

# Raise the Age is a Success

**Joint Justice Legislative Oversight Committee**

**August 28, 2024**

**Matthew Bernstein and Lauren Higbee**

**Advocate and Deputy Advocate**



# Agenda

1. OCYFA Mandate
2. The Ask
3. What is Raise the Age? What is it NOT?
4. Why Did Vermont Enact Raise the Age?
5. How Do We Know Raise the Age is Working?
6. What Data is Missing?
7. Key Takeaways
8. Questions / Sources

# OCYFA Mandate

- “The Office shall promote reforms necessary to better serve Vermont’s children, youths, and families in a manner that addresses racial and social equity.”

33 VSA § 3202

# The Ask

- We ask the Vermont legislature to take credit for the enormous success of Raise the Age by letting it go fully into effect.

# What is Raise the Age?

- Raise the Age is a nation-leading and historic Vermont law enacted by the legislature and signed by Gov. Scott in 2018.
- Raise the Age gradually raises the upper age of family court jurisdiction from the 18th to the 20th birthday while still allowing for adult charges for serious offenses.
- Raise the Age balances support for young people with accountability and public safety.

# What is Raise the Age?

- Raise the Age was enacted after extensive collaboration between leading national experts and DCF.
- Raise the Age is based in modern brain science.
- Raise the Age is already in effect: Vermont is the only state in the nation that currently prosecutes 18-year-olds as juveniles for low-level offenses.
- VT law will soon include 19-year-olds who commit low-level offenses unless the legislature actively reverses enacted law.

# What is Raise the Age NOT?

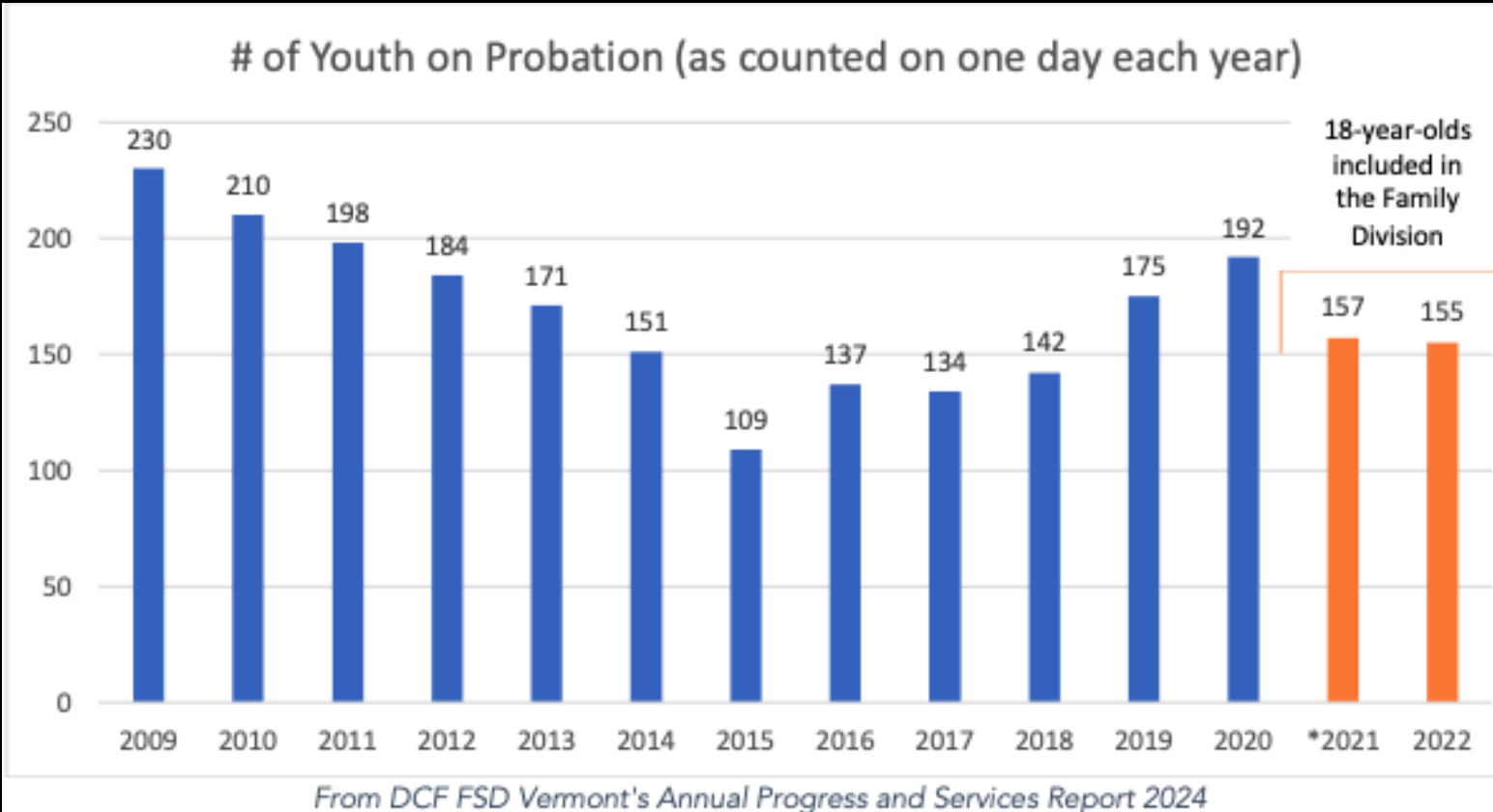
- Raise the Age does not interfere with prosecutorial discretion to charge youth as adults for major crimes.
- Raise the Age does not require additional capacity in adult or juvenile facilities.
- According to the Vermont Department of Corrections, no youth who requires placement in a secure facility is covered by RTA.

# Why Did Vermont Enact Raise the Age?

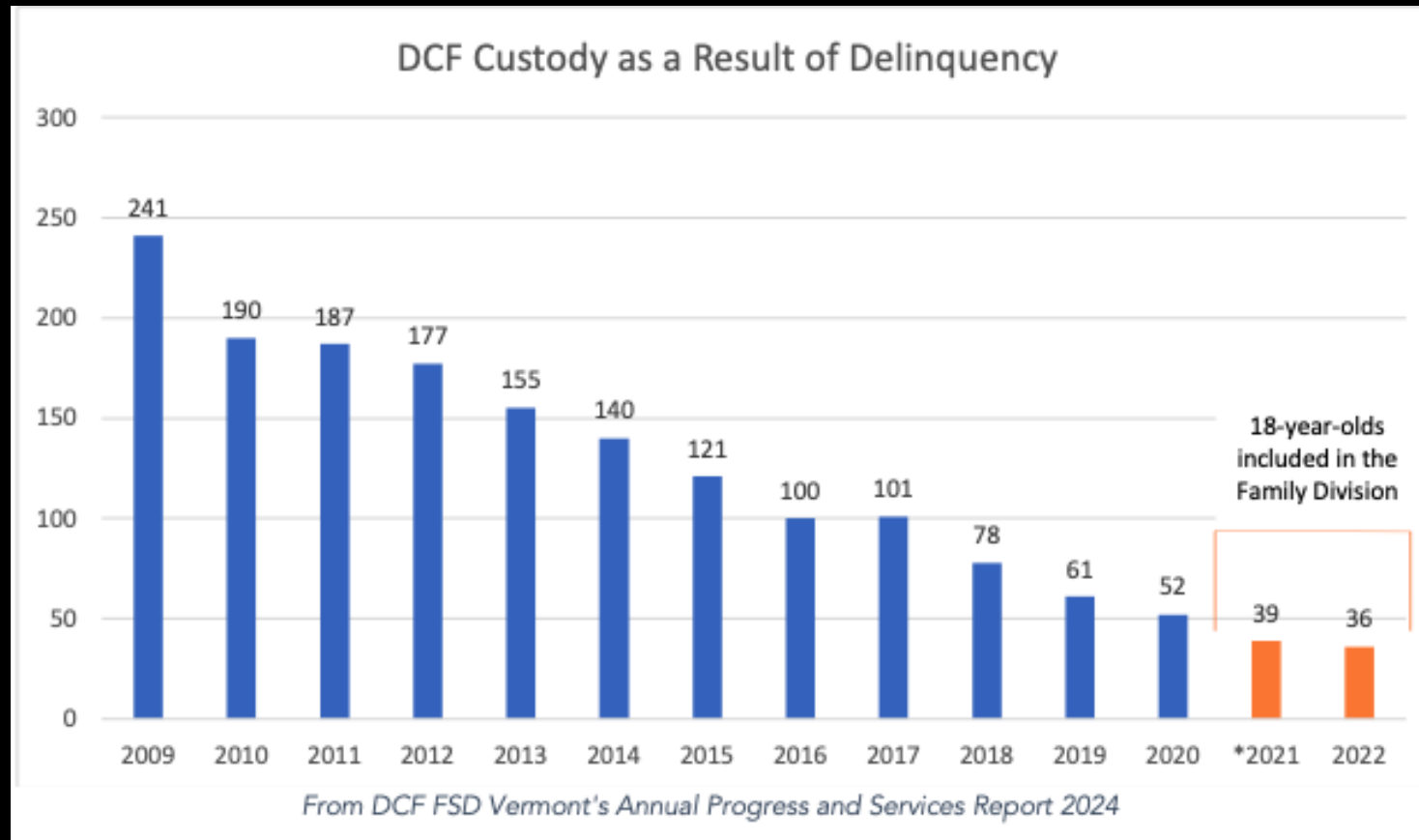
- The purpose of this legislation was to increase public safety. (CJL)
- By providing more effective, developmentally appropriate responses to system-involved youth, Vermont's law seeks to support youth in desisting from crime and successfully transitioning into healthy adulthood. (CJL)
- Available data shows that it does just that.



# How Do We Know Raise the Age is Working? (CJL)



# How Do We Know Raise the Age is Working? (CJL)



# What Data is Missing?

- “As of 6/3/2024 there were 170 youth on probation who were not in DCF custody, which is the population we propose would shift from DCF supervision to BARJ.” -- DCF RTA Progress Report, 7.31.24, p. 7.
- These 170 youth include all youth on probation, ages 10 to 21.
- These 170 youth include youth charged as Youthful Offenders.

# What Data is Missing?

- Only a small fraction of the 170 youth on probation would “shift from DCF supervision to BARJ” as DCF asserts.
- We at OCYFA asked DCF for an age breakdown of these youth and they said they do not have one at present.
- It seems highly relevant to know how many of these youth are 19 years old to accurately measure the true impact on DCF of the expansion of Raise the Age.

# Key Takeaways

- RTA is policy based on brain science and child development research.
- RTA is working.
- DCF can handle full implementation to 19-year-olds.
- Expansion of RTA to include 19-year-olds reduces stress on our systems and enhances safety in the community.

# Questions / Thank you

- Please reach out:
  - [Matthew.Bernstein@vermont.gov](mailto:Matthew.Bernstein@vermont.gov)
  - [Lauren.Higbee@vermont.gov](mailto:Lauren.Higbee@vermont.gov)
- To make a complaint or referral:
  - [Make a Complaint / Contact Us | OCYFA](#)
  - 802-828-2828 - confidential voicemail
  - [OCYFA@vermont.gov](mailto:OCYFA@vermont.gov) - confidential OCYFA email
  - Text to 802-312-1010 - confidential OCYFA text

# Sources

- Columbia Justice Lab (Lael E. H. Chester and Maria León), “[Update on the Implementation of Vermont’s ‘Raise the Age’ Law](#),” February 2024.
- OCYFA communications with DOC, DCF, and others.