

Viewing Justice Reinvestment Through a Developmental Lens:

New approaches to reducing young adult recidivism in Massachusetts

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Young adults ages 18 to 24 are the most likely demographic to find their way into Massachusetts prisons and the quickest to return to them upon release.¹ Part of the problem may lie in our approach. Compelling brain science shows that young adults are more impulsive and prone to making poor decisions until their mid-twenties.² The vast majority of youth will stop offending as they mature, but interaction with the criminal justice system in the interim can make desistance from crime more difficult.³

In Massachusetts, juvenile courts and the Department of Youth Services (DYS) are particularly sensitive to the negative consequences of early immersion in the criminal justice system—or what practitioners in the field call “justice involvement.” They are working to adopt developmentally appropriate responses to problematic behavior among adolescents. These evidence-based models hold teens accountable, while mitigating the likelihood that the system will lead youth further down the wrong path.

In contrast, approaches taken by the state’s adult courts and corrections agencies often fail to respond to

the unique needs of young adults. Efforts to reduce high rates of recidivism among this cohort must be grounded in fundamental developmental realities to be effective.

Above all, a new and better approach should recognize that many justice-involved young adults have been exposed to environments (disadvantaged neighborhoods, foster care, prior incarceration) or suffer from conditions (substance abuse disorder) that disrupt healthy development, potentially making them even more impulsive than is typical for their age.⁴ While this does not excuse criminal behavior, designing systems that expose young people to more normative developmental experiences can significantly increase the chances of successful rehabilitation and get more young adults on the path to a productive life as they reach full maturity.

Efforts to better respond to offenders in this age group should also be sensitive to the more difficult transition to adulthood that all youth must make in today’s economy. Finishing school, establishing a career, and starting a family takes longer today than it did a generation ago.⁵ This is particularly true in Massachusetts, where the cost of living is high and most jobs with

decent pay require advanced training. Justice-involved youth will need even more support to find rewarding work and enter into stable romantic partnerships, important milestones for future-oriented thinking and the formation of a positive adult identity.⁶

Over the past few years, researchers have carefully cataloged a variety of ways in which the courts and corrections agencies fail to recognize and address the developmental needs of young adults, reducing the likelihood that their costly involvement in the system will reorient these youth toward positive behaviors. Motivated by this research, experts in the field have twice assembled to develop guidance for

states looking for new models to better serve justice-involved young adults: a study group convened by the National Institute for Justice and a panel of nationally recognized leaders brought together by Harvard's Kennedy School of Government. The two groups issued similar sets of recommendations.⁷

Expanding on these recommendations, this policy brief builds the case for pursuing more effective systemic change in the ways Massachusetts tends to its justice-involved young adults. The pages that follow examine recent trends in young adult offending, explore existing programs and policies that may be influencing these trends, and present a series of recommendations to reduce recidivism among

young adults.

Massachusetts is well positioned to embrace these innovative practices. The Commonwealth is already a leader in adopting forward-thinking approaches to juvenile delinquency. With the nation's first pay-for-performance effort to move proven-risk youth out of crime, Massachusetts is also at the forefront of new models to better serve young adults with a history of violent behavior, and is responding to the opiate crisis with strategies that recognize addiction as a developmental disease. In other words, the state is already innovating interventions that benefit various segments of the justice-involved young adult population, but it can and must do more.

KEY FINDINGS

- Young adults ages 18 to 24 compose just 10 percent of the Massachusetts population, yet they account for 20 percent of commitments to state prisons and 23 percent of all commitments to county Houses of Correction.
- Between 2004 and 2013, the number of residents ages 18 to 24 committed annually to prisons in Massachusetts fell at half the pace of juvenile commitments to DYS facilities (-37 versus -72 percent).
- From 2004 to 2013, young adult commitments to Massachusetts prisons fell most sharply for Hispanics (-51 percent), followed by black youth (-34 percent), and then white youth (-29 percent).
- While racial disparities narrowed slightly over the past decade, relative to their white peers, black and Hispanic young adult incarceration rates are still 3.2 and 1.7 times higher, respectively.

UNDERSTANDING PATHWAYS TO YOUNG ADULT DESISTANCE

Data show that, in all countries, offending peaks in adolescence and declines in early adulthood. This pattern is known as the age-crime curve. Young adulthood is often described as the "criminological crossroads" where most delinquent youth reform but a small group (fewer than 10 percent among even the most serious offenders) continues to have run-ins with the law. Over the past decade, major public and philanthropic funding has been invested in research to improve our understanding of why some youth desist while others persist.⁸

This research shows that it is difficult if not impossible to predict future desistance from case histories, but the data do offer lessons about what may help and what may hinder. For example, young adults who enter "good marriages" are much more likely to reform. But these committed relationships take time to develop and strengthen. Simply cohabitating does not influence desistance, and may even have a harmful effect for some.⁹ Similarly, when young adults find meaningful, well-compensated employment, they offend less. Unfortunately, most young adults with a criminal history are relegated to low-wage work, which does not offer much protective value.¹⁰

Research looking at crime over the life course also shows that most persistent offenders have struggled with behavioral challenges since early childhood.¹¹ For those who offend for the first time as young adults, the issue may be directly related to the stress involved in the transition to independence. Typically, these youth are withdrawn and have few friends, which may actually protect them from delinquency as adolescents. However, without support and relationships outside of their families, they find it difficult to continue their education, find work, and develop intimate relationships, which can trigger a dangerous anti-social response.¹²

I. Justice-Involved Young Adults in Massachusetts

Disaggregating young adults from the available data powerfully demonstrates how this age group differs from the older adult population. During the historic crime wave of the early 1990s, the number of violent offenses committed by youth ages 18 to 24 doubled, while violent crime rates for older adults steadily declined.¹³ Young adult crime patterns over the past decade also look markedly different from the trends for both juveniles and older adults. The following summary of how these age groups compare with one another in Massachusetts provides a starting point for policymakers considering new approaches to ferrying justice-involved young adults toward more stable, productive pathways.

A. Young adults make up more than one-fifth of all new prison commitments in Massachusetts.

A sizeable and disproportionate share of state and county prison inmates are incarcerated during the critical years of transition to adulthood. Residents ages 18 to 24 compose just 10 percent of the population in Massachusetts, yet they represented 20 percent of all new commitments to state prisons and 23 percent of all new commitments to county Houses of Correction in 2013, the most recent year for which data are available. The young adult share of prison admissions in Massachusetts is comparable to other states.¹⁴

It is useful to contrast these figures with those that apply to the juvenile system, given the evidence suggesting that young adults are developmentally much closer to adolescents than to older adults. In 2013, nearly 3,500 young adults were sentenced to serve prison terms by Massachusetts courts; by comparison, the state’s juvenile courts committed approximately 600 youth to secure DYS facilities. The

arrest rate was about three times higher for young adults than for juveniles in Massachusetts, but the rate of imprisonment was more than five times higher. This disparity merits further investigation. Young adults offending in more serious patterns could explain the difference. Alternatively, the higher rate of imprisonment may be an indication that the adult system is not as focused on helping young adults avoid the harmful effects of incarceration.

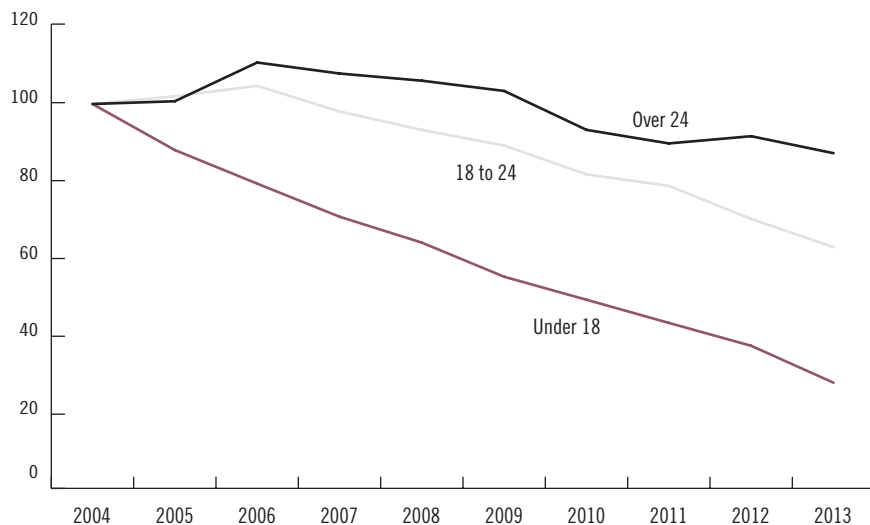
B. The number of young adults ages 18 to 24 sentenced to state and county facilities in Massachusetts is falling steadily and more rapidly than the number of commitments for older adults, but not nearly as fast as it is for juveniles.

Between 2004 and 2013, the number of residents ages 18 to 24 committed to state and county prisons fell by 37 percent; in contrast, the number of commitments for adults over age 24 declined by just 13 percent (Figure 1).

The decline in young adults sentenced to state and county facilities, however, was not nearly as steep as the 72 percent drop in the juvenile population serving time in secure DYS facilities over the past decade. It is also notable that the juvenile prison population fell steadily at an average annual rate of -10 percent over the decade. The young adult population did not begin to fall until 2006 and the decline accelerated after 2009.

Some of this divergence is likely related to arrests falling at different rates. While data limitations make it difficult to follow changes in the number of arrests over this period, it is possible to track the share of each age group in

Figure 1:
Change in annual commitments to state, county, and juvenile correctional facilities in Massachusetts by age (2008=100)



Sources: Data provided by the Massachusetts Sentencing Commission upon request

the available arrest data. As a share of all arrests recorded in Massachusetts, juveniles dropped from 15 percent in 2003 to 8 percent in 2012. In contrast, the young adult population as a share of arrests in Massachusetts declined just slightly over this period, moving from 30 percent down to 28 percent.

C. As the number of young adults committed to correctional facilities has fallen, racial disparities have narrowed slightly.

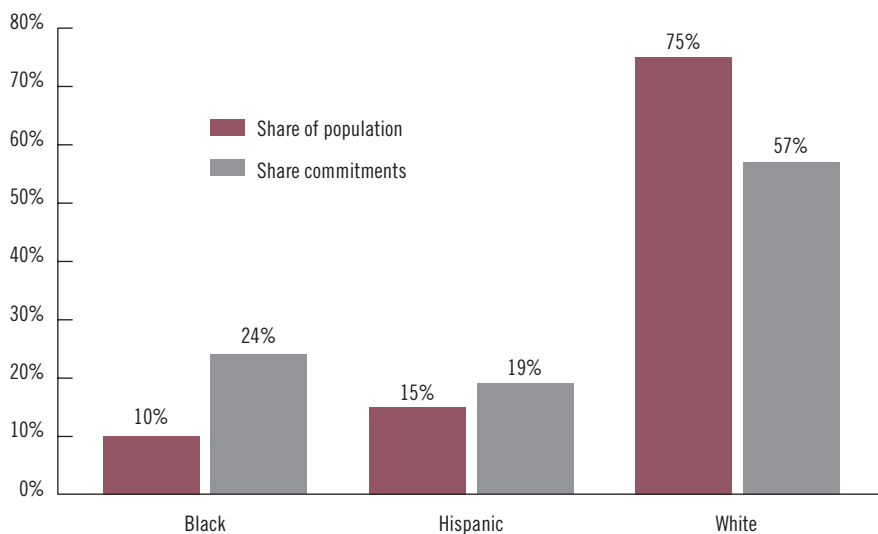
Between 2004 and 2013, young adult commitments fell most sharply for Hispanics (-51 percent), followed by black youth (-34 percent), and white youth (-29 percent). Falling commitments to county Houses of Correction accounted for nearly all (97 percent) of the reduction for black and Latino offenders.

While the narrowing of racial and ethnic disparities is a positive trend, a very large gap remains. The annual rate of imprisonment for young adult offenders is 408 per 100,000 white residents; for Latinos, the rate is 1.7 times higher, at 682 per 100,000, and for African-Americans it is 3.2 times higher, at 1,308 per 100,000. African-Americans make up 24 percent of young adult commitments, but just 10 percent of young adults ages 18 to 24 in Massachusetts (Figure 2). Black and Hispanic young adults continue to compose an especially disproportionate share of commitments to state prisons (63 percent of state Department of Correction commitments versus 43 percent of county House of Correction commitments in 2013).

The modest closing of racial and ethnic disparities among young adults stands in notable contrast to the juve-

Figure 2:

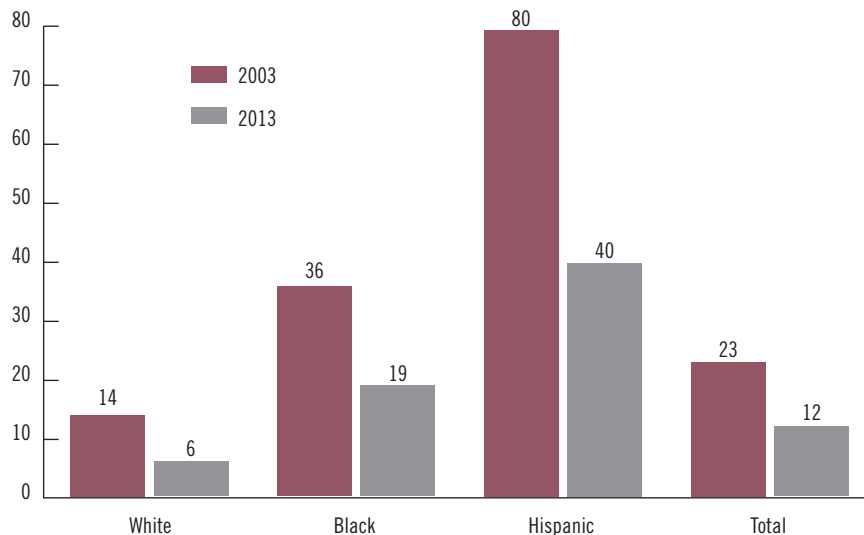
Share of Massachusetts population age 18 to 24 versus share of state and county commitments by race and ethnicity, 2013



Sources: State Sentencing Commission and American Community Survey, 2013 3-year sample

Figure 3:

Massachusetts births per 1,000 women age 15 to 19 by race and ethnicity



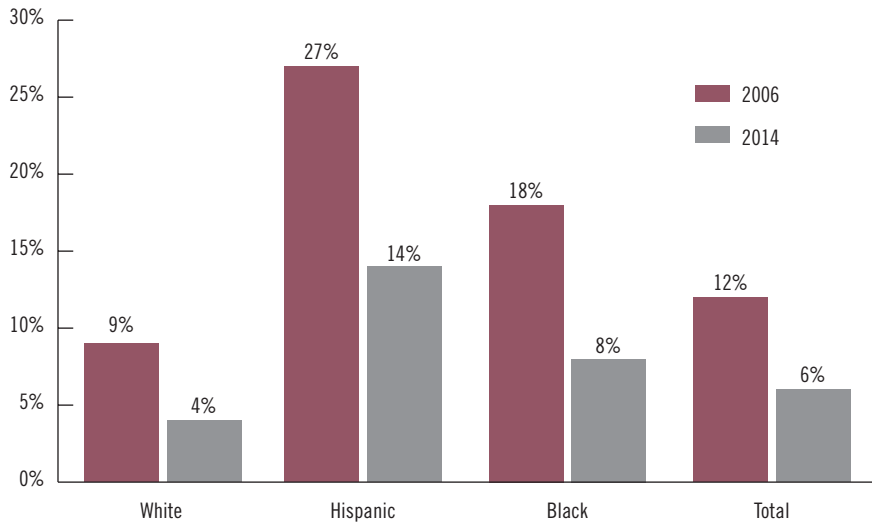
Sources: MA Department of Public Health

nile system, where the racial disparities are much larger and have grown significantly along with the steep decline of the DYS committed population as a whole.

Today, white youth ages 10 to 17 are

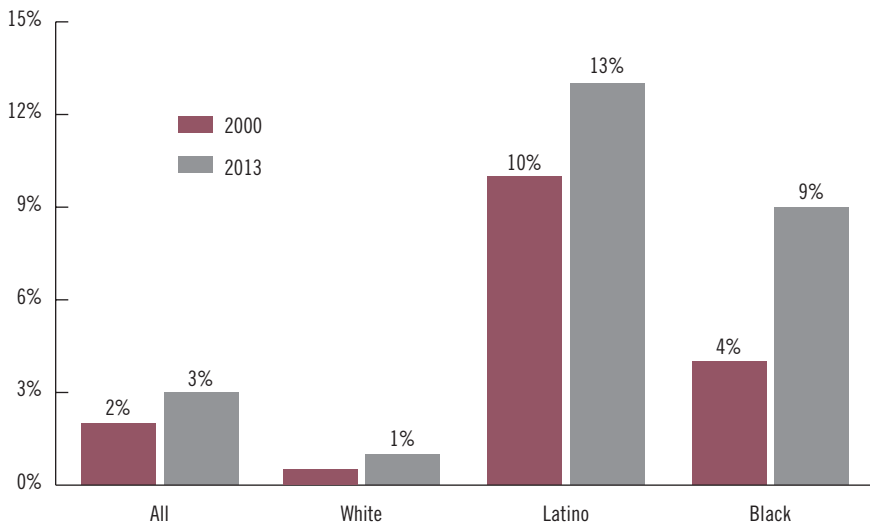
committed to DYS at a rate of 29 per 100,000. The corresponding figure for black youth is more than 13 times higher at 393 per 100,000. These disparities have widened over time. In 2002, DYS releases were 50 percent white, 29 per-

Figure 4:
Four-year dropout rate by race and ethnicity



Sources: MA Department of Elementary and Secondary Education

Figure 5:
Percent of children living in high-poverty neighborhoods (Poverty rates over 40%)



Sources: Census 2000 and 2009-2013 ACS PUMS

cent Hispanic, and 28 percent black. In contrast, DYS’s committed population is currently 22 percent white, 41 percent Hispanic, and 37 percent black.¹⁵

D. Leading indicators predict the number of justice-involved young adults will continue to decline.

The most notable trend in leading indicators is the remarkable decline in teen parenting over the past two

decades. Controlling for poverty and a host of other factors, children born to teen mothers are twice as likely to receive criminal convictions in their lifetimes.¹⁶ Between 1990 and 2013, the number of children born to teen parents fell by nearly 60 percent in Massachusetts. Roughly half of this drop occurred in the 1990s and it is probable that a significant portion of the recent decline in juvenile crime is attributable to this trend.

During the past decade, teen birthrates continued to fall rapidly, with particularly large declines among black and Hispanic youth (Figure 3). Young adult crime reduction benefits associated with this drop have yet to be documented. As this generation enters young adulthood, its justice involvement will likely decline further, especially for the black and Latino cohorts, among whom significantly fewer youth will have been reared by teen mothers.

A second significant and powerful trend has been the reduction in school dropout rates over the past decade. Disengaging from school in adolescence is a strong predictor of justice-system involvement for young adults.¹⁷ Dropout rates have fallen sharply in Massachusetts, particularly among nonwhite youth (Figure 4). Between 2006 and 2014, the four-year dropout rate for Hispanic youth in Massachusetts fell from 27 percent to 14 percent and the dropout rate for African-American high school students was more than halved, moving from 18 percent down to 8 percent.

While these two trends may give rise to optimism, it is possible that countervailing forces could cancel out the crime reduction benefits we have seen

in recent years. The most notable problem is increased economic deprivation. Census data show that the number of children living in neighborhoods with concentrated poverty, which is strongly associated with young adult justice involvement, rose significantly (Figure 5).¹⁸ In Massachusetts, increased exposure to concentrated poverty occurred almost exclusively among black and Latino children. However, because violence and victimization have fallen in high-poverty neighborhoods, it is possible that growing up in these conditions will not have as great a criminogenic effect for this generation.¹⁹ Though the risk factor may not be as high, the sheer magnitude of the additional 36,000 children living in concentrated poverty in Massachusetts since 2000 is significantly larger in absolute terms than the 2,500 fewer teen births annually since 2000 or the 4,600 fewer dropouts annually since 2006.

II. POLICY AND PRACTICE DRIVING YOUNG ADULT TRENDS

The dramatic drop in the number of juveniles and young adults sentenced to serve time in secure facilities in Massachusetts merits further consideration. While a variety of forces underlie these changing patterns of incarceration and more rigorous analysis is required to gauge the contribution of each, as described below, several noteworthy changes to policy and practice in Massachusetts may be behind falling incarceration for teens and young adults.

Progressive juvenile justice policies

Massachusetts has a long history of juvenile justice leadership. The Com-

monwealth 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.

While this orientation shifted in response to the 1990s crime wave, over the past decade DYS has moved aggressively to prioritize programming that has been demonstrated to more effectively promote rehabilitation. 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. Recognizing that the youth in its care frequently have been served by other child and family services agencies, DYS has also sought to develop relation-

ships with partners to improve outcomes for vulnerable youth.

The Juvenile Detention Alternatives Initiative (JDAI) is one example. Massachusetts was one of the early states involved in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI). Since the early 2000s, JDAI has sought to reduce the use of detention with diversion programs and a range of services to better meet the needs of justice-involved youth. Working with the court and district attorneys, DYS has employed JDAI practices to reduce the number of youth awaiting trial in detention by more than 60 percent between 2004 and 2013.

DYS has worked especially hard to keep youth out of prison-like environments. Youth sentenced to the department's care are placed in small therapeutic communities. The agency has

THE PROBATION DEPARTMENT'S EMBRACE OF EVIDENCE-BASED APPROACHES

The Massachusetts Probation Department supervises nearly 13,000 individuals ages 18 to 24. Approximately one-third of this caseload is classified as "risk/need" according to ORAS, a fourth generation validated risk-assessment tool. Probation officers use ORAS to help craft age-appropriate case plans. As opposed to more traditional models of supervision focused on compliance, ORAS enables probation officers to focus on behavior change.

To assist staff in making the transition to evidence-based approaches, significant investments have been made in professional development. Probation officers have been trained in evidence-based supervision, motivational interviewing, and how to create a therapeutic alliance. Officers have also received extensive training to identify trauma and understand how it influences a young adult's decision-making abilities. To help clients find jobs, a number of probation officers have participated in workforce development training. The Probation Department now works to tailor intervention to the individual, providing the right dosage, addressing the right risk factors, and adjusting service delivery to meet the client's learning style.

The department's practice and policy can have a profound influence on outcomes because probation officers play such a central role working with police, district attorneys, the courts, and corrections agencies in both the juvenile and adult justice systems.

also developed a model re-entry program that provides aftercare support and supervision for youth returning to the community.

The embrace of positive youth development led by DYS has spread beyond the agency. The most notable recent efforts have been made at the Probation Department led by Ed Dolan, a former DYS commissioner (see text box). Youth development science is influencing the administration of justice in Massachusetts in more subtle ways as well. For instance, the state’s Committee for Public Counsel Services launched a Youth Advocacy Division in 2009. More than 400 attorneys who represent juveniles as public defenders are now trained and certified to follow a positive youth development approach.

The dramatic reductions in juvenile

US in falling juvenile crime over the past 10 years.

Efforts to serve proven-risk youth

Nonprofit organizations in Massachusetts such as Roca and the United Teen Equality Center have become increasingly adept at serving older teens and young adults with a history of involvement in gangs or other violent activity. Over the past decade, these groups have generated data that have been used to track their charges’ outcomes, analyze their performance, and improve their services.

Drawing on these models, the Executive Office of Health and Human Services developed the Safe and Successful Youth Initiative in 2011 (SSYI). Eleven cities across the state now have active SSYSI programs that

WHAT IS POSITIVE YOUTH DEVELOPMENT?

Positive youth development is a theory and practice backed by a growing body of research that arose in response to traditional criminal justice approaches to adolescents and young adults. Recognizing that young people possess tremendous capacity for change, positive youth development focuses on nurturing individual strengths with programs designed to foster healthy development. In contrast to traditional models, it seeks to avoid interventions that lead to negative self-identity and social patterns that can result in criminal behavior. Positive youth development programs help youth build supportive relationships with adults and peers, new skills that are valued in the community, and hope for the future.²⁵

The embrace of positive youth development led by DYS has spread beyond the agency.

detention and DYS commitments could be driven by falling arrest rates alone. But research demonstrates that confining juveniles increases the likelihood that they will reoffend in adolescence and early adulthood.²⁰ In this sense, the practices adopted by DYS over the past decade have likely played a direct role in reducing arrests and incarcerations. While comparing arrest rates across states and over time requires caution in view of changing demographics and uneven reporting, the available data do show that Massachusetts outpaced the

provide street worker outreach, counseling, educational services, and transitional employment to youth ages 18 to 24 who have committed crimes with a gun or a knife, been victimized by violent crime and are likely to retaliate, or are known to police as associated with a gang. A recent evaluation found that youth served by the SSYI program were 42 percent less likely to be incarcerated than similar youth not actively receiving these services.²¹

While programs like these are often seen as too small to influence state-

level trends, given the concentration of crime and the outsized impact that relatively few individuals can have, it is possible that these initiatives could be providing a very significant contribution to the recent drop in crime among teens and young adults. SYII identified a total 2,200 proven-risk youth in the 11 cities where the program exists and provided services to 38 percent of these youth.²² Roca has been serving more than 400 youth annually, which suggests the state is potentially reaching half the target population of proven-risk youth living in the state’s urban areas.²³

Changes to sentencing statutes

Faster declines in crime rates among young adults relative to older offenders could also relate to recent changes in

drug statutes (the age-crime curve peaks for both drug abuse and drug dealing between ages 18 and 24).²⁴ Massachusetts decriminalized possession of hypodermic needles in 2006 and marijuana in 2008. In 2012, Massachusetts passed legislation limiting the size of schools zones, where drug offenses carry additional sentencing penalties. These reforms appear to have had an impact on the number of drug convictions and incarcerations. The annual commitment trend shows that young adults experienced steeper drops in each of the years following these reforms. However, the larger declines timed with these sentencing changes explain only about one-third of reduced commitments among young adults relative to offenders over age 24.

III. A MASSACHUSETTS STRATEGY TO REDUCE YOUNG ADULT RECIDIVISM

New models to serve justice-involved young adults have enormous potential to reduce recidivism in Massachusetts. Improving outcomes for this cohort is central to increasing public safety in high-crime neighborhoods, where youth ages 18 to 24 are generally responsible for the most destructive violence. With many justice-involved young adults bearing children, better serving this age cohort figures prominently in strategies to stop the intergenerational transmission of crime through families.²⁶ New systemic approaches to these youth will also produce more justice, as these offenders are so frequently the victims of the environment in which they have been raised.

Massachusetts law already acknowledges that youth in this age group are

not fully adults. The drinking age is 21, those transitioning out of foster care receive support until age 22, and children can remain on a parent's health plan until age 26, and the justice system should no longer be an exception to the rule. To provide leaders with ideas to stimulate debate about how Massachusetts could increase public safety with a developmental approach to young adult offenders, we offer five specific strategies:

1. Build capacity to offer young adults diversion alternatives.

Diversion removes low-risk youth from further processing in the justice system, holding them accountable for their actions with alternatives such as community service, while ensuring that they receive treatment or other forms of support that will contribute to healthy development. A large body of research exists on the effectiveness of diversion programs for juveniles. These studies show that diversion models are less costly and more effective in reducing recidivism than traditional processing in the justice system.²⁷

Communities must have capacity to administer diversion in lieu of arrest when appropriate. Police-led diversion allows law enforcement to problem-solve together with a range of partners. While this model has been developed in the juvenile justice system, more can be done to adapt programs like Roca and SSYI to serve young adults. Expanding this approach will also require clarifying the legal landscape framing police-led diversion. Many officers are unclear about when they can exercise discretion in making an arrest and the liabilities they may incur

when they pursue other avenues.

Most district attorneys in Massachusetts have offered pre-arraignment diversion options to juvenile offenders for many years. These programs are generally limited to first-time nonviolent offenders under age 18, although a few district attorneys have extended eligibility to youth up to age 21. With the actuarial pre-trial risk assessment tools that the Probation Department is working to implement, district attorneys will have information that can help them expand the use of these diversion programs to serve a larger segment of the justice-involved young adult population.²⁸ For those that fall higher along the risk/need continuum, prosecutors could also make greater use of pretrial probation to divert young adults into the care of probation officers trained to administer developmentally appropriate behavior change interventions.

Expanding capacity to divert young adults at both the point of arrest and pre-arraignment could significantly reduce racial and ethnic disparities in the system, as research shows that people of color are overrepresented at the point of arrest.²⁹ Collecting and reporting data on diversion from police and prosecutors will be critical to understanding whether policies to expand the use of diversion are having the intended impact and the extent to which these policies are reducing racial and ethnic disparities.

2. Pilot a young adult court.

In 2013, Massachusetts raised the juvenile court's jurisdiction from age 17 to 18, bringing the Commonwealth in line with the majority of states and the federal government. But the consensus among

researchers is that young adults up to age 24 are actually more like juveniles than adults. Evidence shows that youth served by juvenile courts rather than by adult courts recidivate at lower rates.³⁰ This finding suggests that serving young adults in courts with greater flexibility could reduce crime, incarceration, and costs for taxpayers. Both the Harvard panel and the National Institute for Justice study group recommended adopting the practice of many European countries and raising the minimum age for referral to adult court up to age 24 (see text

tion and healthy development. While creating such a model would require a high level of collaboration between prosecutors, the courts, and community partners, experimenting with this approach would provide valuable data to guide future policy decisions.

3. Introduce “immaturity discounts” to sentencing guidelines and statutes.

Evidence clearly shows that young adults lack full maturity and self-control. The state’s sentencing guidelines and statutes do not currently reflect this distinction. Both the National

reach a life stage when they will no longer present significant risk merits additional consideration in sentencing statutes.

4. Change the criminal record system to give young adults a second chance.

Massachusetts law allows adult offenders to seal their records five years after found guilty of a misdemeanor and 10 years after they have been found guilty and/or completed prison sentences for criminal offenses. Such long waiting periods for young adults make it more difficult to resume the education and training they need to reach their full potential. Their long duration also exceeds the period after which evidence suggests an ex-offenders’ statistical probability of committing another crime is no different from their peers.³¹

Pending legislation (H. 1433/S. 900) in Massachusetts calls for expunging (permanently deleting) criminal records for young offenders under age 21 who have successfully completed their sentences. These bills would automatically expunge misdemeanors. Those with criminal convictions would be eligible for a hearing to petition a judge to expunge their records. When records have been expunged, applicants for

Communities must have capacity to administer diversion in lieu of arrest when appropriate.

box on page 10). Connecticut could be the first state to move in this direction. Governor Dannel Malloy recently announced plans to file legislation to expand the jurisdiction of Connecticut’s juvenile courts to serve those under age 21 and to find new, more effective ways to intervene with offenders under age 25.

In Massachusetts, drug courts are beginning to take a more developmental approach to young adults. This change is driven by the opiate crisis, which has brought those struggling with serious addiction before the court at a younger age than had been typical in the past. For a young adult court to effectively serve a broader cohort of offenders, it would need to have the flexibility and resources to deliver interventions focused on rehabilita-

Institute for Justice study group and the Harvard panel recommended providing flexibility to reduce sentences for young adults. Particularly for some of the state’s longer mandatory minimum sentences, the developmental maturity of youth and their prospects for contributing to society when they

THE SAFETY NET COLLABORATIVE POLICE-LED DIVERSION MODEL

In 2008, the Cambridge Police Department dramatically changed its approach to juvenile offenders. Rather than divert juveniles or arrest them for referral to the court, the department worked with community partners to take a positive youth development approach. Together with the Cambridge Health Alliance, the Cambridge Public Schools, and the Cambridge Department of Human Services, officers seek to attach youth and families to coordinated services. Officers are trained in positive youth development and have access to clinicians, both within the department and through community providers. The department maintains data to track individual outcomes. The Safety Net Collaborative is credited with helping to cut juvenile arrest rates in Cambridge by more than half since the inception of the program.³²

employment may answer “no record” to any inquiry regarding prior arrests or convictions, and expunged records would not disqualify ex-offenders from civil service in the Commonwealth.

While this legislation would be a significant step forward in positioning young adults to succeed while reducing the likelihood that they will recidivate, the age 20 threshold is low, particularly for those who have endured traumas resulting in developmental delay. The reach of this legislation would be improved if it allowed young adults up to age 25 who have successfully completed their sentences and case management plans to have their records sealed more quickly.

5. Develop a strategy to build on the state’s success with proven-risk youth.

Roca’s pay-for-performance project and SSYI have shown enormous promise, but these models are relatively young and will need continued focus and investment in order to scale and sustain results. The independent SSYI evaluation pointed to the need to improve oversight and delivery of services. As more youth progress through programs like Roca and SSYI, Massachusetts is gaining a cadre of leaders with the background and experience to connect with more youth. Capturing this talent to further reduce youth violence offers a particularly compelling opportunity that policymakers should pursue in the near term.

LEARNING FROM EUROPEAN MODELS

For over a decade, international bodies including the UN have advised that scientific evidence supports the adoption of special provisions for justice-involved young adults up to age 25. European countries have heeded this advice, adopting vastly different approaches to justice when the offender is a young adult. With crime and incarceration rates in these countries lower than in Massachusetts by several orders of magnitude, these models deserve careful consideration.

Germany has decades of experience serving young adults differently. Since 1953, German youth up to age 21 have remained in the juvenile court. In 2010, the Netherlands extended the juvenile court’s jurisdiction up to age 23, the furthest reach in Europe. Young adults sentenced to prison terms in many European countries serve their time in special youth prisons with a much wider array of educational and vocational training, and a greater number of psychologists, social workers, and teachers. Many European courts also recognize immaturity in young adulthood as a mitigating factor in sentencing. Minimum sentences are reduced by half or more for those who commit offenses before age 21.³³

In calling for change in Connecticut, Governor Malloy has pointed to takeaways from a recent European trip to learn about better models for serving justice-involved young adults.³⁴ A similar visit to Europe could help Massachusetts policymakers working on recidivism reduction strategies get an up-close look at these best practices.

NOTES

- * Sarah Yee is completing a Master of Science in Urban and Regional Policy at Northeastern University. Her focus is juvenile justice and youth violence prevention.
- 1 In a 2002 study recidivism, 50 percent of those ages 18 to 24 were re-incarcerated within three years versus 38 percent of those age 25 and over at release. See Hollie Matthews and Christopher Calia. "Recidivism of 2002 Released Department of Correction Inmates" (Concord, MA: Massachusetts Department of Correction, 2009). In FY 2013, the Massachusetts rate of commitment to state and county prisons for residents ages 18 to 25 was 540 per 100,000, more than double the commitment rate for residents over age 25 (251 per 100,000).
 - 2 Claire Bryan-Hancock and Sharon Casey. "Psychological Maturity of At-Risk Juveniles, Young Adults and Adults: Implications for the Justice System." *Psychiatry, Psychology, and Law* 17.1 (2010).
 - 3 David Kirk and Robert Sampson. "Juvenile Arrest and Collateral Educational Damage in the Transition to Adulthood." *Sociology of Education* 86.1 (2013); Shamena Anwar and Thomas Loughran. "Testing a Bayesian Learning Theory of Deterrence among Serious Juvenile Offenders." *Criminology* 49.3 (2011); Jon Gunar Bernburg and others. "Official Labeling, Criminal Embeddedness, and Subsequent Delinquency: A Longitudinal Test of Labeling Theory." *Journal of Research in Crime and Delinquency* 43.1 (2006). Thomas Loughran. "Estimating a Dose Response Relationship between Length of Stay and Future Recidivism in Serious Juvenile Offenders." *Criminology* 47.3 (2009). Franklin Zimring and Stephen Rushin. "Did Changes in Juvenile Sanctions Reduce Juvenile Crime Rates? A Natural Experiment." *Ohio State Journal of Criminal Law* 11.1 (2013).
 - 4 Anthony Fabio and others. "Neighborhood Socioeconomic Disadvantage and the Shape of the Age-Crime Curve." *American Journal of Public Health* 101.S1 (2011); Julia Dmitrieva and others. "Arrested Development: The Effects of Incarceration on the Development of Psychosocial Maturity." *Development and Psychopathology* 24.3 (2012); Gretchen Cusick and others. "Crime during the Transition to Adulthood: How Youth Fare as They Leave Out-of-Home Care." (Chicago, IL: Chapin Hall, 2011).
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 - 6 Research shows that "good marriages" have a particularly strong effect on criminal behavior and substance abuse. But these relationships take time to develop and strengthen. Simply cohabitating does not influence desistance, and may even have a harmful effect for some. See Sonja Siennick and others. "Partnership Transitions and Antisocial Behavior in Young Adulthood." *Journal of Research in Crime and Delinquency* 51.6 (2014). Similarly, when young adults find more meaningful employment, they offend less; low-wage work does not have much protective value. See Sarah Lageson and Christopher Uggen. "How Work Affects Crime—and Crime Affects Work—Over the Life Course." *Handbook of Life-course Criminology* (New York, NY: Springer, 2013).
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ABOUT MASSINC

MassINC is an independent think tank. We use nonpartisan research, civic journalism, and public forums to stimulate debate and shape public policy. Our mission is to promote a public agenda for the middle class and to help all citizens achieve the American Dream.

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Established in 2013, the Massachusetts Criminal Justice Reform Coalition is a diverse group of prosecutors and corrections practitioners, defense lawyers, community organizers, and businessmen and women who find common ground in the need for corrections reform in Massachusetts. The coalition sponsors research, convenes civic leaders, and promotes public dialogue to move the Commonwealth toward data-driven criminal justice policymaking and practice.

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This paper is one in a series of policy briefs examining Justice Reinvestment in Massachusetts. Each paper explores critical issues in our criminal justice system and opportunities to improve public safety through evidence-based change in policy and practice.

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