

Why the college years matter, even if you're not in college
Lee Pelton

Welcoming new students to campus makes my heart sing. The vast majority are under age 21. All are intelligent and determined to use their gifts and add value to human society. In a few years, they will leave Emerson and go elsewhere, still delightfully bright and idealistic, but decidedly more mature and responsible. Time, plus support and guidance that they've enjoyed from family, faculty, staff and others, transforms them.

Several studies now recognize the critical changes that occur during what's termed emerging adulthood, ages 18 to 25. This knowledge certainly informs how we in higher education serve this age group. It should also inform how the legal system treats emerging adults, especially vulnerable youth and youth of color. I salute the leadership of people like Suffolk District Attorney Rachael Rollins, Sheriff Steven Tompkins and Senate President Karen Spilka who support the Raise the Age bill, filed by Senator Joe Boncore and Representative Jim O'Day, that would gradually extend the juvenile court jurisdiction up to the 21st birthday. Nothing in the bill reduces the judges' discretion to sentence anyone age 14 or older to adult prison where appropriate. The bill's passage deadline is being extended to November 12, which gives our legislature an opportunity to include older adolescents in the state's most effective justice system, the Juvenile Court.

The juvenile justice system's primary objective is rehabilitation, while the adult system's is not. These conflicting intentions play out in critical ways. For example, a youth in the juvenile justice system is mandated to attend school. In the adult criminal justice system, that same youth would not be required to attend and, sadly, even if motivated to do so, would have difficulty accessing the education opportunities and services that so many incarcerated people need.

I have no problem with holding youth accountable for bad behavior, but the goal should always be to encourage better choices in the future—a goal that our adult criminal justice system too often fails to achieve. Emerging adults are rearrested at higher rates than any other age group. We know that most emerging adults will desist from crime as they mature. Our current strategy of automatically and indiscriminately prosecuting teenagers as adults increases the likelihood of future offenses rather than promoting their healthy development into law-abiding members of our communities.

Daily life for emerging adults in adult corrections is especially harmful because this is such an important developmental time. Many changes happen during the college years, both socially and in terms of brain development. At this malleable stage, young people respond strongly to their environments and their peers. Sadly, adult prisons offer little more than hours of lock down and social isolation. Where and how young people spend these years matters to who they will become as adults.

The criminal legal system is rife with racial and ethnic inequity. Among system-involved individuals in Massachusetts, the worst over-representation of people of color happens in the emerging adult cohort. This is a significant failure that does violence to emerging adults and human society. At a time when our Commonwealth and our country seem determined to root out systemic racism and disparities, the legislature must seize this opportunity to address real harm and to make a statement about how we view young people of color.

While Emerson and other institutions work hard to make the education we offer available to a wide array of students, including incarcerated students in the Emerson Prison Initiative, the fact remains: A white student is more likely to go to college in this country than a Black or Latinx one. With college comes the gift of time, to develop skills and judgment, to get further along in the everlasting work of all human beings: to grow up. Many of our students have faced adversity beyond their years and balance family and work responsibilities with academics. But they happily get significant support from families and staff. When they make errors in judgment, the campus discipline process encourages them to take responsibility for their actions without thoughtlessly endangering their futures. We continue to see them –certainly not as children–but as young people still in the process of becoming who they were meant to be.

Studies show that people in the US judge Black children as being older than they actually are, a perception that robs them of the protection that comes with youth. An 18-year-old college student who is indulging in some noisy, underage drinking on a college campus will likely “pay” for that behavior in classes where they will learn about the dangers of alcohol abuse. A Black or Latinx youth doing the same in a public park will likely be arrested and branded with an adult record that will never go away and will severely constrain their life choices.

People in Massachusetts with hearts to feel and eyes to see know this is wrong and yearn for a society where all young people are treated the same. If passed, this legislation will provide us with an long overdue opportunity to break an important link in the cradle-to-prison, mass incarceration chain that disproportionately impacts Black and Brown young people. Our legislature should take a decisive step in that direction by raising the age of juvenile court jurisdiction.