EMERGING ADULT JUSTICE
&
REASONS BEHIND THE LAW

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Advancing Juvenile Justice Reform in Vermont Conference
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Presentation Overview

- What is EAJ?
- Personal experiences
- Historical perspective
- Recent research
- Current state of affairs for emerging adults
- Role of key developmental milestones in desistance
- Recent reform initiatives
Emerging Adults: A term first coined in 2000 by psychologist Jeffrey Arnett. It invokes the critical developmental period in which a child who is dependent on parents or guardians for supervision and guidance (as well as emotional and financial support) transitions into a fully mature, independent adult who engages as a productive and healthy member of society.
The arbitrary line drawn in our justice systems at age 18 (or below)

- Personal experience serving young people in D.C. vs. NYC
The history of the upper age of juvenile jurisdiction

• 1899: First juvenile court established in Cook County, IL; contributes to creation of legal definition of adolescence
  • States chose ages 16 - 18 based on norms of the times without any hard evidence
• 1960s: Procedural due process rights era
• 1990s: Super-predator “adult crime, adult time” era; questioned foundation of a separate juvenile court
  • “We’re talking about elementary school youngsters who pack guns instead of lunches. . . kids who have absolutely no respect for human life and no sense of the future. . .”
  • “They are perfectly capable of committing the most heinous acts of physical violence for the most trivial reasons. . . In prison or out, the things that super-predators get by their criminal behavior -- sex, drugs, money -- are their own immediate rewards. Nothing else matters to them. So for as long as their youthful energies hold out, they will do what comes ”naturally”: murder, rape, rob, assault, burglarize, deal deadly drugs, and get high.”
  • “And make no mistake. While the trouble will be greatest in black inner-city neighborhoods, other places are also certain to have burgeoning youth-crime problems that will spill over into upscale central-city districts, inner-ring suburbs, and even the rural heartland.”

John DiLulio (1995), The Coming of the Super-Predators
• 2000s on: Pushback from advocates and others; research conducted to examine whether there are significant differences between youths and adults;
  • Found that emerging adults (over age 18) share many of the same attributes as younger adolescents
    • malleable;
    • impulsive;
    • sensitive to peer influence;
    • less future oriented;
    • less able to regulate own behavior in emotionally charged settings (“cold” vs. “hot” cognition”)

Note: above attributes are exacerbated for youth who have suffered trauma and/or a brain injury
2007 on: Nat’l movement to raise the age of juvenile jurisdiction to 18th birthday

• > ½ states have raised the age of juvenile jurisdiction from 16/17 to 18
• Corresponded with reduction in overall juvenile justice caseloads
  • MA raised the age in 9/2013; data from 2014 – 1017:
    • 21% decline in delinquency court cases
    • 36% drop in post-adjudication confinement
• VT data on delinquency cases filed in Family Court
  • FY17: 710
  • FY18: 888
  • FY19: 712 *
Recent Sociological Research

Young adults are entering traditional, stabilizing adult roles at a later age than earlier generations

Both work and marriage help young males matriculate out of delinquency

• 45% of 18-24s were married in 1960; 9% in 2010
• Non-college median earnings down from $40,000 (‘73) to $30,000 (‘07) for young whites; $34,000 to $25,000 for young African Americans

This prolonged transition to adulthood corresponds to a tax on the ability to forgo immediate gratification and a prolonging of reliance on family
By 18th birthday (at the very latest), all youth are automatically tried and sentenced as an adult (same as a 50-year-old). But…

- Many states serve youth in the juvenile system over age 18 (up to age 25 in OR and WA)
- Nat’l trend to expand child welfare services over 18
- Pediatric care guidelines established to age 21 or beyond
- Legalization of marijuana set at age 21+, alcohol at 21, etc.
- Youth can stay on parental health insurance until age 26
Emerging adults have a disproportionately large share in adult criminal justice system with poor outcomes

**Share of Emerging Adults in Criminal Justice**

<table>
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<tr>
<th>Share in Population</th>
<th>Share in Arrests</th>
<th>Share in Incarceration</th>
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<tbody>
<tr>
<td>10%</td>
<td>29%</td>
<td>21%</td>
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Source: U.S. Census, Federal Bureau of Investigation, and Carson & Gollinelli (2014)

**3-Year Recidivism Rates**


- Rearrested (76%)
- Non-recidivist (24%)

Sources: Durose, Cooper & Snyder (2014); Council of State Governments Justice Center (2017).
Racial and ethnic disparities of emerging adults in the criminal justice system are stark.

- Black male 18- to 24-year-olds compromised nearly 40% of all emerging adults admitted to state and federal prisons in the U.S. Overall, they are 7 to 9 times more likely to end up in prison compared to their white peers.

- Racial and ethnic disparities are higher for younger cohorts (ages 18-19).

Incarceration Rates by Race and Ethnicity per 100,000 18-to 19-year-olds, United States, 2013

- **White**: 56
- **Hispanic**: 191
- **Black**: 568

Relatively few Americans start criminal career after age 25, most “age out” of crime by 25

Age-Crime Curve

Source: FBI Uniform Crime Report
Developmental factors and milestones in the transition to adulthood

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Opportunities for positive interventions

• Examples that have shown to be effective for emerging adults:
  • MST-EA
  • Roca and UTEC (model community organizations in MA)
  • Education (including special educational services) and vocational training
  • DIVERSION from the justice system
U.S. RECENT REFORMS in Emerging Adult Justice

Local/Regional Initiatives

• Specialized courts
  • San Francisco, CA
  • Brooklyn, NY
  • North Lawndale, IL

• Specialized probation
  • Merrimack Valley, MA
  • San Francisco

• Specialized corrections
  • P.A.C.T. unit in Middlesex County, MA
  • P.E.A.C.E. unit in Suffolk County, MA
  • T.R.U.E. unit (male) and W.O.R.T.H. unit (female) in CT
  • Young Men Emerging unit in Washington D.C.

⇒ “Justice by geography” ⇐

Systemic Reforms

• Hybrid/Youthful Offender Statutes
  • Vermont
  • Washington D.C.: Youth Rehabilitation Act
    • Raised the age of eligibility to 25

• Other special procedures:
  • Enhanced parole
    • CA (for offenses committed before 26th birthday)
    • IL (for offenses committed before 21st birthday)
  • Expungement (MA)

• Expansion of juvenile jurisdiction
  • Vermont: Passed law in May 2018 that will gradually raise the upper age of juvenile jurisdiction to a youth’s 20th birthday by 2022
    • Bills in MA, Illinois, and Connecticut
    • Hearings and taskforces in other states, e.g. CO, UT, WA
4 out of 5 European countries have a special approach for emerging adults

57%  35 European countries surveyed have special rules in juvenile or general penal law

49%  Have penalty mitigation

21%  Have no special rules
Example of a strict model

GERMANY

- Age of youth court jurisdiction in Germany
  - 14<sup>th</sup> birthday to 21<sup>st</sup> birthday
  - Since 1953, 18-, 19-, and 20-year-olds have been treated in youth justice system

- Case outcomes involving emerging adults in Germany
  - 67% result in youth sanction; 33% result in adult sanction (mostly cases involving MV offenses)
  - Rape/murder: ~ 90% result in youth sanctions
Justice Lab's educational trip to Germany (March 2018)

Massachusetts delegation in Berlin Court House
THANK YOU & DISCUSSION/QUESTIONS
Resources on Emerging Adult Justice


