EMERGING ADULT JUSTICE & REASONS BEHIND THE LAW

September 27, 2019
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
“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
• 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
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
  • > 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
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**
- Share in population: 10%
- Share in arrests: 29%
- Share in incarceration: 21%


**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 comprised 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

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\textsuperscript{th} birthday to 21\textsuperscript{st} 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: \sim 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

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<th>Author(s)</th>
<th>Title</th>
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<tbody>
<tr>
<td>Schiraldi, V., Western, B., and Bradner, K.</td>
<td>“Community-Based Responses to Justice-Involved Young Adults.”</td>
<td>2015</td>
<td><a href="https://www.hks.harvard.edu/sites/default/files/centers/center/programs/pcj/files/ESCC-CommunityBasedResponsesJusticeInvolvedYA.pdf">https://www.hks.harvard.edu/sites/default/files/centers/center/programs/pcj/files/ESCC-CommunityBasedResponsesJusticeInvolvedYA.pdf</a></td>
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<td>Matthews, S., Schiraldi, V., and Chester, L.</td>
<td>“Youth Justice in Europe: Experience of Germany, the Netherlands and Croatia in Providing Developmentally Appropriate Responses to Emerging Adults in the Criminal Justice System.”</td>
<td>July 2018</td>
<td><a href="https://doi.org/10.1080/24751979.2018.1478443">https://doi.org/10.1080/24751979.2018.1478443</a></td>
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<td>National Institute of Justice Study Group on the Transition from Juvenile Delinquency to Adult Crime</td>
<td>Study Reports.</td>
<td><a href="https://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx#reports">https://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx#reports</a></td>
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