



# FAIR AND JUST PROSECUTION

Promoting justice through leadership and innovation

## ISSUES AT A GLANCE

## Young Adults in the Justice System

*Fair and Just Prosecution (FJP) brings together recently elected district attorneys<sup>1</sup> as part of a network of like-minded leaders committed to change and innovation. FJP hopes to enable a new generation of prosecutive leaders to learn from best practices, respected experts, and innovative approaches aimed at promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility. In furtherance of those efforts, FJP's "Issues at a Glance" briefs provide district attorneys with information and insights about a variety of critical and timely topics. These papers give an overview of the issue, key background information, ideas on where and how this issue arises, and specific recommendations to consider. They are intended to be succinct and to provide district attorneys with enough information to evaluate whether they want to pursue further action within their office. For each topic, Fair and Just Prosecution has additional supporting materials, including model policies and guidelines, key academic papers, and other research. If your office wants to learn more about this topic, we encourage you to contact us.*

### SUMMARY

**This FJP "Issues at a Glance" brief presents a summary of the latest thinking on best practices for young adult criminal justice policies.<sup>2</sup>**

Sociological and neuroscience research has increasingly found young adults aged 18 to 24 to be a distinct developmental group with unique needs and challenges. Across the country, jurisdictions are implementing age-appropriate policies and programs to better serve this population. Young-adult-specific courts, detention facilities, and caseloads are emerging — and new laws are being proposed or enacted — as a means of tailoring interventions and improving outcomes for young people and their communities.

This brief provides an overview of research on the young adult brain, current trends in young adult justice, legal precedent supporting a differentiated approach, and developmentally-appropriate interventions. It concludes by recommending strategies for elected prosecutors both to improve their offices' responses to young adult criminal activity and to lead broader justice system reforms that can better address this population's unique challenges and needs.

<sup>1</sup> The term "district attorney" or "DA" is used generally to refer to any chief local prosecutor, including State's Attorneys, prosecuting attorneys, etc.

<sup>2</sup> In different jurisdictions "young adults" are sometimes called "emerging adults" or "transition aged youth."

***"Not only do we know that adolescent brains are different, we now know that adolescents and young adults often age out of crime."***

— WASHINGTON D.C. ATTORNEY GENERAL KARL RACINE, FJP EXECUTIVE DIRECTOR MIRIAM KRINSKY, AND GEORGETOWN CENTER FOR JUVENILE JUSTICE REFORM DIRECTOR SHAY BILCHIK

## BACKGROUND AND DISCUSSION<sup>3</sup>

In recent years, new research and program innovation has increasingly sought to address the unique attributes and needs of young adults. While some research examines *adolescents* broadly — a range which generally includes individuals as young as 9-10 and as old as 25-26<sup>4</sup> — this brief will focus on 18-24-year-old “young adults.”<sup>5</sup>

### A. The Young Adult Brain and Social Development

Research in neuroscience, developmental psychology, and sociology has yielded considerable evidence that young adults represent a population distinct from children and adults. More independent than children and less cognitively developed than older adults, young adults display certain characteristics that can lead them to engage in inappropriate behavior that puts them in contact with the criminal justice system.

While laws and societal norms typically treat those who are over 18 (or in some cases over 21) as full-fledged adults, research relating to adolescent brain development reveals that in many ways young adults are actually developmentally more like teenagers than adults. Notably:

1. **Greater Risk-Seeking:** In the young adult stage of brain development, individuals are more attracted to risk-seeking behavior — from driving fast to engaging in violent misconduct.<sup>6</sup>
2. **Susceptibility to Peers, Stress, and Excitement:** Young adults have particular challenges regulating emotion and controlling risk-seeking behavior when surrounded by peers or when in stressful or exciting situations. At the same time, young adults tend to resist authority, particularly when they view that authority as unfair or inconsistent.<sup>7</sup>
3. **Diminished Capacity for Self-Control:** While research shows that young adults are aware of the risks certain actions entail, they often struggle to resist the rewards such behaviors appear to offer.<sup>8</sup> For the same reason, young people respond more positively to justice system rewards than to negative sanctions.<sup>9</sup>

While brain development is a key factor affecting young adult behavior, so too are social considerations. Criminologists have found that the process of adopting “adult” routines and roles — such as marriage and stable employment — is associated with desistance from criminal behavior and maturity.<sup>10</sup> Yet in recent decades, this process has begun to occur later in life for young adults, as good jobs increasingly require a college education, housing costs have grown

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<sup>3</sup> Thanks to Adam Schaffer for his contributions to this brief during his internship with FJP; portions of this brief draw from the Harvard Kennedy School graduate thesis work by Adam Schaffer and Marie Lawrence on young adult justice.

<sup>4</sup> Curtis, A.C. (2015), *Defining Adolescence*, Journal of Adolescent and Family Health (2015), 7(2), Article 2, <https://scholar.utc.edu/cgi/viewcontent.cgi?article=1035&context=jafh>.

<sup>5</sup> This age group was chosen because much, though not all, literature and practice regarding young adults focuses on this particular age demographic and because those who are under 18 are generally considered juveniles by most court systems.

<sup>6</sup> Steinberg, L. (2004), *Risk Taking in Adolescence: What Changes, and Why?*, Annals of the New York Academy of Sciences, 1021(1), 51–58, <https://doi.org/10.1196/annals.1308.005>.

<sup>7</sup> Steinberg, L. (2015), *Age of Opportunity: Lessons from the New Science of Adolescence*, First Mariner Books, 69.

<sup>8</sup> *Id.* at 69. For additional review of brain research, see also Schiraldi, V., Western, B., and Bradner, K., (2015), *Community-Based Responses to Justice-Involved Young Adults*, National Institute of Justice, 3, <https://www.ncjrs.gov/pdffiles1/nij/248900.pdf>.

<sup>9</sup> Steinberg, *Age of Opportunity*, *supra* note 7, at 72.

<sup>10</sup> Schiraldi, et al., *supra* note 8, at 4.

substantially, and young people are marrying at older ages, if at all. A growing number of young adults, particularly males, are “disconnected” — out of work and out of school.<sup>11</sup> Researchers argue that “[t]hese 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.”<sup>12</sup>

Significant numbers of justice-involved young adults may also have a history of trauma, though existing data is limited. There is research, however, indicating that as many as 90 percent of those under 18 in the criminal justice system have experienced a traumatic event, and 30 percent meet the criteria for post-traumatic stress disorder.<sup>13</sup> More information on the implications of trauma and strategies to address these concerns can be found in FJP’s [Issue Brief on Trauma-Informed Juvenile Justice](#).<sup>14</sup>

## B. Young Adults in the Criminal Justice System

Despite comprising only about 10 percent of the U.S. population, in 2016, 18-to-24-year-olds accounted for 24.6 percent of people arrested for all crimes, and 26 percent of people arrested for burglary, robbery, and aggravated assault.<sup>15</sup> These age disparities are compounded by even greater racial disparities. Black males, for example, represented 40 percent of all young adults (18-24) admitted to state and federal prisons.<sup>16</sup>

It is also clear that current justice system responses to young adults are not promoting public safety. According to national data released from the U.S. Department of Justice’s Bureau of Justice Statistics (BJS) in 2014, 78.2 percent of individuals aged 24 or younger were re-arrested within three years of release from custody, compared to 71 percent of all released prisoners.<sup>17</sup> These figures suggest that existing incarcerative approaches for young adults are failing to deter future criminal behavior or address the underlying causes of that behavior.

For many justice-involved young adults, criminal behavior is a phase they will grow out of. Property crimes, on average, hit a peak at age 16, and violent crimes at 17.<sup>18</sup> The evidence is clear that most young people will desist from criminal behavior without intensive justice-system involvement.<sup>19</sup> By better addressing the unique needs and behavior of young adults, justice systems can develop responses that limit the risk youth pose to themselves and others during this transitory life stage.

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<sup>11</sup> The percentage of disconnected white male young adults increased from 9.8 percent in 1960 to 14 percent in 2012; among African-American young men, that number rose from 20 percent to 27 percent. See Schiraldi, et al., *supra* note 8, at 6. Schiraldi, et al. cite data from the U.S. Census and the American Communities Survey.

<sup>12</sup> *Id.*

<sup>13</sup> Fair and Just Prosecution (2017), *Juvenile Justice and Young Adult Issues: Promoting Trauma-Informed Practices*, <https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief.TraumaPractices.9.25.pdf>.

<sup>14</sup> *Id.*

<sup>15</sup> Federal Bureau of Investigation (2017), *2016 Crime in the United States*, <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-20/table-20.xls>.

<sup>16</sup> Council of State Governments (2015), *Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems*, <https://csgjusticecenter.org/wp-content/uploads/2015/11/Transitional-Age-Brief.pdf>.

<sup>17</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*, Special Report, United States Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, <https://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>. Note, however, that arrest is an admittedly problematic indicator for recidivism, because it is not evidence of guilt and can be the result of biased policing policies. The Bureau of Justice Statistics does not track recidivism based on charge or conviction.

<sup>18</sup> Steinberg, *Age of Opportunity*, *supra* note 7, at 68–69.

<sup>19</sup> Mulvey, E.P. (2011), *Highlights from Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, <https://www.ncjrs.gov/pdffiles1/ojjdp/230971.pdf>.

### C. Supreme Court Recognition of Age as a Relevant Consideration in Sentencing and Punishment

In three landmark rulings — *Roper v. Simmons*,<sup>20</sup> *Graham v. Florida*,<sup>21</sup> and *Miller v. Alabama*<sup>22</sup> — the Supreme Court has held that young people under 18 have a reduced culpability as well as a particularly strong potential to grow and change, based on their lack of mature brain development and psychological immaturity.<sup>23</sup> In *Roper*, the Court held that, in part because children and teenagers’ brains are not fully developed, the death penalty cannot be imposed on minors per the Eighth and Fourteenth Amendments.<sup>24</sup> *Roper* noted that “[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions.”<sup>25</sup>

Similarly, in *Graham*, the Court held that the Constitution does not permit sentencing someone who was under 18 at the time of the offense to life imprisonment without parole for non-homicide offenses.<sup>26</sup> The decision in *Graham* reflects the Court’s view that an individual’s young age is relevant to considering whether a sentence of life without the possibility of parole “serves legitimate penological goals,” such as deterrence, incapacitation, and rehabilitation.<sup>27</sup> Young people have a greater likelihood of growing and maturing,<sup>28</sup> so the Eighth Amendment “forbid[s] States from making the judgment at the outset that [juveniles] never will be fit to reenter society” and requires that they have the chance to show they have been rehabilitated.<sup>29</sup> Similarly, in *Miller*, the Court held that the Eighth Amendment prohibits a sentencing scheme mandating life without parole for juvenile homicide offenders, in part because “[s]uch a scheme prevents those meting out punishment from considering a juvenile’s ‘lessened culpability’ and greater ‘capacity for change.’”<sup>30</sup> In sum, in *Roper*, *Graham*, and *Miller*, the Court used science and other considerations to hold that young people should be treated differently in our criminal justice system when considering appropriate punishment.

Although the *Roper*, *Graham*, and *Miller* decisions apply to those who are under 18, the same analysis should be considered in devising policies for young adults, who share many of the exact

<sup>20</sup> *Roper v. Simmons*, 543 U.S. 551 (2005).

<sup>21</sup> *Graham v. Florida*, 560 U.S. 48 (2010).

<sup>22</sup> *Miller v. Alabama*, 567 U.S. 460 (2012).

<sup>23</sup> *Roper*, 543 U.S. 551; *Graham*, 560 U.S. 48; *Miller*, 567 U.S. 460.

<sup>24</sup> *Roper*, 543 U.S. 551.

<sup>25</sup> *Roper*, 543 U.S. at 569 (citing *Johnson v. Texas*, 113 S. Ct. 2658 (1993)).

<sup>26</sup> *Graham*, 560 U.S. 48.

<sup>27</sup> *Id.* at 71.

<sup>28</sup> *Id.* at 73.

<sup>29</sup> *Id.* at 75.

<sup>30</sup> *Miller*, 567 U.S. at 465 (citing *Graham*, 560 U.S. 48).

***“I do believe in the science that young people’s brains continue to grow until they are 25; young people are different than adults and must be treated that way.”***

— SUFFOLK COUNTY (BOSTON) DISTRICT ATTORNEY RACHEL ROLLINS

same characteristics.<sup>31</sup> A young adult's brain is not completely matured and the prefrontal cortex that controls cognitive functioning and reasoning ability is still developing.<sup>32</sup> Thus, young adults are likely to have an underdeveloped sense of responsibility, a heightened vulnerability to negative influences, and a lack of maturity, as well as substantial capacity for change, and they are also still developing psychologically. The Court's recognition that age matters in considering equitable sentencing, although applicable as a legal matter only to those who are under 18, should also be relevant when prosecutors and others who implement policies evaluate the appropriate approaches and criminal justice responses that should apply to young adults.

## EXAMPLES OF PROMISING PRACTICES IN YOUNG ADULT JUSTICE

Across the country, jurisdictions are developing policies that specifically address the unique needs and challenges of young adults. Broadly, these approaches seek to apply the least restrictive sanctions possible, while avoiding "net-widening" in which new programming captures young adults who otherwise would have received less restrictive (or no) supervision. Such approaches also attempt to reduce the collateral consequences of a conviction for young adults, who must bear the mark of their convictions for decades, including before they have had a chance to establish careers, complete their education, or get married. Where justice system contact occurs at all — whether that is in the court, a diversion program, or in custody — the emphasis of these promising practices is on rehabilitation, not retribution, and on resolving cases in ways that limit or reduce the severity of convictions and collateral consequences, wherever possible. While they operate at various stages in the criminal justice process, these models and innovations draw on clinical expertise to incorporate lessons from research and to assist young adults in gaining the maturity and life skills to be successful adults.

The following is a sampling of promising practices that prosecutors can directly implement or work with others to advance.

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<sup>31</sup> Several recent court decisions have extended the Supreme Court's reasoning in *Miller*, *Roper*, and *Graham* to young adults. For example, the U.S. District Court for the District of Connecticut held that *Miller* applies to 18-year-olds, explaining:

"[R]elying on both the scientific evidence and the societal evidence of national consensus, the court concludes that the hallmark characteristics of juveniles that make them less culpable also apply to 18-year-olds. As such, the penological rationales for imposing mandatory life imprisonment without the possibility of parole cannot be used as justification when applied to an 18-year-old." *Cruz v. United States*, 2018 U.S. Dist. LEXIS 52924 at 70 (2018).

In three 2017 cases, a Kentucky Circuit Court found it unconstitutional to sentence to death individuals who were under 21 years of age at the time of the offense, concluding, based on *Roper*, that the death penalty is a disproportionate punishment for young people under 21. See *Commonwealth v. Bredhold*, 14-CR-161, \*1, 12 (Fayette Cir. Ct., 2017); *Commonwealth v. Smith*, 15-CR-584-002, \*1, 12 (Fayette Cir. Ct., 2017); *Commonwealth v. Diaz*, 15-CR-584-001, \*1, 11 (Fayette Cir. Ct., 2017). In addition, the Supreme Court of Washington held, based on the reasoning in *Miller*, *Roper*, and *Graham*, that a sentencing court must be able to consider a young adult's age as a mitigating factor in sentencing (*State v. O'Dell*, 358 P.3d 359 (2015)). Nevertheless, it is important to note that other courts have rejected this line of argument. See, e.g., *Otte v. State*, 96 N.E.3d 1288 (Ohio Ct. App., 8th Dist., 2017) and *Heard v. Snyder*, 2018 WL 2560414 (E.D. Mich., 2018).

<sup>32</sup> National Institute of Justice and Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice (2014), *Young Offenders: What Happens and What Should Happen*, <https://www.ncjrs.gov/pdffiles1/nij/242653.pdf>.

## A. Reform Young Adult Prosecution and Sentencing Practices

In recognition of social and neurological development differences, some jurisdictions are rethinking charging, prosecution, and sentencing approaches applicable to young adults. As justice system leaders, prosecutors can work with legislatures and sentencing commissions to create policy change, or use their own charging and sentencing discretion to implement practices that acknowledge the realities of young adult development.

Some jurisdictions, including New York,<sup>33</sup> Washington, D.C.,<sup>34</sup> Michigan,<sup>35</sup> and Alabama,<sup>36</sup> have enacted legislation, sometimes referred to as “**Youthful Offender**” laws,<sup>37</sup> allowing courts to depart from mandatory sentences for young adults, “adjudicate” them rather than convict them, keep proceedings confidential, and/or expunge past convictions. Virginia’s parole board also regularly evaluates cases involving 18-to-21-year-olds for early release.<sup>38</sup> California passed legislation in 2013 requiring that anyone who is incarcerated for a crime committed before age 22 receive a parole hearing after 15, 20, or 25 years of incarceration (depending on the sentence) during which developmental factors at the age of the offense are taken into consideration as mitigating the term of incarceration.<sup>39</sup> As of July 2017, more than 575 individuals had been released under this law; only 15 of them had been re-arrested and only two had been charged with new alleged felony crimes against a person.<sup>40</sup> In light of this success, in 2018, California extended eligibility for such “Youth Offender Parole” hearings through age 25.<sup>41</sup>

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<sup>33</sup> 2015 New York Laws, Article 720, *Youthful Offender Procedure*, <https://law.justia.com/codes/new-york/2015/cpl/part-3/title-u/article-720/>, (allows “Youthful Offender” status to be applied to 18-year-olds).

<sup>34</sup> McCann, E.P. (2017), *The District’s Youth Rehabilitation Act: An Analysis*, The Criminal Justice Coordinating Council, [https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page\\_content/attachments/District%27s%20YRA-An%20Analysis.pdf](https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/District%27s%20YRA-An%20Analysis.pdf).

<sup>35</sup> Michigan Code of Criminal Procedure, 762.11 *Criminal offense by individual between ages 17 and 24; assignment to status of youthful trainee; consent of prosecuting attorney; exceptions; employment or school attendance; electronic monitoring; definitions*, [http://www.legislature.mi.gov/\(S\(xeuswun43mubnmhe1tg1q3cs\)\)/mileg.aspx?page=GetObject&objectname=mcl-762-11](http://www.legislature.mi.gov/(S(xeuswun43mubnmhe1tg1q3cs))/mileg.aspx?page=GetObject&objectname=mcl-762-11).

<sup>36</sup> 2016 Code of Alabama, Section 15-19, *Youthful Offenders*, <https://law.justia.com/codes/alabama/2016/title-15/chapter-19/>.

<sup>37</sup> It is important to note, however, that in some states, the term “Youthful Offender” refers to provisions that allow young people under the age of 18 to be treated more harshly than would otherwise be permitted under juvenile law. For example, in North Carolina, “youthful offender” has been used to refer to “juveniles under the age of 18 who have been adjudicated and committed by a judge to a period of confinement in an adult facility due to a crime of a felonious nature.” N.C. Department of Public Safety (2016), *Youthful Offender Program*, <https://files.nc.gov/ncdps/documents/files/YouthfulOffenderProgram.pdf>. Similarly, Massachusetts’ “Youthful Offender” law allows people under 18 to face adult penalties. Massachusetts General Laws, c. 119, §58, *Adjudication as delinquent child or youthful offender*, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section58>.

<sup>38</sup> Hayek, C. (2016), *Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults*, National Institute of Justice, U.S. Department of Justice, <https://www.ncjrs.gov/pdffiles1/nij/249902.pdf>.

<sup>39</sup> State of California Board of Parole Hearings, *Youth Offender Hearings*, [https://www.cdcr.ca.gov/BOPH/youth\\_offender\\_hearings\\_overview.html](https://www.cdcr.ca.gov/BOPH/youth_offender_hearings_overview.html).

<sup>40</sup> California Department of Corrections and Rehabilitation, Division of Internal Oversight and Research, Office of Research (2017), report provided to the office of Assembly Member Mark Stone. Report available upon request.

<sup>41</sup> California Legislature (2017-2018), AB-1308 *Youth offender parole hearings*, [https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\\_id=201720180AB1308](https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180AB1308).

More significant changes to young adult prosecutions and sentences can also be achieved through **raising the age of criminal responsibility**. This allows young adults to be tried in the juvenile or family court system, where rehabilitation may be prioritized over incarceration. Germany provides a powerful model, as German juvenile courts have had jurisdiction over 18- 19- and 20-year-olds since 1953.<sup>42</sup> For young people in this age range, the court has discretion to apply either juvenile or adult sanctions, but unlike in the U.S., the court does not make this decision based on the seriousness of the offense. Instead, it applies juvenile law if either: (a) “at the time of committing the crime the young adult in his moral and psychological development was like a juvenile” (for example, if the young person has not completed schooling, does not support him or herself, or lives with parents), or (b) “the motives and the circumstances of the offence are those of a typically juvenile crime” (for example, if it was an impulsive offense committed with peers).<sup>43</sup> In practice, the vast majority (more than 90 percent) of young adults who commit serious offenses such as murder, rape, and robbery are sentenced under juvenile law,<sup>44</sup> as German courts tend to view it as beneficial to society to keep these young people in the juvenile system, which is particularly focused on rehabilitation.<sup>45</sup>

Several U.S. states have increased the upper age limit of jurisdiction for juvenile or family courts in recent years.<sup>46</sup> While most states now include 17-year-olds in the juvenile justice system, Vermont made history in 2018 by becoming the first state in the U.S. to enact legislation to raise the age of criminal responsibility beyond 18.<sup>47</sup> The new law will raise the age to include 18-year-olds in the juvenile system in July 2020, and 19-year-olds by July 2022. Bills to include young adults in the juvenile justice system have been introduced in several other states as well.<sup>48</sup>

Even absent legislative change, prosecutors can also take steps to promote the consideration of age in their own charging, plea, and sentencing decisions. The San Francisco District Attorney’s office, for example, has hired “**Sentencing Planners**” to aid assistant district attorneys in devising plea agreements that address individuals’ underlying risks and needs.<sup>49</sup> Planners possess deep knowledge of local programs and what types of interventions work for which individuals, and are trained to carefully review case files and — with defense counsel approval — interview the young people. Importantly, as staff *inside* the DA’s office, planners may be more effective than defense attorneys or social workers in persuading prosecutors or law enforcement to embrace alternative sanctions.

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<sup>42</sup> Dünkel, F. (2016), *Youth Justice in Germany*, Oxford Handbook, 2.

<sup>43</sup> *Id.* at 24

<sup>44</sup> *Id.* at 25

<sup>45</sup> Matthews, S., Schiraldi, V., and Chester, L. (2018), *Youth Justice in Europe: Experience of Germany, the Netherlands, and Croatia in Providing Developmentally Appropriate Responses to Emerging Adults in the Criminal Justice System*, Justice Evaluation Journal, <https://academiccommons.columbia.edu/doi/10.7916/D81K0TP3/download>.

<sup>46</sup> For example, in 2017, New York and North Carolina both raised the age of criminal responsibility from 16 to 18, meaning that 16- and 17 year-olds will, in most cases, be in the juvenile justice system. NY Courts Office for Justice Initiatives, *Raise the Age*, <https://www.nycourts.gov/ip/oji/raisetheage.shtml>; North Carolina Department of Public Safety, *Raise the Age NC*, <https://www.ncdps.gov/our-organization/juvenile-justice/key-initiatives/raise-age-nc>.

<sup>47</sup> Vermont General Assembly (2018), S.234 (Act 201), *An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony*, <https://legislature.vermont.gov/bill/status/2018/S.234>.

<sup>48</sup> See, for example, Illinois General Assembly Bill HB4581, *An Act Concerning Juveniles*, <http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=91&GA=100&DocTypeId=HB&DocNum=4581&GAID=14&LegID=109512&SpecSess=&Session=>, and Connecticut Governor’s Bill 5040, *An Act Concerning Adjudication of Certain Young Adults in Juvenile Court*, <https://www.cga.ct.gov/2018/TOB/h/2018HB-05040-R00-HB.htm>.

<sup>49</sup> Office of District Attorney George Gascón, *San Francisco District Attorney’s Office Sentencing Planner*, <http://sfdistrictattorney.org/sentencing-planner>.

## B. Increase Young Adult Diversion and Alternatives to Incarceration

Several jurisdictions offer robust alternatives to prosecution or incarceration for youth, and some have programs designed specifically for young adults. **Common Justice** in New York City, for example, works closely with the Brooklyn and Bronx District Attorney's Offices and uses a restorative justice framework to respond to serious crimes committed by young adults, including robbery and assault.<sup>50</sup>

**Roca**, in Massachusetts, serves high-risk 17-to-24-year-olds who are not ready, willing, or able to participate in traditional programming.<sup>51</sup> Almost all participating youth have previously been arrested and most have previously been incarcerated. The organization targets young people who have refused, dropped out of, or been kicked out of alternate programming. Roca's intervention model starts with intense outreach by Youth Workers who are trained to keep showing up even after being rejected by the young person. After trust has been built, Roca provides intensive programming focused on education, life skills, and employment. In partnership with Community Psychiatry PRIDE Clinic at Massachusetts General Hospital, Roca has developed a Cognitive Behavioral Theory (CBT) curriculum specifically tailored to enable high-risk young people to develop emotional literacy and overcome behavioral barriers.<sup>52</sup> In addition, Roca's model is designed around the understanding that behavior change is not linear; when participants stop engaging in services or engage in destructive behavior, Youth Workers strive to re-engage them rather than removing them from the program. After two years of intensive intervention, Roca continues to provide support for an additional two years to help sustain behavior change. Initial results from Roca's Young Men's Program are promising,<sup>53</sup> and the program is currently being evaluated through a randomized controlled trial.

Texas' **Lone Star Justice Alliance** (LSJA) takes a transformative systemic approach to addressing young adult offending. Partnering with local criminal justice stakeholders, LSJA is beginning a pilot program that connects 17-to-24-year-olds charged with felony offenses with community services.<sup>54</sup> LSJA integrates a panel of experts from mental health, social service, and justice systems to guide holistic case management meant to address multiple needs.<sup>55</sup>

Programs for young adults are sometimes coordinated in partnership with local probation departments. For example, the New York City Probation Department runs **Arches**, a mentoring program designed specifically for young adults to address the underlying attitudes and actions that contributed to participants' justice system involvement in the first place.<sup>56</sup> As part of the

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<sup>50</sup> For more information on criminal justice reforms as well as restorative justice practices that offer promising results for young adults, see Fair and Justice Prosecution (2017), *Building Community Trust: Restorative Justice Strategies, Principles and Promising Practices*. <https://fairandjustprosecution.org/wp-content/uploads/2017/12/FJP.Brief..RestorativeJustice.pdf>.

<sup>51</sup> Roca Inc. (2018), <https://rocainc.org/>.

<sup>52</sup> Baldwin, M., et al. (2018), *Cognitive Behavioral Theory, Young Adults, and Community Corrections: Pathways for Innovation*, Papers from the Executive Session on Community Corrections, Harvard Kennedy School Program in Criminal Justice Policy and Management, [https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/cbt\\_young\\_adults.pdf](https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/cbt_young_adults.pdf).

<sup>53</sup> In FY 2018, Roca served 1,150 young adults and retrained 79% of them in the intervention model. Eighty-eight percent of graduates (those who completed the first two years of the four-year model) avoided arrests, and 66 percent held jobs over 6 months. Roca Inc. (2018), *Outcomes*, <https://rocainc.org/impact/outcomes/>.

<sup>54</sup> Seventeen is the age of adult court jurisdiction in Texas.

<sup>55</sup> Lone Star Justice Alliance, *Transformative Justice*, <https://www.lonestarjusticealliance.org/transformative-justice.html>.

<sup>56</sup> New York City Department of Probation, *Arches: A Transformative Mentoring Program*, [http://home2.nyc.gov/html/prob/html/young\\_men/arches.shtml](http://home2.nyc.gov/html/prob/html/young_men/arches.shtml).

program, non-profit providers work to “meet young people where they are” to promote pro-social engagement, using a group process where clients provide support for one another throughout the evidence-based curriculum. Youth also receive stipends for participating. A rigorous, independent evaluation of the Arches program found it reduced one-year felony reconviction rates by two-thirds compared to a control group, and reduced two-year felony reconviction rates by half.<sup>57</sup>

These programs and others are particularly cognizant of avoiding net-widening and over-programming. Whenever possible, diversion programs should be based on the individual’s risks and needs; over-supervising low-risk individuals charged with their first offense is not only wasteful, but can also produce adverse outcomes. In many instances, the best response is no engagement at all.

### C. Create Young Adult Courts

While the first choice should be to keep young adults out of the criminal justice system, relying on diversion or other alternatives to incarceration described above, in cases where justice system involvement is unavoidable, specialty courts for young adults offer a less punitive, age-appropriate approach. The San Francisco **Young Adult Court** (YAC) offers a “collaborative, problem-solving” model for young adults ages 18-25 charged with both violent and non-violent felonies and misdemeanors. While some exclusionary criteria exist — including the use of a firearm and prior convictions for certain serious offenses — the District Attorney’s Office can and does waive these limitations on a case-by-case basis. Indeed, felony cases are prioritized over misdemeanors, and can be accepted pre-plea, as a deferred entry of judgment, or as probation (post-plea). Prioritizing more serious cases is an important safeguard against net widening, where young people who would be better off without justice system involvement are brought into specialty courts or other programs unnecessarily.

The YAC model goes beyond court proceedings and builds on the city’s work establishing “collaborative” courts that coordinate responses to promote law-abiding and pro-social behavior.<sup>58</sup> Through collaboration among the court, the District Attorney’s Office, the Public Defender’s Office, the probation department, dedicated case managers, and treatment and employment providers, justice-involved young adults are supported via a holistic four-phase process:

- 1. Engagement and Assessment:** Participants go through intake, assessment, and orientation. They also develop their own Wellness Care Plan, which includes steps to meet their own goals and those of their case manager. The plan can include therapy, drug treatment, and housing support, among other components.
- 2. Stability and Accountability:** Participants continue their Wellness Care Plan with support from their clinical case managers and continue to appear in court.
- 3. Wellness and Community Correction:** Participants additionally pursue education and/or vocational goals and connect with the broader community.
- 4. Program Transition** (and graduation day): Participants prepare to transition out of the program, develop a Pre-Graduation Life Plan, and secure stable housing.

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<sup>57</sup> Urban Institute, *Arches Transformative Mentoring Program An Implementation and Impact Evaluation in New York City*, 2018. [https://www.urban.org/sites/default/files/publication/96601/arches\\_transformative\\_mentoring\\_program.pdf](https://www.urban.org/sites/default/files/publication/96601/arches_transformative_mentoring_program.pdf).

<sup>58</sup> Superior Court of California — County of San Francisco, *San Francisco Collaborative Courts*, <http://fsuperiorcourt.org/divisions/collaborative>.

Each stage of the process includes additional activities and milestones which must be met before advancing to the next, as well as coordinated support services from city agencies and community organizations. Depending on the individual's progress, each phase will last two to five months, and the entire program lasts 12-18 months.

YAC justice system and service partners conference weekly before court to discuss individual cases and coordinate responses. Participants then regularly appear before the YAC judge to evaluate their progress, and may be rewarded or face negative consequences for specific behaviors to maintain a close feedback loop between action and reward/response.

Throughout the process, the court uses developmentally-appropriate tools to better reach participants. For example, YAC uses the term "response" over "sanction" to better influence behavior. YAC also actively empowers young adults to be involved in their Wellness Care Plan and to participate in court. Participants are provided with Dialectic Behavior Therapy, which is aligned with their developmental phase. The team identifies and leverages existing age-appropriate services, and works to fill service gaps. All YAC team members are trained in brain development and the impact of trauma on young adults.

Several other jurisdictions have young adult courts as well. The New York State court system and the Brooklyn District Attorney's office partnered to create their own Young Adult Court. Young adults charged with misdemeanors are offered both mandatory and voluntary social services in lieu of incarceration. The Center for Court Innovation's Brooklyn Justice Initiatives oversees the programming, and the court is supported by a dedicated judge, prosecutors, defense advocates, and social workers.<sup>59</sup> A new **Restorative Justice Community Court** in Cook County, Illinois allows young people aged 18-26 charged with non-violent offenses to participate in a restorative justice process rather than traditional court processing. The participant comes together with the victim, community members, and court staff to discuss the impact of the offense and develop a "repair of harm agreement." Participants are also connected with social service agencies. Once participants complete their repair of harm agreement, the charges are formally dropped and they have the opportunity to have their record expunged.<sup>60</sup>

#### D. Develop Specific Facilities for Young Adults Who Are Incarcerated

DAs should also advocate for young-adult-focused conditions of confinement in those instances when no other less restrictive alternatives to incarceration are possible and confinement is absolutely required. Ideally, any confinement for this population would be community-based, close to the young person's home, and in a therapeutic setting, whenever possible. It would also be attuned to the unique needs of this population.

With the assistance of the Vera Institute of Justice (Vera), Connecticut has created a young-adult-specific unit in its Cheshire state prison. Called "**T.R.U.E.**," which stands for Truthfulness (to oneself and others), Respectfulness (toward the community), Understanding (ourselves and what brought us here) and Elevating (into success),<sup>61</sup> the unit houses young men aged 18-25 and provides developmentally-appropriate programming throughout the day. Vera provided technical and

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<sup>59</sup> Center for Court Innovation, *Brooklyn Young Adult Court*, <https://www.courtinnovation.org/node/20116/more-info>.

<sup>60</sup> Conway, S. (2018), *This Chicago Court Uses Peace Circles To Dole Out Justice*, WBEZ News, <https://www.wbez.org/shows/wbez-news/this-chicago-court-uses-peace-circles-to-dole-out-justice/7bdcf936-6f46-4ae8-999e-23ea460ecd2c>.

<sup>61</sup> Crowley, M. (2017), *How Connecticut Reimagines Prison for Young Men*, Vera Institute of Justice, <https://www.vera.org/blog/dispatches-from-t-r-u-e/how-connecticut-reimagines-prison-for-young-men>.

strategic assistance to Connecticut as it developed the unit, and is now providing similar support to the South Carolina Department of Corrections.<sup>62</sup>

T.R.U.E. uses four principles to guide its engagement:

1. **Purpose, Not Just Programs:** Real and sustainable reform is more than implementing the “right” programs or metrics. Cultivating a culture that prioritizes fairness, choice, safety, and restoration requires systemic change that focuses on retraining talented staff and designing an entirely new model of practice.
2. **Connection to Identity, Culture, and People:** Young adults must have opportunities to sustain meaningful connections to their identities and cultures and maintain supportive relationships with their families and communities.
3. **Safety and Equity:** Vera works with agencies to ensure decisions are not vulnerable to bias and that the voices of those most impacted by the justice system — incarcerated young adults and facility line staff — are prioritized.
4. **Healing and Wellness:** All people, especially young adults, must be provided the space and support to heal, grow, and celebrate their successes based on their own unique developmental needs and strengths.<sup>63</sup>

Staff in the unit are specifically trained on “human development, behavioral impact, motivational interviewing, mediation, and conflict resolution for young offenders,” as well as incorporating trauma-informed care into their work.<sup>64</sup> Individuals serving life sentences elsewhere in Cheshire have also been brought in to serve as mentors to the young adults.

Missouri has created a juvenile justice system model that is being replicated in the young adult context.<sup>65</sup> Missouri’s model includes multiple small facilities (designed for 10 to 30 youth) located throughout the state and intended to keep young people close to their homes.<sup>66</sup> The facilities

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<sup>62</sup> Vera Institute of Justice (2018), “Groundbreaking Young Adult Prison Reform Initiative to Expand to South Carolina,” Connecticut has also developed a program for young women, called W.O.R.T.H. (Women Overcoming Recidivism Through Hard Work) that is modeled after T.R.U.E. See Chammah, M. (2018), *More Women Are Behind Bars Now. One Prison Wants to Change That*, The Marshall Project, [https://www.themarshallproject.org/2018/10/09/more-women-are-behind-bars-now-one-prison-wants-to-change-that?utm\\_medium=social&utm\\_campaign=sprout&utm\\_source=facebook](https://www.themarshallproject.org/2018/10/09/more-women-are-behind-bars-now-one-prison-wants-to-change-that?utm_medium=social&utm_campaign=sprout&utm_source=facebook). The Suffolk County Sherriff’s Department has started a similar program for young men in Boston, called PEACE. See Rios, S. (2018), *Suffolk Sheriff Sets Up Family-Oriented Cellblock To Keep Young Inmates Out Of Jail*, WBUR, <https://www.wbur.org/news/2018/11/30/peace-unit-south-bay-jail-boston>.

<sup>63</sup> Vera Institute of Justice, “Restoring Promise: Transforming Prison for Young Adults,” <https://www.vera.org/projects/restoring-promise-young-adult-reform-initiative/learn-more>.

<sup>64</sup> Porter, M. (2017), *New Prison Program Pairs Mentors With Young Offenders*, Hartford Courant, <https://www.courant.com/news/connecticut/hc-corrections-young-adult-unit-program-gov-tour-0314-20170313-story.html?trb=20181212>.

<sup>65</sup> Edelman, M.W. (2010), *Juvenile Justice Reform: Making the “Missouri Model” an American Model*, Huffington Post, [https://www.huffingtonpost.com/marian-wright-edelman/juvenile-justice-reform-m\\_b\\_498976.html](https://www.huffingtonpost.com/marian-wright-edelman/juvenile-justice-reform-m_b_498976.html).

<sup>66</sup> *Id.*

***“If we hope to dig ourselves out of the hole of mass incarceration, crafting a developmentally appropriate response to offending by emerging adults is a good place to start.”***

— COLUMBIA JUSTICE LAB SENIOR RESEARCH SCIENTIST VINCENT SCHIRALDI

are staffed by highly trained teams of employees that work with small groups of young people.<sup>67</sup> As opposed to traditional punitive approaches, the Missouri model uses a rehabilitative and therapeutic approach.<sup>68</sup> As a result, less than eight percent of youth in the Missouri system recidivate, and fewer than eight percent go to an adult prison.<sup>69</sup>

The Washington, D.C. Department of Youth Rehabilitation Services' **New Beginnings Youth Development facility**, located in Laurel, Maryland, has adopted the Missouri model. New Beginnings focuses on empowering youth and young adults to successfully return to the community.<sup>70</sup> New Beginnings is a secure residential sixty-bed facility for youth up to age 21<sup>71</sup> that provides supervision, rehabilitation, educational services, vocational training, substance use treatment, peer mentors, community engagement opportunities, and other age-appropriate services.<sup>72</sup> To help facilitate youths' successful reentry back into their communities, New Beginnings ensures that youth and young adults remain connected with their families, who are involved on an ongoing basis with the young person's treatment planning, education, and rehabilitative services.<sup>73</sup> Prosecutors can use their voices to advocate for funding similar facilities or diversion programs focused on rehabilitation, treatment, and educational services in their jurisdictions.

While facilities like Cheshire and New Beginnings model better approaches, it is also important that the development of innovative programs and facilities does not create pressure to fill beds and that systems continue moving away from incarceration of young people. As such, elected DAs should join other justice system leaders who are increasingly recognizing that the preferred result is for youth and young adults who cannot stay at home to be housed not in prisons, but rather in **community-based placements**, close to their homes and with a therapeutic starting point.

## E. Promote Reentry Pathways for Young Adults

Young adults returning from incarceration face significant barriers to reentering their communities. Relationships can play a pivotal role in reentry outcomes. Reentry planning should therefore engage the young adult's family as a key partner in supporting their behavioral changes and cognitive thought processes when possible and appropriate, reduce negative peer influences by strengthening relationships with pro-social peers, and support the young person's connections in school and work.<sup>74</sup>

A young adult's criminal record can also undermine successful reentry into their community at a pivotal moment in a young person's transition to adulthood. Sealing or expunging one's record is often complicated, costly, or overly restrictive. Prosecutors can assist with expunging young adults' criminal records, clearing a barrier to obtaining employment, housing, education, and other opportunities critical to beginning their adult lives.<sup>75</sup> Specifically, prosecutors can advocate

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<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> D.C. Department of Youth Rehabilitation Services, *New Beginnings Youth Development Center*, <https://dyrs.dc.gov/service/new-beginnings-youth-development-center>.

<sup>71</sup> D.C. Department of Youth Rehabilitation Services, *Secure Facilities*, <https://dyrs.dc.gov/service/secure-facilities>.

<sup>72</sup> D.C. Department of Youth Rehabilitation Services, *New Beginnings Youth Development Center*, *supra* note 70.

<sup>73</sup> *Id.*

<sup>74</sup> D.C. Department of Youth Rehabilitation Services, *New Beginnings Youth Development Center*, *supra* note 70.

<sup>75</sup> Clean Slate Clearinghouse, *About the Clean Slate Clearinghouse*, <https://cleanslateclearinghouse.org/about/>.

to make expungements automatic in certain cases and for reduced state limitations on expunging young adult records, and can educate young adults on their eligibility for expungement.

## RECOMMENDATIONS

### A. General “Guiding Principles” for Young Adult Justice

Based on the unique needs of young adults, the following principles can help guide interventions to maximize efficacy and should shape DAs’ approaches to young adult justice.

1. **Adopt the least restrictive sanction possible, and if incarceration is absolutely necessary, couple it with meaningful rehabilitation options.** While sometimes necessary, incarceration often increases the likelihood of recidivism. The key to desistance is supporting a young adult’s maturation out of adolescence and criminal behavior. That maturation requires supporting the development of decision-making skills in a context where threats are minimized and pro-social behaviors are rewarded. This starting point should factor into the existence, length and type of incarceration imposed, and any term of custody should be close to home, in as small and community-based a setting as possible, and for the least amount of time necessary to promote public safety.
2. **Recognize that “failure” is an expected step, and zero-tolerance policies are counterproductive.** Young adults — particularly justice system-involved young adults — can be expected to resist authority for reasons related to both their brain development and their histories of trauma and victimization. Responses to minor missteps should be proportionate and should build young adults’ understanding of the impact of undesired behavior. Also carefully consider and limit program conditions and the length of supervision to what is absolutely necessary for public safety, accountability, and rehabilitation.
3. **Use YA research to inform program development, incentives, and responses.** For example, rely on rewards over punishment to incentivize positive behavior. Young adults are particularly responsive to rewards and can respond negatively to sanctions. Maintain a close feedback loop between actions — both positive and negative — of young adults and program/court responses to solidify the connection between behavior and consequences. Additionally, provide opportunities for pro-social decision-making to increase both compliance and maturation.
4. **From the courtroom to detention facilities to treatment providers, interactions should be respectful and trauma-informed.** Procedural justice — the practice of seeking to ensure that participants see the justice system as fair and empathetic to their concerns — is particularly important for young adults, who are primed to respond negatively to disrespectful treatment.<sup>76</sup>

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<sup>76</sup> Sered, D., *Fostering Accountability Among Young Adults*, Program on Criminal Justice Policy and Management, Harvard Kennedy School, <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/young-adult-justice/fostering-accountability-among-young-adults>. See also Fair and Just Prosecution (2017), *Building Community Trust — Procedural Justice: Enhancing the Legitimacy of the Justice System*, <https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief.ProceduralJustice.9.25.pdf>.

## B. Specific Policy and Programmatic Recommendations for Prosecutors

Building on the general principles outlined above, the following specific recommendations — grounded in research on young adult development — offer immediate steps prosecutors' offices can take to advance effective responses to young adults who come into contact with the criminal justice system.

- 1. Establish diversion programs and alternatives to incarceration that respond to the unique needs of young adults.** Young adults respond particularly poorly to incarceration. Diversion programs, especially those that recognize the brain and psychological development of young adults, can reduce costs and improve outcomes.
- 2. Establish restorative justice programs for young adults or refer cases to existing programs, and treat the outcome as the resolution of the charges.** Restorative justice is a process in which those accused of crimes come together with victims to develop a plan to repair the harm. Restorative justice programs tend to have greater victim satisfaction and lower rates of recidivism compared to traditional criminal justice approaches,<sup>77</sup> and may be a particularly effective way to promote desistance for young adults.<sup>78</sup> Learn more about Restorative Justice models and programs in [FJP's Building Community Trust "Issues at a Glance" Brief](#).<sup>79</sup>
- 3. Convene a working group to create a young adult court.** As justice system leaders, DAs can provide the impetus to create a young-adult-specific docket. Starting with a pilot and working with evaluators from an early stage can help address challenges immediately and establish effective processes for coordination across agencies and providers. Care should be taken, however, to ensure that any newly created court does not result in net widening.
- 4. Support legislation and advocacy to reform young adult charging and sentencing practices and limit sentence length.** Adopt sentencing and charging reforms that acknowledge the diminished culpability of young adults and their propensity to age out of offending. As discussed above, California's "Youth Offender Parole" legislation has given individuals with lengthy sentences for offenses committed as young adults the opportunity to seek parole early, and rates of re-offense among those who have been released through this process have been extremely low. This illustrates the value in limiting sentence lengths for young adults, at least for all but the most serious cases.
- 5. Advocate for raising the age of criminal responsibility beyond 18.** In many cases, the rehabilitative focus — and more limited effect on a criminal record — makes the juvenile justice system a more appropriate fit for young adults than the adult criminal system. Where discretion does exist to prosecute young adults in juvenile or adult systems, handle young adult cases in the juvenile system whenever possible.<sup>80</sup>

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<sup>77</sup> Alliance for Safety and Justice, *Crime Survivors Speak*, <https://allianceforsafetyandjustice.org/wp-content/uploads/documents/Crime%20Survivors%20Speak%20Report.pdf>; Latimer, J., Dowden, C. and Muise, D. (2005), *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*, *The Prison Journal*, 85(2), 127–44, [http://www.d.umn.edu/~jmaahs/Correctional%20Assessment/rj\\_meta%20analysis.pdf](http://www.d.umn.edu/~jmaahs/Correctional%20Assessment/rj_meta%20analysis.pdf)

<sup>78</sup> Marder, I. (2013), *Restorative Justice for Young Adults: Factoring in Maturity and Facilitating Desistance*, Restorative Justice Council, Barrow Cadbury Trust, and The Transition to Adulthood Alliance, <https://restorativejustice.org.uk/sites/default/files/resources/files/Restorative%20justice%20for%20young%20adults.pdf>.

<sup>79</sup> Fair and Just Prosecution, *Building Community Trust: Procedural Justice: Enhancing the Legitimacy of the Justice System*, *supra* note 76.

<sup>80</sup> See, for example, the increased age of responsibility in Croatia and elsewhere in Europe. Schiraldi, V. (2018), *How Croatia's 'Off-Ramps' Keep Young Adults Out of Prison*, *The Crime Report*, <https://thecrimereport.org/2018/04/04/how-croatias-off-ramps-keep-young-adults-out-of-prison/>.

6. **Consider age during plea discussions.** Prosecutors can supplement sentencing and charging reform by considering age and diminished culpability during plea bargaining.
7. **Support reforms that avoid excessive parole and probation terms and conditions.** Extensive and excessive terms and conditions of correctional supervision often unnecessarily bring young people back into the justice system for behaviors that do not require justice system involvement.<sup>81</sup>
8. **Fund “Sentencing Planner” positions and ensure line prosecutors are familiar with non-incarcerative options available to young adults.** Combining the clinical and local expertise of trained Sentencing Planners with a directory of alternatives to incarceration for young adults can increase the effective use of alternatives to incarceration.
9. **Train assistant district attorneys on young adult research and regularly brief staff on new programs and policies.** Education can include the rationale for addressing young adults as a distinct group, how and why special considerations for age should be incorporated into charging decisions and plea negotiations, and how to engage young adults in an effective, respectful, and age-appropriate manner.
10. **Use community-based alternatives to incarceration wherever possible and advocate for rehabilitative, community-based detention facilities.** Prosecutors should work with local leaders, corrections, and sheriffs’ departments to develop community-based placements for young adults who need to be removed from their homes and also ensure that any necessary detention facilities have meaningful, holistic, and coordinated programming that is geared toward the unique needs of young adults.
11. **Track the characteristics and outcomes of young adults.** Data, particularly regarding trauma, is often limited. DAs should work with law enforcement and other system partners to ensure that young adults are screened for PTSD, substance use disorders, and other risk factors during intake to guide treatment interventions. Like children, young adults merit specific data collection to identify and respond to trends in this population’s risks and needs. DAs should endeavor to track dispositions, outcomes, and trends to identify whether policies are being implemented as designed, to flag and respond to any disparities, and to target future policy, process, or programmatic changes as challenges arise.
12. **Revisit past lengthy sentences.** Where possible, re-open cases or request clemency for individuals serving long sentences for crimes committed as juveniles or young adults that are not commensurate with current understanding of culpability based on modern brain science.

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<sup>81</sup> “Statement on the Future of Community Corrections,” Harvard Kennedy School – Malcolm Wiener Center for Social Policy (2018). Available at: <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/executive-session-on-community-corrections/publications/less-is-more-how-reducing-probation-populations-can-improve-outcomes/statement-on-the-future-of-community-corrections>.

*“I think we need more and better programs that offer diversion from incarceration and the problems caused by criminal records, but that also change behaviors to reduce anti-social actions.”*

— PRINCE GEORGE COUNTY STATE’S ATTORNEY AISHA BRAVEBOY

## RESOURCES

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