

# Young Adult Justice – A Proposal for Reform

## I. Synopsis

There is a growing body of research that tells us that the criminal justice system needs to create a more developmentally-appropriate approach to dealing with young adults. Despite growing evidence that (1) adolescence has become elongated, putting off key developmental markers further into adulthood and (2) that the brains of young adults are not fully developed, our criminal justice system provides little by way of mitigated sentencing, diversion, collateral consequence mitigation and special programming for them. Harvard Kennedy School's Program in Criminal Justice Policy and Management (PCJ) proposes a comprehensive, multifaceted effort to improve the outcomes of young adults in the criminal justice system by: 1. Creating and maintaining a National Young Adult Justice Clearinghouse; 2. Convening high-level stakeholders to share new ideas and policies; 3. Working closely with states poised at enacting new laws and policies by providing them with research to assist them in their decision making, including focused research/convening in Massachusetts; 4. Convening both policymakers and advocates to articulate, refine and promote best and emerging practices in young adult justice; 5. Conducting and publicizing case studies about innovative young adult justice reforms; 6. Conducting and publicizing two high impact reports on Young Adult Justice annually; 7. Presenting our young adult justice research before influential national organizations; 8. Organizing and hosting a high-level speaker series on young adult justice reform work; and 9. Creating a paid Young Adult Justice internship at Harvard's Kennedy School for a student who will help craft and staff this project.

## II. Introduction

Young adults, approximately ages 18-25, are failing in America's criminal justice system at dramatic rates, negatively impacting their life outcomes and overall public safety.<sup>1</sup> Societal changes over the past several decades have functionally extended adolescence and put the protective effects of graduation, work, marriage, and independent living further away for today's young adults compared to their parents' and grandparents' generations. Today's young people are entering into the stabilizing roles of spouse, worker, graduate and householder later and later. In 1960, 45% of youth ages 18 to 25 were married; today, *only* 9% are. During that same time, salaries for high school dropouts fell by 25%. Twenty-seven percent of young African American males were disconnected from work and school in 2007 compared to 20% who were disconnected in 1973.

Further, burgeoning research in neurobiology and developmental psychology has found that these emerging adults are more similar to adolescents than to fully mature adults. As measured by four behavioral markers that are particularly relevant to criminal justice

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<sup>1</sup> See, Schiraldi, Western and Bradner, [Community Based Responses to Justice-Involved Young Adults](#), or NPR's [Time To Rethink How Young Adults Are Punished, Experts Say](#) .

involvement, such youth are more susceptible to peer influence, more volatile in emotional settings, less future-oriented, and greater risk takers.

There are also several pieces of good news about court-involved young people. For one, criminological and neurobiological research suggests that there is ample reason for hope regarding the future prospects of many court-involved young adults. Neuroscience suggests that young adults' brain plasticity is more vibrant than it will be at any future point in their lives. Criminological research shows that of all people who have a felony record, most first acquired that record before age 25. Moreover, most "age out" of criminal behavior after age 25. Put simply, young people are more malleable and there is reason to believe that their life trajectory can be changed, but only if they are not permanently hobbled by their interaction with the criminal justice system.

Second, although almost all of the policy experimentation in this area had come from Europe prior to this year,<sup>2</sup> there has been significant policy activity in the US recently, with legislative and administrative reforms anticipated this coming year in Connecticut, Illinois, New York City, Massachusetts, Vermont and Washington, DC. Most notably – Dan Malloy, Connecticut Governor and President-elect of the Democratic Governors Association, recently proposed to raise the age of family court jurisdiction in Connecticut to 21 – with additional confidentiality and expungement protections available to young adults up to age 25, nearly identical to the recommendations proffered in PCJ's paper on the subject. Key legislators in Illinois and Vermont have similarly authored legislation to raise their juvenile courts' age of jurisdiction to 21, unheard of in the 117-year history of the juvenile court prior to this year.

Despite these recent hopeful U.S. policy initiatives, research and practical policy guidance about this critical population is hard to come by for U.S. practitioners and policymakers. There is very little published research on how changing the way in which we deal with court-involved 18-25 year olds can lead to better outcomes for these young people as they age out of these higher-crime years. Moreover, there is only limited (but growing) advocacy promoting this group as an identifiable cadre in need of improved services, supports and opportunities, as opposed to lengthy prison sentences. That advocacy and those legislative initiatives are also highly state-specific and isolated, with little cross-pollination or amplification.

### **III. Proposal**

While there is nascent interest in how young people are being drawn into the criminal justice system at alarming rates, there is inadequate, if burgeoning, policy experimentation in the U.S. and insufficient research, advocacy, organizing, philanthropic activity, and legal system attention to this category of young people. In that sense, young adults stand in stark contrast to youth under age 18 handled in juvenile courts, where there are special laws, substantial research, advocacy, professional associations,

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<sup>2</sup> According to Dr. Ineke Pruin and Professor Frieder Dunkel in [Better in Europe?](#) four out of five European countries surveyed have special provisions in either juvenile or adult law regarding young adults and Council of Europe advisories recommend that young adults be treated like juveniles.

philanthropic attention, and a well-established body of laws and case law defining and attending to “under-18s”.

While there are many reasons for the different ways young adults and juveniles are treated at the hands of policy makers, researchers, advocates, and the legal system, one important reason is that the Progressive women of Hull House – Jane Addams, Lucy Flower and Julia Lathrop – who founded the juvenile court, very specifically defined adolescents under age 18 as the court’s/system’s “target audience.” By extension, this defined those over 18 as *not* in the purview of that court and therefore, as fully mature adults in the eyes of the law. To dramatically, rather than incrementally, redefine emerging adults as a population in need of similar special, mitigated, individualized, non-incarcerative treatment, we are proposing a substantial effort to “brand” this age group and lay out a broad-based justification for a major re-conceptualization of how justice should be dispensed to this group of youthful individuals.

Toward those ends, PCJ proposes a multifaceted approach to initiating, organizing and significantly amplifying attention to court-involved young adults, an area in which no unifying entity currently exists. PCJ intends to work collaboratively to reduce incarceration and collateral consequences and improve outcomes among this critical age group. Under this collaborative, the following comprehensive set of activities will be undertaken:

- Conducting and publicizing two intensively researched case studies of states that have initiated substantial young adult justice reforms.
- Conducting, publishing and publicly promoting, high-impact research reports defining the challenges facing young adults, innovative approaches to address those challenges, and best and emerging practices regarding young adult justice.
- Convening a small but influential advisory group of “Young Adult Justice Advisors” to guide and advise this effort and leverage the strategies in this proposal through their networks.
- Creating/amplifying/maintain an online National Clearinghouse on Young Adult Justice to assemble and promulgate cutting edge research and emerging policies and practices on young adult justice.
- Annually convening key policy makers who are interested/involved in young adult justice reforms in their jurisdictions to enable them to share lessons learned and provide them with the research to help guide their decision making.
- Providing research and advice to states that are poised to enact changes to their young adult justice system.
- Presenting young adult justice research before associations that are influential in affecting criminal justice policy, including the National Governor’s Association, the National Association of Counties, the National Conference of State Legislators, the National Justice Coalition, the National Juvenile Justice Coalition, the American Correctional Association, etc.
- Conducting a speaker series of three to four speakers annually who have

substantially innovated in the young adult justice arena<sup>3</sup>.

- Creating an “Open Philanthropies Young Adult Justice Internship” at PCJ for a student who will assist in crafting and staffing this project.
- Researching, convening and developing policy with Massachusetts agencies to enact reforms resulting in young adults receiving a more developmentally appropriate justice system response.
- Convening national non-profit organizations and advocates through bi-annual convenings of national reform networks on a young adult justice reform agenda. These convenings, based in Washington, D.C., will engage national organizations, organizations with state-based networks.
- Developing a communications strategy to help amplify research and best practices developed on young adult justice reform, and strategically engage audiences to promote policy change.

These activities will serve several purposes. They will elevate the burgeoning research opportunity and ripening policy conversation about young adult justice reform to render it a viable option for policymakers, administrators and advocates. They will serve to give innovators evidence and a strong research base for enacting sound public policy in this area. They will create a learning community in which each individual innovator does not need to relive the mistakes others have made.

By so doing, these activities will create a “market” for improved research and public policy innovation regarding how the system deals with transition-aged adults. And, once that market is created, PCJ will be available to advise policy makers and NGOs in states seeking to create sound, research-based policy in this area.

### **III. Organizational Capacity**

**Harvard Kennedy School’s Program in Criminal Justice Policy and Management** is uniquely situated to undertake this project. The PCJ has been a central influence on U.S. Criminal Justice Policy for decades. Its Chair and Principal Investigator for this project, Bruce Western, has been conducting research on the growth of U.S. incarceration rates, on racial disparity and on the consequences of incarceration for nearly twenty years. He was vice chair of the committee that produced the National Academy of Sciences report on incarceration, Principal Investigator of the current Harvard Executive Session on Community Corrections, and is currently the Principal Investigator of the Boston and New York City Reentry Studies, community-based longitudinal studies of prison releasees in the Boston and New York City areas. Building on his broader research on incarceration, Professor Western will oversee the research and writing in the project and guide the policy recommendations.

The Young Adult Justice Project at PCJ will be directed by Senior Research Fellow Vincent Schiraldi. Schiraldi came to the PCJ after a decade leading correctional and community correctional systems in New York City (Probation) and Washington, DC

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<sup>3</sup> Governor Malloy spoke at the Harvard Kennedy School on January 25 on his proposal to raise the age of juvenile court to 21.

(juvenile corrections). In both systems, he was responsible for dramatically reducing incarcerated populations and improving the decency and effectiveness with which his agency's clients were treated. Before his decade in government, Schiraldi founded and was executive director of two non-profit organizations, the Center on Juvenile and Criminal Justice and the Justice Policy Institute. Both specialized in using sophisticated media strategies to publicize research and advocacy about the deleterious impact of mass incarceration. Importantly, in all of these positions, Schiraldi served as a leading advocate and researcher for *both* juvenile justice and adult justice and has knowledge, experience and credibility in both "camps."

Over the past two years, Schiraldi has emerged as a leading voice researching young adult justice and advocating for progressive change. On September 8, 2015, Schiraldi and Western joined a diverse set of panelists at the Great Hall in the U.S. Department of Justice to present the paper they co-authored entitled *Community Based Responses to Justice Involved Young Adults*. The event was attended by 300 key stakeholders and tuned-in to by over 5,000 observers on livestream. Opening Speakers included Attorney General Loretta Lynch and Cabinet Secretary Broderick Johnson.

Additionally, Schiraldi has presented on this subject before the U.S. Department of Justice, Office of Justice Programs Leadership Committee; Office of Juvenile Justice and Delinquency Prevention; National Academy of Sciences, Committee on Improving the Health, Safety and Well-Being of Young Adults; the National Association of Counties; *Catching up with Science*, a forum on young adults co-hosted by the Mayor's Office of Criminal Justice and John Jay College of Justice (organizer and presenter); the San Francisco Sentencing Commission; California's *Smart on Safety Summit*; the Youth Transition Funders Group; Columbia University; the American Probation and Parole Association; the Office of American States; the Illinois and Vermont Legislatures; Loyola University (Chicago) and a made a keynote presentation at the Transition to Adulthood Alliance's (T2A) Annual Conference (UK). The T2A keynote was combined with a study tour that Schiraldi organized in conjunction with the UK's Cadbury Foundation and Centre for Justice Innovation that brought New York City's Commissioners of Correction, Probation and Child Welfare and a high-ranking judge and district attorney to meet with their counterparts in London and tour young adult facilities in England and Germany. Schiraldi has also convened advocates and policy makers in Harvard and Chicago to discuss policy reforms in this area; hosted a delegation of Members of the UK's House of Parliament discussing this issue, and interviewed Governor Dannel P. Malloy of Connecticut before a packed audience and a widely-viewed webcast on his decision to raise the age of family court in Connecticut to 21.

Because of their unique perspective on how the criminal justice system works, PCJ hopes to recruit students, former students and young people who have personal experience with the criminal justice system to collaborate on and serve as research assistants for this project.

PCJ Proposed Budget:

**Proposed PCJ Budget  
Young Adult Justice –June 1, 2016 - May 31, 2018**

| <b>Expenses</b>           | <b>TOTAL</b>                   |                                |   |
|---------------------------|--------------------------------|--------------------------------|---|
|                           | <b>Amount Requested Year 1</b> | <b>Amount Requested Year 2</b> | <b>Total Amount Requested for Grant</b> |
| Personnel                 | \$162,869                      | \$260,962                      | \$423,831                               |
| Fringe                    | \$57,188                       | \$97,438                       | \$154,625                               |
| Operational Expenses      | \$250                          | \$250                          | \$500                                   |
| Travel and Meetings       | \$46,501                       | \$58,143                       | \$104,644                               |
| Other Expenses            | \$10,188                       | \$17,760                       | \$27,948                                |
| <b>Total Direct Costs</b> | <b>\$276,996</b>               | <b>\$434,553</b>               | <b>\$711,549</b>                        |
| <i>OH Rate @ 10%</i>      | <i>\$27,700</i>                | <i>\$43,455</i>                | <i>\$71,155</i>                         |
| <b>TOTAL BUDGET</b>       | <b>\$304,696</b>               | <b>\$478,008</b>               | <b>\$782,704</b>                        |