



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](http://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 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*





# 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

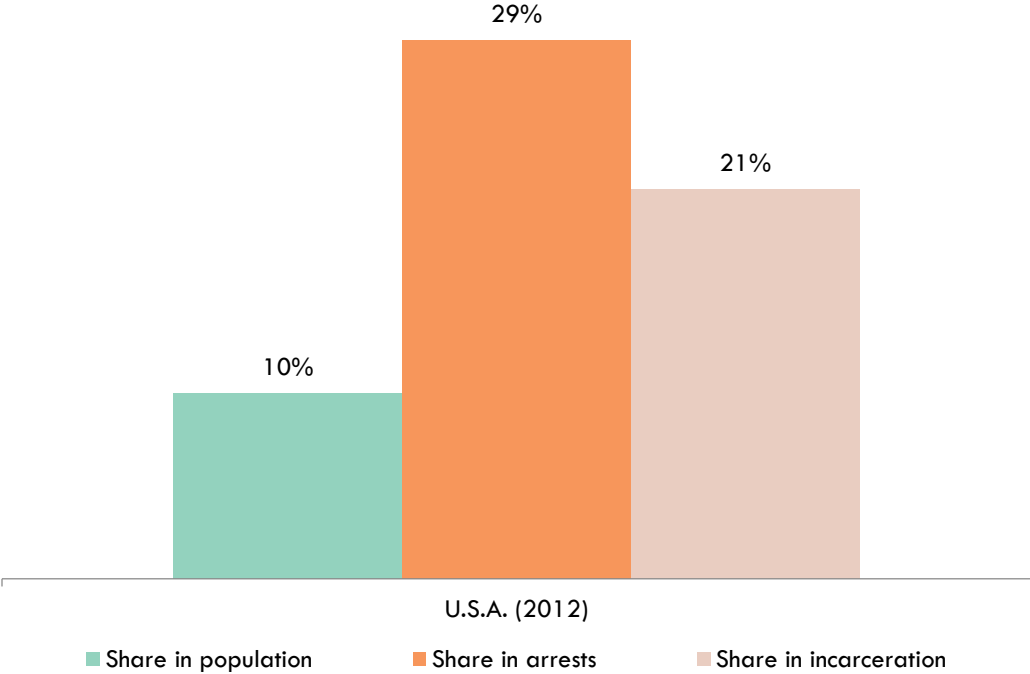
This prolonged transition to adulthood corresponds to a tax on the ability to forgo immediate gratification and a prolonging of reliance on family

# Current state of affairs – age trending up

- **By 18<sup>th</sup> 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

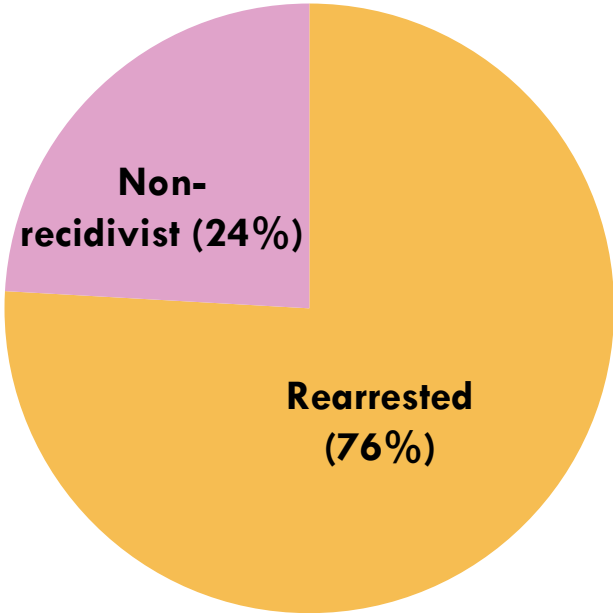
# Emerging adults have a disproportionately large share in adult criminal justice system with poor outcomes

## 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)

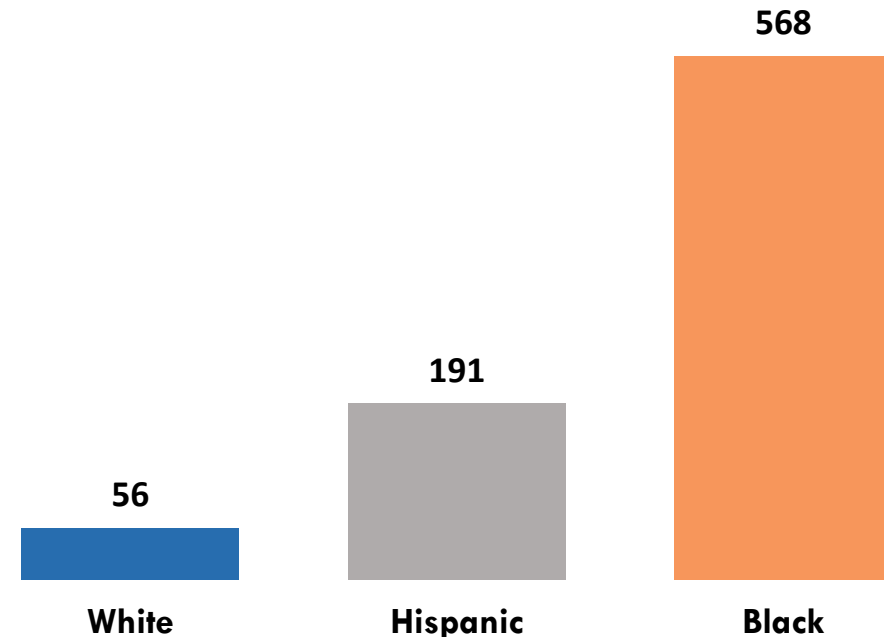


Sources: Durose, Cooper & Snyder (2014); Council of State Governments Justice Center (2017).

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

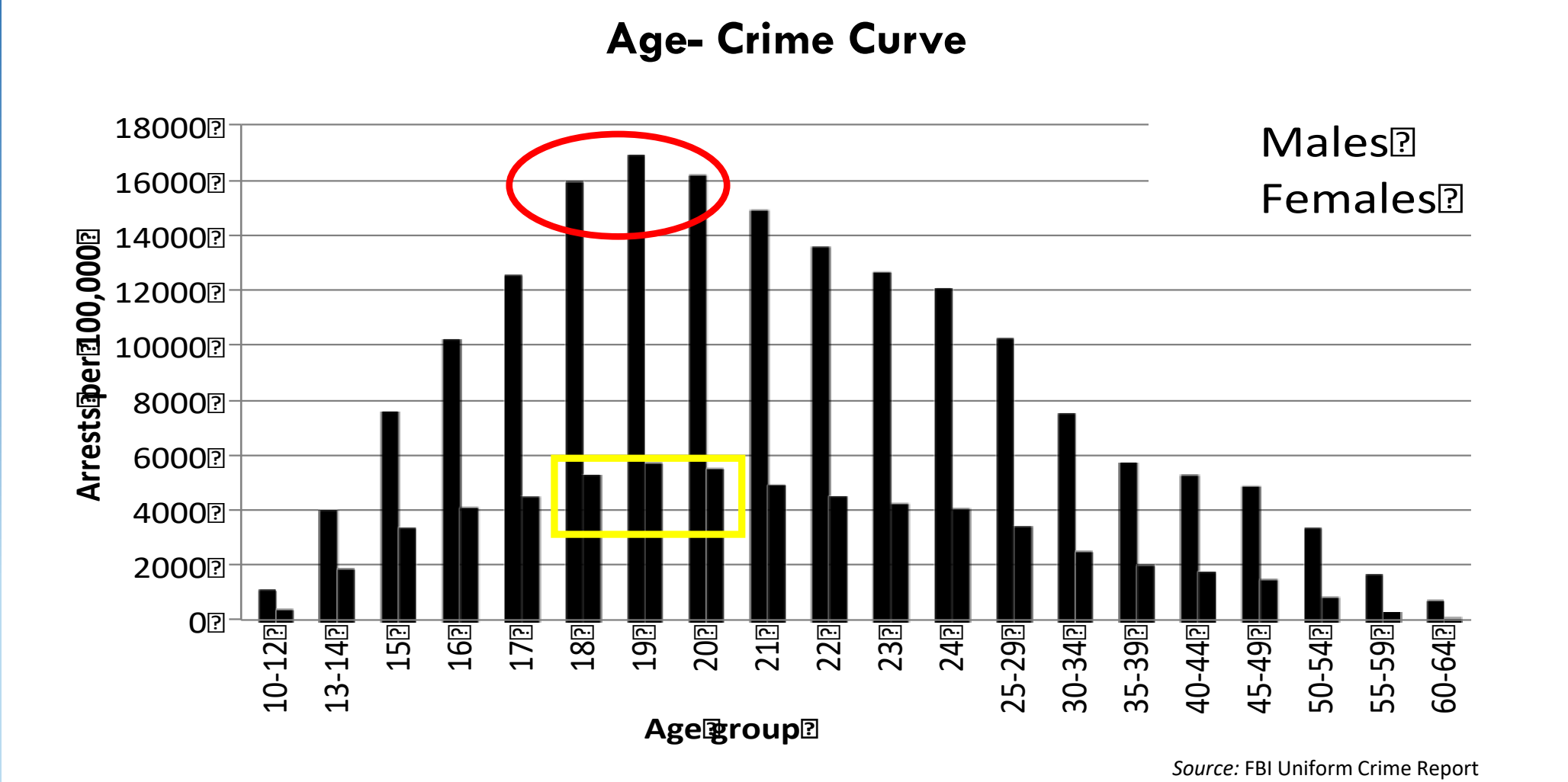
- Black male 18- to 24-year-olds compromised nearly 40% of all emerging adults admitted to state and federal prisons in the U.S. Overall, they are **7 to 9 times more likely** to end up in prison compared to their white peers.
- Racial and ethnic disparities are higher for younger cohorts (ages 18-19).

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



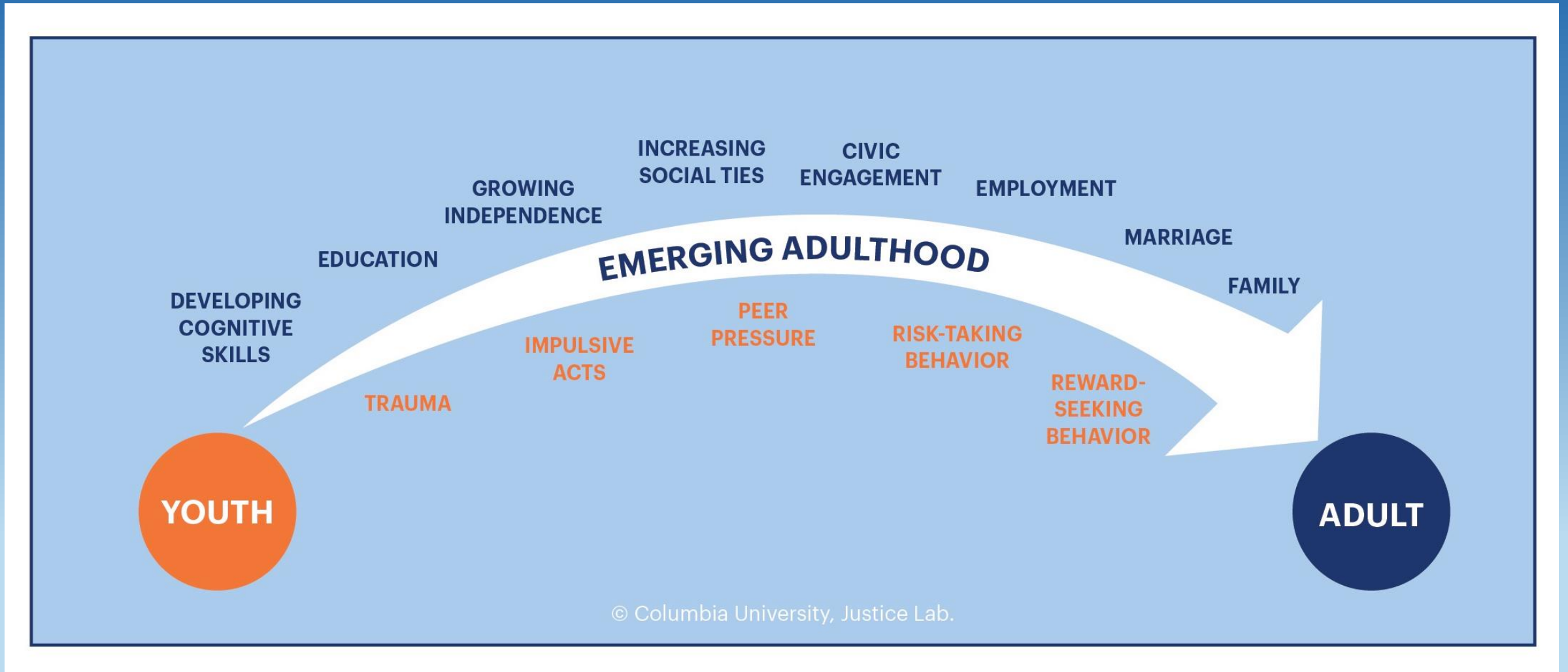
Source: *Prisoners in 2012: Trends in Admissions and Releases, 1991–2012, NCJ 243920*. Data Source: National Corrections Reporting Program yearend census records, National Prisoner Statistics program.

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



Source: FBI Uniform Crime Report

# 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 26<sup>th</sup> birthday)
    - IL (for offenses committed before 21<sup>st</sup> 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 20<sup>th</sup> 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**



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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](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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- Chester, L. and Schiraldi, V. (December 2016). “Public Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under Age 21.” Submitted to the Tow Youth Justice Institute, University of New Haven. Available at [https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/public\\_safety\\_and\\_emerging\\_adults\\_in\\_connecticut.pdf](https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/public_safety_and_emerging_adults_in_connecticut.pdf)
- Schiraldi, V., Western, B., and Bradner, K. (2015). “Community-Based Responses to Justice-Involved Young Adults.” New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice. NCJ 248900. Available at <https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/ESCC-CommunityBasedResponsesJusticeInvolvedYA.pdf>
- Schiraldi, V. (March 2018). “Reflections on How Europe Handles Emerging Adults in Trouble With the Law.” A blog post series on Justice Lab’s educational trip around Europe. Available at <http://justicelab.iserp.columbia.edu/europe-blog-series.html>
- Matthews, S., Schiraldi, V., and Chester, L. (July 2018). “Youth Justice in Europe: Experience of Germany, the Netherlands and Croatia in Providing Developmentally Appropriate Responses to Emerging Adults in the Criminal Justice System.” Justice Evaluation Journal 2018(1):59-81. Available at <https://doi.org/10.1080/24751979.2018.1478443>.
- Siringil Perker, S., Chester, L., and Schiraldi, V. (January 2019). “Emerging Adult Justice in Illinois: Towards an Age-Appropriate Approach.” Emerging Adult Justice Research Series, Justice Lab, Columbia University. Available at <https://justicelab.columbia.edu/Emerging-Adult-Justice-in-Illinois>.
- 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](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>.

