



Improving Approaches to Serving Young Adults in the Justice System

Justice Policy Institute | December 2016



Justice Policy Institute (JPI) is dedicated to reducing the use of incarceration and the justice system by promoting fair and effective policies.

JPI envisions a society with safe, equitable and healthy communities; just and effective solutions to social problems; and the use of incarceration as a last resort.

1012 14th Street NW, Suite 600
Washington, DC 20005

T: (202) 558-7974

WWW.JUSTICEPOLICY.ORG

Table of Contents

<i>Introduction</i>	1
Part I	4
<i>Why should the justice reform field seize the opportunity to improve its approach to young adults?</i>	
Case studies by county.....	6
Recommended approaches.....	10
Part II	17
<i>The convening participants noted the need for specific policy changes and identified specific tools to serve young adults more effectively.</i>	
Unintended consequences of brain research.....	22
Conclusion	23
<i>Incremental change and more research are needed to advance effective approaches for young adults.</i>	
Appendix	25
<i>About the research process</i>	

INTRODUCTION

Over the past year, a number of different advocates, policymakers, practitioners, funders and directly impacted individuals and families have sought to flesh out what a more effective approach to serving 18 to 24-year-olds who are currently under the custody or supervision of the adult justice system might look like. Groups ranging from the U.S. Justice Department to leading academic institutions and nonprofit advocacy organizations have sought to advance better approaches to serve young adults because they believe it will enhance public safety, improve the lives of justice-involved individuals, and reduce the use of incarceration for the hundreds of thousands of 18 to 24-year-olds in America's prisons and jails.

The topic is critical to criminal justice reform efforts because young adults are overrepresented in the justice system, including the nation's prisons and jails, and among people arrested for violent crimes and victims of crime. The data show that while 18 to 24-year-olds are only 9.9 percent of the United States population, they are:

- 12 percent of the prison population;
- 21 percent of prison admissions;
- 26 percent of the probation population;
- 28 percent of arrests and people in jail; and
- 40 percent of robbery and homicide arrests.

Young adults also experience crime at twice the rate of any other age group.

Young adults of color are disproportionately impacted by the way the justice system currently approaches their behavior: among a sampling of eight cities and counties, young adults were found to be 8.4 percent of the population, but were 25 percent of the people in jail. Seventy-two percent of those in jail were young adults of color. In these eight communities, taxpayers spend an average of \$163 a day to jail someone (upwards of \$58,000 per year). In sharp contrast, a community-based approach to meeting the needs of young adults costs less than what taxpayers spend to jail 18 to 24-year-olds.

To help advance thinking around this policy question, the Justice Policy Institute (JPI) convened close to four dozen stakeholders from around the country in two structured focus groups on the East and West Coast to discuss the opportunities and the challenges of developing a better approach to meeting the needs of justice-involved 18 to 24-year-olds. A diverse spectrum of people—including law enforcement, corrections officials, academics, advocates, representatives of community organizations directly serving young adults, and people who identify as formerly incarcerated young people—had an opportunity to engage in a robust dialogue with each other.

These convenings did not seek to find unanimity: reasonable people that represent different branches of the justice reform constituency can (and should) bring different perspectives around issues as complex as crime, race, incarceration, and how billions of dollars in public resources should be spent. That said,

2 Young Adults

there were themes that emerged from the dialogue that participants identified as key to shaping more effective policy approaches for young adults in the justice system.

The themes that emerged from the convenings include:

- 1) **The justice reform field should seize the opportunity to improve its approach to young adults.** The impact of adolescent development research, legal arguments, and emerging political opportunities may offer a chance to advance policy changes that can reduce incarceration and promote the kind of positive outcomes for young adults that have lagged in the adult justice arena. The data show that there are an estimated 400,000 18 to 24-year-olds in prison and jails, young adults are overrepresented at various stages of justice involvement, and young adults of color are disproportionately impacted by the justice system.
- 2) **An improved approach to young adults should be community-based, collaborative, and draw on the strengths of young adults, their families, and their communities.** The best way to reduce 18 to 24-year-olds' justice system involvement should involve community-based approaches, largely outside the formal justice system. The approach should be developmentally appropriate, individually tailored, and seek to reduce individuals' justice system involvement and the collateral consequences that typically flow from contact with the justice system – all philosophical goals of the juvenile justice system. Convening participants also called for increased system and interagency collaboration to leverage

public dollars so that young adults can get the schooling, housing, job training, and health care they need. The approach to young adults should be one that empowers neighborhoods, strengthens communities, and builds on the strengths of young adults. An effective strategy to serve young adults would require larger justice system reforms that focus on resolving behavior through tactics centered around procedural justice, public health, restorative justice, and trauma-informed services. The approach should seek to change police practices and enforcement, and increase the use of diversion to reduce young adults' justice system involvement.

- 3) **The field needs specific tools and reforms to law, policy, and practice to develop a more effective approach to young adults.** Participants identified changes to law, policy, and practice order for them to successfully develop a new approach. Key changes in practice include shifting community supervision practices, integrating families, matching young adults with peer navigators, and sharing data and information on process. Legal changes would need to target barriers to changing practice. Participants identified the need to develop messaging tools on the best ways to talk about a new approach to young adults, as well as the need for more research on what works with this population, opportunities to share information on these approaches, and strategies to reinvest public resources in community approaches. Participants also expressed that there was no one-size-fits-all solution, but rather that multiple strategies should be attempted, and evaluated, to build a foundation for policy

and programmatic approaches that are most effective with the young adult population.

Like with any new attempt to improve an approach, participants cautioned that there may be pitfalls or unintended consequences that must be addressed if different approaches to working with 18 to 24-year-olds are going to successfully reduce the use of incarceration and enhance public safety: there is a need to prevent net-widening, keep the focus on the community and not on new facilities or resourcing a whole

new system, make sure older role models can remain involved in young adults' lives, not leave out women in the policy and programmatic efforts, and avoid an approach that inadvertently negatively affects strategies to reduce justice involvement of people older than 24 years of age. These cautionary notes are offered as well so that as policymakers and practitioners fashion new approaches to young adults, they can be as successful as possible in reducing incarceration, enhancing public safety, and promoting better outcomes.

About the Research

This brief largely reports out the broad themes and findings that came from two roundtable discussions JPI organized to discuss improved approaches to meeting the needs of young adults. One roundtable was held in Washington, D.C. on September 9, 2015, and the other was held in Los Angeles, CA on October 7, 2015, representing an array of stakeholders in criminal justice reform. The appendix to this brief provides the full demographic accounting and a list of attendees. This brief augments the themes and findings with data and information provided by the participants and obtained from other sources following the roundtable.

For the purposes of this paper, "young adults" refers to 18 to 24-year-olds currently under custody of the adult justice system. While important work remains to be done on behalf of young adults waived into the criminal justice system as youth or who are in the juvenile justice system beyond their 18th birthday, JPI sought to catalyze a discussion specifically on approaches for young adults in the criminal justice system.

PART I

WHY SHOULD THE JUSTICE REFORM FIELD SEIZE THE OPPORTUNITY TO IMPROVE ITS APPROACH TO YOUNG ADULTS?

There are several key reasons why JPI convened change agents to talk about approaches for 18 to 24-year-olds.

Young adults are overrepresented at various stages of the justice system, and young adults of color are disproportionately impacted.

If the new bipartisan consensus is that the country should be finding ways to reduce justice system involvement and decrease the use of incarceration, young adults may be a good place

“Young adults are disproportionately likely to be arrested in general; disproportionately likely to be arrested for violent acts in particular; and more likely than any other age group to commit additional crimes within three years. These realities represent real and daunting challenges. But they also underscore the need for those of us involved in law enforcement and criminal justice policy to understand these issues; to examine new ideas and approaches; and to engage in conversations like this one to share knowledge and explore solutions.”—U.S. Attorney General Loretta Lynch, September 8, 2015

to start: people aged 18-24 are disproportionately represented in the criminal justice system.

Though they make up only 9.9 percent of the total U.S. population,¹ 18 to 24-year-olds make up 28 percent of arrests,² approximately 26 percent of people on probation,³ and 21 percent of admissions to prison.⁴ In 2013, nearly 200,000 young adults aged 18-24 were incarcerated in prisons in the United States, comprising 12

percent of the prison population.⁵

Justice involvement intensifies during the young adult years. Forty percent of the people arrested for murder, non-negligent manslaughter and for robberies were young adults.⁶ Young adults are also more likely to be victims of violence: they are more than twice as likely as the general population to experience violent crime victimization.⁷ If there is a conversation to be had about reducing the amount of violence and the harm associated with violence, young adults should be a group of focus.

In certain states, the percentage of the prison or arrest population that is 18 to 24 years old exceeds the national proportion. In Illinois, for example, young adults account for 33.8 percent of arrests, but only 9.8 percent of the population.⁸ In Florida, young adults account for 13.7 percent⁹ of the prison population, but are 9.3 percent of the population.¹⁰

Because of the way justice system statistics are compiled from counties and cities, up-to-date information on the number of 18 to 24-year-olds in jails are not available in the same way they are for other stages of the justice system. But counts offered by federal authorities and what has been reported by localities surveyed by JPI

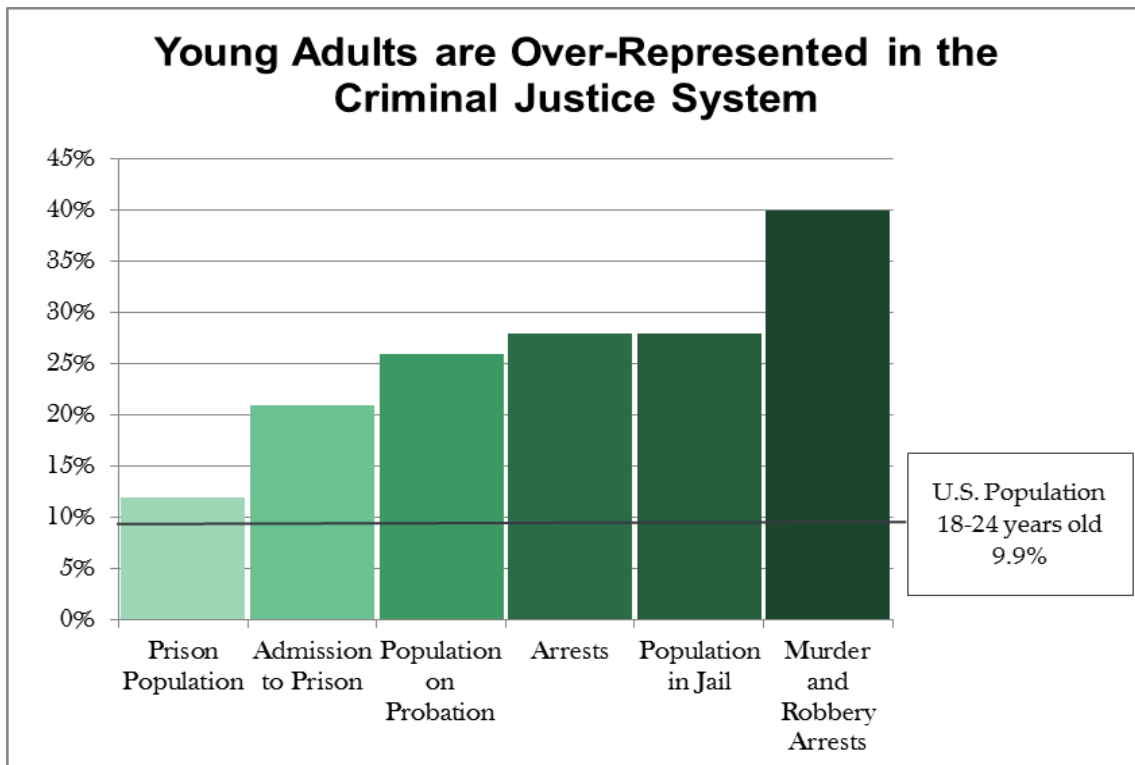
suggest that young adults are also overrepresented in America’s jails.

A 2002 survey by the U.S. Bureau of Justice Statistics (BJS) found that 28.1 percent of the jail population was between the ages of 18 and 24— which would mean there were approximately 187,000 young adults in jail at that time.¹¹ Since 2002, the number of people in jail increased by approximately 80,000 people (a 12 percent increase, during a time when crime rates fell). If the snapshot of the jail population offered by BJS in 2002 held true today, there would be approximately 209,200 young adults in America’s jails.

JPI convened individuals to discuss policy issues affecting young adults from some of America’s

counties and cities with the largest populations, including Suffolk County, Massachusetts (Boston); Multnomah County, Oregon (Portland); Cook County, Illinois (Chicago); Galveston County, Texas; Maricopa County, Arizona (Phoenix); Washington, D.C.; New York City; and Los Angeles, California

Whether measured as their standing population (average daily population), or as a percentage of the people admitted to jail (admissions), or as a percentage of those booked into jail, data from these places showed that 18 to 24-year-olds are overrepresented in jails. And, in every community that was able to offer data to us, young people of color are overrepresented among the young adults in local jails.



Source: U.S. Census Bureau, Population Division (2015); Federal Bureau of Investigation (2013); Bureau of Justice Statistics - Characteristics of Adults on Probation (1997), Prisoners in 2012 (2013), Prisoners in 2013 (2014); The Council of State Governments - Justice Center, Reducing recidivism and improving other outcomes for young adults in the juvenile and adult criminal justice system (2015).

Note: Jail figure from Bureau of Justice Statistics Profile of Jail Inmates, 2002; Murder arrests also include non-negligent manslaughter

6 Young Adults

- In Suffolk County, Massachusetts (Boston), about 14 percent of the jail population are between the ages of 18 and 24.¹² According to the Suffolk County Sheriff's Office, 20 percent of the average daily population of people in the county jails is 18 to 24.¹³ Of the 20 percent of those in jail who were young adults, 49 percent are African American or Latino / Hispanic.¹⁴ It costs taxpayers in Suffolk County \$246 per day, or \$89,790 per year, to jail a young adult.
- In Multnomah County, Oregon (Portland), about 10 percent of the population are 18 to 24-year-olds.¹⁵ According to the Multnomah County Sheriff's Office, about 17 percent of the average daily population of people in jail are between the ages of 18 and 24.¹⁶ Of the young adults in jails, 40 percent are African American or Latino / Hispanic.¹⁷ It costs taxpayers in Multnomah County \$174 per day, or \$63,251 per year, to jail a young adult.
- In Cook County, Illinois (Chicago), nine percent of the county's population are between the ages of 18 and 24.¹⁸ According to the Cook County Sheriff's Office Research Department, 29 percent of all men and women admitted to Cook County Department of Corrections are between the ages of 18 and 24 years old. Of the young adults admitted to jail in Cook County, 89 percent are African American or Latino / Hispanic.¹⁹ It costs taxpayers in Cook County \$143 per day, or \$52,195 per year, to jail a young adult.
- In Galveston, Texas, where youth are automatically in the adult system at age 17, four percent of the population is 17 to 24-year-olds.²⁰ According to the Galveston County Sheriff's Office, 24 percent of the people booked into the jail are between the ages of 17 and 24.²¹ Just over 60 percent of young adults booked into the jail are African American or Latino / Hispanic.²² It costs taxpayers in Galveston \$81 per day, or \$29,565 per year, to jail a young adult.
- In Maricopa County, Arizona (Phoenix), 4.8 percent of the people living the county are between the ages of 18 and 24.²³ According to Maricopa County, 25 percent of those booked into the county jails are people between the ages of 18 and 24.²⁴ It costs taxpayers in Maricopa County \$86 per day, or \$31,204 per year, to jail a young adult.
- In Washington, D.C., 12.7 percent of the people living in the District were between the ages of 18 and 24,²⁵ and according to the Washington, D.C. Department of Corrections, 38.2 percent of those admitted to jail were young adults.²⁶ Of the population of young adults in jail, 98.3 percent are African American or Latino / Hispanic.²⁷ It costs taxpayers in Washington, D.C. \$131 per day, or \$47,812 per year, to jail a young adult.
- In New York City, 7.9 percent of the population is between the ages of 18 and 24,²⁸ while 21.8 percent of the total city jail population was young adult.²⁹ Of the young adults in jail, 89.1 percent were Latino / Hispanic individuals.³⁰ It costs taxpayers in New York City \$264 per day, or \$96,233 per year, to jail a young adult.
- In Los Angeles County, 5.3 percent of the residents were between the ages of 18 and 24.³¹ According to the Los Angeles County

Sheriff's Department, 27 percent of the young adults in the jail were between ages 18 and 25.³² Of that 27 percent, 79 percent are African American or Latino / Hispanic.³³ It costs taxpayers in Los Angeles \$179 per day, or \$64,981 per year, to jail a young adult.

In these eight communities, taxpayers spend an average of \$163 a day to jail someone (upwards of \$58,000 per year). In sharp contrast, a community-based approach to meeting the needs of young adults costs less than what taxpayers spend to jail this population.

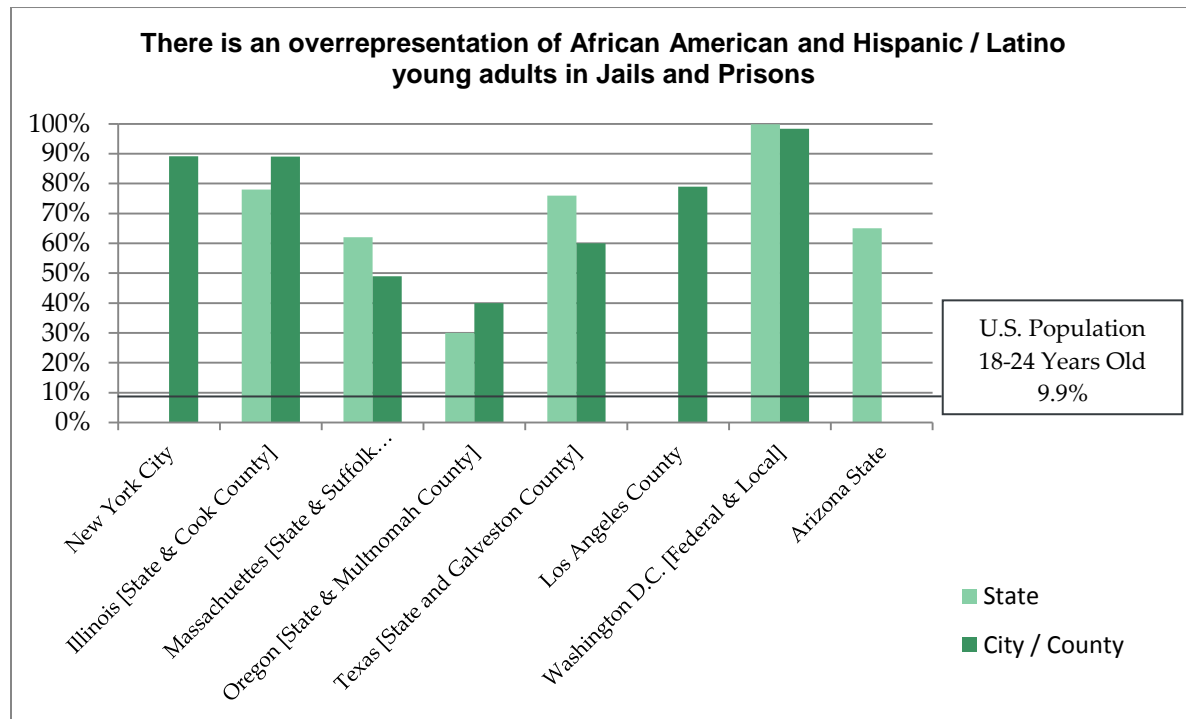
While it is important to reduce the number of young adults in prison, the information on young adults' penetration into jails is particularly important, as new research has emerged showing more precisely the negative consequences a few days in jail can have on someone's long-term trajectory.

A 2013 report shows that young adults who are jailed face more serious consequences in terms of increased likelihood to reoffend and sentencing.³⁴ Controlling for other variables, a study of people who were jailed in Kentucky found that *"defendants detained for the entire pretrial period were over four times more likely to be sentenced to jail and over three times more likely to be sentenced to prison than defendants who were released at some point pending trial,"* and that the sentences of those who were jailed tended to be longer.³⁵ The study also found a correlation between longer pretrial detention and a higher likelihood of recidivism. Specifically, researchers discovered that when low-risk defendants were jailed for just two to three days, they were at a 40 percent higher risk of committing more crimes in the future compared with low-risk defendants detained for under a day.³⁶ The same study found that *"the correlation [between recidivism and pretrial detention] generally escalates as the time behind bars increases"*: when low-risk defendants were detained for more than a month, they were 74 percent more likely to offend in the future than their counterparts who were jailed for under a day.³⁷

Where it has been documented, young people of color are disproportionately affected by the criminal justice system overall, but racial disparities are felt more acutely by young adults of color.

8 Young Adults

Young adults of color are also overrepresented in prison.



Source: U.S. Census Bureau, Population Division (2015); Email message with researchers from each jurisdiction.

Note: Cities / Counties observed included, New York City, Cook County, Suffolk County (MA); Multnomah County, Galveston County, Los Angeles, Washington D.C., and Maricopa County.

Although we were unable to collect racial breakdown data from each county / city or state convened at the focus group *i.e.* New York , California, Maricopa County, Arizona, JPI is able to identify that Black and Hispanic / Latino young adults are over represented amongst their age group.

For every white man sent to prison in 2012, there were six African American men and three Hispanic/Latino men imprisoned. Comparatively, in the same year, for every one white man aged 18 to 19 sent to prison, nine African American men and three Hispanic/Latino men of the same age were imprisoned. In 2012, for 20 to 24-year-olds, the differences were one to seven for African American men and one to two for Hispanic/Latino men.³⁸

Among those counties and cities that could report information on jail incarceration by age, young people of color were also

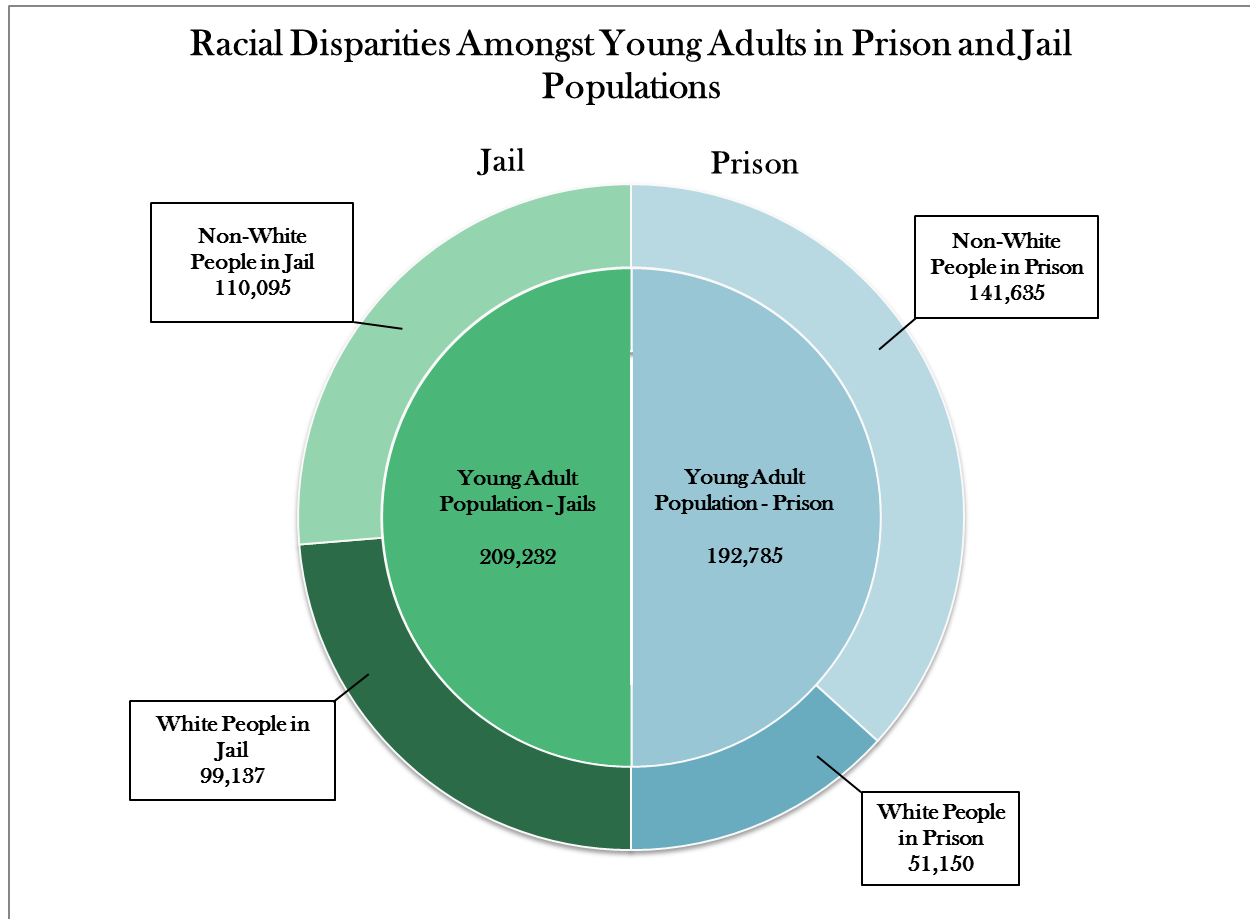
overrepresented among the population of jailed 18 to 24-year-olds. In a sampling of eight cities and counties, on average, young adults were 8.4 percent of the population, but were 25 percent of the jail population, 72 percent of which was young adults of color.

In Multnomah County, a place where the population is 76.5 white, 40 percent of the young adults that are in jail are people of color.³⁹ In Cook County, where about half the population is nonwhite, nearly nine out of ten young adults in jail are people of color. In Suffolk County, where 40.1 percent of the population is

nonwhite, half the young adults jailed are young people of color.⁴⁰

people incarcerated in America's prison and jails are between the ages of 18 and 24 – about half of whom are young people of color.

Assuming past data on 18 to 24-year-olds in jail and prison hold true today, *roughly one in five*



Source: Prisoners in 2013 (2014); Jail Inmates at Midyear 2014 (2015). Bureau of Justice Statistics.

Methodology: Utilized data of young adult populations from Profile of Jail Inmates, 2002 and applied it to the data from the Jail Inmates at Midyear 2014 (2015)

10 Young Adults

A developmental argument has emerged that young adults need an approach tailored to them.

Research advances in the combined effects of the biology of the developing brain, the psychology of emerging adults, and the social context of growing up show that adolescence extends well beyond the age of 18.⁴¹ The latest in brain science research indicates that the adult brain is not fully developed until at least the mid-20s, particularly the frontal lobe, which is responsible for judgment and impulse control. Research on adolescent development supports a developmentally appropriate approach to working with young people in the justice system generally. In addition, there is evidence that young people are reaching social milestones like marriage, having children, and leaving home later than in the past.⁴²

The best approaches in the juvenile justice system have been shown to be those that

“Ten years ago, we started to figure out [that young adults] were different. There was no science, but we knew from our work that there was a better way to serve this group. Now, research tells us that their brain development is much more like younger people, which totally matches our experience.” —Molly Baldwin, Founder and CEO, Roca Inc., East Coast Focus Group

are developmentally appropriate: they meet the specific needs of youth with regard to school, work, mental health and substance abuse, and help them attach to the kinds of pro-social peers and activities that any youth might need. The evidence that adolescence extends well beyond 18 could, theoretically, be applied to the justice system to reduce long-term negative consequences for young people and take advantage of a significant opportunity to give young adults the best chance to succeed.

Academics who have promoted an adolescence-sensitive approach to serving young adults have cautioned that science does not mean a 24-year-old is the same as an 18-year-old, or that the juvenile justice system should simply absorb the young adult population. The same academics acknowledge, however, that *“changes in the way that we treat young adult offenders [are] long overdue. This group has its own distinctive educational and mental health needs.”*⁴³

Legal arguments for approaches tailored to young adults may gain traction.

The same research that persuaded courts to view the behaviors of youth as different from the behaviors of adults is also being used to change statutes and thereby reduce justice system involvement for young adults.

California recently enacted SB 261, which extended reforms to young people who receive extremely long sentences. Prior law allowed parole hearings only for individuals who were convicted for crimes committed before age 18; SB 261 extends that age to 23. The rationale behind the change is that individuals under age 23 may be less responsible for their actions than adults, and such people’s propensity to change through maturity and growth is greater. About 300 people have already been released under the Youth Offender Parole (SB 261), most of whom were convicted of a violent offense. As many as 16,000 more remain eligible.⁴⁴

“Focusing on young people is a primary and secondary form of prevention. This ends the cycle of recidivism that extends well into middle age for most. It is cost effective as well.” — Daisy Ozim, Community Engagement Coordinator, Transitional Age Youth San Francisco, West Coast Focus Group

Emerging political arguments that young adults should receive different treatment can be persuasive.

While there has been greater policy and media attention focused on criminal justice reform than ever before, prison populations have barely changed. In 2014, the overall number of people held in a correctional facility dropped by only one percent,⁴⁵ and the number of people in jail rose by 1.8 percent.⁴⁶

By sharp contrast, the best data on the levels of juvenile confinement – something that can include a placement in a juvenile facility, or an out-of-home placement – shows that the number of young people incarcerated over the last decade fell by about 50 percent.

Some of the relative progress seen in the juvenile justice versus the criminal justice policy arena is

“Law is based on culpability.... If we can show with adolescent brain development that a young adult should not be as culpable because their brain is not fully developed, we should use it. When it comes to mandatory sentences: that is the winning argument.”

–Maureen Pacheco, Deputy Alternate Public Defender, Los Angeles Alternate Public Defender’s Office, West Coast Focus Group

due to an emphasis on how youth are developmentally different from adults and why they require an individually tailored approach, and on evidence that intervening with youth and serving them in the community is more cost effective because

it reduces crime and incarceration over the long-term.

Some of the thought leaders JPI convened feel that there is an opportunity to make a political argument focusing attention on the young adult population that could help accelerate reductions in their justice system involvement. Participants

pointed out that because crime rates are so low, it is possible to be more innovative in how justice systems treat young adults in order to help prevent crime rates from going back up again. Arguing that public safety will be further improved by appropriately addressing the needs of young adults is an effective argument in the current climate. In Washington, D.C., a mayoral proposal as part of the 2016 budget process called for a different approach for 18 to 24-year-olds – and for negotiations with the federal government to develop ways to better handle this group of youth –because it would help improve public safety.⁴⁷

Increased recognition that many of those who have been arrested, convicted, and incarcerated have also been victims of trauma and abuse themselves has led to an emerging shift in the way people involved in the justice system are perceived. The divide between defining someone as a person who has been harmed, a person who has caused harm, or a person who needs services is blurry. Thanks to growing acknowledgement that the “victim/offender” frame is not always the most useful, the field has an opportunity to serve young adults differently and not simply revert to the formal justice system.⁴⁸

An improved approach to young adults should focus on the community.

In addition to improved public safety outcomes, convening participants believed that focusing on this population would result in reductions in the incarceration of 18 to 24-year-olds: perhaps fashioning a better approach to young adults could halve the current population of 400,000 18 to 24-year-olds in prisons and jails, similar to the recent reductions in the juvenile justice system.

12 Young Adults

In part because of the desire to produce better outcomes for young adults by limiting formal justice involvement, most participants thought that any focus on 18 to 24-year-olds should be directed towards empowering the community to

“There are opportunities and interest in redrawing the abrupt lines in the sand related to services and support, making the connection between trauma and public safety, conflict resolution and community wellness.” —Seema Gajwani, Special Counsel for Juvenile Justice Reform, District of Columbia Office of the Attorney General, East Coast Focus Group

serve young adults more effectively. There was robust debate over what should happen when young adults end up in the deepest end of the justice system, particularly in the West Coast focus group due to a proposal in California for a specialized facility for young adults that has garnered attention. But nearly everyone that joined the dialogue agreed that the best way to reduce 18 to 24-year-olds’ justice system involvement is to use community-based approaches, largely outside the formal justice system. There were calls for increased interagency collaboration to leverage investments from outside the justice system, strategies to empower neighborhoods and build communities, a focus on building on the strengths of young adults, and efforts to refashion approaches around fairness and effectiveness.

The focus on individually tailoring a response to young adults – designing an approach for each person around his or her strengths – is what the juvenile justice system holds up as best practice.

The young adult approach offered was one that increases interagency collaboration to better leverage investments from outside the justice system.

Multiple focus group participants mentioned that strengthening cross-systems collaboration—among schools, behavioral health, the courts, and corrections—could help ensure that young adults have the tools they need to succeed. By cooperating across systems, young adults would have better access to more effective services, and different agencies could identify how the decisions they make affect other parts of the system.

“We need to make sure that providers can work together more effectively. I think getting the systems to be more of a community, and not operate as silos would help us moving forward. If we could show this to the courts—show how we can work together – it would create more informed sentencing.”
—Truls Neal, Deputy Director, Multnomah County Department of Community Justice, West Coast Focus Group

Part of the reason collaboration between agencies was cited as a key strategy to improve outcomes for young adults was due to participants’ emphasis on a series of barriers that no one agency can circumvent without the collaboration of all stakeholders that touch this population.

Areas for collaboration in order to better serve young adults include:

- **Community:** Involving the community is *key* to initiating the conversation about criminal justice reform policy. Involving communities means being proactive towards the young adult population by, for example, establishing mentorship programs and using wraparound services as

appropriate for young people who have had contact with the justice system.

- **Education:** Young adults may lack high school or GED credits, which makes it difficult to connect to school. Young adults may also face pressures to get a job, which may interfere with schooling. Sixty percent of states do not publicly fund education services past the age of 21, limiting young adults’ access to the kinds of educational programs they need to earn a high school or post-secondary degree or workforce credential.
- **Employment:** The job participation rate is lower for 18 to 24-year-olds than older adults. If they are justice system involved, young adults may possess fewer skills that fit with the job markets available in the community, and employers may be more reluctant to hire young adults who have a criminal record.
- **Housing:** Young adults can face challenges from housing applications that commonly ask

“There are other systems that do a much better job than the justice system. Most kids have educational issues. What can we do about it? Let’s work with the schools, work with them to improve their educational outcomes. Let’s do the same with mental health, and let them do what they can do without bringing them into the justice system. We need to strengthen approaches from these other systems.”—Judge Donna Groman, Supervising Judge, Los Angeles County Juvenile Delinquency Court, West Coast Focus Group

about criminal history, and federal law allowing public housing agencies to reject anyone with a criminal record for various crimes. A lack of housing combined with the lack of life skills training—which individuals can often gain through supportive permanent housing—can also

affect young adults in an acute way, putting them at greater risk for continued contact with the justice system.

- **Health:** While the Affordable Care Act and Medicaid expansion in states may offer some remedies for single young adults, half of states provide no Medicaid coverage for childless adults. Upon reaching 19, young adults can face interruptions and termination of their health care. Additionally, some childhood diagnoses are not covered in the adult system, impacting the continuity of care.
- **Child welfare:** The maximum age for foster care eligibility in most states ranges from 18 to 22.⁴⁹ There have been significant efforts to coordinate child welfare and juvenile justice system responses for the two-thirds of youth common to both systems. However, integrating strategies that could leverage federal funding for health care, housing, employment, schooling, and other pathways to permanency have proved more challenging for adult corrections agencies.
- **Trauma-informed approaches:** In America, violent crime victims are disproportionately young, nonwhite, and poor. Many of the young adults involved in the justice system are also victims of crime, and are recovering from the trauma of associated violence. Correctional workers, police, prosecutors, and judges need to be trained in trauma-informed approaches to assure young adults can address past distress and avoid further victimization.

A number of community-based organizations that serve justice-involved 18 to 24-year-olds

14 Young Adults

and people who identified as being formerly incarcerated joined the two roundtables along with probation, corrections, and law enforcement leaders. Some formal justice system leaders and many of the people impacted by the system (or nonprofit leaders working with young adults) thought that reinvestment of a portion of the billions of dollars spent on the justice system should be directed to community-based organizations.

In explaining that resources were not always going towards programs achieving positive outcomes, one former probation chief offered, *“What we’ve done is go out and look for pots of money to develop programs, but we are doing things we shouldn’t be doing with that money.”* Someone who leads a community-based organization serving young adults noted, *“Some nonprofits have trouble accessing funding through the sheriff.”* A probation official from the West Coast responsible for funding post-adjudication placement noted, *“When we hear about the change and the success, it is coming from private industry. There is no shortage of resources. There is a lot of money to spend. We don’t know what to do with it to be honest with you. We don’t hear the success stories.”*

The approach to young adults should be one that empowers neighborhoods and builds communities.

Young adults are part of a neighborhood when they leave prison or if they are on community supervision. Participants asserted that the best way for young adults to achieve success is to leverage neighborhood support for them. This includes investing in empowering and culturally specific programming; one example that was offered is a program in Arizona that teaches Native American youth about their heritage.

Participants also mentioned that community-based organizations are especially well equipped to help people transition home and are in good a position to empower families to help their children when they return home.

“The approach has to be culturally competent. It needs to be someone from the community that people naturally trust and that looks more like them.”—Jesus Martinez, Case Manager, Bay Area Community Resources / Communities in Harmony Advocating for Learning and Kids, West Coast Focus Group

The approach to young adults should build on their strengths.

As part of an approach to help young adults succeed in the community, multiple people in the focus groups noted the need to develop mentors and positive role models with past justice system involvement to work with 18 to 24-year-olds. Individuals in the justice system often relate better to people who have had similar experiences,

and they may be more responsive to people who know first-hand what it is like to be in the system. Formerly system-involved people may also benefit from having a job as a mentor and a sense of giving back to the community. And, the community benefits because employment and engagement with positive role models can help prevent recidivism and a return to prison.

“The community must establish an identity and become a vital part in the reintegration of those that are formerly incarcerated. This is facilitated by hiring justice-involved community members to help restart their lives.”—Truls Neal, Adult Service Division Director, Multnomah County Department of Community Justice, West Coast Focus Group

The justice system should shift its approach to young adults so that it is fairer and more effective.

While many individuals convened by JPI called for pulling from the best features of the juvenile justice system to help enhance public safety and reduce incarceration of young adults, participants could not avoid discussions that called more broadly for a system that is fairer than both the current juvenile and adult systems. The belief that the system needs to diametrically shift in order to be more fair and effective for young adults underpinned much of the conversation.

Participants recommended the following key changes in the way the system works with 18 to 24-year-olds, which would fundamentally shift current policy and practice:

- Procedural justice:** Procedural justice (sometimes called procedural fairness) is the idea that how someone perceives the fairness of the process is as important (or more important) than the perceived fairness of the outcome. Put another way, even if young adults are held accountable for their behavior and there is a consequence for that behavior, they will believe “the system works” if they feel that the process that led to the outcome was fair.

“The system has an issue with constructing procedural justice – the notion that an individual will take responsibility for the action if they feel the punishment is fair. This issue develops within jurisdictions due to inadequate resources to provide fairness and meaningful rehabilitation [for justice-involved individuals].” —Janis Bane, Former Director, Galveston County Adult Probation, West Coast Focus Group

Focus group participants said that if young adults believe they are being treated fairly, they are more likely to take responsibility

for their behavior and buy into the justice system’s response, especially if it is community-based.⁵⁰

- Public health approaches to violence:** There is an emerging national consensus indicating that violent crime can be addressed through a public health approach. A public health approach includes “identifying and treating those in the community at risk for violent behavior, much like health professionals identify and treat those at risk for disease,” while carefully selecting members of the community — sometimes referred to as violence interrupters — who anticipate where violence may occur and intervene before it happens.⁵¹ Elements of a public health approach that involve “doing no harm,” “strengthening community capacity,” “enhancing legitimacy,” and “offering help” to residents outside the justice system can help address neighborhood challenges. The focus group participants identified a need to expand public health approaches to violence prevention.
- Restorative justice and trauma-informed approaches:** Related to a public health approach to violence prevention, stakeholders identified the need to expand strategies that include specific outreach to victims—especially those who are also family members or justice-involved themselves—in order to develop creative solutions that

“We should expand the number of social workers and case managers there are at hospitals because they know that youth who are physically hurt are the most open to change, and [they] can intervene before violence escalates.” — David LaBahn, President and CEO, Association of Prosecuting Attorneys, East Coast Focus Group

16 Young Adults

might reduce reliance on the justice system. Restorative justice and trauma-informed approaches encourage such creative solutions, addressing behavior and resolving disputes while reducing formal justice involvement. Additionally, these approaches hold promise in changing the way young adult

“There needs to be an emphasis on the system’s progression for five to 10 years from now. Currently, we are traumatizing individuals on a daily basis as the population typically has been traumatized before incarceration, and their confinement exacerbates it.” – Joseph B. Tulman, Professor of Law, University of the District of Columbia, East Coast Focus Group

“offenders” may be perceived: helping the public understand that individuals who engage in crime are often also victims of crime themselves may convince people to embrace a different approach that holds young adults accountable for their behavior and leads to reduced justice system involvement.

- **Changing police practices and enforcement:** Participants agreed that changing policing practices has to be part of the approach to improving the way young adults are treated. Practically, this might mean stepped-up approaches around diversion, citation in lieu of arrests, changes in police deployment, and increased investments in the communities most impacted by crime to address long-standing challenges and social conditions.

“To promote broader criminal justice reform, the community will need to take a social-control standpoint on young adults. Currently, the police department is the only function that maintains order; the community needs to reform and take that role back for certain issues to help individuals avoid the formal justice system.”

—Daisy Ozim, Community Engagement Coordinator, Transitional Age Youth San Francisco,

PART II

THE CONVENING PARTICIPANTS NOTED THE NEED FOR SPECIFIC POLICY CHANGES AND IDENTIFIED SPECIFIC TOOLS TO SERVE YOUNG ADULTS MORE EFFECTIVELY

Stakeholders asserted that a focus on young adults could enhance public safety, reduce justice system involvement, and improve overall outcomes for justice-involved youth.

Participants suggested that a focus on this age group will require:

- 1) A larger investment (or reinvestment) in certain kinds of community-based approaches;
- 2) Changes to laws, policy, and practice governing how young adults are treated by the justice system;
- 3) The development of new communications tools to frame for the public why a new approach to young adults will enhance public safety, reduce imprisonment, and promote fairness;
- 4) A strategy to navigate unintended consequences created by focusing on young adults.

Larger investments or reinvestments in approaches to serve young adults in the community

Stakeholders stated that increased investments in a series of different approaches to serve young adults are critical to serving this population effectively. As noted above, participants favored strategies that embrace procedural justice, restorative justice, and trauma-informed services, and an overall public health approach to violence. Developing these approaches will mean reinvestment of dollars from one part of the system to another, as well as bigger investments in community-based approaches outside the justice system.

Changes in practice

Focus group participants cited a number of changes in practice that they thought should happen within their part of the justice system, or within the justice system as a whole. A couple of the leading calls for change include areas that are part-and-parcel of

“We do not have enough treatment services for the young adults. Anything that is an alternative approach should be strengthened.”

—Barbara Broderick,
Chief of Probation,
Maricopa County
Adult Probation,
West Coast Focus
Group

18 Young Adults

the strengths of the juvenile justice system, and many of them involve strengthening the community approach overall. Key recommendations for a shift in practice include:

- **Shift community supervision to best practice:** The role of community supervision should shift from a law enforcement-oriented approach to a strength-based approach in which practitioners engage in behavior-change work with the person on supervision. Participants also offered that more young adults could return to the community if caseloads were reduced, enabling supervision agents to focus more on people with the greatest need, and significantly reducing supervision for other individuals. An improved community supervision approach would include intensive case management for those people who need it, and the opportunity for people to “reach into” institutions to help improve someone’s reentry.

- **Use more multi-disciplinary approaches:** As noted above, to serve young adults more effectively, there needs to be enhanced coordination between schools, mental health, and child welfare systems, and this approach should be designed to keep young adults out of the justice system when possible.

- **Integrate families:** Building on the kinds of policy changes being advanced in juvenile justice and changing practice so that whole families are involved in helping develop

service and supervision plans can help serve young adults better.⁵²

- **Hire peer navigators:** Use of peer navigators has been successfully advanced in other social policy realms—such as health care policy—where young adults are hired to help their peers navigate the community, attach to key resources, and avoid justice system involvement. Peer navigators can also help improve the cultural competency of the system to work with justice-involved people.
- **Share data and information on outcomes and processes:** Data sharing ensures that all parts of the system know what is happening with young adults after a court disposition, and that judges are aware of the outcomes of their decisions. Better information sharing also helps build better relationships between community-based organizations and identify barriers to improving practice (such as in the case of charter school fees, which limit the involvement of young adults).

“We need peer navigators – people who can assist you going through probation and parole.” —Barbara Brodrick, Chief of Probation, Maricopa County Adult Probation, West Coast Focus Group

“We need the tools to help wrench the resources from criminal justice systems.”
— Vincent Schiraldi, Senior Research Fellow, Harvard Kennedy School of Government, East Coast Focus Group

Changes in law

While a lot of practice change can happen administratively within departments or agencies that are already responsible for young adults, focus group participants identified the need for some laws to change in order for practice changes to become reality. For example, while there was wide agreement that peer navigators are a good way to help support young adults upon their return to the community, some states have laws that prevent people with criminal

records from working in the justice system. Changes in law would be needed if the approach were to echo some of the best features of the juvenile system, such as the ability to

“Adult correctional administrators won’t listen or immediately assume that we are talking about juvenile justice. This can’t be a juvenile justice conversation. If it is, then we lose the opportunity to engage people who are doing work on adult stuff.” – Brent J. Cohen, Senior Advisor to the Assistant Attorney General, Office of Justice Programs, United States Department of Justice, East Coast Focus Group

expunge or seal a record of justice system involvement,⁵³ or giving a correctional administrator the power to reduce someone’s time in prison based on his or her age.

Finally, in order to reinvest in or create new funding streams for community-based approaches, trauma-informed services, public health services, restorative justice, and diversion for young adults, legislation (or budgets) would need to be passed at the state level to direct dollars accordingly.

Participants offered an intermediate step that would involve creation of a legislative compendium on law changes that have impacted young adults, which would be kept current through newsletters and websites.

Tools to help develop an effective message for the field around young adults

Convening participants noted that the field is just starting to advance a new narrative around 18 to 24-year-olds as a population that should be prioritized for a different approach. Whether they are system stakeholders who oversee young adults in custody, or policy reform advocates, the constituency that could press for a different approach to 18 to 24-year-olds is just

starting to test the best ways to talk about this population.

One stakeholder offered that it is important to keep the conversation about young adults in the adult justice space in order to help adult justice system stakeholders become invested in a different approach. Another stated that some of the language being used to advance a new approach may be seen as pathologizing or infantilizing communities of color.

“Primarily young black men are affected. In terms of messaging – this is something to reconcile for this to resonate with impacted communities. To say that you’ve had a prolonged childhood doesn’t sit right when you’ve never had a childhood. Be careful not to pathologize or infantilize black men.” – Seema Sadanandan, formerly the Criminal Justice Director at ACLU of the Nation’s Capital, East Coast Focus Group

One stakeholder representing prosecutors emphasized that holding young adults accountable for their behavior needs to be part of any message that is developed to support this population. Participants in the East Coast convening suggested that the field adopt a strategy that has been advanced in juvenile justice reform: engage in polling and focus group work to develop an effective message that can help the reform constituency achieve its goals.

Identifying the unintended consequences that might stem from a young adult approach

The people JPI convened said that changing laws, policy, and practices to build a new approach to addressing the needs of young adults could reduce incarceration, improve life outcomes, and promote public safety. But, there could also be important unintended consequences that need to be identified and

20 Young Adults

addressed. Some of these unintended consequences echo those facing juvenile justice system change agents, and some of them are challenges endemic to adult-level justice reform.

- **Preventing net-widening and system expansion:** The juvenile justice field has faced challenges in reducing justice system

“We should provide more services for 18 to 24-year-olds in community-based organizations in and out of jail: the more the better. I would love to help 30-year-olds and 40-year-olds; I think everyone has a chance, but I don’t want today’s youth to be those statistics later on down the road.”—Jesus Martinez, Case Manager, Bay Area Community Resources / Communities in Harmony Advocating for Learning and Kids, West Coast Focus Group

involvement for non-criminal offenses, like status offenses, and the belief that treatment and services need to be provided through the formal justice system.

Convening participants noted the need to avoid the paternalism of some juvenile court approaches, which could be particularly disempowering for young adults. While specialized treatment courts, like drug courts,

have their role, a “young adult” docket might replicate the challenges seen when problem-solving courts needlessly bring people into the justice system who do not need to be there. To address the net-widening challenge, stakeholders suggested that strategies seeking to assess individuals’ risk factors and needs, and tailor the justice system approach around what works with this population may help reduce justice system involvement overall (including for young adults). Increased use of pre-arrest diversion is another potential strategy to reduce young adults’ involvement in the justice system.

- **Steering away from new facilities and third systems:** The net-widening conversation led most of the people JPI convened to reject the idea that a “third system” is needed to serve young adults; stakeholders agreed that a community approach that takes the best features of the juvenile justice system and applies them to 18 to 24-year-olds makes more sense. Participants in the West Coast convening discussed a proposal in California to build a specialized facility for a segment of the young adult population as an alternative to transfer to the adult system; this intensified the group’s focus on an approach that serves this population outside of facilities and in the community.⁵⁴
- **Keeping older role models involved in young adults’ lives:** West Coast convening participants (which included more directly-impacted young adults) noted several times that older people in the justice system, especially those in prison, can serve as positive role models. Separating older and younger people would eliminate the potential for spontaneous, positive relationships to occur between young adults and individuals of a different age group who have had similar experiences.
- **Maintaining a focus on the specific needs of young women:** Because men make up a larger proportion of those involved in the justice system, most systems are designed to primarily address the needs of men, thereby often neglecting the unique needs of women. Participants cautioned that a growing number of young women are becoming involved in the justice system and they should be considered in any approaches moving forward.

- *Avoiding neglect of people in prison who are older than age 24:* While many good reasons were offered throughout these discussions for why it makes sense to focus on 18 to 24-year-olds, participants expressed a cautionary note to refrain from advancing messages that would inadvertently make it harder to reduce the incarceration of people above that age group.

“Targeting only 18 to 24-year-olds creates separation.... Offering one thing to one group and not another creates separation. It can create bitterness.”—Omar Cassaigne, Member of the Anti-Recidivism Coalition (ARC), West Cost Focus Group

One recommendation was to match the call for a focus on young adults with the data and research that show how other populations have very low rates of recidivism, yet are still exposed to long sentences, and to note how incarceration costs the system significant amounts of money but does not generate significant public safety outcomes.

22 Young Adults

Are there unintended consequences that could result from making arguments for justice reform based on brain science research?

Over the last decade, advances in brain science research have been critical to ending the juvenile death penalty and limiting life without parole and other extreme sentences for youth. Together with adolescent development research, brain science research has been used as a justification for changes to juvenile justice approaches, and has contributed to the halving of the number of youth in secure facilities.

However, researchers have said that it is difficult to isolate the age at which brain science research is most applicable because there are other, external forces influencing young adults, including, and especially, older adults. Cutting off the availability of resources, supports, or services at the age of 24 may seem just as arbitrary as doing so at age 18.

Youth of color are most at risk of bearing the unintended consequences of an argument asserting that a developing brain leads to poor decision-making.

Most convening participants agreed that not everyone is receptive to change at the same time in their lives. However, overall, participants found value in using brain science and adolescent development research to argue that young adults benefit from an approach that takes into account the tremendous opportunity for change at that phase of development.

Using brain research to help advance the conversation about young adults does not come without its hurdles or unintended consequences. This conversation should not lead to the limitation of other legal rights, such as voting, or influence policies in other areas, like family planning. Rather, the conversation on how we can serve 18-24 year-olds more effectively should be focused on increasing awareness of best practices in youth development and how it can be extended beyond age 18, and the impact justice system involvement can have on positive outcomes for young adults.

The focus groups found value in adolescent development research; however, there are other facets to its concrete application in the criminal justice system. Over the years, arguments focused on brain development research have been defeated in lower courts, which has affected the ability to use such arguments on a widespread level. Across the entire criminal justice system (rather than just within the juvenile justice system), the adolescent research movement has been contested by legal doctrine, and has not been able to gain universal traction as a catalyst for policy change.

In addition to legal barriers to arguments centered on adolescent brain research, there are scientific limitations. Scientific arguments against using brain research have centered on “individual cases”; while all young adults go through the same development stages, they differ in their timeline. Put simply, it is hard to generalize an age when a *youth cognitively becomes an adult* because external experiences affect development. While revamped approaches to young adults should focus on the kind of individualized responses to needs and behaviors we see in the juvenile justice system, what is required is a systemic approach that takes into account external factors (e.g. challenges facing one community over another). One author suggests that the pitfall of this outlook is that it promotes a framework directly associating delinquency with individual developmental difference.⁵⁵

CONCLUSION:

INCREMENTAL CHANGE AND MORE RESEARCH ARE NEEDED TO ADVANCE EFFECTIVE APPROACHES FOR YOUNG ADULTS

Since JPI convened four dozen people on both coasts to talk about ways to improve the justice system’s approach to 18 to 24-year-olds, policymakers and elected officials in different jurisdictions have taken some steps to advance different ways to serve this population. Most notably, Connecticut’s Governor Dannel Malloy advanced a legislative proposal in 2016 that would have allowed young adults up to age 20 to be served by the juvenile justice system, and would have expanded confidentiality protections for young adults up to age 24. While the legislature did not move forward with the proposal, there was executive support for a better overall approach to meeting the existing needs of young adults in the state. Additionally, Illinois legislators held a hearing in January of 2016 to discuss what different approaches to 18 to 24-year-olds might look like.

“My goal for this hearing is to begin a conversation about how the criminal justice system can better address the young adult population with a focus on reducing recidivism rates. Experts have increasingly raised concerns about the effectiveness of the adult criminal justice system in dealing with young adults, so I would like to find a way for Illinois to deal with this issue in a cost-effective way that helps troubled youth get rehabilitated while not compromising public safety.”
 — Illinois State Representative Laura Fine, Illinois General Assembly on Friday, January 22, 2016.

The United States Department of Labor advanced \$30 million through competitive

grants for organizations to design programs for adults ages 18 to 24 that apply evidence-based interventions; programs may include mentoring, career pathways, registered apprenticeships, family reunification, and other promising practices, with a focus on providing occupational training and credentials.

At the request of the Office of Justice Programs, in 2015, U.S. Department of Justice’s (DOJ) National Institute of Justice conducted an environmental scan of developmentally-informed approaches being used with young adults in the criminal justice system, focusing on law enforcement, prosecution, courts, probation, parole, and corrections.⁵⁶ In 2016, DOJ’s Bureau of Justice Statistics invested \$5 million in a variety of demonstration projects to help a half-dozen communities advance a different approach to serving young adults.⁵⁷

These small steps echo a couple of core themes that JPI heard from its focus group participants. First, as was outlined by the Council of State Governments monograph⁵⁸ focused on 18 to 24-year-olds, there is a need to build the knowledge base of what works for young adults by testing promising and innovative supervision and service delivery approaches, and directing funding to programs proven to be effective. The National Institute of Justice’s environmental

24 Young Adults

scan underscores the need to build the evidentiary base of what programs, services, approaches, and supports can help young justice-involved adults succeed, particularly so that concrete changes in practice can be offered to policymakers.

Second, the research and investigation of current approaches being used with young adults are in line with focus group participants' general agreement that small steps can hold promise in improving outcomes, despite concerns about setting up "third systems" or absorbing 18 to 24-year-olds en masse into the juvenile justice system. While it remains to be seen whether Connecticut will raise the age of juvenile court jurisdiction to 21, much can be learned – right

now – from looking at advances in practice and policy for young adults, and building on them.

The key theme that emerged from JPI's convening of stakeholders to discuss better ways of working with young adults, is that if a more effective and targeted approach to this population can be developed, it would help reduce the use of incarceration for the 400,000-plus 18 to 24-year-olds estimated to be in prison or jail, without compromising public safety. In a country with the largest prison population in the world and the highest incarceration rate, even small steps may bring relief to the communities and populations most impacted by the negative consequences of justice involvement, including young adults.

APPENDIX:

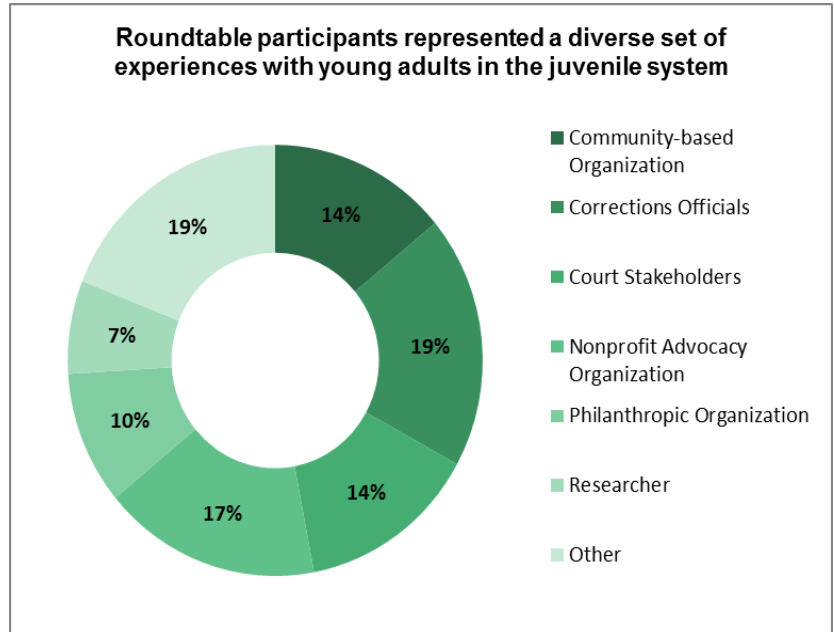
ABOUT THE RESEARCH PROCESS

Policymakers, practitioners, court personnel, researchers, and advocates across the country have expressed growing interest in applying advances in brain science and adolescent development to approaches for young adults in the system. This interest has manifested itself in actual policy and practice change, as well as new research and policy analysis. For example, John Jay College of Criminal Justice, Harvard Kennedy School, the Juvenile Justice Initiative, Loyola University in Chicago, the Council of State Governments, and the National Institute of Justice are all conducting research and policy analysis on better approaches to serve the young adult population.

To add a different perspective to the research and information being gathered by others, the Justice Policy Institute hosted two roundtable discussions. The roundtables were designed to gather the best thinking, ideas, and strategies to change law, policy, practice, and process related to young adults aged 18 to 24 in the criminal justice system.

To reflect the diversity of perspectives emerging from the field, as well as the experiences of people from around the country, one roundtable was held in Washington, D.C. on September 9, 2015, and the other was held in Los Angeles, CA on October 7, 2015.

The 42 participants⁵⁹ JPI convened represented:



- Community-based organizations including organizations that directly serve young people;
- Corrections personnel including community supervision officers and sheriffs;
- Court personnel including district attorneys, judges, and public defenders;
- Nonprofit advocacy organizations that advocate for justice reform;
- Philanthropic organizations, including foundations;
- Researchers who conduct research on issues related to justice reform; and

26 Young Adults

- Communications professionals, people with direct experiences with the system, and technical assistance providers.

In addition, participants came from 10 states, and had the following characteristics:

- 33 percent were corrections officials or court personnel who work with youth or adults;
- 43 percent were from the western half of the United States;
- Four participants identified themselves as young adults;

- Four participants identified as having been formerly incarcerated or under the supervision of the justice system.

The information obtained through the convenings was augmented by research documents provided by attendees to the authors, information collected from justice systems on the number of young adults in jails, and other recent works.

The research was supported by a generous grant from the John D. and Catherine T. MacArthur Foundation.

- ¹ U.S. Census Bureau, Population Division, "Annual Estimates of the Resident Population by Single Year of Age and Sex for the United States: April 1, 2010 to July 1, 2014," Release date: June 2015. http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2014_PEPSYASEXN&prodType=table.
- ² Federal Bureau of Investigation, "FBI Uniform Crime Report, Table 38, Arrests by age, 2013," Accessed November 5, 2015. www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/tables/table-38/table_38_arrests_by_age_2013.xls.
- ³ Thomas Bonczar, *Characteristics of Adults on Probation* (Washington, DC: Bureau of Justice Statistics, 1997).
- ⁴ E.A. Carson and D. Golinelli, *Prisoners in 2012: Trends in Admissions and Releases, 1991 – 2012* (Washington, DC: Bureau of Justice Statistics, December 2013). www.bjs.gov/content/pub/pdf/p12tar9112.pdf.
- ⁵ E. Ann Carson, *Prisoners in 2013*, (Washington, DC: Bureau of Justice Statistics, 2014). www.bjs.gov/content/pub/pdf/p13.pdf; and M. Sickmund, T.J. Sladky, W. Kang, and C. Puzzanchera, *Easy Access to the Census of Juveniles in Residential Placement* (Washington, DC: Office of Juvenile Justice Delinquency Prevention, 2013). <http://www.ojjdp.gov/ojstatbb/ezacjrp/>.
- ⁶ The Council of State Governments - Justice Center, *Reducing recidivism and improving other outcomes for young adults in the juvenile and adult criminal justice system* (Washington, DC: The Council of State Governments – Justice Center, 2015).
- ⁷ Truman, Jennifer L. and Langton, Linn, *Criminal victimization, 2014* (Washington, D.C.: U.S. Justice Department, Office of Justice Programs, Bureau of Justice Statistics, 2015).
- ⁸ Kanako Ishida, *Young Adults in Conflict with the Law: Opportunities for Diversion* (Evanston, IL: Juvenile Justice Initiative, February 2015).
- ⁹ E.A. Carson and D. Golinelli, *Prisoners in 2012: Trends in Admissions and Releases, 1991 – 2012* (Washington, DC: Bureau of Justice Statistics, December 2013). www.bjs.gov/content/pub/pdf/p12tar9112.pdf.
- ¹⁰ U.S. Census Bureau, "2010 Census, Summary File 1, Tables P12, P13, and PCT 12," Accessed on November 5, 2015. http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_QTP1&prodType=table
- ¹¹ Doris J. James, *Profile of Jail Inmates, 2002* (Washington, DC: U.S. Justice Department, Office of Justice Programs, Bureau of Justice Statistics, 2002).
- ¹² Of the 14 percent of the population that are young adults, 40 percent are Black or Latino / Hispanic. Suburban Stats, "Population Demographics for Suffolk County, Massachusetts in 2016" (2016). All subsequent 'population demographics' are from the same source of Suburban Stat. <https://suburbanstats.org/>.
- ¹³ Van der Lugt, Laura, "Suffolk County Sheriff's Department." Email message to Jason Ziedenberg, February 17, 2000 – March 2, 2000.
- ¹⁴ Van der Lugt, Laura, "Suffolk County Sheriff's Department." Email message to Jason Ziedenberg, February 17, 2000 – March 2, 2000.
- ¹⁵ Of the 10 percent of Young Adults in Multnomah County, Oregon, 21.39 percent are Black or Latino / Hispanic. See Suburban Stats, "Population Demographics for Multnomah County, Oregon in 2016" (2016).
- ¹⁶ Lin-Kelly, Wendy. "Age Breakdowns in Jail." Email message to Jason Ziedenberg. January 22, 2016.
- ¹⁷ Lin-Kelly, Wendy. "Age Breakdowns in Jail." Email message to Jason Ziedenberg. January 22, 2016.
- ¹⁸ Of the 9 percent of the county's population of young adults, 56.53 percent were Black or Latino / Hispanic. See Suburban Stats, "Population Demographics for Cook County, Illinois in 2016" (2016).
- ¹⁹ Gratteau Hanke, Director, of the Sheriff's Justice Institute, Cook County. Email message to the Jason Ziedenberg, February 09, 2016.
- ²⁰ Of the 4.31 percent of young adults in Galveston County, 43.95 percent were Black or Latino / Hispanic. See Suburban Stats, "Population Demographics for Galveston County, Texas in 2016" (2016).
- ²¹ J.D. Sprague, B.S., Corrections Bureau, Support Services Division, Galveston County Sheriff's Office. Email message to Jason Ziedenberg, March 21st, 2016.
- ²² J.D. Sprague, email message to Jason Ziedenberg, March 09, 2016.
- ²³ Of the 4.84 percent of people that are young adults, 43.54 percent are Black or Latino / Hispanic. Suburban Stats, See "Population Demographics for Maricopa County, Arizona in 2016" (2016).
- ²⁴ Ryan Cotter, Ph.D., Maricopa County, Justice System Planning and Information. Email message to the author, February 8th, 2015.
- ²⁵ Of the 12.7 percent of Washington D.C. residents that are young adults, 60 percent are Black or Latino / Hispanic. See Suburban Stats, "Population Demographics for Washington, D.C. in 2016" (2016); See also The 2010 Census has the following categories for state population data age breakdowns: Under 18, 18 & over, 20-24, 25-34, 25-49, 50-64, and 65 & older. So, to estimate the number of 18-24 year olds, the researchers subtracted the 25-34, 35-49, 50-64, and 65 & older figures from the 18 & over figure. <http://www.census.gov/2010census/popmap/ipmtext.php?fl=11>.
- ²⁶ N.A., *Demographic Information of DC Resident Inmates Aged 18-24* (Washington, DC: DC Department of Corrections, 2015).
- ²⁷ N.A., *DOC Population Statistics* (Washington, DC: DC Department of Corrections, 2016) http://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DOC%20Population%20Statistics_Apr%202016.pdf.
- ²⁸ Of the 7.90 percent of New York City young adults, 41.49 percent are Black or Latino / Hispanic. See Suburban Stats, "Population Demographics for New York City, New York in 2016" (2016); Also see Marcos F. Soler, Chief of Staff, Mayor's Office of Criminal Justice "Request from the Justice Policy Institute re: Statistics – 18-24 year olds in DOC." Email message to the author, June 6th, 2016.

²⁹ Scott M. Stringer, *NYC Department of Corrections: Operating Expenditures, Inmate Population, Cost per Inmate, Staffing Ratios, Performance Measure Outcomes, and Overtime* (New York, New York: Office of the New York City Comptroller, Bureau of Fiscal & Budget Studies, 2014). <http://comptroller.nyc.gov/wp-content/uploads/documents/Corrections-PP-10-16-2014.pdf>.

³⁰ Marcos F. Soler, Chief of Staff, Mayor's Office of Criminal Justice "Request from the Justice Policy Institute re: Statistics – 18-24 year old in DOC," email message to the author, June 6th, 2016.

³¹ Of the 5.32 percent of young adults in Los Angeles County, 65.43 are Black or Latino / Hispanic. See Suburban Stats, "Population Demographics for Los Angeles County, California in 2016" (2016).

³² Paula Tokar, Captain, Los Angeles County Sheriff's Department, Population Management Bureau. Email message to author, August 9, 2016.

³³ Paula Tokar, Captain, Los Angeles County Sheriff's Department, Population Management Bureau. Email message to author, August 9, 2016.

³⁴ Laura and John Arnold Foundation, *Pretrial Criminal Justice Research*, November 2013, http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-Pretrial-CJ-Research-brief_FNL.pdf

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Id.*, 3

⁴¹ Kimberly Noble et al., "Family income, parental education and brain structure in children and adolescents," *Nature Neuroscience*, 18 (2015): 773-778. www.nature.com/neuro/journal/v18/n5/full/nn.3983.html.

⁴² Laurence Steinberg, *Age of Opportunity: Lessons from the New Science of Adolescence* (New York, NY: Eamon Dolan/Houghton Mifflin Harcourt, 2014).

⁴³ Laurence Steinberg et al. "Don't treat young adults as teenagers," *The New York Times*, April 29th, 2016.

⁴⁴ Rob Kuznia, "An unprecedented experiment in mass forgiveness," *The Washington Post*, February 8th, 2016; See, N.A., *Report to the Three Judge Court (Sacramento, California: California Department of Corrections and Rehabilitation, 2016)*. <http://www.cdcr.ca.gov/News/docs/3JP-Jan-2016/January-2016-Status-Report.pdf>.

⁴⁵ E. Ann Carson, *Prisoners in 2014* (Washington, DC: U.S. Justice Department, Office of Justice Programs, Bureau of Justice Statistics, 2015).

⁴⁶ Todd D. Minton and Zhen Zeng, *Jail Inmates at Midyear 2014* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2015). "Twenty-eight counties are leveraging \$1.7 billion in state grants to build and expand 35 jails. These projects, in various stages of design and construction, will initially add about 12,000 jail beds in the state, according to the Public Policy Institute of California. But many of the new jails are designed to accommodate future expansions that could significantly increase their capacity." See, Anat Rubin, "California's Jail-building Boom: What comes after mass incarceration? Local incarceration," *The Marshall Project*, July 2nd, 2016, <https://www.themarshallproject.org/2015/07/02/california-s-jail-building-boom#.Rjr3eRYek>.

⁴⁷ Deputy Mayor for Public Safety and Justice "DC Criminal Justice Reforms and Potential Justice Reinvestment Panel." PowerPoint Presentation, Washington, DC, April 5, 2016.

⁴⁸ For example, people of color are 15 percent more likely to be victims of crime. African Americans were nearly one-third more likely to have been victims of violent crime. Young African American men were the mostly likely group to be robbed. See, Sered, Danielle and Butler, Bridgette, *Expanding the Reach of Victims Services: Maximizing the Potential of VOCA Funding for Underserved Survivors* (New York City: Vera Institute of Justice, 2016), and Truman, Jennifer L. and Langton, Linn, *Criminal victimization, 2014* (Washington, DC: U.S. Justice Department, Office of Justice Programs, Bureau of Justice Statistics, 2015).

⁴⁹ See the CSG report. Texas allows foster care to continue to 22 years old if the individual is enrolled in high school or program leading to high school equivalency program. Texas SB 2080, Chapter 1238

⁵⁰ Kristina Murphy, "Does Procedural Justice Matter to Youth? Comparing Adults' and Youths' Willingness to Collaborate with Police," *Policing and Society: An International Journal of Research and Policy* 25, no. 1 (2015)

⁵¹ Cure Violence, "Violence as a Health Issue," 2016. <http://cureviolence.org/understand-violence/violence-as-a-health-issue/>.

⁵² The best evidence from the juvenile justice arena shows that, while youth are more likely to engage in treatment when families are involved and family and youth involvement in treatment helps reduce recidivism, confining or placing youth out-of-the-home reduces opportunities for family contact. Directors of state corrections agencies have said that youth are more content and more likely to engage in treatment when families are involved.⁵² The benefits of family and youth involvement in treatment are substantiated by an array of research that finds that engaging the family in young people's rehabilitation helps reduce reoffending. In addition, most evidence-based practices, especially those that work in the community, are based around family engagement and involvement, particularly with those aimed at youth with mental health needs. "Parents have special knowledge that can enhance the design of interventions and treatment." See, TW Osher, D. Osher and G. Blau, *Families Matter: Family Influences on Childhood Behavior and Development in Evidence-Based Prevention and Treatment Approaches* (New York: Routledge, 2008); "Parents can promote healthy development, can prevent problems from developing or exacerbating, and can implement effective treatment protocols and educational interventions." See, TW Osher, D. Osher and G. Blau, *Families Matter: Family Influences on Childhood Behavior and Development in*

Evidence-Based Prevention and Treatment Approaches (New York: Routledge, 2008); Research demonstrates that outcomes improve when family and youth are active participants in their own treatment, particularly when youth and families are given leadership roles in treatment decisions. See E. Morrissey Kane and R. Pinz, "Engagement in Child and Adolescent Treatment: The Role of Parental Cognitions," *Clinical Child and Family Review* 2, (1999): 183-98. and M. Wehmeyer and S. Palmer, "Adult Outcomes for Students with Cognitive Disabilities Three Years After High School: The Impact of Self-Determination," *Education and Training in Developmental Disabilities* 38, no. 2 (2003): 131-44 and Sandra A. Spencer, Gary M. Blaue and Coretta J. Mallery, "Family-Driven Care in America: More Than a Good Idea," *Journal of the Canadian Academy of Child and Adolescent Psychiatry*, Aug. 2010: 176-81. As cited in, Campaign for Youth Justice, *Family Comes First: A workbook to transform the justice system by partnering with families* (Washington, DC: Campaign for Youth Justice, 2013). See Morrissey-Kane and R. Pinz, "Engagement in Child and Adolescent Treatment: The Role of Parental Cognitions." *Clinical Child and Family Review* 2 no. 3 (1999): 183-98; Wehmeyer, M and S. Palmer S, "Adult Outcomes for Students with Cognitive Disabilities Three Years After High School: The Impact of Self-Determination," *Education and Training in Developmental Disabilities* 38, no. 2 (2003): 131-44; Sandra Agudelo, *The Impact of Family Visitation on Incarcerated Youth's Behavior and School Performance: Findings from the Families as Partners Project* (New York, NY: Vera Institute of Justice, 2013). Leading evidence-based programs that are frequently cited by the field including, Multi-systemic Therapy, Functional Family Therapy and Multidimensional Treatment Foster Care. All are family focused interventions. See Campaign for Youth Justice, *Family Comes First: A workbook to transform the justice system by partnering with families* (Washington, DC: Campaign for Youth Justice, 2013).

⁵³ In 2016, legislation by Congresswoman Sheila Jackson Lee sought to extend some protections around confidentiality for juveniles to the adult system.

⁵⁴ Creating a distinct and separate system for young adults was not necessarily the preferred approach to helping young adults in the justice system, but participants discussed the potential impact of such a strategy in California and Texas. In 1941, California created the California Youth Authority to get young adults aged 18-21 out of the adult system, housing youth up to age 25. It was eventually extended to juvenile court. It included a range of services and training, but the facilities deteriorated leading to a law suit. Texas also created a separate system for "low-level offenders" by putting them in state jails. The recidivism rate was far worse

⁵⁵ Terry A. Maroney, "The False Promises of Adolescent Brain Science in Juvenile Justice," *Notre Dame Law Review* 85, no.1 (2010): 89-176.

⁵⁶ Hayek, Connie, *Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Adults* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2016).

⁵⁷ The demonstration projects were advanced under the Bureau of Justice Assistance's "Smart Suite" or Second Chance Act that include, efforts run by probation departments, district attorneys' offices, local and tribal courts. See,

⁵⁸ N.A., *Reducing recidivism and improving other outcomes for young adults in the juvenile and adult criminal justice system* (Washington, DC: Council of State Governments, 2015).

⁵⁹ Does not include Justice Policy Institute staff or interns.

ABOUT THE ORGANIZATION

Justice Policy Institute is a national nonprofit that is dedicated to reducing the use of incarceration and the justice system by promoting fair and effective policies.

JPI staff includes Paul Ashton, Elizabeth Deal, Jeremy Kittredge, Olivia Martinez, Marc Schindler, Jamille White, Keith Wallington, and Jason Ziedenberg. JPI acknowledges the work of former JPI staff Amanda Petteruti, and her significant contributions to this project.

ACKNOWLEDGMENTS

Along with the four dozen people who participated in the focus groups JPI organized, we would like to acknowledge the following individuals who helped support the development of this policy brief.

Research Interns

JPI Research Interns that assisted with this project include, Luis Escoboza, Paola Dela Cruz, Margaret Christ, Erika Feinman, Stefany Henriquez, Melinda Miller, Megan Travaline, Wendy Pacheco, Katharine Sponaugle, and Sara Walenta.

Editors

JPI would like to acknowledge Annie Balck for her editorial review of the final draft of this brief.

Funders

This report would not have been possible without the generous support of the John D. and Catherine T. MacArthur Foundation, and independent donors to JPI.

**JUSTICE
POLICY
INSTITUTE**

Reducing the use of incarceration and the justice system and promoting policies that
improve the well-being of all people and communities

1012 14th Street, NW
Suite 600
Washington, DC. 20005
Telephone: (202) 558-7974
www.justicepolicy.org