New Thinking in Community Corrections

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# Community-Based Responses to Justice-Involved Young Adults

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## Executive Session on Community Corrections

This is one in a series of papers that will be published as a result of the Executive Session on Community Corrections.

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## Foreword

This paper raises important questions about the criminal justice system's response to young adults. Recent advances in behavior and neuroscience research confirm that brain development continues well into a person's 20s, meaning that young adults have more psychosocial similarities to children than to older adults. This developmental distinction should help inform the justice system's response to criminal behavior among this age group.

Young adults comprise a disproportionately high percentage of arrests and prison admissions, and about half of all young adults return to prison within three years following release. At the Office of Justice Programs (OJP), we see the opportunity to reduce future criminal activity — and consequently the number of future victims — by having a justice system that appropriately responds to criminal behavior, helps young adults rebuild their lives, and is not overly reliant on incarceration.

The authors outline a number of thoughtful recommendations aimed at making our justice system more developmentally appropriate in its response to young adults. At OJP, we are committed to collaborating with our local, state and tribal partners on this important issue so that we can help all of our communities become safer, stronger and more stable.

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## Introduction and History

In the late 1800s, the Progressive movement mounted a campaign on behalf of America's children. Child labor laws, kindergartens and compulsory schooling were proposed to draw a new generation of immigrants into American society and open social opportunities to their children. This movement — to expand opportunity for disadvantaged youth and integrate them into the mainstream of social life — also spawned the juvenile court.

The juvenile court of the early 20th century represented a clear alternative to adult criminal justice. The new court relaxed the adversarial posture of court procedure, was built on a jurisprudence of diminished capacity and rehabilitation, provided individualized case management, guarded youthful lawbreakers' confidentiality, and relied overwhelmingly on community-based supervision instead of the penitentiary. The early juvenile court recognized that childhood was a distinct stage of life for which different procedures and solutions were needed. The objective of the court was unapologetically progressive: to help build citizenship and social membership, and promote opportunity for a disadvantaged population still at the starting gate of the life course.

These reformers set the age jurisdiction of these juvenile courts at around 18, based on the mores of the time. However, over a century's worth of experience, along with more recent research on adolescent brain development, now enables us to better understand the adolescent maturation process and demonstrates the need to revisit this strict adherence to an outmoded understanding of maturity to adulthood. This new research shows that the brain and its capacity for mature decision-making continue to evolve well past the teenage years. It also shows that brain development is disrupted and slowed for those exposed to trauma in childhood.

The passage to actual adulthood has also shifted over time. Particularly for disadvantaged youth, this transition now unfolds more slowly. Young adults are more detached from the socializing institutions of work and family, and more dependent on advanced education, than in previous decades.

Our new understanding of the developmental process through young adulthood and historical shifts in the early life course demand new kinds of institutions. Young adults are malleable, and systematic changes that positively affect their lives can have long-lasting, perhaps permanent impacts on them and, subsequently, on their communities.

In this paper, we propose a different kind of criminal justice for young men and women. We propose new institutional methods and processes for young adult justice, for those ages 18 to 24, that can meet the realities of life for today's disadvantaged youth involved in crime and the criminal justice system. What we envision seeks

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to extend the reach of the juvenile court while also using it as a basis for a new system that reflects a modern understanding of the transition into adulthood. *Our central recommendation is that the age of juvenile court jurisdiction be raised to at least 21 years old*[1] *with additional, gradually diminishing protections for young adults up to age 24 or 25.*

Such a system recognizes the diminished capacity for responsible decision-making in youth while harnessing the opportunities presented by their ability to grow, adapt and change. Additionally, such a system would recognize the diminished opportunities and greater demands that now face young adults, particularly in the disadvantaged communities that supply the adult correctional system.

Like the juvenile court of the early Progressive era, this justice system for young adults aims to promote opportunity as much as public safety. It aims to integrate young men and women into the mainstream institutions of work and family while building robust public safety in poor communities to foster order and predictability in daily life. Because the goal of young adult justice is socially integrative, it is primarily community-based, providing supervision and programming amid the social institutions that can ultimately draw young men and women into prosocial adult roles.

## Why Young Adults Are a Distinct Population

Recent neurological research shows that brain development for adolescents continues well into young adulthood, and the decision-making capacity of young adults shares much with the impulsiveness of younger teenagers. Moreover, the transition from childhood to adulthood has slowed in some respects and has become more challenging, particularly for young disadvantaged men. New research on young adult development and historical changes in the transition to adulthood motivate a new, community-based strategy for young adults in the criminal justice system.

### Brain Development in Young Adults

Young adults are developmentally distinct from older adults. Recent scientific work suggests that the human brain continues to develop well into the 20s, particularly in the prefrontal cortex region, which regulates impulse control and reasoning (Giedd et al., 1999; Paus et al., 1999; Sowell et al., 1999, 2011; Gruber and Yurgelun-Todd, 2006; Johnson, Blum and Giedd, 2009; Konrad, Firk and Uhlhaas, 2013; Howell et al., 2013). Several studies suggest that people do not develop adult-quality decision-making until their early 20s (Scott and Steinberg, 2003; Barriga, Sullivan-Cossetti and Gibbs, 2009; Bryan-Hancock and Casey, 2010), and others have shown that psychosocial capacities continue to mature even further into adulthood (Steinberg, 2007; Colwell et al., 2005; Grisso and Steinberg, 2003; Cauffman and Steinberg, 2000). Moffitt characterized this gap between cognitive and psychosocial capacities as the "maturity gap," where cognitive function develops in advance of the executive function (Moffitt, 1993; Galambos, Barker and Tilton-Weaver, 2003). Because of this, young adults are more likely to engage in risk-seeking behavior, have difficulty moderating their responses in emotionally charged situations, or have not fully developed a future-oriented method

of decision-making (Monahan et al., 2009; Mulvey et al., 2004).

This group is also distinct, though less so, from juveniles. For one, cognitive function is, on average, more developed for this age group than for juveniles; within this age group, 24-year-olds have more developed cognitive functioning than, say, 18-year-olds. However, despite the increased cognitive development, they are more likely to engage in risk-seeking behavior than juveniles, which places them at higher risk for physical injury and at greater risk for becoming justice-involved (Steinberg, 2004, 2007). Furthermore, the social contexts that young adults operate within are different from those of juveniles: Young adults are more likely to be influenced by peer groups, have different sets of social expectations, develop a greater degree of independence from family, and have greater access both to employment opportunities and to alcohol or controlled substances.

The transition to adulthood is especially challenging for young men and women who are involved in crime, as they are more likely to have personal histories that can further disrupt psychosocial development. Justice-involved individuals are more likely to have experienced a traumatic incident, including sustaining a traumatic brain injury (TBI) — more than twice as likely as the general population, by some measures (Wolff et al., 2013; prevalence of TBI among prisoners measured as high as 60 percent: Bridwell and MacDonald, 2014). In addition, justice-involved youth and young adults have a higher likelihood of parental incarceration, poverty, foster care, substance abuse, mental health needs and learning disabilities, all of which have been linked to impeding psychosocial maturity.[2] Moffitt (2006) linked life-course-persistent offending to harsh parenting practices, low IQ, hyperactivity, rejection at school and reinforcement of poor behavior. If young adults have a history of involvement with the juvenile justice system, there is a higher likelihood that they may be developmentally delayed or have untreated mental health needs (Sampson and Laub, 1997).

### The Changing Context of Adulthood

Life-course criminologists see the transition to the adult roles of worker and householder as key stages on the path to criminal desistance. Steady employment, in the context of a stable family, builds routines in everyday life and develops a stake in conformity that ultimately diverts youth from crime. However, this transition to adulthood has changed in recent decades. Youth in their late teens and early 20s are more detached from the socializing institutions of work and family than in the past.[3] Moreover, the dislocation of young adulthood is more prevalent among males, and disadvantaged males in particular.

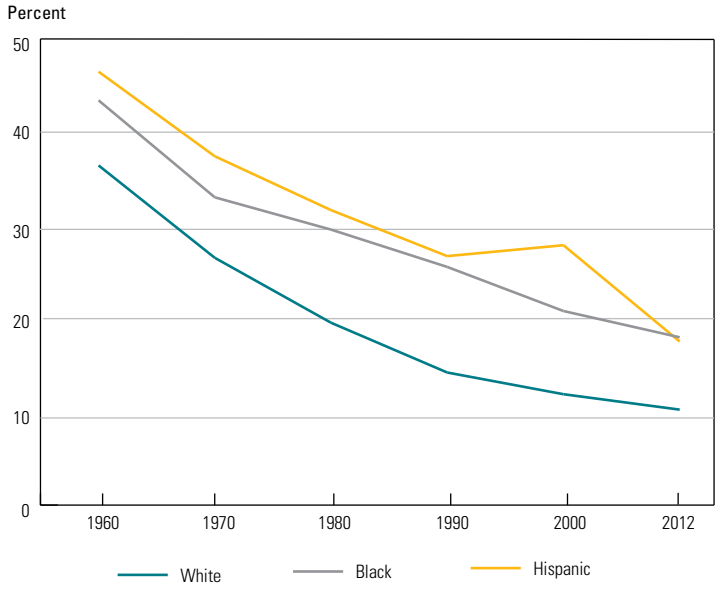
The transition to young adulthood has been transformed by the changing structure of the American family. U.S. marriage rates declined from the 1960s through the mid-1990s. These trends vary with race and income. Marriage rates have always been much lower among African-Americans than whites, and the decline in marriage has been largest for African-American

men and women. Most of the decline in marriage has been concentrated among low-income people with little schooling. As marriage rates have declined, the nonmarital birth rate and rates of single parenthood have increased (Ellwood and Jencks, 2004). In 2012, over 40 percent of all U.S. births were to unmarried mothers (Martin et al., 2013). For young adults, these trends in marriage and single parenthood mean that more men were living separately from their children and their children's mothers. These young nonresident fathers made up a large proportion of men with no more than a high school education, especially young African-American men with relatively little schooling.

Although marriage and parenthood contribute greatly to the structure and routine of the daily life of young men without college education, the economic environment has also become more difficult (Danziger and Ratner, 2010). Over the past four decades, the earnings of young men without college education have declined significantly. Among white non-college men in their 20s and early 30s, median earnings declined in real terms from over $40,000 a year in 1973 to around $30,000 a year in 2007. Among African-American men of the same age and education, median earnings declined from about $34,000 to $25,000 a year in that same period. Among female high school graduates, both black and white median earnings slightly increased.

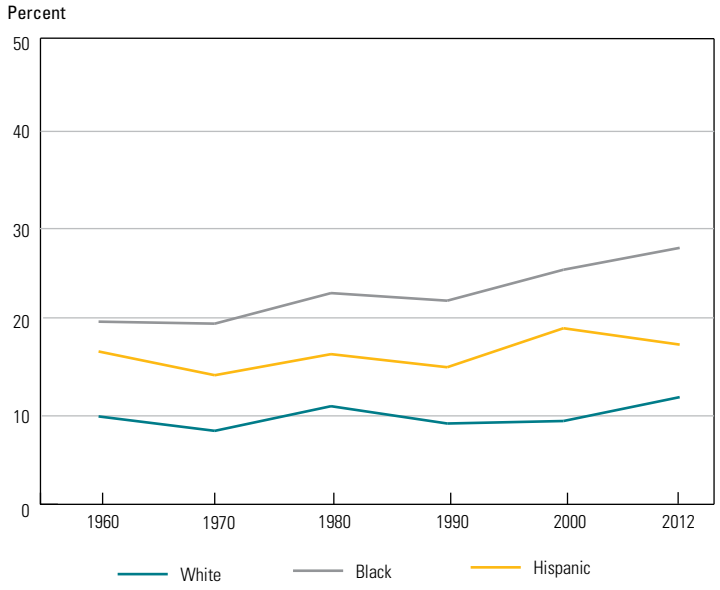
The subsequent detachment of young adults from mainstream institutions has been described as a problem of "disconnection." We can define the proportion of disconnected youth as the fraction that were out of work and out of school.[4] We can measure the trend in disconnected young adults, ages 16 to 24, with census data showing the percentage of those out of work and out of school over a five-decade period from 1960 to 2012 (see figures 1 and 2). Among young women in 1960, many who were out of work and out of school were married and at home, often raising children. The large decline in the fraction that were out of work and out of school reflects the increasing movement of young women into higher education and the increasing female

**Figure 1. Females out of school and not working, ages 16-24, by race and ethnicity, 1960-2012**




Source: Data for 1960 to 2000 are from the U.S. Census. Data for 2012 were taken from the American Communities Survey (ACS). Census and ACS microdata were obtained from Ruggles et al. (2012).

**Figure 2. Males out of school and not working, ages 16-24, by race and ethnicity, 1960-2012**




Source: Data for 1960 to 2000 are from the U.S. Census. Data for 2012 were taken from the American Communities Survey (ACS). Census and ACS microdata were obtained from Ruggles et al. (2012).

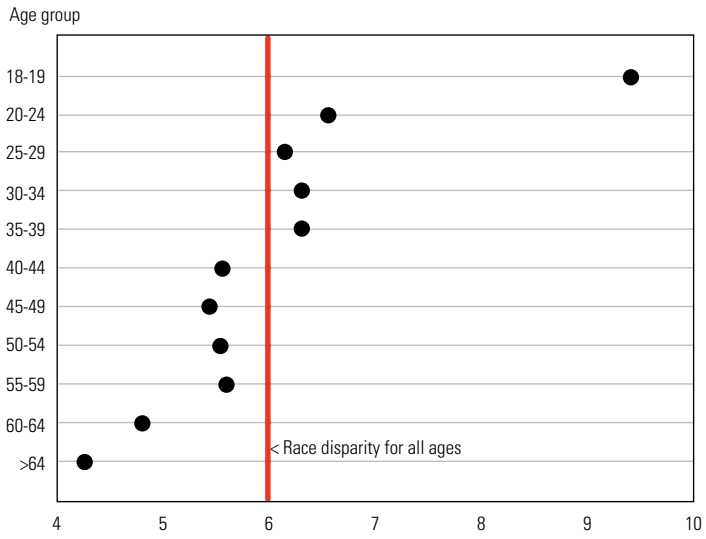
labor force participation rates. For young men, the trend in the percentage of those out of school and work can be more properly interpreted as a measure of disconnection. Among white men, the percentage disconnected has increased from 9.8 to 14 percent from 1960 to 2012. Strikingly, among African-American young men, the percentage disconnected has significantly increased from less than 20 to 27 percent. These increases in "disconnectedness" are probably understated by these data; they exclude the much higher number of young men who are incarcerated today than were incarcerated in 1960.

In short, historic shifts in the structure of daily life have left young adults more disconnected from the institutions of family and the labor market. The historically new challenges of young adulthood appear most serious for males without college education, particularly young men of color with little schooling. It is in this group that incarceration has also increased most dramatically in the past two decades. These levels of demographic disconnectedness and the increasing need for higher education to compete meaningfully in the labor market add to the neurobiological findings, compounding the challenges for this age cohort.

## Current Outcomes for Justice-Involved Youth

In 2012, over 200,000 young adults between the ages of 18 and 24 either entered or left the prison system. Nearly 130,000 youths between the ages of 18 and 24 were admitted to state or federal prison, 21 percent of all admissions that year (Carson and Golinelli, 2013, appendix table 3). Another 97,500 between the ages of 18 and 24 — 15 percent of all prison releasees — were released from state or federal prison back to their communities. For those who were released, the recidivism rates are significantly higher than for the population of prison releasees as a whole (Carson and Golinelli, 2013, appendix table 5). Roughly 78 percent of those released will be rearrested within 3 years.[5] Clearly, the current system is not effectively reducing future criminality among this age group. This matters, because relatively few justice-involved individuals commit their first offense past the age of 25, so the outcomes

**Figure 3. The ratio of black to white male imprisonment rates, by age group, 2012**




Source: Carson and Golinelli (2013, table 18).

for this population have large and long-lasting consequences for future offending, and for public safety as a whole.

Rates of criminal justice system involvement are markedly higher for minorities, particularly young black men, than for other groups. Among men in prison in 2012, the black-to-white ratio in imprisonment rates was about 6:1 and the Hispanic-to-white ratio was almost 3:1. Carson and Golinelli reported figures showing that the black-white disparities are highest among the 18-19 and 20-24 age cohorts (see figure 3). The rate of incarceration in 2012, either in state or federal prison, was more than 9 times greater for black males ages 18-19 than for white males of the same age, and nearly 3 times the rate for Hispanic men of the same age (Carson and Golinelli, 2013, table 18). For black males ages 20-24, the incarceration rate was almost 7 times greater than for whites of the same age, and nearly 2.5 times the rate for Hispanic men of the same age.

These large disparities are the result of the high incarceration rate for minority men. More than 1 in 12 black men between 20 and 24 were being held in a secure facility in 2010 (Glaze, 2011, appendix table 3). Cumulative risk of imprisonment is especially high for prime-age black men who dropped out of high school (Western and Pettit, 2010; Western, 2006). Nearly all of those incarcerated in the United States will be released back to the community eventually. In addition, the most recent estimates suggest that around 26 percent of those on probation are between the ages of 18 and 24 (around 1 million people) (Bonczar, 1997; Maruschak and Bonczar, 2013).

Justice-involved youth are likely to enter the justice system significantly behind their peers in many of the markers of adult life — attachment to work, stable relationships, housing, and educational attainment. They are more likely to have had a parent incarcerated or to have lived in a foster home, and more likely to report regular drug use than young adults in the general population.[6] About 20 percent of young inmates report having some kind of disability. There is also a drastic difference in educational attainment between incarcerated populations and the general public. In the general public,

more than 70 percent of males ages 18-24 have attained at least a high school diploma or GED; among incarcerated men of the same age, the rate is less than 20 percent. Two-thirds (68 percent) of African-American male high school dropouts have been imprisoned by the time they reached age 35.

Studies suggest that incarceration worsens these disadvantages, creating additional barriers to educational attainment, stable employment, housing, health care and relationships. The multiple disadvantages that these young people face suggest that correctional programming, both in secure facilities and in the community, must include more robust options than skills training alone. Young adults must also build the prosocial skills to succeed in adult roles — exercising impulse control, emotional self-regulation, and better interpreting others' intentions — in addition to the technical skills of their work (Chung, Little and Steinberg, 2005).

Young adults incarcerated in adult prisons are especially at risk for negative outcomes, as adult facilities often function as "schools for crime" where youths are "likely to learn social rules and norms that [legitimate] domination, exploitation, and retaliation" (Bishop and Frazier, 2000: 263-264; see also Howell et al., 2013). For those who spend part or all of their transition to adulthood incarcerated, they miss out on key opportunities to take on adult social roles or prepare for the future through educational and employment experience. Not only does this put these young adults "off-time" in achieving these markers but it also has significant negative consequences for their lifetime earning potential and the outcomes of their future families.[7]

## Implications for an Age-Responsive Criminal Justice System

Our jurisprudence fully accepts that adolescents are entitled to a separate system of justice, with separate facilities, confidentiality protections, and more individualized treatment in a more robust network of rehabilitative programming. Yet, the choice of age 18 (in most states) as the line of demarcation of the jurisdiction of the juvenile court was a relatively arbitrary one, based more on 19th-century customs and mores than rigorous scientific analysis. As we have seen from our review, today's neurobiological and developmental research suggests that young people ages 18-24 are more developmentally akin to juveniles than fully mature adults. Sociologically, young adults today are in far more need of support — for education and employment, for example — to successfully enter adulthood than they were 40 years ago (not to mention 116 years ago, when the juvenile court was founded). In comparing adolescence and young adulthood in the 19th and 21st centuries, it is no exaggeration to say that 22 is the new 16.

If young adults are developmentally similar to juveniles and the path to adulthood is more challenging today, and if the need for a separate court for adolescents is well-established, then it must follow that a substantially different response to lawbreaking by young adults is required. *Our central recommendation is that the age of juvenile court jurisdiction be raised to*

*at least 21 years old*[8] *with additional, gradually diminishing protections for young adults up to age 24 or 25.* This reform would extend much of the flexibility of the juvenile court to a stage of the life cycle that now faces many of the same challenges as adolescence.

An extension of the age of jurisdiction is, however, just one reform for a fundamentally more age-responsive criminal justice system. Regardless of whether reforms are made in the juvenile system, the adult system, or a mix of the two, we envision an age-responsive system as necessarily community based. At each stage, priority should be placed on keeping young adults in the community whenever possible, where they are able to maintain and build prosocial relationships through education, housing, family and employment. To achieve this, we propose a variety of supplementary reforms that go beyond the court's function,[9] to promote public safety, better life outcomes, greater social integration and more fairness. We describe these reforms at each stage of criminal processing.

### Pre-Arrest and Arrest

A more age-responsive system must necessarily involve police as well as social service programs for troubled young people that prevent them from entering the system in the first place. With police and community programs working in close cooperation, young adults could be diverted to social services in lieu of arrest. Elements of this proposal can be found in Seattle, where the Seattle Police Department implemented a type of prearrest diversion for those whose involvement in crime was clearly related to needs for substance abuse treatment, mental health services and housing.[10] For low-risk young adults, we also recommend the exploration of citations that might obviate the need for a court appearance altogether. Probation-run "diversion" or "adjustment" currently allows juvenile probation departments in many jurisdictions to divert some juvenile cases from formal court processing. Such diversion options should be applied to less serious cases of young adults as well.[11]

### Pretrial

The key objectives here are to minimize the life disruption of a criminal proceeding by moving quickly to trial and taking full advantage of community-based options instead of putting the offender in pretrial detention. The first step toward fulfilling these objectives is the use of an age-sensitive risk assessment that recognizes the behavioral malleability of young adults and their potential for change. Dynamic risk assessment instruments that measure behavioral change have special utility here. In setting bail, courts should recognize the relatively weak financial position of young adults and their more tenuous attachment to employment. Pretrial release could be used more expansively where community resources are enlisted — in the form of mentors and family or community members — to provide social supports in a specialized young adult caseload.

If pretrial detention is used, enhanced mental health and trauma assessments will be needed, along with work-force development and

opportunities for education programming. Additionally, detained young adults should be housed separately from older, more sophisticated inmates whenever possible. Initiatives like the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative — which collaboratively examines data on juvenile pretrial populations before creating policies and programs that safely reduce the use of pretrial detention — could readily be retooled to focus on young people in the adult criminal justice system (National Research Council, 2013).[12]

### Courts

The expanded juvenile court should be supported by experts with backgrounds in adolescent and young adult development. Human development experts could help to develop case plans aimed at promoting social integration and a smooth transition to stable adult roles. Such case plans would be bolstered by the availability of developmentally appropriate alternatives to incarceration that are able to build life skills and address the specific needs of justice-involved young adults. Partnerships between the court and community organizations facilitate the quick transition to programs, accelerating release from supervision and promoting specialized treatment.

Such partnerships could be realized through a family court model with extended jurisdiction up to at least age 21, through "specialty courts" affecting 18- to 24-year-olds, or through a hybrid model of both courts. With all their imperfections, juvenile courts are far more likely to attempt to rehabilitate, to dispense procedural justice, and to individualize sentencing decisions than adult courts are. Courts with specially trained judges, prosecutors, defense attorneys and probation staff, and which have access to adequate resources geared toward the special needs of this population (particularly education, workforce development, and cognitive-behavioral training) would go a long way toward legitimizing the adjudicatory process for young adults, which has been shown to improve outcomes.

### Community-Based Programs

Whenever possible, young adults should be kept in the community. This means that probation and parole departments, along with their community-based programming partners, have a crucial role to play in the lives of justice-involved young adults. Periods of community supervision should be shorter and, with the savings from reducing supervision periods, more rehabilitative programs should be made available to young people during periods of supervision. Case plan structures and staff preparedness must be achieved within a framework that recognizes not only the need for integration between agencies and community partners but also the opportunities inherent in young adults' potential to grow, learn and adapt.

There are, currently, programs that demonstrate the feasibility and power of this approach in both mandated and nonmandated settings. San Francisco's Transitional Age Unit (see sidebar, "San Francisco Adult Probation Transitional Age Youth Unit") relies on uniquely trained staff,

## San Francisco Adult Probation Transitional Age Youth Unit

Since 2009, the San Francisco Adult Probation Department has maintained a special unit for 18- to 25-year-old young adult probationers, called a transitional age youth (TAY) unit. This unit has a dedicated supervisor as well as seven officers who collectively handle 500 cases per year. The TAY unit selects officers based not only on their skill for creating professional alliances but also on their demonstrated passion to provide support for this age group. Officers are trained in cultural competency for this age group.

The unit provides staff enrichment to maintain a positive culture that allows the officers to harness opportunities for change in their young adult clients, even under complex and challenging circumstances. Officers are coached to see the volatility of their young clients, not as a problem but as the foundation for rehabilitation. Additionally, four of the TAY unit officers are certified as *Thinking for Change* (T4C) facilitators. These officers run a TAY-specific T4C class, which requires a unique awareness of the cognitive-behavioral challenges that exist within the TAY unit's target population.

The TAY unit uses a risk-needs assessment to develop case plans and refer young adult probationers to various services. Within the unit, cases are divided into low- and high-risk categories, and there are additional specialized caseloads for women and Pacific Islanders. The staff work collaboratively with each client to develop an individualized treatment and rehabilitation plan (ITRP) based on the risks, needs and potential emotional development of each client. The design of ITRPs is based on the philosophy of "dosage" probation, which calls for plans to be successfully completed in the shortest effective time — preferably within two years for each client. In order to monitor progress and identify setbacks, cases are reviewed every six months. Goals that are set and completed within the ITRP framework can result in a reduction in reporting requirements, early termination of supervision, or possible expungement of records for the young probationers.

The TAY unit's success is derived, in large part, from its collaboration with partners throughout the city and county. The unit works closely with the Mayor's Task Force on Transitional Age Youth. Thirteen of the 25 slots in each cohort of the Mayor's *Interrupt, Predict, Organize* employment program are set aside for TAY unit clients. This year-long program targets high-risk 18- to 25-year-olds who are deemed most likely to be involved in gun violence. Those who successfully complete the program are assisted in obtaining long-term employment.

The unit also works with an Alternative Sentencing Planner in the San Francisco District Attorney's office, who helps in the development of alternative sentencing recommendations to be used by prosecuting attorneys. Additionally, the unit, in collaboration with the Sheriff's Department and the District Attorney, created two classrooms within the Probation Department that provide high school diploma, GED and Adult Basic Education classes as well as other enrichment and elective courses. Educational goals are integrated into the definition of success, as courses can satisfy reporting requirements and community service hours, and can also serve as the basis for term reductions.

All of this work has led to some remarkable results for the TAY unit. In the previous fiscal year, the unit reported a 73-percent successful completion rate. By identifying young probationers, training staff both thoughtfully and comprehensively, developing appropriate case plans, and collaborating with local partners, the TAY unit has demonstrated an ability to turn significant disadvantages into meaningful opportunities for rehabilitation and long-term community integration.

## Roca: A Model Community Program for High-Risk Young Men

Roca is a Massachusetts-based nonprofit that specializes in helping court-involved young men, ages 18-24, stay out of jail and get jobs. Roca's work with high-risk young men has reduced recidivism by two-thirds and doubled employment rates. Roca's path to today's success was the product of years of hard work, self-examination, and a rigorous commitment to high standards and outcomes data. Initially founded in 1988 as a program to reduce poverty, violence and teen pregnancy, Roca shifted its focus to offering services to justice-system-involved young men. There was, and in many ways still is, a conspicuous gap in services for these youth, as neither the nonprofit sector nor the justice system were built to adequately serve this population — a population that was responsible for much of the violence and gang activity in and around Boston.

Combining research from the medical and mental health fields, with best practices from community corrections, substance abuse treatment and cognitive-behavioral therapy, Roca's model is built around the premise that high-risk young people ages 17-24 are developmentally capable of change and therefore need the support and opportunities to overcome their destructive behaviors over time. The difficult process of behavior change cannot and will not happen overnight.

Roca engages young men in two years of intensive programming and two years of less intensive follow-up. Given the organization's primary target population — young men with a high propensity for criminal involvement and adult incarceration — Roca focuses on achieving two long-term outcomes for the group: reduced incarceration and increased employment. To measure these outcomes and a range of short and intermediate benchmarks, the program uses a customized, Web-based data tracking and performance-based management system, which provides Roca staff with a critical feedback loop for both individual participant outcomes and staff efforts as well as the ability to analyze patterns in aggregate, organizationwide data.

The Roca Model has four major components: (1) relentless street outreach and engagement; (2) data-driven case management; (3) stage-based programming in education, life skills and employment; and (4) work with engaged institutions, focused on partnering with myriad law enforcement, judicial, corrections and government agencies.

Last year, in a study conducted by Roca evaluation staff — in collaboration with the Harvard Social Impact Bond Lab and the Massachusetts Department of Administration and Finance — approximately 900 high-risk young men served by Roca over a five-year period were compared to a control group of juvenile and adult justice-system-involved young men across Massachusetts. Compared to the control group, Roca's outcomes with young men showed a 65 percent reduction in recidivism and a 100 percent increase in employment.

intensive community collaboration, and a deep understanding of the problems affecting justice-system-involved young adults in developing programs for young probationers. The model of attempting to fully reintegrate young adults back into the community over the course of their probationary period should be a model for all community supervision programs. Roca, Inc., a program for youth in Massachusetts (see sidebar, "Roca: A Model Community Program for High-Risk Young Men"), provides an important example of community partnerships that lead the courts and law enforcement to seek out nonmandated, community-based alternatives to the adult criminal justice system.

With respect to case plans, they should be individualized, developed in collaboration with

the client, and structured around achievable goals. Setting small, achievable goals helps young adults gain confidence and optimism about their own abilities. Case plans should focus, not on surveillance, but instead on building, finding and utilizing concrete support for young adults within the community. A case plan should encourage and assist the search for housing, employment and education opportunities.

However, supervision is an important element of case plans and must be carefully structured. Supervision expectations must be compatible with prosocial goals. In setting the locations for check-in and service delivery, departments must recognize and adapt to work, school and family schedules of the supervised young adults. For example, the case plan could allow for check-ins outside of work or school hours, or close to a family home. Additionally, departments should prioritize colocation of their services by placing them in areas in which other prosocial services are offered, such as community centers, churches and recreation areas.

Case plans should be built to anticipate and withstand relapse into previous destructive behaviors, and should recognize this as a natural occurrence within the process of maturation and behavioral change for justice-involved young adults. Whenever possible, actions that could be disruptive to full reintegration should, instead, be opportunities for staff to further understand the needs of their clients, and therefore should not be used to automatically find clients in violation of probationary terms.

Positive growth and behavior should also be anticipated, and incentivized. Case plans should be structured to allow for frequent and tangible rewards for positive behavior. Decreased reporting frequency, shortened supervision terms, or possible expungement of records are examples of rewards that can be granted for positive progress.

A case plan should also recognize that, for its duration — and beyond — young adults will need assistance in thinking strategically about how to use their time, especially if they are transitioning out of a highly structured incarcerative environment. Community supervision officers can help create a plan for young adults to structure their time productively, pursue prosocial activities, and develop a positive routine. This reduces the temptation to use downtime to reestablish connections with negative influences, such as gang affiliates, other violent offenders, or environments that led to prior criminal behavior.

Given the levels of attention and understanding necessary for a successful case plan, staff should be trained to understand the psychosocial development and social contexts of young adults and also be trained in facilitating evidence-based cognitive-behavioral programs for this age group.[13] This level of expertise is required, as probation or parole officers must present themselves to their clients as legitimate, helpful and committed partners in the process of reintegration. Additionally, staff should develop positive professional relationships with clients

and use techniques, such as motivational interviewing, to collaboratively help the young adult build goals that are relevant to him or her.

To do their jobs effectively, well-trained probation and parole officers (as those most closely involved in the lives of these young adults) should be granted broader discretion. They should have the ability to craft and amend supervision conditions, shorten supervision terms for good behavior, and divert cases to community services or treatment, where appropriate, based on a young adult's risk-needs assessment or progress toward prosocial goals.

### Incarceration

Incarceration is the most expensive and least effective sentencing option for young adults. However, for cases in which incarceration is the final outcome, sentence lengths should be shorter and more intensely rehabilitative. When youth are incarcerated, "youth discounts" that reduce sentence lengths for young adults should be considered.[14]

For those who are incarcerated, we recommend specialized housing (see sidebar, "Future Facilities") where programs are available for treatment, education and work-force development. These facilities should have specially selected and trained staff, be designed or rehabilitated to reflect a more youth-friendly and less correctional atmosphere, and emphasize education, work-force development and cognitive-behavioral training (see Welsh et al., 2012; National Research Council, 2014).[15] Any period of incarceration for young adults should be married with brief but robust, specialized aftercare services pairing specially trained parole agents with community-based supports for young parolees. Young inmates and parolees should be incentivized with "merit time" provisions that

### Future Facilities

Specialized, rehabilitative-robust facilities focused on the developmental needs of young adults are being planned in several large jurisdictions in the U.S.

New York City Department of Corrections Commissioner Joseph Ponte announced in 2014 that he will be opening a specialized facility for young adults ages 18-21 and has begun planning to improve in-facility programming and educational and mental health services, provide specialized training in adolescent development to his staff, and create alternatives to incarceration and improved reentry planning for the young inmates (Ponte, 2014).

In California, a group of juvenile justice advocates led by renowned Hollywood Producer Scott Budnick is organizing an effort to create a new young adult facility focused on education, treatment and vocational training. The California Leadership Academy (CLA) is planning on opening in 2016 with two 300-bed campuses, one each in Southern and Northern California. The CLA will be operated by a nonprofit organization and the living units will be staffed by social workers and treatment professionals. CLA residents will be drawn from California prison inmates 18-24 years old. The CLA is looking to the successful Missouri model as a guide to developing these new facilities, which enjoy the support of the Governor and the California Department of Corrections and Rehabilitation.

The authors stress that any facilities devoted to young adults should be repurposed, and that this is in no way intended as an endorsement of system expansion.

reduce their terms of incarceration or parole for participation in promising educational, vocational or rehabilitative programs.

### Collateral Consequences

Because the collateral consequences of justice involvement are especially severe for young adults, we recommend expanding confidentiality protections to age 24. We envision a continuum of such protections that could range from greater to lesser protections, depending on a youth's age, offense severity, and prior record and rehabilitative efforts. Several states have "youthful offender laws" granting judges the discretion to maintain the confidentiality of young adults up to age 21 and seal their records after conviction.

Recent research on criminal desistance shows that after five to seven years without a subsequent arrest, first-time arrestees are statistically indistinguishable from the general population in their risk of arrest (Blumstein and Nakamura, 2009). This principle, that a period of five to seven years without incident is indicative of one's reintegration with the general population, should be applied to justice-involved young adults. In other words, for justice-involved young adults, a similar time period without incident should warrant their ability to earn a clean record. Therefore, we submit that record sealing or expungement after five years without a new conviction would not only be appropriate but would also — obviously — significantly mitigate the collateral consequences of involvement with the justice system.

A less complete form of protecting young people from collateral consequences could be a "certificate of relief from disabilities" that could be granted immediately upon conviction or, similarly, a "certificate of good conduct" that could be granted after a period of good behavior. Such certificates signal — to colleges, public housing boards, and regulatory bodies that grant licenses and other professional certificates — that, while not completely spared from having to reveal their record, these youth are worthy of special consideration due to their youthfulness and rehabilitative progress.

## Conclusion

Our criminal justice system is currently mismatched with the human development and social context of young adults. This places disadvantaged young people — particularly young men of color with little schooling — in a context in which the risk of incarceration is great, with the potential for enormous long-term damage not only to them but also to the communities from which they originate.

We propose a different kind of criminal justice for young men and women. The system we envision shares much with the juvenile court. It is motivated by recognition of the diminished capacity of young adults in their late teens and early 20s whose brain development is continuing and who are confronting a transition to adulthood that is historically challenging. Its key objective is to promote the process of human development and the transition to stable adult roles that we ultimately believe will contribute to improved

public safety and other positive outcomes. In our model, incarceration is used sparingly, and community organizations are enlisted as partners to promote the social integration of criminally involved young men and women.

The waste of young lives and public resources to lifetimes of incarceration lends moral urgency to the project of young adult justice. Institutions that treat the apprehension of a young person involved in crime as an opportunity for intervention and assistance can promote socially integrative public safety that also alleviates the social costs of punitive criminal justice in our poorest communities.

## Endnotes

1. This suggestion mirrors the recommendation of Rolf Loeber and David P. Farrington who, after chairing a National Institute of Justice panel on justice-involved young adults, stated, "We recommend raising the minimum age for referral of young people to adult court to age 21 or 24 so that fewer young offenders are dealt with in the adult criminal justice system" (Loeber, Farrington and Petechuk, 2013). Velazquez (2013) discusses similar rationales.

2. For parental incarceration and foster care issues, see Uggen and Wakefield (2005); for poverty issues: Lynam et al. (2000); for substance abuse issues: Chassin et al. (2010); for mental health needs: Davis and Vander Stoep (1997); and for complex factors: Palmer and Hollin (2000).

3. Empirical evidence on changes in family structure, labor market status and other social indicators is reported by Berlin, Furstenberg and Waters (2010).

4. Similar definitions have been proposed by Wald and Martinez (2003).

5. Durose, Cooper and Snyder (2014, table 2). Rearrest within three years for 2005 releasees as a whole was 71.6 percent. The 24-and-younger age group had a higher recidivism rate than any other age group.

6. Uggen and Wakefield (2005) describe characteristics of young adults returning to the community from incarceration.

7. For impact on earnings and lifetime outcome, see Grogger (1995); Western, Kling and Weiman (2001); Pager (2003); Huebner (2005); Kling (2006); and Western (2006).

8. See endnote 1.

9. Recognizing that raising the age may not be feasible for some jurisdictions, the recommendations that follow could be applied to 18- to 24-year-olds in a jurisdiction that retains a cutoff for adult court jurisdiction at age 18.

10. See Collins, Lonczak and Clifasefi (2014). Evaluation indicates that participants in the LEAD program were 58 percent less likely to be arrested than a typically processed control group.

11. For example, New York City diverted 36 percent of all juvenile arrestees in 2012; 88 percent of those diverted successfully completed their diversion conditions (see New York City Department of Probation, 2013). In Illinois, probation officers can divert cases from court proceedings through probation adjustments for juvenile offenders charged with misdemeanor offenses. Extending that power to include young adult offenders (18-24 years old) would significantly reduce the jail population and potentially improve the outcomes of young adults (Ishida, 2015).

12. In their 2013 consensus report, *Reforming Juvenile Justice: A Developmental Approach,* the Committee on Assessing Juvenile Justice Reform, appointed by the National Research Council of the National Academies, provides a helpful review of the Juvenile Detention Alternatives Initiative and how the program uses data to lower commitment rates and provide developmentally appropriate interventions for juveniles.

13. The U.K.-based organization Transition to Adulthood has an excellent guide, *Taking Account of Maturity: A Guide for Probation Practitioners,* that discusses methods for staff to understand the complexities of maturity when dealing with young adults (Barrow Cadbury Trust, 2013).

14. Barry Feld writes extensively about the concept of youth discounts for juveniles, wherein youthfulness is formally incorporated as a mitigating factor in sentencing policy. See, for example, Feld (2013). A similar practice of "youth mitigation" is available in Sweden for young adults under 21, with proportional reductions in sentences based on the age when an offense was committed. See pp. 3-4 of Barrow Cadbury Trust and the International Center for Prison Studies (2011) for additional international examples.

15. The evidence base is sparse for programs specifically targeting young adults. However, available research suggests that validated interventions of educational, vocational or employment programs; cognitive-behavioral therapy; drug treatment; and treatment for sex offenders should be effective with young adults as well.

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