



COLUMBIA UNIVERSITY | JUSTICE LAB

ACT 201
&
EMERGING ADULT JUSTICE

Senate Committee on Judiciary

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**Emerging
Adult
Justice
Project**

WHY Raise the Age?

- **PUBLIC SAFETY** (effectiveness)
- **RACIAL EQUITY** (fairness)

History of the upper age of juvenile jurisdiction in the U.S.A.

- **1899**: First juvenile court established in the U.S.; contributes to creation of legal definition of adolescence
- US states chose **ages 16 - 18** based on norms of the times without any hard evidence



Brain Science & Developmental Research

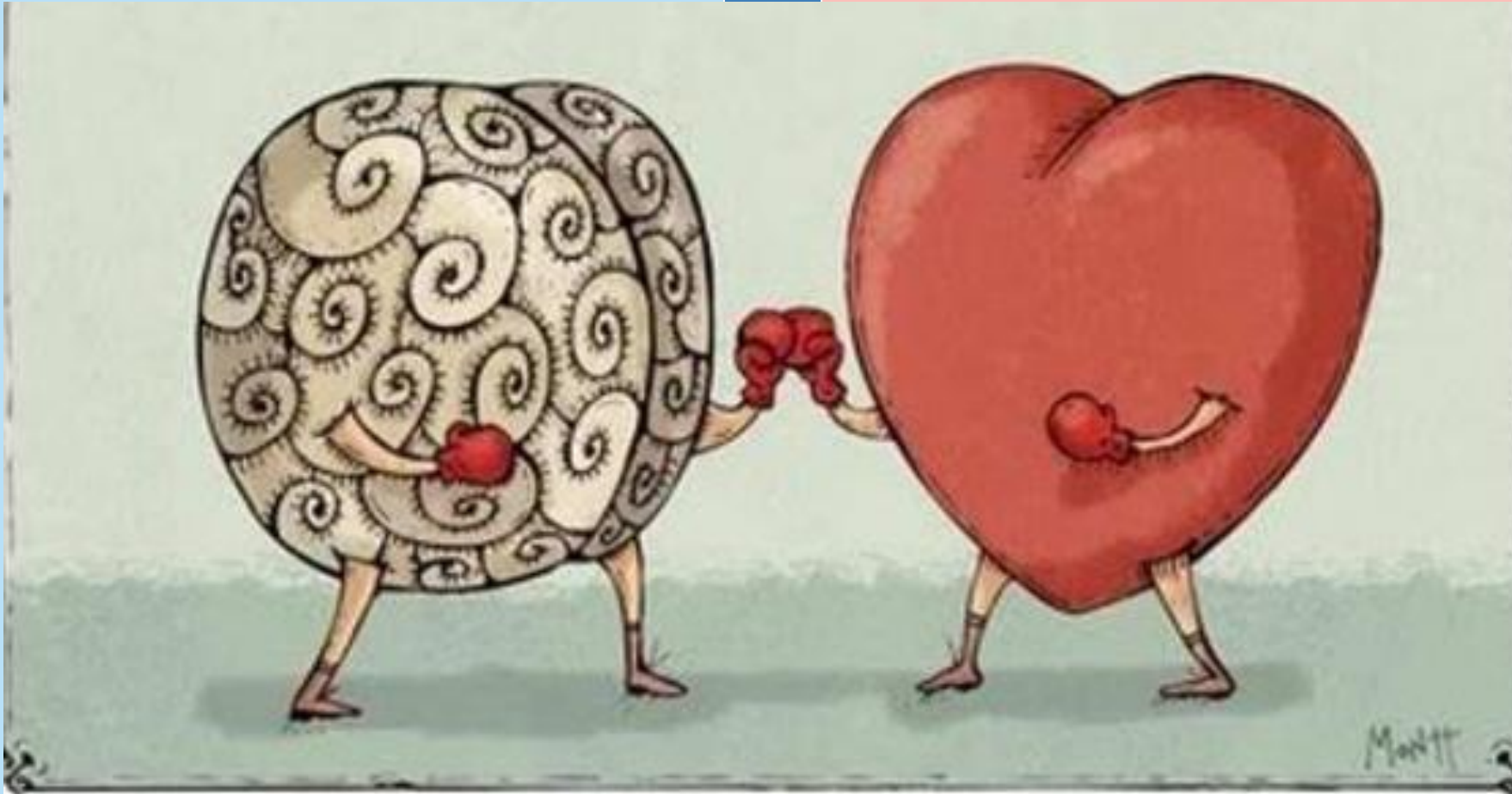
Research on **neurobiology** and **developmental psychology** found that youth are:

- **More volatile** in emotionally charged settings;
- **Susceptible** to peer and other outside influences;
- **Risk takers** and impulsive; and
- **Less future-oriented.**

**Above factors are exaggerated in youth who have experienced
trauma/brain injury**

Cold Cognition

Hot Cognition



Sociological Research

Indicates that youth must cross developmental “bridges” to mature out of delinquency. These “bridges” have been elongated due to social and economic changes.

- Meaningful employment
- Marriage/stable relationships

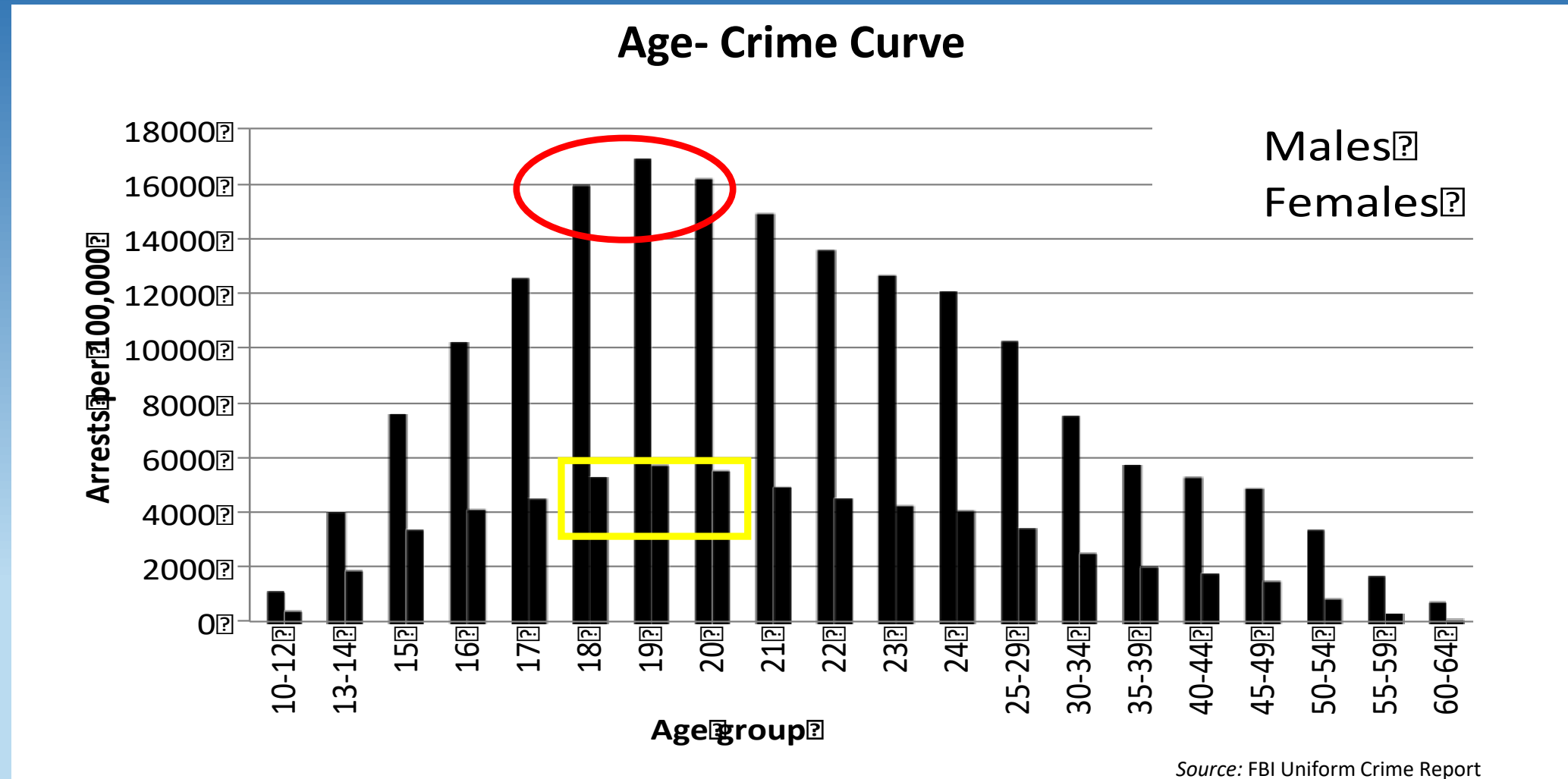
Elements of desistance has shown need for:

- Role models/mentors
- Finding self in a role as a helper/giver
- Changes (improvements) in behavior are recognized in some way

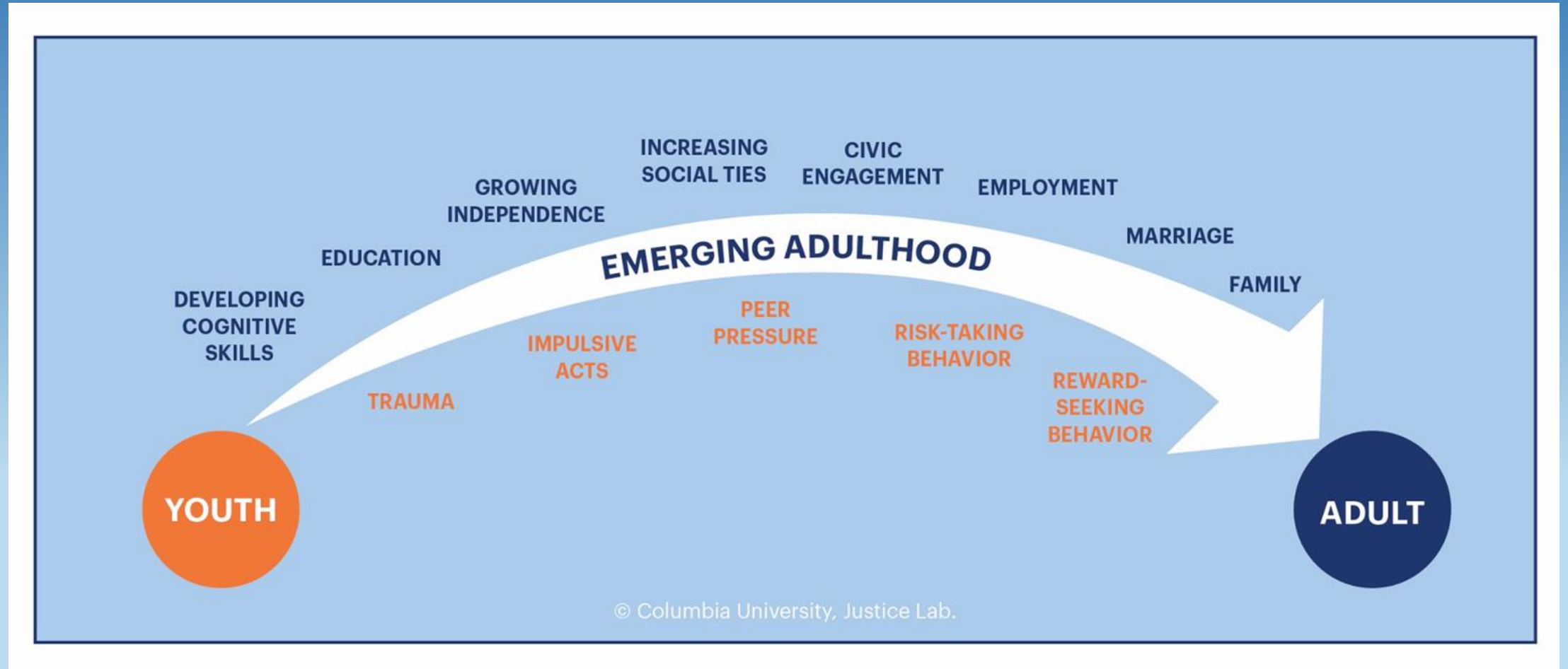
Trauma

- High rates of trauma for court-involved youth (~90% have experienced at least 1 traumatic event)
- All youth adapt. Question is not if but *how*
- Fight, flight and freeze responses (primitive responses)
- Shapes and delays development

Most emerging adults “age out” of crime by 25.



Emerging Adulthood as a Distinct Developmental Stage



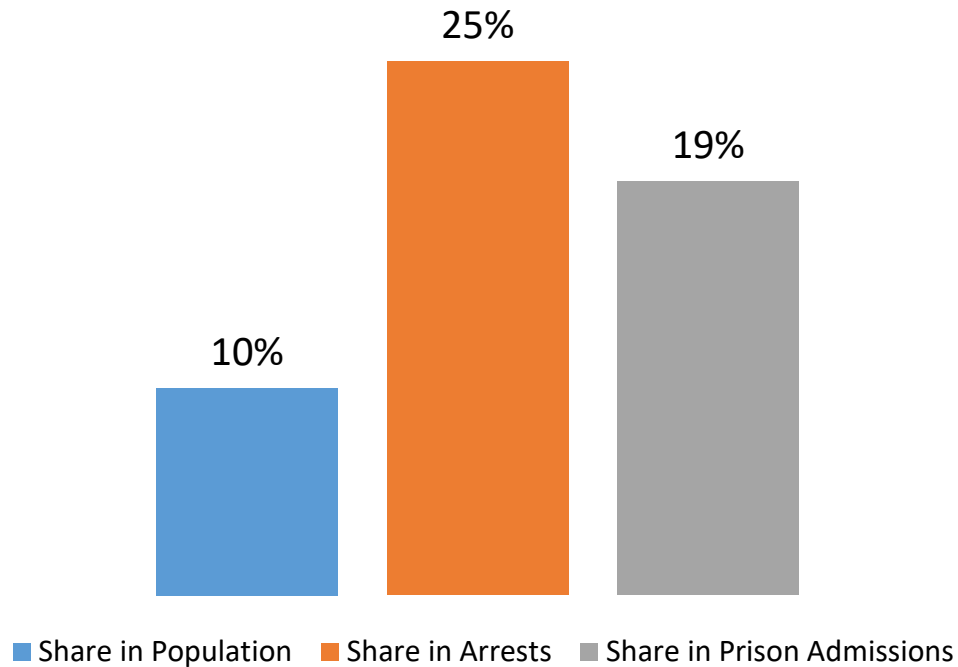
Justice involvement *delays and prevents* achievement of key developmental milestones.

A conviction is a barrier to:

- ❖ **Employment:** A felony record cut the employer response rate by half for white male applicants and nearly 2/3 for Black male applicants.
- ❖ **Housing:** Felony convictions restrict access to subsidized housing benefits. Screening for criminal records for rental housing in the private market.
- ❖ **Education:** >90% of college admission officials surveyed consider any felony conviction as particularly negative.
- ❖ **Interferes with elements of desistance**

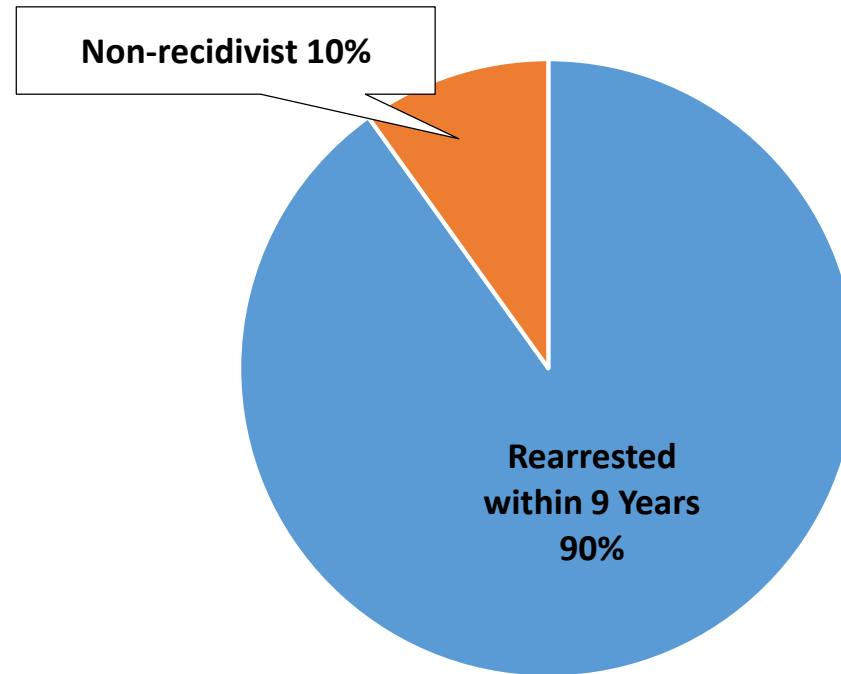
In U.S., emerging adults have a disproportionately large share in adult criminal justice system with poor outcomes.

Share of Emerging Adults in U.S. Corrections, 2016



Sources: Census Bureau, FBI, & National Corrections Reporting Program

9-Year Recidivism Rates 18-to 24-year-olds, U.S.A (2005 Release Cohort)



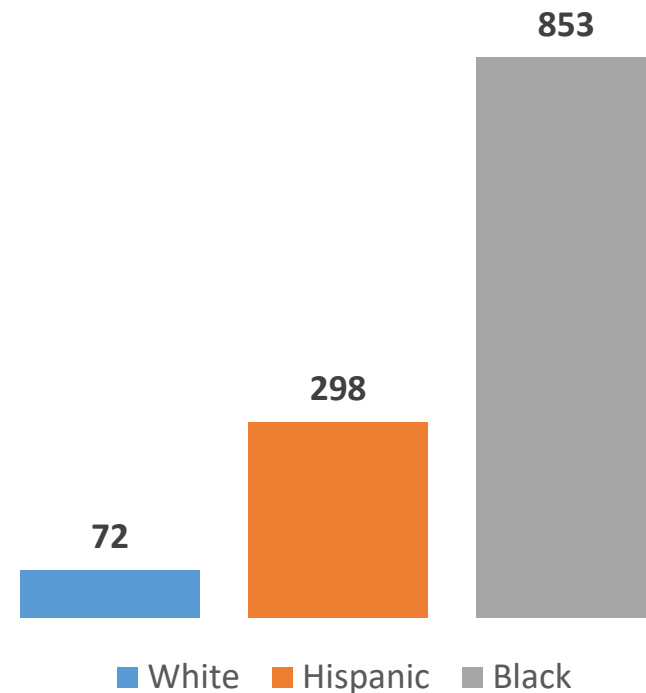
Source: Bureau of Justice Statistics

Racial and ethnic disparities of emerging adults in the criminal justice system are stark.

- Black male 18-to 24-year olds compromised 42% of all emerging adults admitted to state and federal prisons in the U.S.A. in 2016.
- Racial and ethnic disparities are highest for younger cohorts (ages 18-19). Black males ages 18-19 are **11.8 times more likely than their White peers to be incarcerated.**

Source: Bureau of Justice Statistics. "Prisoners in 2016."

Incarceration Rates by Race and Ethnicity
per 100,000 18-to 19-year-old Males,
United States, 2016



"Raising the Age" in other U.S. laws/policies

21 or older is becoming the new 18

- Extension of juvenile corrections/supervision (up to age 25 in OR and WA)
- Trend to expand child welfare services > 18
- Pediatric care guidelines established to age 21 or beyond
- Legalization of marijuana set at age 21+, alcohol at 21
- Youth can stay on private parental health insurance until age 26

New/Expanded Justice System Policies

- **Expanding or creating hybrid systems**
 (“youthful offender laws”)
 (e.g., DC, MI, NY, VT & AL)
- **Expanding or creating opportunities for expungement**
 (e.g., MA)
- **Amending parole laws** (and creating opportunity for re-sentencing)
 (e.g., CA, IL and DC)

Raising the upper age of the JJ system OVER the 18th birthday



Enacted in Vermont

Proposed in CA, CO, CT, IL, MA, NE and WA

