We are a coalition of Vermont and national civil rights and criminal justice reform organizations who strongly support Vermont's Raise the Age law, which will allow people up to the age of 20 to be treated as juveniles in family court with exceptions for some violent offenses. We also strongly support the effort to raise the minimum age of juvenile court jurisdiction from 10 to 12.

On April 1st, after years of delay, Raise the Age will expand family court jurisdiction to include 19-year-olds up to their 20th birthday. Now, Governor Phil Scott, who signed this law in 2018, is calling for its repeal, blaming a recent increase in general crime in part on Raise the Age and its supposed lack of accountability measures. This is dangerous fear-mongering that evokes the bogus "superpredator" panic of the nineties. A repeal would reverse progress toward a safer Vermont.

As Vermonters, we care deeply about the safety and well-being of our communities. Let's go through the facts. As Columbia University's Justice Lab reported, the number of juvenile delinquency cases declined during the first phase of Raise the Age in Vermont. This occurred even after 18-year-olds were incorporated into family court.[1] Put simply, Raise the Age is making Vermont safer.

The Department for Children and Families estimates about 150 misdemeanor and less serious felony cases involving 19-year-olds would be transferred to family court in April.[2] As the 2019 Implementation Plan Report indicates, many of these cases are expected to be diverted from the system or dismissed.[3] DCF has had more than five years to prepare for this transition. We cannot delay any longer. DCF has been instrumental in making Raise the Age an incredible success thus far, and the Legislature should fulfill its funding requests to invest in additional family services workers for juveniles and expand the restorative justice and non-residential treatment programs.[4]

Drawing on neuroscientific and psychological research examining the behavior and development of young people, the United States Supreme Court abolished the juvenile death penalty and mandatory life without parole sentences. The Court found that children are different from adults due to their lack of maturity, vulnerability to poor influences, and unfixed character and personality, and thus they are less culpable and should be protected from extreme sentences.[5] The same logic extends to young, emerging adults whose brains are still developing into their mid-twenties.[6]

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[1] Lael E. H Chester and Maria León, "Update on the Implementation of Vermont's 'Raise the Age' Law: Decline in Delinquency Caseloads After 18-Year-Olds Added To the Juvenile Justice System; Incorporation of 19-Year-Olds Next," *Columbia Justice Lab*, February 2024; Liam Elder-Connors, 'Raise the Age' Didn't Overwhelm Juvenile Court, But DCF Says Lawmakers Need to Pause its Expansion," *Vermont Public Radio*, February 16, 2024.

[2] Aryka Radke, Tyler Allen, and Lindy Boudreau, *Raise the Age (RTA) Progress Report," Report to the Vermont Legislature* (Vermont Department for Children and Families, January 31, 2025).

[3] Karen Vastine, Lael Chester, Maya Sussman, Naoka Carey, and Vincent Schiraldi, *Report on Act 201 Implementation Plan Report & Recommendations: Report to The Vermont Legislature* (Vermont Department for Children and Families, November 1, 2019).

[4] Aryka Radke and Tyler Allen, *DCF Raise the Age, High End System of Care Status Update in Accordance with Act 23, Section 14: Report to the Vermont Legislature* (Vermont Department for Children and Families, December 1, 2023).

[5] Roper v. Simmons, 543 U.S. 551 (2005); Graham v. Florida, 560 U.S. 48 (2010); Miller v. Alabama, 567 U.S. 460 (2012), Montgomery v. Louisiana, 577 U.S. 190 (2016); Jones v. Mississippi, 593 U.S. ___ (2021).

[6] Lael Chester and Vincent Schiraldi, *Public Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under Age 21* (Harvard Kennedy School, December 28, 2016); Selen Siringil Perker and Lael Chester, *Emerging Adults: A Distinct Population that Calls for an Age-Appropriate Approach by the Justice System* (Harvard Kennedy School, June 2017); Vincent Schiraldi, Lael Chester, and Ruth T. Shefner, "Emerging Adult Justice: America's Recent Attempts to Apply Research to Policies and Practices," *ABA, Criminal Justice Magazine*, Winter 2024; Ashley Nellis and Niki Monazzam, *Left to Die in Prison: Emerging Adults 25 and Younger Sentenced to Life without Parole* (Washington, D.C.: Sentencing Project, June 7, 2023).

This age demographic has some of the highest arrest, incarceration, and recidivism rates. Despite accounting for ten percent of the overall population, people ages 18 to 24 made up a third of arrests and a fifth of entries into adult prisons in the United States.[7] Moreover, research found that more than two-thirds of people in state prisons had their first arrest before the age of 19.[8]

Prosecuting juveniles in adult court with limited developmentally appropriate and rehabilitative programs and resources is ineffective at deterring crime.[9] According to a 2015 study, the three-year recidivism rate for children tried in family court in Vermont was 25 percent, nearly half of the rate of those tried as adults.[10] What's more, since 1953, Germany, for example, has been treating people under 21 who have committed non-violent and violent offenses as juveniles with significantly lower recidivism rates than the U.S.[11] We should follow the science and rehabilitate children and young adults in the juvenile system so they desist from committing future crimes and become responsible adults. Investments in juvenile justice pays dividends in the long term: fewer arrests and fewer people in our adult jails and prisons. Raise the Age is both fiscally responsible and anti-crime.

Vermont was the first state in the nation to abolish slavery. It was the first state to legalize same-sex civil unions. And it was the first state to Raise the Age of juvenile court jurisdiction to include young adults. As Vermont goes, so goes the nation. We can show the United States that we can be smart on crime by treating youth like youth. We can rehabilitate, not criminalize, and stop the cycle of crime and incarceration.

Not another pause. Not another delay. It is time for Vermont to strengthen public safety by fully implementing Raise the Age.

Sincerely,

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[7] Selen Siringil Perker and Lael Chester, *Emerging Adults: A Distinct Population that Calls for an Age-Appropriate Approach by the Justice System* (Harvard Kennedy School, June 2017).

[8] Leah Wang, Wendy Sawyer, Tiana Herring, and Emily Widra, "Beyond the Count: A Deep Dive into State Prison Populations," *Prison Policy Initiative*, April 2022, https://www.prisonpolicy.org/reports/beyondthecount.html.

[9] Donna M. Bishop, Charles E. Frazier, Lonn Lanza-Kaduce, and Lawrence Winner, "The Transfer of Juveniles to Criminal Court: Does it Make a Difference?," *Crime and Delinquency* 42, no. 2 (April 1996): 171-191; Mary Rasmussen Podkopacz, and Barry C. Feld, "The End of the Line: An Empirical Study of Judicial Waiver," *The Journal of Criminal Law and Criminology* 86, no. 2 (1996): 449-492; Lonn Lanza-Kaduce, Jodi Lane, Donna M. Bishop, and Charles E. Frazier, "Juvenile Offenders and Adult Felony Recidivism: The Impact of Transfer," *Journal of Crime and Justice* 28, no. 1 (January 2005): 59–77; Kareem L. Jordan, "Juvenile Transfer and Recidivism: A Propensity Score Matching Approach," *Journal of Crime and Justice* 35, no. 1 (2012): 53–67.

[10] Robin Weber, Max Schlueter, and Marcia Bellas, *Juvenile Recidivism Study: 2008-2011* (Vermont Agency of Human Services: Department of Children and Families, March 30, 2015).

[11] Sibella Matthews, Vincent Schiraldi, and Lael Chester, "Youth Justice in Europe: Experience of Germany, the Netherlands, and Croatia in Providing Developmentally Appropriate Responses to Emerging Adults in the Criminal Justice System," *Justice Evaluation Journal* 1, no. 1 (2018): 59-81.

ACLU Vermont
AFT Vermont, an affiliate of the American Federation of Teachers
Spectrum Youth and Family Services
Outright Vermont
Vermont Interfaith Action
Vermonters for Criminal Justice Reform
Voices for Vermont's Children
Vermont Student Anti-Racism Network

Robert F. Kennedy Human Rights
Sentencing Project
Juvenile Law Center
Children's Defense Fund
Children's Defense Fund-New York

Liz Ryan, former Administrator of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice, Biden Administration
Shay Bilchik, former Administrator of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice, Clinton Administration and former Assistant State Attorney under State Attorney Janet Reno in Miami, Florida
Robert Sand, former State's Attorney for Windsor County
Kathy Fox, Professor Emerita, Department of Sociology, University of Vermont
David Bond, co-founder of Prison Education Initiative, Bennington College