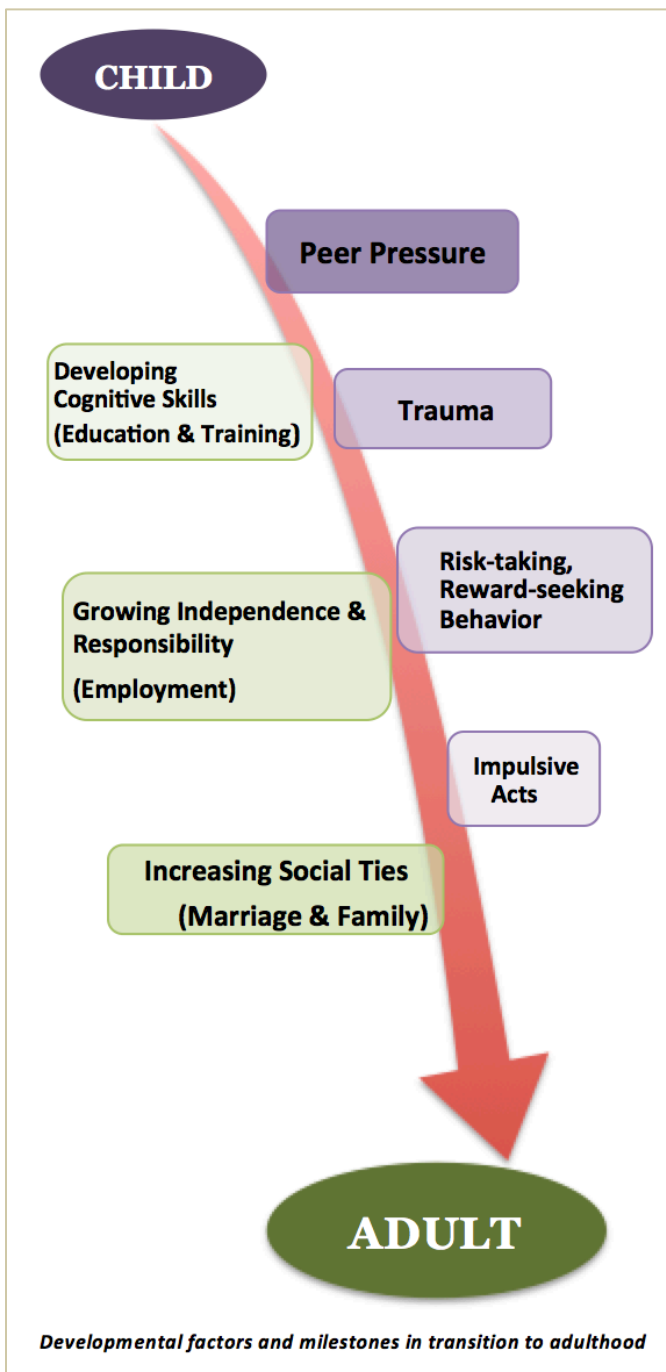


## Emerging Adults: A distinct population that calls for an age-appropriate approach by the justice system

Selen Siringil Perker and Lael Chester\*



### Who are emerging adults?

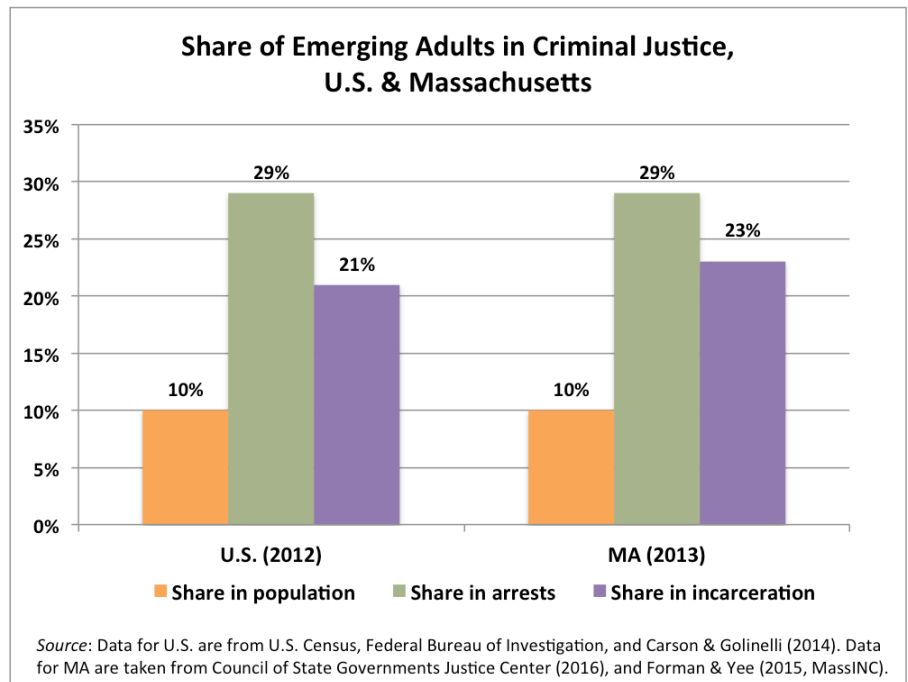
Our justice system acknowledges that children and adults are different, and they should be treated as such when they are suspected of committing a criminal offense. As with most states, Massachusetts sets the legal marker between childhood and adulthood at age 18 for criminal law purposes.<sup>1</sup> Consequently, justice-involved young people are automatically treated as adults once they turn 18, and cannot benefit from a separate system of justice with separate facilities, confidentiality protections, and individualized treatment with a network of rehabilitative programming—all of which are part of the juvenile justice systems that most juveniles under 18 are entitled to. *Yet the age of 18 is not a fixed point when adolescents become fully mature adults.*<sup>2</sup> Recent research in neurobiology and psychology suggests that cognitive skills and emotional intelligence continue to develop into a person's mid-20s, and even beyond.<sup>3</sup> Sociological research also reveals that key milestones bridging youth to adulthood, such as completing education, employment and marriage, come later in an individual's life course compared to previous generations.<sup>4</sup>

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.<sup>5</sup> 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 to 25.<sup>6</sup>

## Why should the criminal justice system focus on and distinguish emerging adults?

*Emerging adults drive a disproportionately large share of criminal justice activity.*

Emerging adults<sup>7</sup> make up 10 percent of the U.S. population but comprised 29 percent of arrests,<sup>8</sup> and 21 percent of people admitted into adult prisons in 2012 across the country.<sup>9</sup> The trend holds in Massachusetts: In 2013, emerging adults comprised 10 percent of the population, yet accounted for 29 percent of all arrests,<sup>10</sup> 20 percent of individuals sentenced to incarceration in state prisons, and 23 percent of individuals sentenced to incarceration in county Houses of Correction (HOC).<sup>11</sup> Furthermore, the rate of incarceration in Massachusetts state prisons and county jails for emerging adults was 540 per 100,000, more than double the incarceration (admission) rate for residents over age of 25 (251 per 100,000).<sup>12</sup>



The persistent, large, and disproportionate share of emerging adults in our criminal justice system hinders efforts to effectively reduce the workload and expense of the criminal justice system, and to curb incarceration rates.

*Age-appropriate responses to justice-involved emerging adults will decrease crime and improve public safety.*

Emerging adults are not only more likely to be incarcerated, but also more likely to recidivate when they leave a correctional facility. A national study of 30 states revealed that 75.9 percent of those under 24 released in 2005 were rearrested within three years, compared to 69.7 percent of those 25 to 29 and 60.3 percent of those 40 and older.<sup>13</sup> This pattern continued to hold at the 5-year mark after release.

The higher recidivism rates among emerging adults hold true in Massachusetts. Among 2011 HOC releases, 18- to 24- year-olds had higher rates than all other age groups in three measures of recidivism (re-arraignment, re-conviction and re-incarceration) at the 3-year mark. Notably, 76 percent of 18- to 24-year-olds released from county jails and state prisons in 2011 were re-arraigned within three years of release.<sup>14</sup>

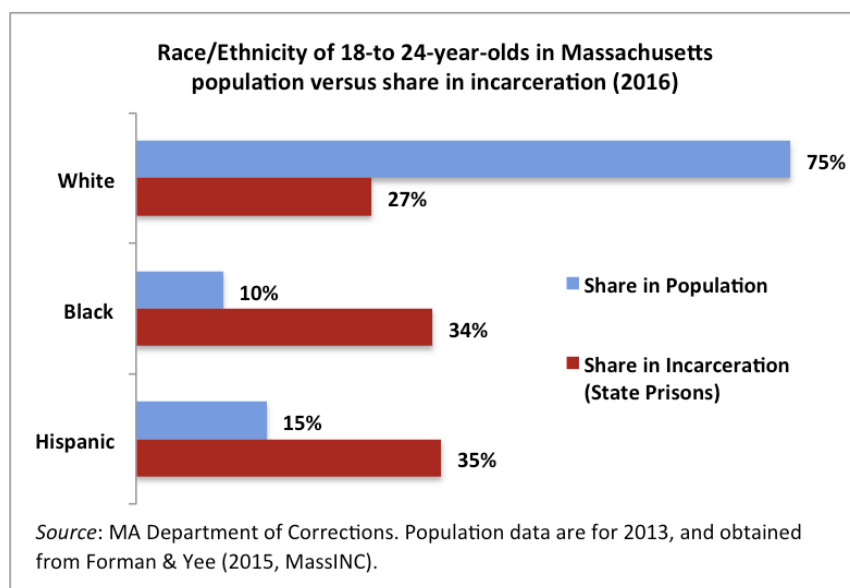
Higher recidivism rates among emerging adults are not surprising. Justice-involved emerging adults have been victims of violent crime and have experienced emotional and physical trauma at a higher rate than any other population.<sup>15</sup> Exposure to toxic environments such as adult jails and prisons further traumatizes justice-involved emerging adults, making them more vulnerable to negative influence, and as a result, increases recidivism among this group. Tailoring the justice system's response to emerging adults' developmental needs can reverse this cycle of crime and improve public safety.

*Age-appropriate response to justice-involved emerging adults is the most effective and humane way to hold youth accountable and correct problematic behavior.*

Research shows that the brain continues to develop well into a person’s 20s.<sup>16</sup> When emerging adults find themselves in an emotionally charged situation, especially around their peers, they cannot always keep their actions in line with what they know to be the appropriate course of action.<sup>17</sup> They are overly motivated by reward seeking behavior, more susceptible to peer pressure, and more prone to risk-taking and impulsive behavior.<sup>18</sup> All these factors can contribute to their involvement in criminal activity. Furthermore, a higher likelihood of prior victimization among emerging adults has also been shown to amplify the effects of such factors.<sup>19</sup> Problematic behavior of emerging adults is, thus, often fundamentally different than mature adults’ criminal behavior in both cause and nature, and necessitates a tailored approach.

Despite its challenges, this transitional period is also a time of opportunity. Most emerging adults will mature normally through this stage between childhood and adulthood, and naturally age out of crime as their cognitive skills develop, responsibility and independence grow, and social ties are strengthened through key milestones such as stable employment and marriage. Research again shows that few youths who are involved in delinquent behavior actually continue into adult criminal behavior.<sup>20</sup> Emerging adults are also more malleable to rehabilitation and appropriate interventions that promote growth during this critical period. Evidence-based interventions targeted specifically at the needs of emerging adults have proven effective in positively changing behavior. For example, two model programs that specifically focus on justice-involved emerging adults in Massachusetts have produced long-lasting, positive outcomes: The 2016 program evaluation of Roca’s Intervention Model in Massachusetts found that 87 percent of emerging adult participants involved with Roca’s 24-month intensive support program had no new arrests, and 88 percent retained employment for six months or more.<sup>21</sup> Similarly, 83 percent of youth who completed UTEC programming in 2014 had no new arrests within two years after leaving UTEC, and 82 percent remained employed.<sup>22</sup> By recognizing the unique needs of emerging adults and applying more developmentally appropriate responses, policies and practices can effectively help them reach their true potential, and become productive members of their communities.

*Age-appropriate responses to justice-involved emerging adults can reduce racial and ethnic disparities, and enhance social cohesion and economic development.*



Black male emerging adults comprised nearly 40 percent of all emerging adults admitted to state and federal prisons in the U.S. in 2012, and they are 7 to 9 times more likely to end up in prison compared to their white peers.<sup>23</sup>

In Massachusetts, while racial disparities narrowed slightly over the past decade, black and Hispanic emerging adult incarceration rates are still remarkably higher compared to their white peers. For example, in 2013, relative to their white peers, the annual rate of imprisonment for emerging adults was 1.7 and 3.2 times higher for Latinos and African-Americans respectively.<sup>24</sup>

Black and Hispanic emerging adults have an especially disproportionate share of incarceration in state prisons. In 2016, African-Americans and Hispanics had a combined share of almost 70 percent of all emerging adults incarcerated in state prisons (34 percent and 35 percent respectively), while they made up 52 percent of the incarcerated individuals that were 25 years old and over, and 25 percent of the general state population.<sup>25</sup> Racial disparities persist in county jails too, and are especially alarming among younger cohorts. For instance, in the Suffolk County House of Corrections, African-Americans and Hispanics made up 83 percent of the 18-to 24-year-old incarcerated population (52 percent and 31 percent, respectively), while their combined share was over 90 percent among 18-to 19-year-old cohort in 2015.<sup>26</sup>

A criminal record can severely interfere with emerging adults' abilities to join the workforce, pursue higher education and secure housing. Because the criminal justice system impacts emerging adults in minority communities at higher rates, the decrease in opportunity for socio-economic development hits these communities hardest. Age-appropriate responses to justice-involved emerging adults will reduce racial and ethnic disparities, enhance social cohesion and create new opportunities for economic development.

### **Why is now an opportune time for emerging adult justice reform in Massachusetts?**

Growing recognition of the need for improvements in emerging adult justice is reflected in numerous ways in Massachusetts as recently as this year. Over the past year, Sheriffs in Essex, Middlesex and Suffolk Counties have launched or announced plans to launch specialized living units for young adults in their Houses of Correction. At a criminal justice conference in May 2017, Chief Justice of the Supreme Judicial Court Ralph D. Gants announced plans to create special Young Adult Court sessions in the Boston Municipal and District Courts to serve this specific age group.

Further, numerous bills have been filed, many for the first time in 2017-2018 session of the Massachusetts legislature, that focus specifically on justice-involved emerging adults. These include four major bills that propose to raise the age of juvenile justice jurisdiction and extend the legal protections and dedicated services for juveniles to emerging adults.<sup>27</sup> Specifically, these proposed bills aim to gradually raise the upper age of juvenile jurisdiction to include 18, 19 and 20-year-olds, while simultaneously raising the lower age of juvenile jurisdiction from seven to 12 to allow very young children to be served in more appropriate ways and to ensure the juvenile justice system can more effectively focus on adolescents and emerging adults. The proposed legislation also seeks improvements for the sealing of juvenile court records and limited expungement, as well as the expansion of available rehabilitation services and effective alternatives to incarceration for emerging adults.

These proposals are particularly fitting for Massachusetts. Massachusetts successfully raised the age of juvenile jurisdiction to 18 in 2013, and the Department of Youth Services jurisdiction already extends to age 21 for a category of juvenile cases (youthful offenders). Furthermore, two of the most renowned national models with expertise and success in working with this population are in Massachusetts – ROCA and UTEC.<sup>28</sup> Massachusetts has both the experience and capacity to improve the way its justice system handles emerging adults while reducing crime and enhancing socio-economic outcomes.

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## Endnotes

\* Selen Siringil Perker and Lael Chester are Research Fellows at the Program in Criminal Justice Policy and Management (PCJ), John F. Kennedy School of Government, Harvard University. PCJ wishes to thank the Open Philanthropy Project and the Gardiner Howland Shaw Foundation for supporting PCJ's research on Emerging Adult Justice.

<sup>1</sup> The Massachusetts legislature raised the upper age of juvenile jurisdiction from 17 to 18 in September 2013.

<sup>2</sup> Massachusetts already recognizes emerging adults as a distinct population that requires dedicated services in areas of public health and education for successful transition to adulthood.

<sup>3</sup> Giedd, J.N., Blumenthal, J., Jeffries, N.O., Castellanos, F.X., Liu, H., Zijdenbos, A., Paus, T., Evans A.C., and Rapoport, J.L. (1999). "Brain Development During Childhood and Adolescence: A Longitudinal MRI Study." *Nature Neuroscience* 2: 861-863; Howell, J.C., B.C. Feld, D.P. Farrington, R. Loeber and D. Petechuk (2013). "Bulletin 5: Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know." Study Group on the Transitions Between Juvenile Delinquency and Adult Crime. Final report to National Institute of Justice (grant number 2008-IJ-CX-K402).

<sup>4</sup> Berlin, G., Furstenberg, F. F., and Waters, M.C. (Eds.) (Spring 2010). "Transition to Adulthood." Special Issue. *The Future of Children* 20(1); Schiraldi, V., Western, B., and Bradner, K. (2015). "Community-Based Responses to Justice-Involved Young Adults." *New Thinking in Community Corrections Bulletin*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice. NCJ 248900.

<sup>5</sup> This population is also often described as "young adults" or "transition-age youth".

<sup>6</sup> We acknowledge that each emerging adult matures at a different rate, and many variables affect the developmental process. Thus, we consider the age 18 to 25 range for emerging adults flexible enabling application of dedicated policy and programming to youths a year or two outside of this age range.

<sup>7</sup> Data cited for emerging adults in this paper include 18-to 24-year-olds (including 24).

<sup>8</sup> United States Department of Justice, Federal Bureau of Investigation (October 2013). "Crime in the United States, 2012." Data retrieved on 19 April 2017, from <https://ucr.fbi.gov/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/resource-pages/download-printable-files>.

<sup>9</sup> Carson, E.A., and Golinelli, D. (2014). "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012." U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics. The Bureau of Justice Statistics stopped publishing "admission" statistics by age in 2013, and now publishes only yearend (December 31) population of correctional facilities by age. 2012 is, thus, the most recent year data is available for comparison of admission rates by age.

<sup>10</sup> Council of State Governments Justice Center (December 2016). "Justice Reinvestment in Massachusetts: Key Findings and Policy Options." Available at [https://csgjusticecenter.org/wp-content/uploads/2016/12/JR-in-Massachusetts\\_Key-Findings-and-Policy-Options.pdf](https://csgjusticecenter.org/wp-content/uploads/2016/12/JR-in-Massachusetts_Key-Findings-and-Policy-Options.pdf).

<sup>11</sup> Forman B. and Yee S. (December 2015). "Viewing Justice Reinvestment Through a Developmental Lens: New Approaches to Reducing Young Adult Recidivism in Massachusetts." MassINC Policy Brief, available at <http://massinc.org/research/viewing-justice-reinvestment-through-a-developmental-lens/>.

<sup>12</sup> *Ibid.*, at endnote 1.

<sup>13</sup> Durose, M.R., Cooper A. D., and Snyder H. N. (2014). "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010." Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. NCJ 244205. p. 12.

<sup>14</sup> Council of State Governments Justice Center (February, 2017). "Justice Reinvestment in Massachusetts: Policy Framework." Available at <https://csgjusticecenter.org/jr/massachusetts/publications/justice-reinvestment-in-massachusetts-policy-framework/>.

<sup>15</sup> Emerging adults aged 18-20 experience violent victimization at more than twice the rate of the general population, and those with a history of foster care are 10 times more likely to report being arrested when they were 18 or 19. See, Velazquez, T. (May 2013). "Young Adult Justice: A New Frontier Worth Exploring." *The Chronicle of Social Change*, available at <http://chronicleofsocialchange.org/wp-content/uploads/2013/05/Young-Adult-Justice-FINAL-revised.pdf>.

<sup>16</sup> Giedd, J.N., Blumenthal, J., Jeffries, N.O., Castellanos, F.X., Liu, H., Zijdenbos, A., Paus, T., Evans A.C., and Rapoport, J.L. (1999). "Brain Development During Childhood and Adolescence: A Longitudinal MRI Study." *Nature Neuroscience* 2: 861-863; Sowell, E.R., Thompson, P. M., Holmes C.J., Jernigan T. L., and Toga A.W. (1999). "In Vivo Evidence for Post-Adolescent Brain Maturation in Frontal and Striatal Regions." *Nature Neuroscience* 2(10): 859-861; Sowell, E.R., Thompson, P.M., Tessner K.D., and Toga A.W. (2011). "Mapping Continued Brain Growth and Gray Matter Density Reduction in Dorsal Frontal Cortex: Inverse Relationships During Post-Adolescent Brain Maturation." *Journal of Neuroscience* 21: 8819-8829.

<sup>17</sup> Moffitt, T.E. (1993). "Adolescence-Limited and Life-Course-Persistent Antisocial Behavior." *Psychological Review* 100(4): 674-701; Galambos, N. L., Barker E. T., and Tilton-Weaver L. C. (2003). "Who Gets Caught at Maturity Gap? A Study of Pseudomaturity, Immature, and Mature Adolescents." *International Journal of Behavioral Development* 27(3):253-263.

<sup>18</sup> Monahan, K.C., Steinberg, L., Cauffman E. and Mulvey E.P. (2009). "Trajectories of Antisocial Behavior and Psychosocial Maturity from Adolescence to Young Adulthood." *Developmental Psychology* 45(6) 1654-1668; Bryan-

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<sup>19</sup> Adams, E. J. (July 2010). "Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense." Justice Policy Institute. Available at [http://www.justicepolicy.org/images/upload/10-07\\_REP\\_HealingInvisibleWounds\\_JJ-PS.pdf](http://www.justicepolicy.org/images/upload/10-07_REP_HealingInvisibleWounds_JJ-PS.pdf).

<sup>20</sup> Mulvey, E. P. (2011). "Highlights from Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders." Washington, DC: Office of Juvenile Justice and Delinquency Prevention, at <https://www.ncjrs.gov/pdffiles1/ojjdp/230971.pdf>.

<sup>21</sup> Roca, Inc. (2016), "Fiscal Year 2016 High Risk Young Men Performance Benchmark and Outcomes Report."

<sup>22</sup> UTEC (2016). "Fiscal Year 2016 Outcomes & Impact Report."

<sup>23</sup> Carson, E.A., and Golinelli, D. (2014). "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012." U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics.

<sup>24</sup> Forman, B. and Yee, S. (December 2015). "Viewing Justice Reinvestment Through a Developmental Lens: New Approaches to Reducing Young Adult Recidivism in Massachusetts." MassINC Policy Brief, at 4.

<sup>25</sup> Massachusetts Department of Corrections data. Population data are for 2013, and taken from Forman & Yee (2015, MassINC), *supra*..

<sup>26</sup> Suffolk County Sheriff's Department data.

<sup>27</sup> *An Act promoting transparency, best practices, and better outcomes for children and communities*, **S. 947**, 190<sup>th</sup> Gen. Court (Mass. 2017); *An Act to promote better outcomes for young people in the Commonwealth*, **H. 3037**, 190<sup>th</sup> Gen. Court (Mass. 2017); *An Act to promote better public safety and better outcomes for young adults*, **H. 3078**, 190<sup>th</sup> Gen. Court (Mass. 2017); *An Act expanding juvenile court jurisdiction and district court diversion*, **S. 816**, 190<sup>th</sup> Gen. Court (Mass. 2017).

<sup>28</sup> ROCA and UTEC were highlighted as national models in National Institute of Justice's *Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults* (June 2016) for their innovative, community-based approaches to working with emerging adults. Both programs include a social enterprise component, work with high-risk populations, and engage in innovative outreach strategies. Visit their website at <http://rocainc.org>; and <https://www.utec-lowell.org>.