MEDIA ADVISORY

February 5, 2018

Boston Globe Op-Ed by New England Patriots highlights new report from Columbia University’s Justice Lab

Team supports first-in-the-nation efforts in New England to “right size” youth justice system by shifting the age range to serve youth who can benefit the most

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New York City The day after the Super Bowl, The Boston Globe published an op-ed by Patriots Safety and Players Coalition charter member Devin McCourty, team President Jonathan Kraft and Chairman and CEO Robert Kraft, urging Massachusetts and other New England states to “right size” their justice systems by shifting upwards the age range for those involved in juvenile courts.

Legislation raising the lower age at which youth can be prosecuted in juvenile court from 7 to 12, and raising the upper limit of juvenile court beyond a youth’s 18th birthday to 19, are pending in Massachusetts and would make the Commonwealth the first U.S. state to enact such reforms.

Lauding each of the six New England states for using a separate, rehabilitative juvenile justice system to effectively respond to youth, the Patriot authors voiced their concerns that the current laws are both over and under-inclusive, harming the youngest children and missing an opportunity to more effectively treat older adolescents. The authors wrote, “Unfortunately, we end up sweeping in kids who are too young, and then we exclude older teens who would benefit the most.”

The op-ed points out that the Massachusetts’ juvenile justice system begins at age 7, meaning it can include a 1st grader learning to read. The authors maintain that involving such young children in the juvenile system results in far more harm than good, and those children can be better served by other agencies. The authors urge the lower age of juvenile jurisdiction to be raised to 12, the international standard, and also an age when a
child is becoming competent to understand and even exercise the constitutional right to participate meaningfully in their own defense.

Simultaneously, the op-ed authors urge lawmakers to raise the upper age of juvenile jurisdiction to above the 18th birthday—meaning that it would thus include most high school students. They note that it is a matter of commonsense as well as sound public policy to make communities safer. The authors write:

As for the upper-age of the juvenile system, research shows what any parent knows – that celebrating an 18th birthday does not magically transform one into a mature adult. The physical, emotional and practical transition from childhood to adulthood is a lengthy process, stretching into a person’s mid-20s. The American Academy of Pediatrics defines youth as up to age 21 — and even then the Academy has noted that this age is an “arbitrary demarcation” since continual growth occurs into the 20s. Fortunately, research shows that most youth will age out of crime by age 25, if given the opportunity to develop and mature.

“As a law enforcement official, I agree with the Patriots that we need to do all we can to help give our young people a second chance when they've made mistakes,” states Suffolk County (Boston) Sheriff Steve Tompkins. “Becoming the first state in the country to incorporate youth over age 18 into the juvenile justice system will help assure they get the kind of help they need and have a better chance to turn their lives around.”

The op-ed cites a report recently released from the Justice Lab, *Combating the Crisis: Using justice reform to address the drug epidemic among emerging adults*, by researchers Selen Siringil Perker and Lael Chester. Using data from our report, the authors write “that substance-related offenses in Massachusetts are the leading cause of arrests for 18-year olds, that two-thirds of people in treatment for opioid addiction started using opioids before age 25, and that opioids accounted for more than a quarter of all fatalities in the 18 to 24 age group.”

This report shows the positive impact that criminal justice reform could have on a drug epidemic that is disproportionately affecting youth, especially those who have been incarcerated and who experience shockingly high death rates. By its very design, the juvenile justice system is better equipped to effectively address substance use disorders as it provides both individualized rehabilitative treatment to adolescents and works to engage the youth’s family and mentors for long-term support.

“Our research shows what the Patriots have highlighted, that there is a critical link between the health of our youth and communities and justice reform,” notes Lael Chester, Director of the Emerging Adult Project at the Justice Lab and co-author of the report. “Massachusetts Governor Charlie Baker and other leaders have recently made proposals to better address the opioid epidemic. Now the Commonwealth can take the next step and incorporate all high school students into the juvenile justice system where their rehabilitative needs stand a much better chance of being addressed.”
“Sadly, racial disparities for incarcerated 18 and 19-year-olds are much worse than for any other age group,” explains Vincent Schiraldi, Co-Director of the Justice Lab, former Commissioner of Probation in New York City and former Director of juvenile corrections in Washington, DC. “Shifting the age range of the justice system has the potential to ameliorate some of these disparities while helping young adults turn their lives around. The youths that need to be held accountable will be, yet they will be treated in a system with fewer barriers to work and education than the adult system, giving them a better shot at a brighter future.”

The Op-Ed mentions similar justice reform efforts in two other New England states:

1) Vermont recently passed a law to expand the state’s youthful offender statute to the 22nd birthday. This allows judges to choose whether a youth who committed a criminal offense before age 22 would be better served by the juvenile or adult corrections agencies. In addition, Vermont is conducting a study to explore the possible expansion of the juvenile system past age 18.

2) In 2015, Connecticut’s Governor Dannel Malloy introduced legislation to raise the age of juvenile jurisdiction to age 21. The Justice Lab’s Lael Chester and Vincent Schiraldi wrote a report for the state’s Juvenile Justice Policy and Oversight Committee that considered some of the legal, policy and budgetary implications of the proposal.

"Juvenile justice reform is not only good policy, but a moral imperative," Governor Malloy said. "The lock em' up and throw away the key policies of the past have failed our children, and our society at large. Raise the age measures are backed by science, and deserve the backing of policy leaders across the country."

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