, older teens detained or incarcerated in the adult system are subject to much higher rates of victimization than in the juvenile system, with little or no access to rehabilitation programs or even school. The adult detention and incarceration system is, for the most part, completely decentralized, with the vast majority of incarcerated individuals housed in county jails or Houses of Correction that are independently managed by county sheriffs. Organized, statewide *systemic* efforts to provide education or other services universally to young people in the adult system, are non-existent.

The adult court judges and attorneys may have almost no experience with young offenders and are unlikely to have much knowledge of local schools or community programs that could help young people in trouble. In contrast to the juvenile system which relies heavily on supervision through juvenile probation and where incarceration in a locked facility is just one of an array of options available to DYS, including cheaper community-based programs, older teens convicted of a crime are faced with one of two sentencing options: supervision through adult probation, or incarceration in a HOC or DOC facility.

Incarceration is often counterproductive in addressing youth crime, not to mention costly. Adult correctional workers typically have no specialized training in dealing with young people. Family members of youth are not informed of or, in many cases, involved in their children's cases. Young people incarcerated in adult facilities report significantly greater rates of Post-Traumatic Stress Disorder (PTSD) and mental illness, and are much more likely to be afraid for their safety than those in juvenile facilities.<sup>30</sup>

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***Raising the age of Juvenile Jurisdiction will not violate federal core requirements under the Prison Rape Elimination Act (PREA) and the Juvenile Justice and Delinquency Prevention Act (JJDP)***

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The Harvard Kennedy School conducted a legal analysis for the state of Connecticut, which also has pending legislation to raise the age of juvenile jurisdiction to include young people under age 21.<sup>31</sup> The Juvenile Justice and Delinquency Prevention Act (JJDP) and the Prison Rape Elimination Act (PREA) dictate how states prosecute and incarcerate a “juvenile.” However, if a young person is prosecuted in court as a “juvenile” rather than an “adult”, federal law gives enough leeway for states to raise the age above the 18<sup>th</sup> birthday without violating the law or risk losing federal funds.

The Kennedy School analysis found that JJDP's designation of “juvenile” is based on a state's eligibility of who is in the juvenile system not by an age cut off. Prison Rape Elimination Act's distinction excludes age factors for “juvenile facilities”: “PREA [...] makes a critical distinction between adult and juvenile facilities, and it is this distinction that provides leeway for

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<sup>30</sup> Jeffrey Fagan & Aaron Kupchik. *Juvenile Incarceration and the Pains of Imprisonment*. Duke Forum for Law and Social Change (April 2011). Columbia Public Law Research Paper No. 11-263. Available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1017&context=dfsc>

<sup>31</sup> Lael Chester and Vincent Schiraldi, “Public Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under Age 21” (December 2016). Available at [https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/public\\_safety\\_and\\_emerging\\_adults\\_in\\_connecticut.pdf](https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/public_safety_and_emerging_adults_in_connecticut.pdf) (pages 42-46)

Connecticut and other states to house emerging adults with those under 18. A ‘juvenile facility’ is defined as ‘a facility primarily used for the confinement of juveniles pursuant to the juvenile justice system or criminal justice system<sup>32</sup>.’ This definition is intended to include group homes and halfway houses that house juveniles.”<sup>33</sup>

This analysis will be updated by the Columbia Justice Lab based on implementation of the Raise the Age law in Vermont to take effect in 2020, but with a similar conclusion.

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### ***Raising the Age represents a systemic reform.***

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Last year’s landmark criminal justice reform left unanswered the question of what reforms should the state undertake to address the high recidivism rate of young adults in our criminal justice system. The law authorized the creation of specialized units and services in the criminal justice system for the 18- to 24-year-old population.

**Specialty carve-outs in correctional units and district court sessions – while commendable and a positive short-term step– are based on re-creating portions of the juvenile justice system.** These improvements for the older emerging adults are not an end in themselves, but present a stepping stone towards improved, developmentally-appropriate programming that is necessary for the entire older emerging adult population.

Two or three county sheriffs in the Commonwealth are beginning to transform their facilities with specialized units with promising early results, but those are still highly exclusive and do not provide the appropriate intervention to *all* young people in their facilities. In Hampden County, the District Attorney is designing a specialty young adult court session modeled after the San Francisco Young Adult Courts. While these reforms are innovations in the criminal justice system, and should be commended, they are essentially attempting to re-create a pre-existing system of prosecution and incarceration within the adult system that is the hallmark of the juvenile system.

The young people who are fortunate to participate in one of these specialty interventions are being treated in a more rehabilitative rather than punitive approach. However, because it is not a *system-wide* intervention, these specialty interventions leave the vast majority of young people without access to these reforms; and most importantly, do not incorporate the legal impact and practical considerations of juvenile system involvement. A young person in a young adult court session cannot legally be committed to DYS rather than an adult facility. A young person incarcerated in a young adult unit does not have the legal protections of an adjudication, compared to a conviction; nor are they connected to the range of tools, programming and interventions available within the juvenile justice systems to promote positive youth development.

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<sup>32</sup> 28 C.F.R. § 115.5

<sup>33</sup> National Standards to Prevent, Detect, and Respond to Prison Rape, 77 Fed. Reg. 37106, 37114 (June 20, 2012) (to be codified at 28 C.F.R. pt. 115).

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## ***Massachusetts' economy will benefit by reducing the educational and economic impact of adult criminal justice involvement***

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**Massachusetts' economic growth is dropping due to a drop in employment growth** due to worker shortages as baby boomers retire. The New England Economic Partnership predicted that “employment growth in Massachusetts is expected to plunge by more than half — not because there aren't jobs, but because there won't be enough workers to fill them.”<sup>34</sup> These predictions were reiterated for the state's FY2021 revenue projections. The economists recommended policies that would retain and attract a more educated labor force including policies that promote educational success for Massachusetts' children.<sup>35</sup>

**An educated workforce is one of the state's best economic assets.** Massachusetts needs people eligible to serve in the armed forces, get professional licenses<sup>36</sup> and so on. An adult record can bar people from these opportunities. Because the criminal justice system impacts young people of color at higher rates, the decrease in opportunity hits minority communities especially hard. This reform gives young people a better chance to grow up to contribute to their communities, thus helping to prevent intergenerational poverty.

Young people detained or committed to DYS are mandated to attend school every day, while those detained or incarcerated in the adult system are not. Special education services are much easier to access in the juvenile system. So involvement in the adult system makes it less likely that a youth will graduate. This has lifelong negative consequences increasing the risk of dropping out of high school; reducing prospects of a college degree, and being excluded from the job market due to an adult criminal record:

- **Increased high school dropout increases the risk of criminal involvement and incarceration:** 40% of people in state prison and 47% in jails have not completed high school<sup>37</sup>. Dropout rates are even worse among incarcerated blacks, Hispanics and people with disabilities. Among all Americans over 18, the rate of people who have not finished high school is 18%. Without a high school diploma, a person is less likely to contribute to the economy and more likely to use safety net services or be involved with the criminal legal system. In 2009, a Northeastern University study found that a single dropout would cost taxpayers \$292,000<sup>38</sup>.

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<sup>34</sup>Deirdre Fernandes, *Baby boomer retirements may slow Mass. economic growth*. The Boston Globe, February 16, 2016.

<sup>35</sup> Katie Lannan, *Experts: Labor Crunch Threatens State's Growth*, State House News Service, December 5, 2019.

<sup>36</sup> See National Inventory of Collateral Consequences of Conviction, created by the American Bar Association and updated by the Council of State Governments. Available at <https://niccc.csgjusticecenter.org/>.

<sup>37</sup> US Department of Justice, Bureau of Justice Statistics *Education and Correctional Populations* (2003). Available at <https://www.bjs.gov/content/pub/ascii/ecp.txt>

<sup>38</sup> Northeastern University Center for Labor Market Studies, *The Consequences of Dropping Out of High School* (2009). Available at [https://repository.library.northeastern.edu/downloads/neu:376324?datastream\\_id=content](https://repository.library.northeastern.edu/downloads/neu:376324?datastream_id=content)

- **Fewer college graduates:** It is legal for colleges to ask prospective students about criminal records. While juvenile records are sealed, adult ones can be easily accessed for schools, just as they can be accessed by potential employers. That’s important for the Massachusetts economy, as The Hamilton Project quantified<sup>39</sup>. College means more steady employment. College graduates were less likely to lose jobs during the great recession. Most jobs created since the economic recovery require a college degree. Median lifetime income for a college graduate is twice that of a person with solely a high school diploma.
- **A poorer Massachusetts:** A college degree is especially important in Massachusetts, which has the highest rate of college-educated workers in the nation.<sup>40</sup> The state’s Department of Higher Education projected in 2014 that by 2025, the state’s public colleges and universities would produce 55,000 to 65,000 fewer graduates than the state needs to maintain a thriving economy.<sup>41</sup>
- **A shrinking workforce:** There are 167 trades and professions in Massachusetts that require licenses<sup>42</sup>. A criminal record – no matter how old – can be considered when a person applies for licensure to practice or to open businesses in some trades. A record can be a barrier to everything from being a podiatrist to opening an auto repair shop. Some licenses apply to construction trades, where the state already has the largest labor shortage in the nation<sup>43</sup>.
- **Massachusetts’ young men of color bear the harshest brunt of these policies:** Only 25% of Massachusetts’ young adult population is Black or Latino, but 70% of young adults incarcerated in state prisons and 57% of young adults incarcerated in county jails are people of color. Black and Latino young adults are 3.2 and 1.7 times as likely to be imprisoned as their white peers<sup>44</sup>. This racial disparity in adult system involvement further exacerbates the disparity by leading to lower educational and economic opportunities for young people of color.

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***Massachusetts already serves “transition age youth” through child- and adolescent-serving agencies and divisions and it is only appropriate for the legal system to follow suit.***

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Two decades of adolescent development research found that:

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<sup>39</sup> The Hamilton Project, *Eight Economic Facts on Higher Education* (2018). Available at [https://www.brookings.edu/wp-content/uploads/2017/04/thp\\_20170426\\_eight\\_economic\\_facts\\_higher\\_education.pdf](https://www.brookings.edu/wp-content/uploads/2017/04/thp_20170426_eight_economic_facts_higher_education.pdf)

<sup>40</sup> Massachusetts Budget and Policy Center, *2017 State of Working Massachusetts*. Available at <http://massbudget.org/reports/swma/work-education.php>

<sup>41</sup> Massachusetts Department of Higher Education, *Degrees of Urgency: Why Massachusetts Needs More College Graduates Now* (2014). Available at <https://www.mass.edu/visionproject/degreesofurgency.asp>

<sup>42</sup> Massachusetts Division of Professional Licensure <https://www.mass.gov/orgs/division-of-professional-licensure>

<sup>43</sup> Grant Welker, *Experts: Labor Crunch Threatens State's Growth*. Worcester Business Journal, September 17, 2018.

<sup>44</sup> MassInc, *Viewing Justice Reinvestment Through a Developmental Lens: New approaches to reducing young adult recidivism in Massachusetts*, Police Brief December 2015. Available at <https://massinc.org/research/viewing-justice-reinvestment-through-a-developmental-lens/>

***“The abilities necessary to make reasoned decisions are mature by age 16. By this age, adolescents can gather and process information, think logically and draw evidence-based inferences. Self-regulation does not mature until around age 22, however. Not until this age are people capable of restraining themselves when their emotions are intense, when they are pressured by their peers, or when they feel hurried.”<sup>45</sup>***

Even though statute sets legal rights and responsibilities of adulthood defined by a person’s age, there is no one age at which a person achieves adulthood. Instead, adolescents **transition** into adulthood and throughout this transition our society and our laws grant young people access to positive and pro-social activities and then gradually allow access to more risky and dangerous activities:

A 14-year-old is eligible for a partial work permits; but can’t get a driver’s license until age 16, when they can also pre-register to vote. An 18-year-old can sign contracts, go to the military, give medical consent but can’t be a firefighter before age 19. A young person can’t drink alcohol, smoke tobacco or marijuana, gamble or serve as a police officer in Massachusetts until age 21, when they are also allowed to purchase any firearm or ammunition. Child support is owed to the custodial parent up to age 21 if the child is living with that parent. Age 21 is the *earliest* the American Academy of Pediatrics recommends a child move out of pediatric care. Students with special education needs are eligible for DESE educational services until age 22. By age 25, a young person can rent a car without underage fees<sup>46</sup> and by 26 they are required to acquire their own health insurance.

The child welfare, healthcare, K-12 education, mental health, developmental disabilities, labor and other state agencies have created dedicated policies and programs to support young adults’ transition to independent adulthood. These systems recognize that young people are better served through child and adolescent programs and that those services are more appropriate and effective than adult services for them.

Transition age youth in the child welfare system may receive Department of Children and Families services up to age 23. However, if they enter the adult criminal legal system those services, especially those from child-serving agencies, *can be severed*. Adult legal system involvement becomes a serious impediment for these support systems to offer continuity and keep youth connected to adult service providers and mentors.

**Recommendation #2:**  
***Infuse developmentally-appropriate services into the adult correctional system for all emerging adults under age 26.***

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<sup>45</sup> Laurence Steinberg, “When can you buy a gun, vote or be sentenced to death? Science suggests US should revise legal age limits” *The Conversation*, March 5, 2018. Available at <http://theconversation.com/when-can-you-buy-a-gun-vote-or-be-sentenced-to-death-science-suggests-us-should-revise-legal-age-limits-92328>

<sup>46</sup> Emily Delbridge, *Car Insurance Rates by Age*, The Balance (2019). Available at <https://www.thebalance.com/car-insurance-rates-by-age-4427974>

Traditionally, correctional systems' primary approaches to people who offend – without regard to age – are punishment, incapacitation, control and deterrence. Though correctional facilities offer some level of educational, behavioral health and re-entry programming, access to these programs is inconsistent and limited by individual's classification, length of sentence, general willingness of individuals to participate and the availability of these limited programs.

Because of the lack of focus on young people's development, young people are disproportionately underrepresented in accessing these programs and are more likely to be disciplined in correctional facilities. Fundamentally, this almost-exclusive focus on punishment and absence of rehabilitative interventions using a developmental lens with this population is a public safety failure. Young people in adult correctional facilities have the worst outcomes (with the highest recidivism rate of any age group) and cost taxpayers the most (with the longest lengths of stay in correctional facilities).

In contrast, Massachusetts' juvenile justice system "led the move away from confining youth in secure facilities, establishing the country's first juvenile day treatment program in the 1980s and earning national recognition for expanding access to specialized treatment... Several successive administrations have worked to build a culture of positive youth development, eschewing ineffective punitive approaches and focusing instead on promoting normative developmental experiences that build on young people's strengths."<sup>47</sup>

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### ***Infuse Positive Youth Development at all stages of the adult system (from courts to prisons/jails)***

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As mentioned above, the juvenile system's use of a Positive Youth Development framework utilizes the key needs of young people to mature and leads them to a path towards desistance from further offending. We recommend that the adult criminal justice system adopt that framework for *all* young people through their mid-twenties who would have better outcomes through such an approach but who would be inappropriate to shift to the juvenile justice system. This would include:

- Engaging parents and family members at all stages of criminal justice system involvement.
- Facilitating educational access and attainment, including post-secondary education, and avoiding sanctions, requirements and dispositions that would derail emerging adults from pursuing educational opportunities.
- Train staff at the district and superior courts, adult probation officers, prosecutors and defense attorneys on Positive Youth Development as it applies to all emerging adults.
- Prevent or mitigate the collateral consequences of adult criminal justice system involvement by requiring that court sessions for emerging adults shall be closed to the public, and that criminal records of offenses committed prior to age 26 shall be treated similar to the confidentiality of juvenile records.

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<sup>47</sup> MassInc, *Viewing Justice Reinvestment Through a Developmental Lens: New approaches to reducing young adult recidivism in Massachusetts*, Police Brief December 2015. Available at <https://massinc.org/research/viewing-justice-reinvestment-through-a-developmental-lens/>

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## ***Require family engagement in case planning and successful re-entry in adult correctional settings***

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Five decades of research supports the positive impact of family – broadly defined – on incarcerated young people, both in terms of improved behavior while incarcerated and better outcomes upon release, especially when compared to the impact of isolation and disconnection to community. Family engagement is also tied to not only reduced recidivism of justice-involved youth, but also their siblings' involvement. The frequency and the number of individuals visiting is also tied to significant reductions in recidivism.<sup>48</sup>

We recommend requiring **family engagement** at all stages of incarceration, including involvement with parents and other adults who are important to the emerging adult, and young people's own children, ensuring frequent and meaningful contact visits, and involvement in the case planning from the earliest stages of incarceration through re-entry.

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## ***Facilitating access to secondary and post-secondary education for improved educational attainment outcomes***

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Education is one of the most recognized protective factors for young people, and is tied to lower offending and recidivating behavior. The adult correctional system must be required to offer developmentally-appropriate access to **educational and special education services, vocational training and post-secondary educational** opportunities to all young people through their mid-twenties.

A large study of over 4,000 incarcerated youth in 115 institutions examined “each youth’s educational achievement during incarceration, post-release schooling, and subsequent re-arrest. The research showed that youth who fell behind in school when they were placed in confinement were much less likely to return to school after release...The same study also found that school attendance plays an important role in reducing recidivism. Youth who returned to school and maintained an adequate level of attendance were 26% less likely to recidivate within 12 months, and 15.3% less likely at 24 months. Youth who spent more time in school were also less likely to be rearrested than youth who spent less time in school. Additionally, youth who stayed in school were less likely to be rearrested for serious offenses compared to youth who did not return to school.”<sup>49</sup>

The benefits of education do not end with secondary education. Justice-involved young people who continue to pursue post-secondary education not only have significantly lower recidivism rates but also improved employment outcomes post-release. A summary of the impact of post-

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<sup>48</sup> Center for Juvenile Justice Reform and Vera Institute, *Identifying, Engaging, and Empowering Families: A Charge for Juvenile Justice Agencies*, February 2016. Available at <http://cjjr.georgetown.edu/wp-content/uploads/2016/02/Family-Engagement-Paper-2016.pdf>

<sup>49</sup> Farn, A. & Adams, J.(2016). Education and interagency collaboration: A lifeline for justice-involved youth. Washington, DC: Center for Juvenile Justice Reform, Georgetown University McCourt School of Public Policy. Available from [http://cjjr.georgetown.edu/wp-content/uploads/2016/08/Lifeline-for-Justice-Involved-Youth\\_August-2016.pdf](http://cjjr.georgetown.edu/wp-content/uploads/2016/08/Lifeline-for-Justice-Involved-Youth_August-2016.pdf).

secondary education in prison compiled by Vera Institute<sup>50</sup> found individuals participating in such programming had:

- Public safety impact: 43% less likely to recidivate
- Facility safety impact: prisons with college programs had fewer violent incidents
- Successful re-entry: preparing individuals for more highly skilled jobs post-release
- Tax savings: with every \$1 invested in prison college education, yielding more than \$4 in savings
- Impact on children of prisoners: college-educated parents, including those incarcerated, disrupts generational poverty and incarceration

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### ***Expand opportunities for community-based pre-release supervision***

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Massachusetts is one of the states that led the national movement to end the use of youth prisons and expand the use of “step-down” placements such as residential alternatives and community programs to help young people transition back into the community while still under the supervision of DYS. We recommend that the adult correctional system adopts a similar approach as unanimously recommended in a 2016 report from the Special Commission on Criminal Justice<sup>51</sup>. The adult correctional systems could adopt a more modest approach to step-down services by establishing **pre-release step-down** options for community-based supervision during the sentence. This would expand HOC/DOC placement options for young adults to include sentencing options in the community.

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### ***Curtailing harmful practices that are toxic to young people’s development***

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Replicate reforms that were implemented in the juvenile justice system over the past decade that have improved the treatment of young people with a resulting reduction of infractions. Incidents of violence in DYS facilities are a fraction of such incidents in adult correctional facilities, which is tied to the humane and developmentally appropriate treatment of young people in these facilities.

- Limiting the use of solitary confinement and restraints of young adults in correctional settings: Massachusetts’ Department of Youth Services serves as a model for other states and is to be commended for its dedication to improving the development and outcomes of the youth it serves. One area that Massachusetts stands out as a national model is DYS’ policy set in 2009 banning punitive solitary confinement for youth, which was recently codified in the 2018 Criminal Justice Reform Act. Today, the average length of stay of a young person in “involuntary room confinement” (not solitary) is 45 minutes. We recommend DOC and HOC’s replicate and codify DYS’s mandate, explicitly banning

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<sup>50</sup> Vera Institute, “Expanding Access to Postsecondary Education in Prison” January 2017. Available at <https://www.vera.org/downloads/publications/postsecondary-education-in-prisonfactsheet-for-corrections-leaders.pdf>

<sup>51</sup> “Report of the Special Commission to Study the Criminal Justice System” December 2014. Available at <https://www.mass.gov/files/documents/2016/09/ua/report-of-the-commission-to-study-the-commonwealths-criminal-justice-system-12-31-2014.pdf>

isolation and restraints of young adults as a consequence for noncompliance, punishment or harassment or in retaliation for any conduct.

Solitary confinement has a significant detrimental and long-term psychological impact, particularly on young people. Even previously healthy people are vulnerable to being 'broken down' by the experience. Because adolescents and young adults are still developing, and because of their high rates of trauma exposure, they are particularly vulnerable to the irreparable harm of solitary confinement. One study found that half of the segregated prisoners suffered "serious psychopathological reactions to solitary confinement" and an additional one-third are "actively psychotic and/or acutely suicidal" after being subjected to solitary confinement.

Solitary confinement is also ineffective and counterproductive as a disciplinary tool, expensive, and contrary to public safety, reducing the chances of effective rehabilitation or reentry. It also costs taxpayers two to three times more than housing in the general population<sup>52</sup>. Recognizing the extreme harm of solitary confinement on young people, DYS recently changed its practices to ban solitary or long-term room confinement of youth in custody. Its room confinement policy now prohibits confinement unless a serious safety risk exists and less restrictive alternatives have been unsuccessful, and requires regular and increasingly substantial reviews of any confinement, and regular attempts by staff to engage youth and to plan a release from the confinement. In the years following implementation of this policy there has been a significant decrease in juvenile assaults against DYS staff.<sup>53</sup>

- Prohibiting discrimination against and promoting affirmation of LGBTQI individuals: In 2014, DYS adopted policies prohibiting the harassment and discrimination against LGBTQI and gender expansive youth.<sup>54</sup> In a 2018 report analyzing juvenile and adult correctional facilities across the country, DYS was recognized as "as the gold standard for the development of best practices relating to LGBTQI youth in confinement and have several recommendations for counseling, mental health, and substance abuse while incarcerated."<sup>55</sup>

DYS's policy requires that all state and contractor employees create an environment that

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<sup>52</sup> Keeping Vulnerable Populations Safe under PREA: Alternative Strategies to the Use of Segregation in Prisons and Jails (National PREA Resource Center, April 2015) at 6. Available at <http://www.prearesourcecenter.org/sites/default/files/library/keepingvulnerablepopulationsSAFEunderPREAapril2015.pdf>

<sup>53</sup> Gary Gately, "Growing Number of States Moving Away from Juvenile Solitary Confinement", Juvenile Justice Information Exchange, March 21, 2014. Available at <http://jjie.org/2014/03/21/growing-number-of-states-moving-away-from-juvenile-solitary-confinement/106550/>

<sup>54</sup> "Prohibition of Harassment and Discrimination Against Youth" DYS Policy 03.04.09 and "DYS Guidelines for Lesbian, Gay, Transgender Questioning, Queer, Intersex and Gender Non-Conforming Youth: DYS Grievance Policy 03.04.01

<sup>55</sup> Fenway Institute and The Center for Prisoner Health and Human Rights, "Emerging Best Practices for the Management and Treatment of Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex Youth in Juvenile Justice Settings" (2018). Available at [https://fenwayhealth.org/wp-content/uploads/TFIP-21\\_BestPracticesForLGBTYouthInJuvenileJustice\\_Brief\\_web.pdf](https://fenwayhealth.org/wp-content/uploads/TFIP-21_BestPracticesForLGBTYouthInJuvenileJustice_Brief_web.pdf)

is safe and welcoming for LGBTQI and gender non-conforming youth; requires that staff respect the privacy of the youth regarding disclosure; requires training for staff, contractors and volunteers regarding the agency's policies related to LGBTQI youth; and requires data collection consistent with the youth's confidentiality requests<sup>56</sup>.

Thank you for considering our submission for consideration by the Criminal Justice Task Force on Juvenile Age. If you have any questions, please feel free to contact Sana Fadel at sanafadel@cfjj.org or 617.338.1050.

Sincerely,

ACLU of Massachusetts  
Charles Hamilton Houston Institute, Harvard Law School  
Citizens for Juvenile Justice  
Coalition for Effective Public Safety  
Committee for Public Counsel Services  
End Mass Incarceration Together  
GLBTQ Legal Advocates & Defenders  
I Have a Future  
Justice Resource Institute  
League of Women Voters of Massachusetts  
Massachusetts Communities Action Network  
MissionSAFE  
More Than Words  
The Real Cost of Prisons Project  
Roca, Inc.  
Roxbury Youthworks, Inc.

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<sup>56</sup> Department of Youth Services, *Prohibition of Harassment and Discrimination Against Youth*, Policy #03.04.09