



# Emerging Adults in Washington, DC's Justice System

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**Washington, DC** lacks appropriate services and supports to respond to the unique needs of people between the ages of 18 and 24 years, also known as emerging adults.

Emerging adults are disproportionately involved in the justice system compared with other age groups and often cycle through prisons and jails, accruing a criminal record along the way that drives them deeper into the system. To make matters worse, there are seldom opportunities for the age-appropriate services and supports that have been proven to deliver better returns than mere incarceration.

This failure of support is wholly inconsistent with an evolving consensus in the fields of cognitive and behavioral research showing that emerging adults are closer developmentally to teenagers than they are to adults (see Appendix). Research has shown that emerging adults possess youth-like characteristics of heightened impulsivity, greater risk-taking, and impaired judgment when compared with older adults.

Emerging adults not only cycle through the justice system, but many stay there for decades. Failing to provide upfront support results in a tremendous loss to the individual, their families, and communities.

These failures often come with lifelong costs due to the expansion of long prison terms and sentencing enhancements for repeat offenses; these have increased the number of people serving prison terms of a decade or more. And these failings exacerbate long-standing racial disparities in arrest and incarceration, with long prison sentences disproportionately affecting young Black men. These are significant factors behind the aging population in federal and state prisons. Nationally, slightly more than half of all emerging adults serving extreme prison terms are Black.<sup>2</sup>

However, there are some promising policy and practice changes in Washington, DC that are contributing to the development of a new approach to serving emerging adults in the justice system:

- [The Washington, DC Department of Corrections](#) developed a specialized program – known

1 Selen Siringil Perker and Lael Chester, "Emerging Adults: A distinct population that calls for an age-appropriate approach by the justice system," Harvard Kennedy School, [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)

2 Leigh Courtney, Sarah Eppler-Epstein, Elizabeth Pelletier, Ryan King, and Serena Lei, "A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons," Urban Institute, [https://apps.urban.org/features/long-prison-terms/a\\_matter\\_of\\_time.pdf](https://apps.urban.org/features/long-prison-terms/a_matter_of_time.pdf).

The term "emerging adults," first coined in 2000 by psychologist Jeffrey Arnett, aptly invokes this critical developmental period: the transition from a child who is dependent on parents or guardians for supervision and guidance (as well as emotional and financial support) into a fully mature, independent adult who engages as a productive and healthy member of society. While there is no universal definition of "emerging adults," in the context of criminal justice we define it as individuals transitioning from childhood to adulthood, from the age of 18 through 25.<sup>1</sup>

as the Young Men Emerging Unit (YME) -- that supports the growth and transformation of emerging adults through a rehabilitative approach, including with the support of older men serving long prison terms who serve as mentors.

- [The Youth Rehabilitation Act \(YRA\)](#), which applies to young adults in the District's criminal justice system, was amended in 2018, raising the age of eligibility from 22 to 24 years old. The law allows emerging adults convicted of certain crimes to receive shorter sentences, be eligible for age-appropriate rehabilitative services, and have their record sealed so they will not have the burden of a criminal record if they satisfactorily complete the terms of their sentence.<sup>3</sup>
- [The Department of Youth Rehabilitation Services \(DYRS\)](#) retains jurisdiction for emerging adults up to the age of 21 who were committed to the agency for offenses occurring before age 18. This expanded reach allows emerging adults to receive improved services and supports that are developed for a younger justice-involved population. Over the past four years, about 15 percent of the DYRS daily committed population were emerging adults.<sup>4</sup>
- [The Washington, DC Council](#) is currently considering legislation that would allow all individuals serving sentences whose crime occurred before their 25<sup>th</sup> birthday to apply for resentencing after having served 15 years in prison.
- [The Department of Employment Services \(DOES\)](#) developed the Pathways for Young Adults Program to assist individuals between ages 18 and 24 with occupational training, life skill development, and work-readiness skills. This program is tailored for people who are out of school and out of work to provide them with the necessary training and skills for the workforce.
- [The Office of Neighborhood Safety and Engagement \(ONSE\)](#) offers a Pathways Program for individuals 20 to 35 years old who are identified as at risk of participating in, or becoming a victim of, violent crime. This nine-week model provides intensive education, employment, and support for life skill development.<sup>5</sup>
- [The Office for Students in the Care of DC \(SCDC\)](#) within the Office of the Deputy Mayor for Education was created to connect youth and emerging adults up to 22 years old with educational and workforce development opportunities. Additionally, the program is intended to provide students with services and supports to address their identified needs.<sup>6</sup>
- [From 2017-2020](#), the District was one of six jurisdictions selected to participate in a national

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3 The Washington, DC Council required the development of a strategic plan when it amended the YRA. This included developing a plan that provides for the facilities, treatment, and services necessary for developmentally appropriate care of youth. Establishing benchmarks for conditions of custody, education, work force training, and protections for justice-involved emerging adults both awaiting trial and convicted of a misdemeanor or felony are also part of the strategic plan.

4 Department of Youth Rehabilitation Services, "Youth Population Snapshot," <https://dyrs.dc.gov/page/youth-snapshot>.

5 Office of Neighborhood Safety and Engagement, "Pathways Program," <https://onse.dc.gov/service/pathways-program>.

6 Office of the Deputy Mayor for Education, "Office for the Students in the Care of DC," <https://dme.dc.gov/node/1492056>.

initiative, the Emerging Adult Justice Learning Community (EAJLC), hosted by Columbia University's Justice Lab. The EAJLC convened justice system leaders from six jurisdictions along with researchers from around the country focused on emerging adult justice issues, to share information and support innovative work at the state and local level in this area.

- [Several advocacy organizations](#), legal professionals, and people with lived experience formed the Thrive Under 25 Coalition to support ongoing advocacy for reform to Washington, DC's policies, practices, and services for emerging adults.

Despite these efforts, the District still lacks adequate access to appropriate services and supports to respond to the unique needs of emerging adults. Fundamentally changing how the District responds to crime by emerging adults holds the potential to roll back mass incarceration, reduce racial disparities, empower communities, save taxpayer dollars, and deliver on the promise of creating safe and prosperous neighborhoods. In addition, by helping reduce the number of people in custody, these reforms can also help stem the spread of infectious diseases, including the current impact of COVID-19 in carceral settings.

## WHAT DO WE MEAN BY “EMERGING ADULTS”?

### JUVENILE JUSTICE – THE MAGIC OF 18

The American justice system is divided into two separate entities: the adult criminal justice system and the juvenile justice system. Since the creation of the first juvenile court in 1899, the vast majority of youth under the age of 18 have been served by the juvenile system, with the recent exception of youth transferred to the adult court for certain crimes.<sup>7</sup>

But the choice of 18 as the cutoff has always been arbitrary and is subject to state statutes.

The reason this age threshold matters is because the juvenile justice system's underlying philosophy differs radically from that of the adult system. The juvenile justice system was explicitly developed as an alternative to the adult system, which is primarily focused on punishment. The juvenile system is based on an understanding that children have a less developed sense of right and wrong, reduced impulse control, and a different level of culpability for their actions. The juvenile system is not about absolving individuals of responsibility for their actions, but focusing on preventative acts -- education, personal development, and rehabilitation -- rather than punishment.

### CONTINUING BRAIN DEVELOPMENT IN EMERGING ADULTS

While emerging adults have more developed cognitive abilities than children, they still lack a fully developed social and emotional capacity, which can lead to poor impulse control and criminal behavior. In recent years, the growing research field of adolescent brain development has concluded that the brain continues to mature *until at least a person's mid-twenties*. The average

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7 Campaign For Youth Justice, <http://www.campaignforyouthjustice.org>, last modified 2019.

emerging adult possesses youth-like characteristics of heightened impulsivity, greater risk-taking, and impaired judgment or decision making relative to older adults.<sup>8</sup>

Most recently, these factors have led some to call for a reconsideration of opening colleges and universities during the COVID-19 pandemic. There is concern that this age group is more likely to disregard public health warnings about social distancing, which will put the student body, faculty, staff, and surrounding communities at risk.<sup>9</sup>

These youth-like behaviors are also factors for engaging in risky, delinquent, or criminal behavior. According to researchers at Columbia University, "sociological research also reveals that key milestones bridging youth and adulthood – such as completing education, employment, and marriage – come later in an individual's life compared to previous generations."<sup>10</sup> In 1960, 45 percent of Americans aged 18 to 24 years old were married, compared to only 8 percent in 2018.<sup>11</sup> Currently, the District has the oldest marriage median age in the country for men (31.5 years old) and women (29.7 years old).<sup>12</sup>

Research on the trajectory of age and criminal behavior suggests that crossing these milestones significantly decreases one's likelihood of engaging in risky behavior. In many states, you are unable to rent a car before reaching 25 years of age without a "young renters fee" due to higher rates of risky behavior.<sup>13</sup>

This is an explicit recognition that emerging adults are still similar to youth concerning the likelihood of engaging in risky behavior. Unfortunately, much of the criminal justice field has not aligned its practices with the evolving scientific understanding of cognitive development. This body of research has resulted in serious questions being raised about how people between the ages of 18 and 24 years old should be treated in the criminal justice system. If emerging adults are significantly similar to youth under age 18, they should not automatically be treated as adults in a system where punishment is the primary goal and sentences can be measured in decades. When emerging adults are incarcerated in the adult system, they miss education and socialization opportunities that are critical to their successful transition to adulthood and their ability to function as independent, productive adults when they are released. The lack of age-appropriate services before, during, and after justice involvement reduces their chances for success and makes everyone less safe.<sup>14</sup>

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8 The Council of State Governments Justice Center, "Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems," <https://csgjusticecenter.org/wp-content/uploads/2020/01/Transitional-Age-Brief.pdf>

9 Laurence Steinberg, "Expecting Students to Play It Safe if Colleges Reopen Is a Fantasy," The New York Times, June 15, 2020, <https://www.nytimes.com/2020/06/15/opinion/coronavirus-college-safe.html>.

10 Selen Siringil Perker and Lael Chester, "Emerging Adults: A distinct population that calls for an age-appropriate approach by the justice system," Harvard Kennedy School, [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).

11 The United States Census Bureau "Personal Income: PINC-02," <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pinc/pinc-02.html>.

12 "Median Age at First Marriage in the U.S., 2008," National Center for Family & Marriage Research, <https://www.bgsu.edu/content/dam/BGSU/college-of-arts-and-sciences/NCFMR/documents/FP/FP-09-03.pdf>.

13 Testimony by Vincent Schiraldi, Columbia University, before Washington State House of Representatives, November 16, 2017.

14 Laurence Steinberg, *Age of Opportunity: Lessons from the New Science of Adolescence* (Boston: Houghton Mifflin Harcourt, 2014).

## EMERGING ADULTS IN DC'S JUSTICE SYSTEM

Emerging adult justice in Washington, DC has evolved over the last 70 years. In 1950, Congress passed the Federal Youth Corrections Act (FYCA), the landmark federal law that recognized that young people and emerging adults are at a different level of emotional and cognitive maturity than are adults.<sup>15</sup>

The FYCA established that individuals 16 to 24 years old have unique characteristics that make them more amenable to rehabilitation when given appropriate and adequate services. To ease reentry, when a youth completed a program of rehabilitation, the conviction would be set aside. This lifted many barriers returning citizens experience today in the realms of education and employment. The Act also established separate facilities for those sentenced under the FYCA so that younger incarcerated people would be confined apart from older individuals.<sup>16</sup>

The FYCA was in effect from 1950 to 1984, when it was repealed by Congress as part of the Sentencing Reform Act, reportedly due to concerns by some members of Congress about a trend toward increasing violence among young people.<sup>17</sup> Washington, DC Superior Court judges expressed concern about the loss of certain protections for young adults from the District, which led to the DC Council quickly enacting the Youth Rehabilitation Amendment Act (YRA) in 1985.<sup>18</sup> It provided sentencing alternatives for individuals who committed certain crimes while under the age of 22. The passage of the YRA was important but insufficient to meet the needs of this vulnerable population.

Nationally, emerging adults comprise an unbalanced share within the criminal justice system. While only 1 in 10 Americans is an emerging adult, they account for 23 percent of all arrests and at least 20 percent of arrests for certain crimes, including violent crime.<sup>19</sup> There is an alarming link between race and victimization among emerging adults. The same population disproportionately committing violent crime is also disproportionately represented as victims of violent crime: Black young adults. For instance, homicide victimization for Black young adults is six times that of whites and four times that of Latinx young adults.<sup>20</sup>

15 Act of September 30, 1950, ch. 1115, 64 Stat. 1086 (1950), <https://www.loc.gov/law/help/statutes-at-large/81st-congress/session-2/c81s2ch1115.pdf>.

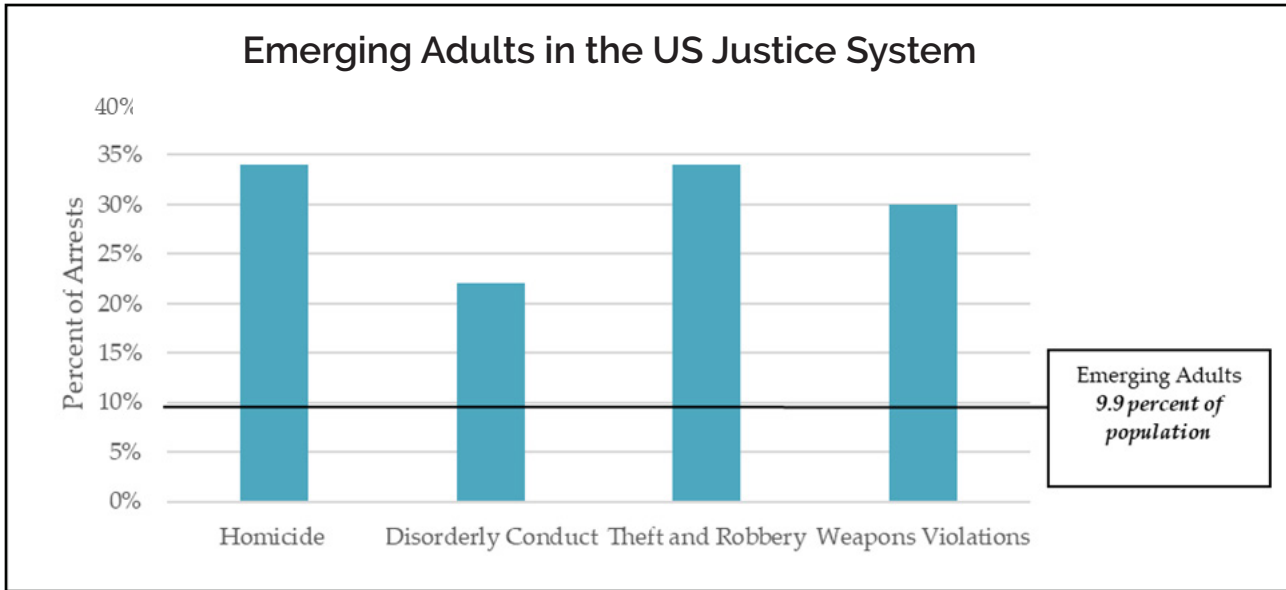
16 Shaefer, Jay L., 39 Fed. Probation 31 (1975). The Federal Youth Corrections Act: The Purposes and Uses of Vacating the Conviction, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/fedpro39&div=47&id=&page=>

17 Ed Bruske, "Youth Act Repealed," Washington Post, October 13, 1984.

18 D.C. Code § 6-6g (Youth Rehabilitation Amendment Act of 1985), <https://code.dccouncil.us/dc/council/laws/6-6g.html>.

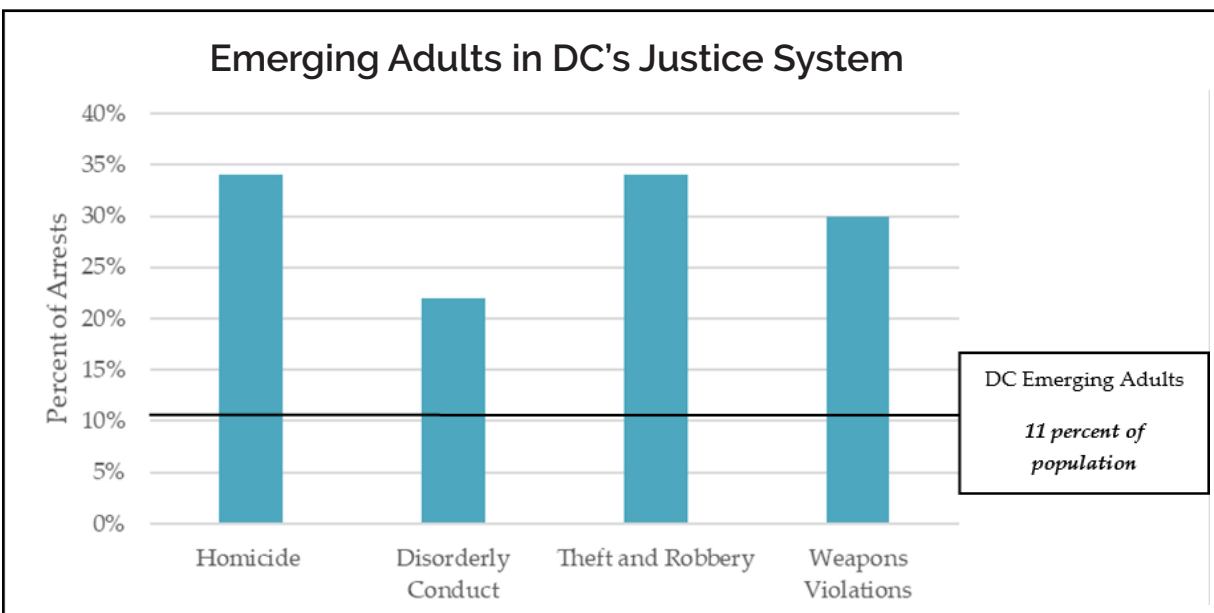
19 Federal Bureau of Investigation, "2017 Crime in the United States," Table 39, <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/table-39>.

20 Bianca E Bersani, John H. Laub, Bruce Western, "Thinking About Emerging Adults and Violent Crime," <https://static1.squarespace.com/static/5c6458c07788975dfd586d90/t/5cfe1b23cd4e3000135efaa/1559224929928/Emerging-Adults-Violent-Crime.pdf>.



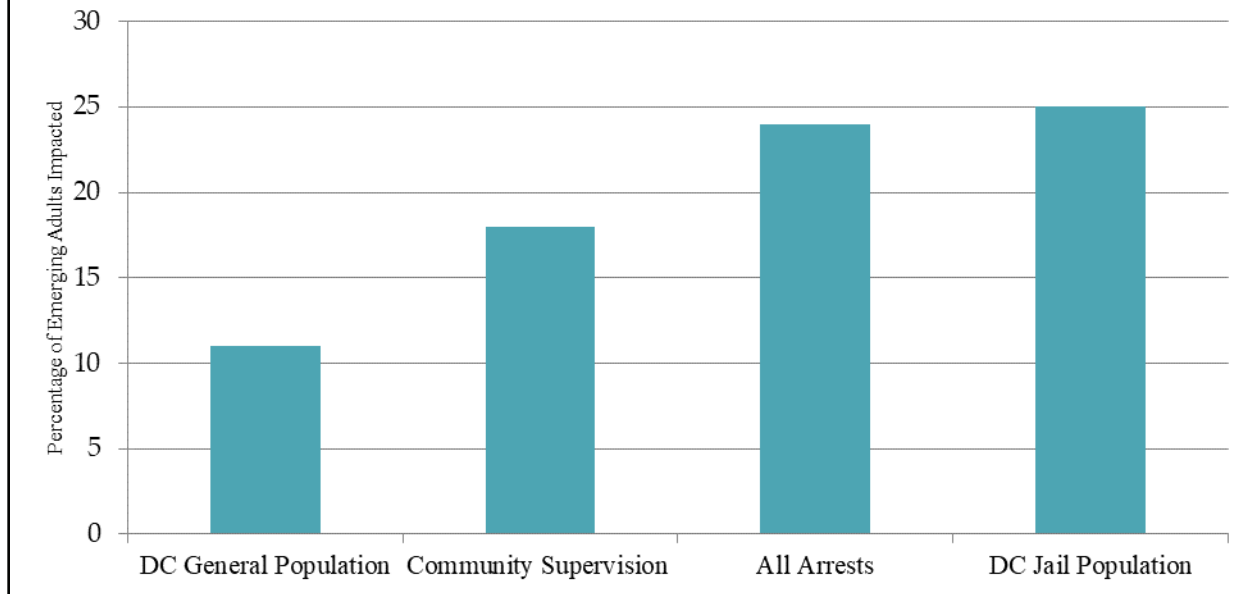
Similar to the national picture, emerging adults in Washington, DC are also disproportionately represented at all stages of the justice system. Emerging adults in the District account for 11 percent of the general population, yet they account for 25 percent of the justice-involved population – 24 percent of all arrests, 18 percent of those under community supervision, and 26 percent of the average daily population in the DC Jail.

Further, Black young adults, a fraction of the District's population (5.5 percent), account for the overwhelming majority of people experiencing justice system involvement. Despite only comprising 1 in 18 District residents, Black young adults represented 1 in 5 arrests, 1 in 4 arrests for a violent crime, and 1 in 3 individuals sentenced to incarceration. This degree of disproportionate justice system involvement underscores how evidence-based, developmentally appropriate interventions targeting emerging adults can have an outsized impact on public safety.



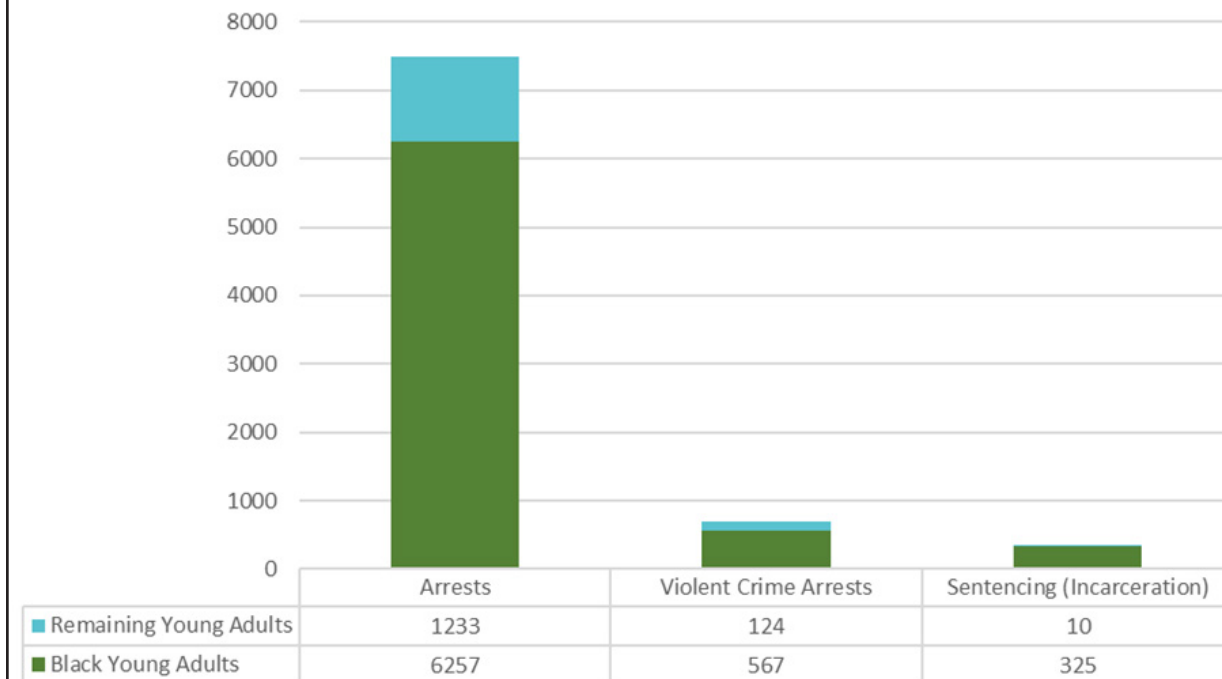


## Emerging Adults are Disproportionately Represented Across all Stages of DC's Justice System



Washington DC's Emerging Adult Population						
	Arrests (All)		Arrests (Violent Crime)		Sentencing (Incarceration)	
	Count	Percentage	Count	Percentage	Count	Percentage
All	31,209		2,230		1,060	
Young Adults	7,490	24%	691	31%	335	32%
Of Justice Involved Young Adults in Washington DC -						
Black Young Adults	6,257	84%	567	82%	325	97%

## Emerging Adults in Washington DC's Criminal Justice System



Firearms accessibility in the District is a contributing factor to these worrisome trends. According to the Bureau of Alcohol, Tobacco, and Firearms, there were 2,095 illegal firearms recovered in Washington, DC in 2018, and 21 percent were apprehended from young adults.<sup>21</sup> This prevalence of firearms drives violence and is concentrated among Black young adults. Between 2007 and 2017, there were 1,345 solved homicides with an identifiable victim; of those, 30 percent were young adults, 93 percent of whom were Black. Law enforcement often approaches a situation with the assumption that a firearm will be present.<sup>22</sup> This fear can lead to an escalation of police violence, which is disproportionately concentrated among young adults. There were 24 killings by police in the District between 2013 and 2019. Of those, 1 in 4 victims were young adults and all were Black.<sup>23</sup>

## EMERGING ADULTS AND LONG PRISON TERMS

An analysis by the Urban Institute found that many individuals serving the longest prison terms were sentenced as emerging adults.<sup>24</sup> Nationally, nearly 4 in 10 people serving the longest prison

21 Bureau of Alcohol, Tobacco, Firearms, and Explosives, "Washington Field Division – Data Source Firearms Tracing System," Field Divisions, 2018, <https://www.atf.gov/file/137076/download>.

22 Adam Winkler, "Ferguson: With So Many Guns in America, Police Are Trained to Live in Fear," HuffPost, October 19, 2014, [https://www.huffpost.com/entry/ferguson-guns-america-police-fear\\_b\\_5688750](https://www.huffpost.com/entry/ferguson-guns-america-police-fear_b_5688750).

23 "Mapping Police Violence," accessed September 2, 2020, <https://mappingpoliceviolence.org/>.

24 "A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons," Urban Institute, <https://apps.urban.org/features/long-prison-terms/intro.html>.

terms were incarcerated as an emerging adult. Moreover, many of them are Black – while 3 in 10 people in state or federal prison are Black, nearly 6 in 10 serving the longest prison terms who entered prison as an emerging adult are Black.

This problem promises to intensify, as 18- and 19-year-old emerging adults experienced the largest racial disparity. In 2017 Black males were nearly 12 times more likely to be imprisoned than white males of the same age group.<sup>25</sup> This continues an alarming trend of Black emerging adults entering the criminal justice system and remaining involved in the justice system for most of their adult life.

Washington, DC is no exception. The District is plagued with high rates of racial disparities among emerging adults serving long prison terms. Over 95 percent of District residents in prison, and nearly 98 percent of District residents in prison serving the longest prison terms who were sentenced as emerging adults, are Black.

	Percent of Prison Population That is Black		Population Serving the Longest 10 Percent of Prison Terms as Emerging Adults	
	<i>Total Prison Population</i>	<i>Serving 10 or More Years</i>	<i>Share of Population</i>	<i>Share who are Black Emerging Adults</i>
<b>Washington, DC</b>	96.5%	97.6%	26.8%	97.7%
<b>Nationwide</b>	40.8%	47.9%	38.7%	56.1%

## MOVING FORWARD

In 2016, JPI conducted a series of focus groups with system leaders, advocates, and community members across the country about emerging adult justice. These conversations were intended to gauge the appetite of key jurisdictions, including Washington, DC, to engage in meaningful emerging adult justice reform. Since then, leadership in Washington, DC has taken important steps to support individuals who have been incarcerated as emerging adults in an acknowledgment of their unique amenability to rehabilitation.

While increasingly viewed as a leader on this issue, the District can still expand and improve upon its approach to emerging adults in its justice system, including by looking to other jurisdictions for guidance in key areas. Below are a series of considerations, programs, and alternatives for the District to examine and consider.

<sup>25</sup> Jennifer Bronson and E. Ann Carson, "Prisoners in 2017," United States Department of Justice, Bureau of Justice Statistics, <https://www.bjs.gov/content/pub/pdf/p17.pdf>.

## SENTENCING CONSIDERATION

The Supreme Court, as well as some states, has determined that age can be a special consideration during criminal sentencing. In some cases, these considerations can contravene existing mandatory sentencing schemes, as judges are afforded expanded discretion. While historically these sentencing provisions have been applied to youth under 18, the evolving research in the field strongly argues for a similar approach for the emerging adult population.

Allowing a judge to treat age as a mitigating factor for emerging adults can greatly decrease justice involvement by allowing for a shorter sentence, retaining juvenile court jurisdiction, or permitting an individual to be treated in the community while under some form of supervision. Jurisdictions should be incentivized to reinvest the savings from reduced incarceration into age-appropriate, evidence-based, and promising programming to serve emerging adults. This type of fiscal reinvestment was established in some states when they raised the age of juvenile jurisdiction, which resulted in more individuals being successfully supervised without confinement.

In certain circumstances, prosecutors in Florida<sup>26</sup>, Michigan<sup>27</sup>, and New York<sup>28</sup> have the authority to expunge the records of emerging adults. This may be a small practice change, but it opens the door for community assimilation through meaningful employment without the barrier of a criminal record.

As part of Washington, DC's recently amended YRA, initially passed in 1985, emerging adults convicted of certain crimes are eligible to serve shorter sentences, receive record expungement, and reenter the community without the burden of a criminal record if they complete the terms of their sentence.<sup>29</sup> In 2017, young adults accounted for 7,440 arrests, and 99.3 percent were for YRA-eligible crimes.

In 2016, Washington, DC passed the Incarceration Reduction Amendment Act (IRAA) to bring the District into compliance with a series of rulings by the Supreme Court prohibiting mandatory life without parole sentences for those who committed a crime under the age of 18. Through IRAA, hundreds of individuals who were sentenced in adult court as a youth became eligible to apply for sentencing relief, and more than 40 have been released as of June 2020. IRAA originally offered potential relief for individuals who had served at least 20 years. A 2018 amendment reduced the threshold to 15 years in prison before an individual can petition for a resentencing.

The Washington, DC Council is now considering the Second Look Amendment Act of 2019, also referred to as "IRAA 3.0." This bill would expand eligibility to apply for resentencing after having

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26 Florida Department of Law Enforcement, "Seal and Expunge Process: Automatic Juvenile Expungement," <https://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx>.

27 Maurice Davis, "Am I Eligible Under Michigan's New Expungement Law?" Davis Law Group, last modified October 21, 2019, <https://www.michigancriminallawyer.com/am-i-eligible-under-michigans-new-expungement-law/>.

28 "State Fact Sheet : New York," Juvenile Law Center, <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/factsheet-NY.pdf>.

29 Marc Schindler, "Youth rehabilitation in D.C.: From controversy to progress," The Washington Post, January 11, 2019, [https://www.washingtonpost.com/opinions/youth-rehabilitation-in-dc-from-controversy-to-progress/2019/01/11/d2ea0be6-056a-11e9-b5df-5d3874f1ac36\\_story.html?utm\\_term=.db4c9c5283b3](https://www.washingtonpost.com/opinions/youth-rehabilitation-in-dc-from-controversy-to-progress/2019/01/11/d2ea0be6-056a-11e9-b5df-5d3874f1ac36_story.html?utm_term=.db4c9c5283b3).

served 15 years in prison to everyone whose crimes occurred before their 25<sup>th</sup> birthday. This bill is consistent with the evolving research on cognitive development and would help align the District's correctional practices with contemporary principles of transformation and rehabilitation.

## PROBATION REFORM

Most probation models take a one-size-fits-all approach that does not include age-appropriate interventions. Consideration of an individual's specific circumstances would allow probation departments to develop age-appropriate interventions. The impact of an individual's age and environment needs to play a role in the probation supervision formula. Justice-involved emerging adults have higher rates of past trauma, parental incarceration, foster care placement, poverty, substance abuse, and mental health issues. All these factors must be taken into consideration to create a plan for successful outcomes in supervision.

Probation should operate in conjunction with community-based organizations that serve individuals between 18 and 24 years of age. By providing age-appropriate, individualized treatment with community partners, probation can prioritize educational, social, or vocational services to those who missed such markers into adulthood while incarcerated, potentially paving the way to a shorter, and more successful, supervision.

In 2016, the U.S. Department of Justice conducted a 50-state analysis of responses to justice-involved emerging adults. As part of their findings, they identified jurisdictions that have altered their community supervision to address the needs of this unique population. These jurisdictions included Boston, Massachusetts; Columbia, South Carolina; Des Moines, Iowa; and San Francisco, California.<sup>30</sup>

This list can now be supplemented as programs are constantly being developed. For instance, the New York City Neighborhood Opportunity Network ("NeOn") offers a series of programs and services for youth and young adults. Programs include education and employment opportunities as well as workforce, arts, and athletic skill building.<sup>31</sup>

Washington, DC should learn from these documented probation reform successes and re-establish the Young Adult Unit at the Court Services and Offender Supervision Agency (CSOSA). This program would focus on the development of the individual, with an emphasis on skills training, job readiness, and education.<sup>32</sup> It differs from the high-intensity probation supervision that CSOSA now uses to serve its young adult population which focuses on impulsive behaviors, criminal thinking, and anti-social attitudes and thoughts. This type of high-intensity supervision is designed for adults and does not appropriately consider the unique needs of emerging adults.

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30 Connie Hayek, "Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults," National Institute of Justice, <https://www.ncjrs.gov/pdffiles1/nij/249902.pdf>.

31 "Neighborhood Opportunity Network Index Page," accessed September 2, 2020. <https://www1.nyc.gov/site/neon/index.page>.

32 "CSOSA Strategic Plan for Fiscal Years 2018-2022," Court Services and Offender Supervision Agency for the District of Columbia, <https://www.csosa.gov/wp-content/uploads/bsk-pdf-manager/2019/02/CSOSA-Strategic-Plan-FY2018-2022.pdf>.

## COMMUNITY-BASED PROGRAMS

Many community-based organizations have offered innovative responses for justice-involved emerging adults. For example, ROCA is an evidence-based, data-driven intervention model based in Massachusetts which is now also operating in Baltimore; it assists high-risk emerging adults with gaining meaningful employment to break the cycle of violence and incarceration. It is a four-year intervention model, with 88 percent of participants avoiding any future criminal justice involvement.<sup>33</sup>

With a similar approach, the Safe and Successful Youth Initiative (SSYI) operates at the intersection of public safety and public health. SSYI provides opportunities for a coordinated intervention with partnerships in education, training, and transitional employment.<sup>34</sup> A program evaluation showed that similarly situated emerging adults not involved in the program were 42 percent more likely to be incarcerated for a new crime. Boston generated \$7.35 in crime-related savings for every \$1 spent on the program.

UTEC, formerly known as United Teen Equity Center, another program based in Massachusetts, works with young adults to overcome the challenges of poverty and unemployment. UTEC's model of engagement focusing on providing employment and educational opportunities, coupled with social skill development, has resulted in reduced recidivism rates and increased employment and educational attainment. In 2018, 88 percent of UTEC young adults had no new arrests while enrolled in the program.<sup>35</sup>

Youth Advocacy Program (YAP) has tailored its proven model for the juvenile justice system to work with individuals between 16 and 24 years old. YAP's community program creates opportunities and addresses individualized needs to support a young adult's transition into adulthood.<sup>36</sup>

The Lone Star Justice Alliance's Transformative Justice Project (TJP) is currently piloting its initiative in two Texas counties, focusing on individuals between the ages of 17 and 24. Similar to other approaches described above, the TJP diverts young adults from the justice system and provides wraparound, community-based services to address treatment needs. While Texas has historically experienced a recidivism rate of 75 percent for this young adult population, interventions similar to the TJP approach have reduced that to just 10 percent. They are currently working with the University of Texas to evaluate outcomes for the pilot's 200 participants.<sup>37</sup>

These types of programs may be small in scope, but as models they can expand the District's justice system's portfolio, thereby improving outcomes.

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33 "Outcomes," Roca, Inc., accessed September 2, 2020, <https://rocainc.org/impact/outcomes/>.

34 "Safe and Successful Youth Initiative (SSYI)," Commonwealth Corporation, accessed September 2, 2020, <http://commcorp.org/programs/safe-and-successful-youth-initiative/>.

35 "UTEC — Breaking Barriers to Youth Success," accessed September 2, 2020, <https://utecinc.org/>.

36 "YAP Adult Programs," Youth Advocate Programs, Inc., accessed September 2, 2020, <http://www.yapinc.org/adult-jj>.

37 "Transformative Justice," Lone Star Justice Alliance, accessed September 2, 2020, <https://www.lonestarjusticealliance.org/transformative-justice.html>.

## JAIL AND PRISON-BASED PROGRAMS

In most cases, adult correctional facilities run on a “one-size-fits-all” approach. Based on the research presented about the developmental differences of young adults, it is clear that this strategy provides little public safety benefit. In response, the Vera Institute of Justice launched the Restoring Promise initiative in 2016. Vera works with prisons and jails to transform the carceral system to address the needs of young adults. Expanding access to rehabilitative programming assists emerging adults in growing and developing the skills to be community leaders.

### DC’S YOUNG MEN EMERGING UNIT

The benefits of this are evident in the impressive successes of the District’s Young Men Emerging (YME) Unit, a prime example of this approach. YME is an initiative to transform young adults in the District’s jail to better prepare them for their next step, whether it be returning to the community or placement in the federal prison system. Emerging adults are housed with people serving long prison terms who act as mentors. YME is focused on education, personal growth, and transformation – these are principles drawn from the juvenile justice system and successfully applied to the young adult population.

YME mentors help the young adults navigate the uncertainty of the justice system, life, and what lies ahead. Mentors help young adults develop job and life skills, create goals, and promote personal development. The success of this program has led to the establishment of a second unit within the jail.

### BUREAU OF PRISONS - DC RESIDENTS

Most District residents convicted of serious crimes are incarcerated in a Federal Bureau of Prisons (BOP) facility. Despite significant research suggesting that emerging adults have a high propensity to change and would benefit from tailored programming, adult facilities rarely seek to accommodate those unique needs. This is especially evident in the federal prison system.

A lawsuit on behalf of Washington, DC young adults with special education needs who reside in a Federal Bureau of Prisons facility and were convicted under the DC Code held that the District (rather than the BOP) is responsible for providing special education services to meet their needs under the federal Individuals with Disabilities Education Act (IDEA) and the federal Rehabilitation Act.<sup>38</sup> In response to this decision, the District should retain jurisdiction for this population, as it is far better situated to provide the necessary services for young adults requiring special education.

Examining practices in other countries confirms that an emphasis on emerging adult programming, based on the foundations of the juvenile justice system – culturally responsive and tailored toward the unique challenges that emerging adults face – can impact an individual’s growth, behavior, and ultimately success upon returning home.<sup>39</sup>

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38 Brown v. District of Columbia, 324 F.Supp.3d 154 (2018), <https://casetext.com/case/brown-v-dist-of-columbia-14>.

39 Alex Frank, “Why Reimagining Prison for Young Adults Matters,” Vera Institute of Justice, last modified February 2017, <https://www.vera.org/blog/why-reimagining-prison-for-young-adults-matters>.



## T.R.U.E. UNIT

Correctional practices should be developed in parallel to successful programming in the youth system and the community. Emphasizing education, vocational training, and enhanced counseling are strategies that every emerging adult needs for a successful transition to adulthood. Several

jurisdictions are implementing promising innovations in this area, including Connecticut, Boston and Middlesex County, Massachusetts, and South Carolina.<sup>40</sup>

## YOUNG ADULT COURT

Young adult courts connect people with qualified partners capable of safely meeting the needs of an individual in a community setting by providing services and support. These services typically include providing opportunities for educational attainment, training for employment, and stable housing. Depending on individual needs, there are also frequently programs for substance use disorders and mental or behavioral health treatment. Currently, the District has five "specialty" courts, but none that are focused on emerging adults. The District can look to promising models from other jurisdictions that target this vulnerable population.

New York established the Brooklyn Young Adult Court<sup>42</sup> that handles all misdemeanors for individuals between 16 and 24 years old. All staff are formally trained in practices grounded in current adolescent development research and are focused on connecting emerging adults with age-appropriate services that address the specific needs of the individual.

San Francisco<sup>43</sup> established a court that has jurisdiction over most individuals 18 to 25 years old who have been charged with a felony. The person enters a plea for a deferred sentence in exchange for access to treatment, support, and/or services that have been identified in a care plan.

Connecticut leadership was inspired to develop the T.R.U.E. Unit (Truthfulness. Respectfulness. Understanding. Elevating) following a tour of a German prison during a visit organized by the Vera Institute for Justice. The facility placed young adults on the same unit as older individuals, who served as mentors. The unit employs small group discussions and classes, and has invested in other rehabilitative programming. This approach was eventually incorporated into Connecticut's T.R.U.E. Unit. However, Connecticut took it even further by empowering mentors with autonomy in developing policies and practices on the unit. This resulted in a structure of "rules, incentives and long days of work and study [...] the young men go through a series of stages, learning to confront their pasts, to be vulnerable around their peers, to resolve conflict through communication instead of violence, and to master basic life skills they have missed."<sup>41</sup> These key components of the T.R.U.E. Unit influenced the foundation of the YME.

40 Ryan Shanahan, "Restoring Promise," Vera Institute of Justice, accessed September 2, 2020, <https://www.vera.org/projects/restoring-promise-young-adult-reform-initiative>.

41 Maurice Chammah, "The Connecticut Experiment," The Marshall Project, last modified May 2018, <https://www.themarshallproject.org/2018/05/08/the-connecticut-experiment>.

42 "Brooklyn Young Adult Court," Center for Court Innovation, accessed September 2, 2020, <https://www.courtinnovation.org/programs/brooklyn-young-adult-court/more-info>.

43 The Court excludes offenses that involved a firearm, or individuals with a prior offense. See <https://www.sfsuperiorcourt.org/divisions/collaborative/yac>.



## JURISDICTIONAL REFORMS

Since 2007, many states have altered the age of juvenile jurisdiction to ensure that most youth are served in the juvenile system. Some states have begun to explore expanding this threshold to include some emerging adults.

### OREGON

Oregon has maintained jurisdiction over many youth who are sentenced by the adult court. In 1994, Oregon passed Ballot Measure 11, which requires a mandatory minimum sentence for specific serious and violent crimes. While many of the sentences carry a term beyond the emerging adult years, the Oregon Youth Authority maintains jurisdiction until age 25, which allows individuals to take advantage of the developmentally appropriate programming in the youth system during their formative years.<sup>44</sup>

### VERMONT

Vermont will increase the age of juvenile jurisdiction to include 18- and 19-year-olds by 2022.

### ILLINOIS

In 2018, the Illinois legislature considered a bill to raise the age of juvenile jurisdiction to 21 in misdemeanor cases.

### CONNECTICUT

In 2019, Connecticut Governor Dannel Malloy championed a bill to gradually raise the age of juvenile jurisdiction to 21, allowing emerging adults to benefit from the protections and services of the state's juvenile system.<sup>45</sup>

### MASSACHUSETTS

In 2019, the Massachusetts Legislature proposed a bill that would increase the juvenile jurisdiction to 20 years old and extend commitment until 23 years old. As of 2020, the legislation is still under consideration, but hearings have been delayed due to the COVID-19 pandemic.<sup>46</sup>

### WASHINGTON, DC

Washington, DC, which already retains juvenile court jurisdiction over some youth up to 21 years old if they committed their offense before their 18<sup>th</sup> birthday, could expand that authority

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44 "Frequently Asked Questions," Oregon Youth Authority, accessed September 9, 2020, <https://www.oregon.gov/oya/aboutoya/Pages/services.aspx>.

45 Scinto, Rich, "Malloy Pushes To 'Raise The Age' To 21 For Many Crimes," Patch.com, accessed September 2, 2020, <https://patch.com/connecticut/ridgefield/malloy-pushes-raise-age-21-many-crimes>.

46 Massachusetts S.825 (An Act to promote public safety and better outcomes for young adults), <https://malegislature.gov/Bills/191/S825>.

to include all young adults.<sup>47</sup> This would provide young adults age-appropriate services both in the community and in out-of-home and secure facilities. The District can further its reach to emerging adults by adopting the legislative and programmatic recommendations set forth by the Youth Rehabilitation Act's Strategic Plan.

## CONCLUSION

Washington, DC has severe racial disparities in its justice-involved population. That should alarm local leadership and its residents. These disparities are rooted in policing practices that target communities of color, a lack of investment and opportunity in historically disadvantaged neighborhoods, and an overly punitive sentencing, parole, and corrections system. The current system largely focuses on punishment, with insufficient attention given to programming and rehabilitative services that have been proven to improve public safety outcomes.

In particular, failure to address the needs of emerging adults in the criminal justice system has exacerbated racial inequities and expanded a system that incarcerates people for decades beyond any public safety benefit. While the District has taken important initial steps in how it approaches 18-to-24-year-olds in its legal system, there is still much room for improvement. Foundational reforms to how the juvenile and criminal justice systems treat 18-to-24-year-olds will help with rolling back mass incarceration, reducing racial disparities, empowering communities, saving taxpayer dollars, and increasing the likelihood of a safe and prosperous neighborhood.

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<sup>47</sup> D.C. Code § 16-2303 (Retention of jurisdiction), <https://code.dccouncil.us/dc/council/code/sections/16-2303.html>.

# Appendix I

	Adolescence (puberty through 18)	Young Adults (18-25)	Later Adulthood (25 +)
<b>Cognitive Development</b>	Abstract thinking. Mental visor can hold not only concrete objects and experiences, but concepts for organizing them into categories and patterns. (i.e. abstract concepts like friendship and fairness, addition and subtraction as “opposites” not just carrying out the functions.)	More complex thinking. Increased ability to hold on their mental visors not only single abstractions, but clusters of abstractions and systems for organizing abstract thought. This assists them in math and science, as well as thinking about ideas, values and perspectives.	New levels of abstract analysis. An increased ability to not only organize abstractions but to do so self-consciously, and to evaluate ways of doing so.
<b>Moral Development and Problem Solving</b>	Right/wrong framework. Tendency to hold on one’s mental screen only one concept of what is right at a time. Ideas are either right or wrong. You are either right or wrong. They are either right or wrong.	Appreciation for diverse views. Development of a more “multiplicistic” framework in which they can “see” multiple points of view, value diversity of people and perspectives and appreciate that there may be many right answers to a problem.	More complex problem solving. Greater sophistication in analyzing problems that have no right answers, such as moral dilemmas; and to articulate resolutions based on more complex types of thought
<b>Interpersonal Development</b>	Instrumental relationships. Relationships tend to be about alternating reciprocity (i.e. you scratch my back, I’ll scratch yours). Can put themselves in someone else’s shoes, but have difficulty holding another point of view and theirs at the same time. Under stress, the needs of others fall off the mental visor.	Mutuality in relationships. Can form relationships with peers based on observing that they care about the same things; and loyalties to institutions based on observing that they share the same values. Can understand constructive criticism, appreciating that the other person is intending to be helpful. More likely to switch from instrumental orientation to more “socializable” orientation (like the Golden Rule.)	Enhanced leadership capacity. Able to put themselves on their mental visor and observe the ways in which they play an active role in shaping their values and decisions. Thus, they can create as well as follow rules and engage in processes by which individuals do so.
<b>Emotional Development</b>	Intensity of emotions. Triggered by hormones at puberty, teens are more aroused and aroused more easily – whether by something that makes them happy, angry or excited.	Emotional regulation. Acquire significantly greater capacity for integration of thought and emotion. Ability to hold past, present and future on their mental visor, and weigh immediate rewards against future consequences. Able to put more brakes on emotional intensity and sensation seeking.	Greater capacity for self-evaluation. Ability to see themselves as actors on the stage of life, they can also evaluate how effectively they do so, and how satisfied they or their employers, partners and others are with their performance and the impact.

Source: <http://www.nycjusticecorps.org/wp-content/uploads/2014/09/Stages-of-Adol-YA-Development.pdf>

JPI is dedicated to reducing the use of incarceration and the justice system by promoting fair and effective policies.

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