



COLUMBIA UNIVERSITY | JUSTICE LAB

EMERGING ADULT JUSTICE & REASONS BEHIND THE LAW

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Advancing Juvenile Justice Reform in Vermont Conference

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**Emerging
Adult
Justice
Project**

eajustice.org

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

“EAJ” a burgeoning field

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



The history (cont'd)

- 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 DiIulio (1995), *The Coming of the Super-Predators*

The history (cont'd)

- 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

The history (cont'd)

- 2007 on: Nat'l movement to raise the age of juvenile jurisdiction to 18th birthday
 - > 1/2 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

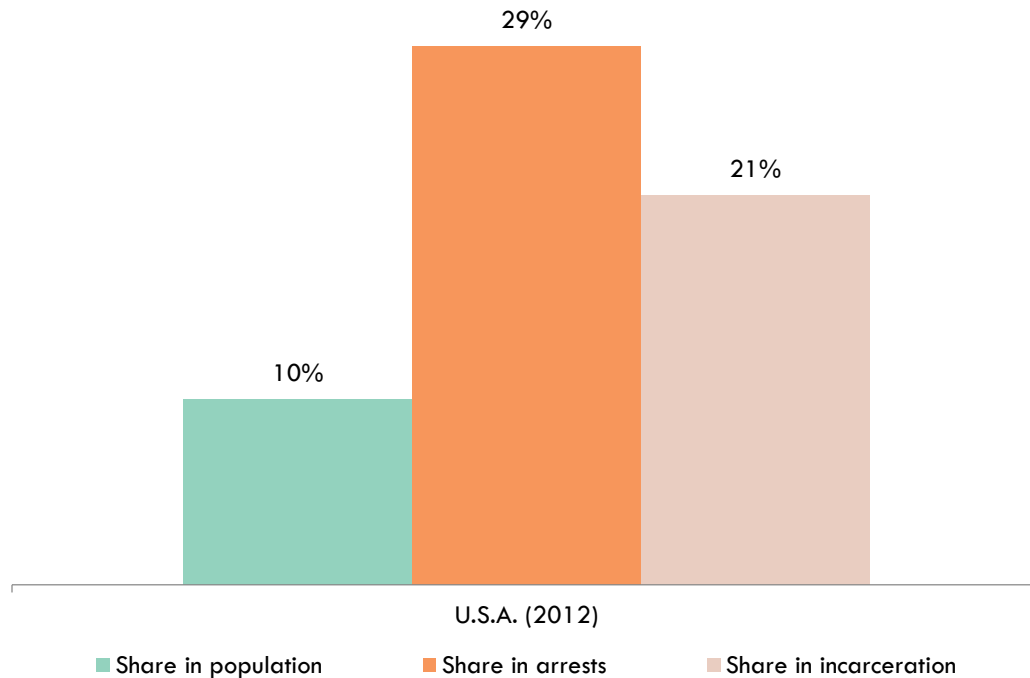
This prolonged transition to adulthood corresponds to a tax on the ability to forgo immediate gratification and a prolonging of reliance on family

Current state of affairs – age trending up

- **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

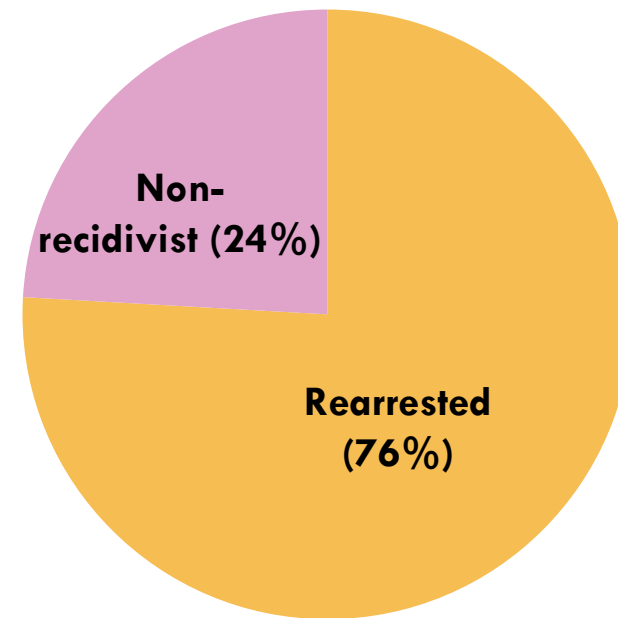
Emerging adults have a disproportionately large share in adult criminal justice system with poor outcomes

Share of Emerging Adults in Criminal Justice



Source: U.S. Census, Federal Bureau of Investigation, and Carson & Gollinelli (2014)

3-Year Recidivism Rates 18- to 24-year-olds, U.S.A. (2005 Release Cohort)

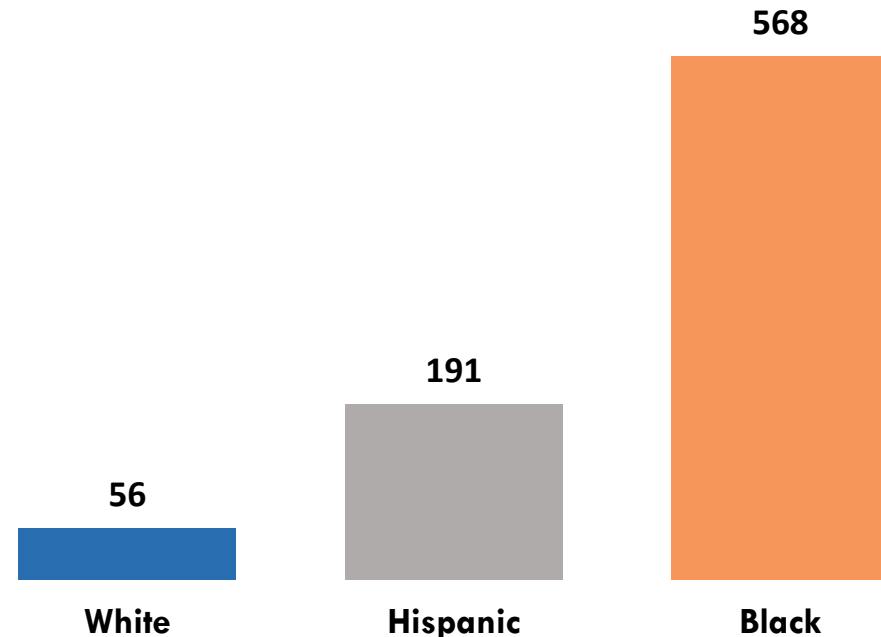


Sources: Durose, Cooper & Snyder (2014); Council of State Governments Justice Center (2017).

Racial and ethnic disparities of emerging adults in the criminal justice system are stark.

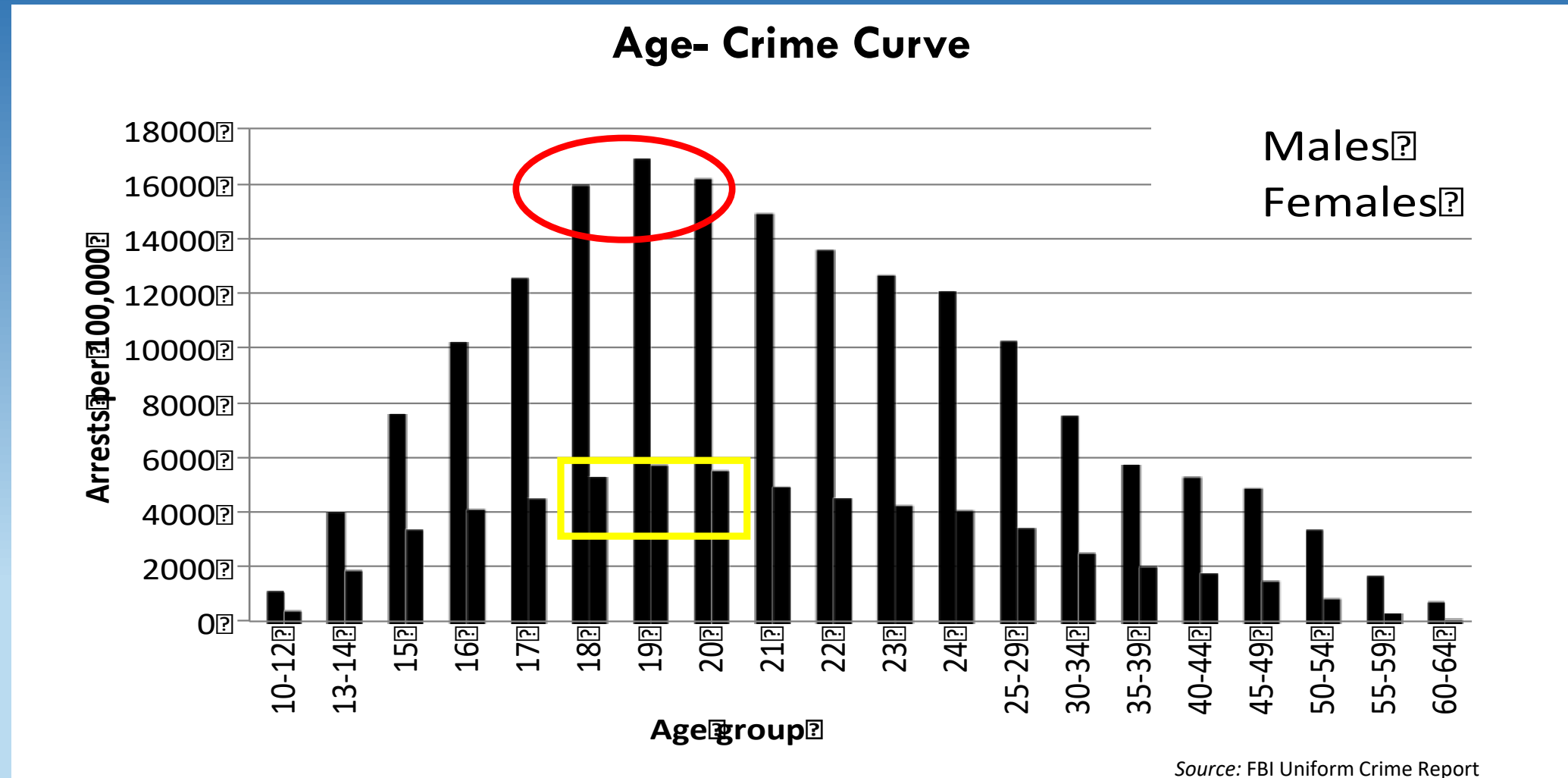
- Black male 18- to 24-year-olds compromised nearly 40% of all emerging adults admitted to state and federal prisons in the U.S. Overall, they are **7 to 9 times more likely** to end up in prison compared to their white peers.
- Racial and ethnic disparities are higher for younger cohorts (ages 18-19).

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

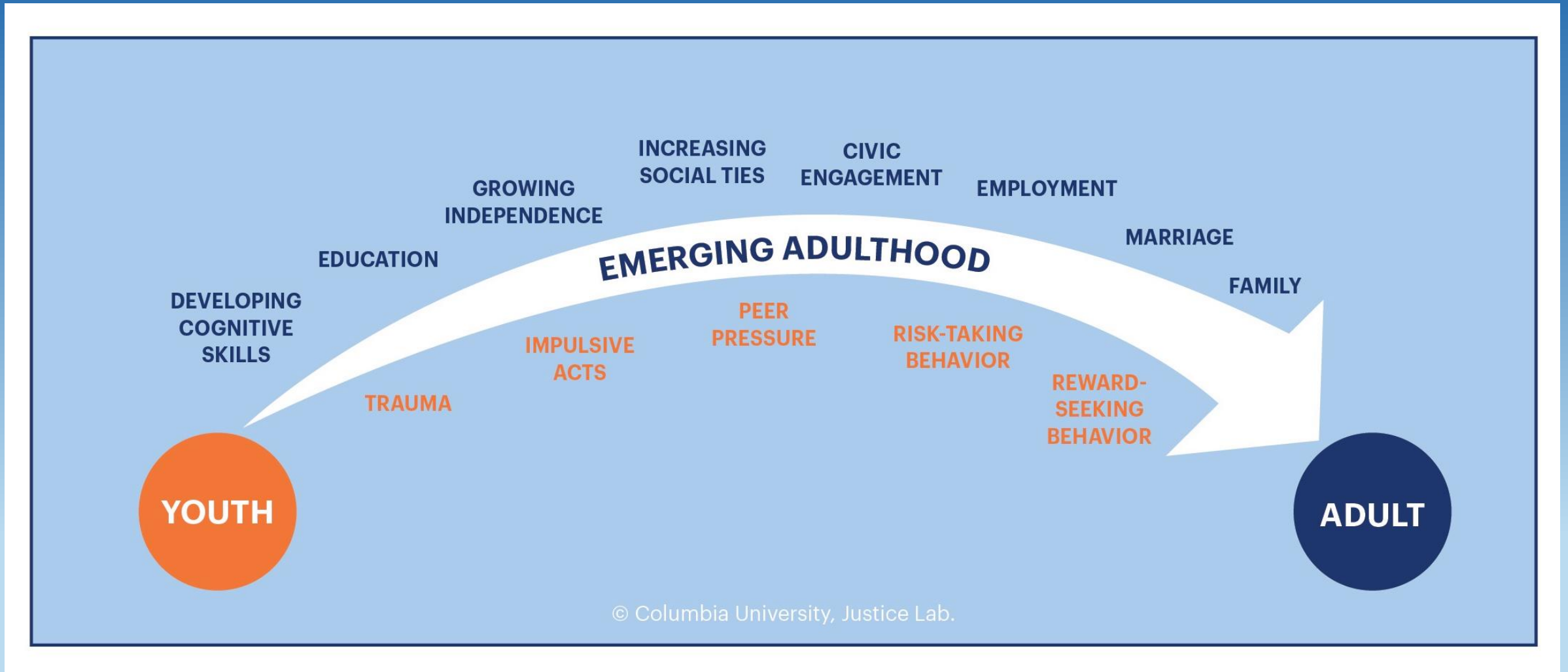


Source: Prisoners in 2012: Trends in Admissions and Releases, 1991–2012, NCJ 243920. Data Source: National Corrections Reporting Program yearend census records, National Prisoner Statistics program.

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



Developmental factors and milestones in the transition to adulthood



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**
 - 14th birthday to 21st 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



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THANK YOU
&
DISCUSSION/QUESTIONS

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Resources on Emerging Adult Justice

- Siringil Perker, S. and Chester, L. (June 2017). "Emerging Adults: A Distinct Population That Calls for an Age-Appropriate Approach by the Justice System." Emerging Adult Justice Research Series, Program in Criminal Justice Policy and Management, Harvard Kennedy School. Available at https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/MA_Emerging_Adult_Justice_Issue_Brief_0.pdf
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- Fair and Just Prosecution (January 2019). "Young Adults in the Justice System." Issues at a Glance. Available at https://fairandjustprosecution.org/wp-content/uploads/2019/01/FJP_Brief_YoungAdults.pdf.
- National Institute of Justice Study Group on the Transition from Juvenile Delinquency to Adult Crime, Study Reports. Available at <https://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx#reports>.

