

Using What We Know About Young Adults to Inform State Justice System Policies

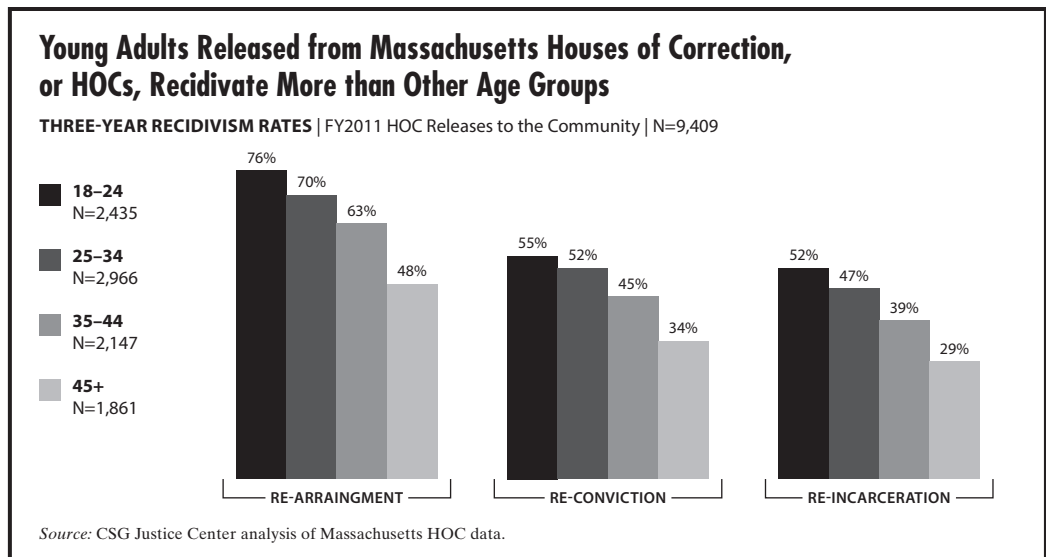
By Emily Morgan and Katy Albis

With the advancement of research showing how young adults are developmentally different from youth and older adults, state leaders are introducing policies and practices intended to tailor approaches that can improve outcomes for this population and increase public safety.

People between the ages of 18 and 24—often referred to as young adults—are generally considered to be undergoing a period of cognitive and behavioral transition. Developmental research shows that young adults continue to mature well into their 20s and exhibit clear differences from both youth and older adults. Although young adults are more cognitively developed than youth, compared to older adults, they are more impulsive, less emotionally mature, and less cognizant of the consequences of their actions. Many young adults are also not engaged in school or work, struggle with significant mental health conditions and substance use issues, lack supportive relationships with family and other caring adults, and often experience homelessness. Sociological research indicates that youth are now transitioning into the social institutions of adulthood—such as marriage and employment—more slowly than previous generations.¹ The overrepresentation of young adults in the justice system is a symptom of these factors.

In 2012, young adults accounted for just 10 percent of the U.S. population but nearly 30 percent of people arrested and 21 percent of all admissions to adult state and federal prisons.² In that same year, young adults between the ages of 18 and 20 accounted for approximately 20 percent of people incarcerated in the juvenile justice system.³ Data also show that young adults have higher recidivism rates than other age groups. One multi-state study found that approximately 76 percent of people who were under the age of 25 when released from prison were rearrested within three years, and 84 percent were rearrested within five years.⁴ A recent analysis of the criminal justice system in Massachusetts conducted by The Council of State Governments, or CSG, Justice Center found that 18- to 24-year-olds had the highest recidivism rate and longer lengths of stay than any other age group, as shown in the chart below.⁵

Most of these young adults are also likely to age out of risky behavior as they mature into their 20s,



as Vincent Schiraldi, senior research fellow at the Harvard Kennedy School's Program in Criminal Justice Policy and Management, pointed out at "Young Adults in the Justice System: Reducing Recidivism and Supporting the Successful Transition to Adulthood"—a recent roundtable gathering of researchers, policymakers and practitioners convened by the CSG Justice Center and the Harvard Kennedy School. This proven tendency to desist from criminal activity with age makes the young adult developmental stage a crucial window of opportunity for states to intervene with tailored justice system policies and practices that address the distinct needs of this population.⁶

Tailored Policies

Young adults in the juvenile justice system are left with a juvenile record—which can be sealed or expunged, depending on the state—rather than a criminal record, which comes with related long-term consequences including barriers to employment and housing. Further, some studies show that youth who are transferred from the juvenile to the adult justice system have higher rates of recidivism than those who remain in the juvenile system.⁷ Advocates and policymakers in many states are therefore working to keep more young adults in the juvenile justice system by setting a higher maximum age for juvenile court jurisdiction. As of 2015, the upper age of juvenile court jurisdiction was 18 in 42 states.⁸ In the first half of 2016, Louisiana and South Carolina passed legislation to raise the age from 17 to 18. North Carolina and New York—the two remaining states that processed 16-year-olds as adults in the criminal justice system—both introduced bills to raise the age of criminal responsibility to age 18 in 2017. New York's raise-the-age legislation was signed into law in April 2017, and the bill in North Carolina is pending as of June 2017.

Some states considered legislation that would raise the age for juvenile court jurisdiction to age 21 during the 2016 legislative session. Although those bills ultimately did not pass, they signaled growing support for identifying developmentally appropriate approaches to young adults, and some states have established committees to explore the implications of raising the age to 21. At the same time, certain states have expressed concerns that raising the age beyond 18 would cause strain to the juvenile justice system with respect to space, cost, capacity and training, beyond a general sentiment that people over 18 are legally considered

adults who should know right from wrong and be accountable for their behavior.

In addition to raising the upper age of juvenile court jurisdiction, several states have also broadened the extended age boundary, which allows the juvenile court to continue providing services to people who are beyond the upper age of juvenile court jurisdiction. In Florida, for example, the upper age of juvenile court jurisdiction is 18 and the extended age is 21. If a young adult commits a low-level crime on the eve of his or her 18th birthday, he or she would most likely stay under the supervision of the juvenile system through age 21, continuing to be treated as a juvenile in a rehabilitation-oriented system that offers access to education, treatment and social supports. As of 2015, the majority of states (35) have extended the age of jurisdiction to 20, and six states have set the extended age to between 21 and 24.

As an alternative to raising the age to treat all young adults as juveniles, some states have laws that recognize young adults as a special category of "youthful offenders." These laws allow young adult cases to be considered in juvenile or family court instead of adult criminal court, typically by recommendation of the court or prosecutor, depending on the state. Several states, including Vermont, have recently extended the age of eligibility for youthful offender status.

"Reforming Vermont's juvenile justice system is one of my top priorities, and extending the age of eligibility for youthful offender status to 21 will improve young people's chances for success later in life by keeping them in the juvenile justice system, with the exception of those who commit the most serious offenses," said Vermont state Sen. Richard Sears.

Several state and local jurisdictions have also established specialized facilities, courts and probation caseloads for this population. San Francisco has a specialty court that exclusively handles cases of 18- to 25-year-olds, in collaboration with the district attorney's office, public defense, probation, youth services, public health services and the police. The Transitional Age Youth Unit within San Francisco's Adult Probation Department provides 18- to 25-year-olds on probation with programming specifically geared toward the cognitive-behavioral challenges they face.

Targeted Interventions

While most evidence-based interventions have yet to be proven to reduce recidivism and improve

other outcomes for young adults, some service providers are testing targeted services to meet the needs of this group. The Multisystemic Therapy for Emerging Adults, or MST-EA, program is designed to address the most prevalent causes of offending in 17- to 21-year-olds who have a serious mental health condition, or SMHC.

“We know young adults with SMHC who are involved in the justice system are some of the highest-risk and highest-need people to serve,” said Dr. Ashli J. Sheidow, a researcher for the MST-EA program. “And while we are still refining the MST-EA model, initial findings suggest that MST-EA significantly reduces participants’ mental health symptoms, justice system involvement and association with antisocial peers.”

Roca, a Massachusetts nonprofit organization, aims to help reduce justice system involvement and increase job readiness for young adults through the evidence-based Intervention Model that engages high-risk 17- to 24-year-olds in long-term behavior change and skill building programming. The Intervention Model provides a robust combination of services, including comprehensive outreach, data-driven case management, and education and employment training. Roca partners with leaders and institutions in the criminal justice field, government, the social service sector and business to address crime, poverty, and the overincarceration of young people.

Attendees at the “Young Adults in the Justice System” meeting emphasized that—beyond providing the right supervision and services—it is critical to train corrections, community supervision, behavioral health and other practitioners who serve this population to understand the developmental characteristics and needs of young adults.

“[Young adults] are just different ... so the people who work with them ought to have a specialized knowledge and understanding of what’s different about [them],” said Michael Lawlor, under secretary for Criminal Justice Policy and Planning in the Connecticut Office of Policy and Management.

One State’s Reform Measures

Connecticut has instituted a number of policy and practice changes that reflect a developmentally appropriate approach to young adults in the justice system. The state has developed a Young Adult Offender pilot program that has created a specialized correctional unit for young adults ages 18 to 25. In partnership with the Vera Institute of

Justice, the Connecticut Department of Correction is providing young adult-specific training—which includes a focus on youth development, mental health and de-escalating conflict—to corrections officers and counselors that will staff the unit. The program model focuses on education, employment and family engagement, and involves assigning mentors to small cohorts of young adults. Pending the results of an initial evaluation, the state plans to expand the pilot program.⁹

As far as legislation, Connecticut has been praised for its success in raising the age of juvenile jurisdiction from 16 to 18. Taking an incremental approach, the state raised the age to 17 in 2010 and 18 in 2012. Although the policy initially faced skepticism, the results thus far are promising. Not only has Connecticut’s juvenile caseload decreased—despite the addition of 16- and 17-year-olds to the system—but the state has also seen neither an increase in juvenile system costs nor a negative impact on crime or public safety.¹⁰ With backing from Gov. Dannel Malloy, Connecticut is one of the states that considered but did not pass a bill raising the age of juvenile court jurisdiction from 18 to 21 in both 2016 and 2017.

“There are some universal policy truths here,” Lawlor said. “If your goal is to reduce crime, you need to have a unique strategy for [young adults].”

Notes

¹ Vincent Schiraldi, Bruce Western, and Kendra Bradner, “Community-Based Responses to Justice-Involved Young Adults,” *New Thinking in Community Corrections Bulletin* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2015), NCJ 248900, <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>.

² “Population and Housing Unit Estimates,” United States Census Bureau, accessed March 2, 2017, <https://www.census.gov/programs-surveys/popest.html>; “Crime in the United States 2013,” U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, accessed March 2, 2017, https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-41/table_41_arrests_persons_under_15_18_21_and_25_years_of_age_2013.xls.

³ Melissa Sickmund, T.J. Sladky, Wei Kang, and Charles Puzanchara, “Easy Access to the Census of Juveniles in Residential Placement,” Office of Juvenile Justice and Delinquency Prevention, accessed August 10, 2015, <http://www.ojjdp.gov/ojstatbb/ezacjrp/>.

⁴ Matthew R. Durose, Alexia D. Cooper, and Howard N. Snyder, *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2014).

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⁵ “Justice Reinvestment in Massachusetts: Third Presentation,” The Council of State Governments Justice Center, last modified July 18, 2016, <https://csgjusticecenter.org/jr/massachusetts/publications/justice-reinvestment-in-massachusetts-third-presentation/>.

⁶ Connie Hayek, *Environmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults* (Washington, DC: U.S. Department of Justice, National Institute of Justice, 2016), <https://www.ncjrs.gov/pdffiles1/nij/249902.pdf>.

⁷ Centers for Disease Control and Prevention, “Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services,” *Morbidity and Mortality Weekly Report* 56, no. RR-9 (2007), <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.

⁸ “Jurisdictional Boundaries,” Juvenile Justice Geography, Policy, Practice, and Statistics, accessed February 28, 2017, <http://www.jjgps.org/jurisdictional-boundaries>.

⁹ Mark Pazniokas, “A Prison Experiments with the Young, Reckless and Neuroscience,” *The CT Mirror*, January 23, 2017, <http://ctmirror.org/2017/01/23/a-prison-experiments-with-the-young-reckless-and-neuroscience/>; Alex Frank, “Young Adults in Prison: Reimagining Conditions of Confinement for Young Adults,” *Think Justice Blog*, February 28, 2017, <https://www.vera.org/blog/young-adults-in-prison>.

¹⁰ Roxanna Asgarian, “Connecticut a Model for New York to Raise the Age of Criminal Responsibility,” *Juvenile Justice Information Exchange*, March 26, 2014, <http://jjie.org/2014/03/26/connecticut-a-model-for-new-york-to-raise-the-age-of-criminal-responsibility/>; Lael Chester and Vincent Schiraldi, *Public Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under 21* (Cambridge, MA: Harvard Kennedy School, Malcolm Wiener Center for Social Policy, Program in Criminal Justice Policy and Management, 2016), <https://www.hks.harvard.edu/programs/criminaljustice/research-publications/incarceration-socialcontext-consequences/young-adult-justice/public-safety-and-emerging-adults-in-connecticut>.

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