



A ROADMAP TO REFORM:

Key Elements of Specialized Correctional Units for Emerging Adults



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The reforms discussed in this series are offered in acknowledgement of the racist origins of incarceration and justice administration in America, and in rejection of a system that subjugates and unfairly penalizes poor people and people of color.

Introduction to the “Key Elements” Series

Building upon a groundswell of voices for change, many jurisdictions are seeking new models for the treatment and care of emerging adults¹ in the criminal justice system. This brief is one in a series of “Key Elements” Issue Briefs produced by the Emerging Adult Justice Learning Community² (Learning Community) at the Columbia University Justice Lab that examine specific emerging practices and offer guidance on key elements important to consider in both the design and implementation of innovative practices. The Learning Community is a collaborative learning environment that brought together researchers, practitioners, policymakers, and advocates twice a year over a three-year period to create developmentally appropriate, effective, and fair criminal justice responses for youths ages 18–25 who are navigating the critical transition period from adolescence to adulthood. This series was created to discuss innovations in this burgeoning field and includes a total of three “Key Elements” briefs focusing on: (1) specialized courts, (2) specialized probation; and 3) specialized correctional units. Each brief is designed to support innovative reforms and assist others in the field to identify and build on best policies and practices in emerging adult justice.

The members of the Learning Community acknowledge that while these localized, programmatic reform initiatives have the potential to better address the needs of emerging adults in the adult justice system, they do not substitute for long-term, systemic reform initiatives, such as raising the upper age of juvenile justice jurisdiction³ and developing a third, hybrid system (via enactment of youthful offender statutes⁴), which would benefit *all* emerging adults and implicate *all* key system actors (and not one, such as courts or probation or corrections, in isolation). The principles outlined in this series can be applied or adapted to guide any such systemic reform efforts as well as other programmatic innovations for emerging adults in the justice system.

The members of the Learning Community identified two major challenges common across all three specialized reform categories for emerging adults at the time of writing this series. First, research focused specifically on emerging adults in the justice system is being cultivated and developed, but comprehensive data and analysis remain in short supply. Thus, outcome measurements and evaluations of emerging adult justice reform initiatives will play a key role in future recommendations. Second, current outcomes for emerging adults in contact with the justice system are bleak and failures of the current system disproportionately impact poor youth of color. The creative efforts of individual jurisdictions to address these challenges will not only benefit local communities, but inform the field as a whole.

Introduction to Emerging Adult Justice

The current age delineations of the American justice system are inherited from Progressive-era reforms at the end of the 19th Century.⁵ Hoping to produce a model in which children could be rehabilitated and not merely punished, reformers urged the creation of a separate juvenile justice system for children. The age of demarcation between the juvenile and adult systems has differed among states over the years, but the vast majority now set it at age 18.⁶ While age 18 was once understood to signify developmental maturity, recent research suggests that brain development continues well into the 20s,⁷ and that developmental milestones associated with independent, mature adulthood occur well past the 18th birthday for the current generation.⁸

Neuroscience tells us that the cognitive abilities of youth develop more quickly than their executive functioning and psychosocial skills, resulting in a “maturity gap.”⁹ This maturity gap means that “young adults are more likely to engage in risk-seeking behaviors, have difficulty moderating their responses in emotionally charged situations, or have not fully developed a future-oriented method of decision-making.”¹⁰ Moreover, cultural expectations around adolescence and adulthood have shifted in the last century.¹¹ While age 18 once corresponded to an assumption of adult roles, sociological research indicates that contemporary emerging adults experience a more extended transition to adulthood.¹² Due in large part to economic changes, traditional markers of adulthood such as leaving the family home, getting married, and entering into the work force now rarely occur at age 18 in the United States.¹³ Accordingly, the 18- to 25-year-old age group might best be seen as a distinct developmental category—one during which adolescents “emerge” into adulthood.¹⁴

The time it takes to transition to adulthood during late adolescence is sometimes referred to as an “age of opportunity.”¹⁵ During this stage of life, youths are malleable and undergo significant cognitive and social changes. The vast majority of youth will mature and desist or “age out” of crime by the mid-20’s.¹⁶ Involvement in the justice system can interfere with and harm this maturation process. Interactions with the system are “stickier” today than in prior times, as transgressions are more public, digital fingerprints are difficult to erase and can also be fraught with error, and adult criminal records create a host of collateral consequences that further interfere with the healthy transition to adulthood.¹⁷

Racial and ethnic disparities present throughout the criminal justice system for all ages and are amplified for system-involved emerging adults. These disparities pose serious civil rights issues and create a “crisis of legitimacy” in the criminal justice system.¹⁸ Racial and ethnic disparities in the criminal justice system perpetuate other societal inequalities among vulnerable and minority communities, curtailing the ability to join the workforce, pursue higher education, participate in civic activities like voting, and secure housing.¹⁹ Racial and ethnic disparities magnify the collateral consequences of justice system involvement for emerging adults of color, who are already experiencing challenges inherent in this period of transition to independent adulthood.

Nationwide statistics on racial and ethnic disparities in emerging adult justice are scarce, due in part to the relatively recent acknowledgement of emerging adulthood as a distinct developmental period. Moreover, information on the demographics of people involved in the justice system is not systematically collected or shared among the states. The information that is collected focuses primarily on incarceration, with little information on other stages of involvement with the justice system such as arraignment, sentencing, or probation. Nonetheless, the data that are available paint a picture of extreme disproportionality. **In 2019, Black and Latinx 18- and 19-year-old males were 12.4 times and 3.2 times more likely to be imprisoned than their white peers, respectively.**²⁰ For Black males ages 20 to 24, the incarceration rate was 8 times greater than for white males of the same age, while Latinx males were three times more likely to be incarcerated than their white peers.²¹ When looking at older adults, Black and Latinx men over age 25 are incarcerated at approximately 5 times and 2.5 times the rate of white men, respectively.²² As such Black and Latinx emerging adults, especially younger cohorts, face the highest racial disparities of any age group in the adult criminal justice system.

These statistics are not accidental but grow from a history of systemic racism and oppression.²³ The American criminal justice system is steeped in this legacy, and expressions of implicit and explicit bias are commonplace.²⁴ Any reform or wholesale change demands an ongoing reckoning with this history and present-day inequities.²⁵

Against this backdrop, members of the Learning Community acknowledge that the localized reform efforts outlined in these issue briefs may not benefit all young people equitably. The reforms discussed here will impact youth in different jurisdictions differently based on access (“justice by geography”).²⁶ They are also administered within a system based on the perpetuation of racial and class inequalities.²⁷ Responding to harm caused by crime in a way that advances fairness and justice ultimately requires transformation: the creation of a model that is community-centric and focused on healing. The reforms discussed here are offered in acknowledgement of the racist origins of incarceration and justice administration in America, and in rejection of a system that subjugates and unfairly penalizes poor people and people of color.

Interest in Specialized Correctional Units for Emerging Adults

As contemporary understandings of neuroscience and the needs of emerging adults and their communities advance, it makes sense that correctional approaches to emerging adults should also continue to progress.²⁸ 18- to 25-year-olds comprise 9.9 percent of the U.S. population²⁹ yet account for 19 percent of adult state and federal prison admissions.³⁰ The incarceration (and re-incarceration) of emerging adults at these disproportionate rates adds fuel to the continued crisis of mass incarceration. Within jails and prisons, emerging adults are generally provided with the same services and programming as 30-, 40-, or 50-year-olds. When released from prison, emerging adults suffer from the highest rates of drug overdose and recidivism, as compared to their older peers.³¹

Recognizing the distinct developmental characteristics of this age cohort and accordingly creating specialty units has the potential to improve youth outcomes and increase safety within and outside facilities. Harnessing emerging adults' capacity for change towards a healthy life path – during a developmental stage marked by malleability – is beneficial not only for the individual young people, but for the community as a whole.

This brief highlights the key ingredients that are necessary for the successful implementation of a specialized correctional unit for emerging adults, as identified by the participants of the Emerging Adult Learning Community.

Offered as a resource for best policies and practices in correctional settings for youth ages 18–25 who are currently incarcerated, this report is not intended to justify increased placement of young people in locked facilities, nor to supplant effective alternatives to system engagement in the first instance.

As much as it is possible in an adult jail or prison setting, this report is focused on providing developmentally appropriate, effective and humane treatment to incarcerated emerging adults in the limited circumstances when no alternatives are deemed possible. The Learning Community holds the speedy reduction of incarceration rates and an alternative focus on building community safety and contributing to racial equity as fundamental tenets of their vision of emerging adult justice.

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INNOVATIVE MODELS

Within the last five years, several jurisdictions have begun implementing specialized correctional units for emerging adults.³² A brief review of these jurisdictions illustrates not only the exciting potential of these initiatives, but also the ways in which a program can be tailored to fit the needs of a specific jurisdiction.³³ The chart below offers some key figures for local and statewide correctional institutions tailoring units to emerging adults, while the endnotes provide links to press coverage of the various innovations.

To date, few (if any) of these programs have been evaluated for their outcomes and the issue of selection bias must be confronted head on in any evaluation strategy. As programs continue to develop, independent and robust evaluations must be an essential component of iterative program design. Furthermore, these evaluations should not rely solely on recidivism but should measure other outcomes (e.g., housing stability, meaningful employment, civic engagement) that are essential elements of healthy adulthood.

PROGRAM	LOCATION	YEAR ESTABLISHED	AGE SERVED	NUMBER OF YOUTH IN PROGRAM	IS THERE AN "ADMISSION" OR SELECTION PROCESS?	OTHER FACTORS	EVALUATION IN PROGRESS?
Young Adult Offenders Program ³⁴	Mountain View Correctional Facility, Maine	2014	18-26	37 males	No application process but there are eligibility criteria (certain classification levels and risk score required and must be the 1st sentence to an adult prison)	Due to a decline in juvenile caseloads, the facility was converted from a juvenile to a young adult unit. Programming includes: vocational training, high school equivalency diploma and "Think for a Change" programming	No
The T.R.U.E. Community ^{35*}	Cheshire Correctional Institution, Connecticut	2017	18-25	70 males	Yes	Uses mentors and embraces 4 values of the Restoring Promise Initiative: Race equity, cultural healing, restorative justice and community and family partnerships	Process evaluation active
P.A.C.T. ^{36*}	Middlesex County Jail, Massachusetts	2018	18-24	50-100 males	Yes	Uses mentors, restorative justice, and holistic programming	Process evaluation active ³⁷
The P.E.A.C.E. Unit ³⁸	Suffolk County House of Corrections, Massachusetts	2018	18-25	26 males (capacity for 75)	Yes	Restorative justice	No
W.O.R.T.H. ^{39*}	York Correctional Institution, Connecticut	2018	18-25	24 females (numbers fluctuate monthly)	Yes	The only program on this list for women, W.O.R.T.H.'s approach is similar to that of T.R.U.E., including the use of live-in mentors	Process evaluation active
The Young Men Emerging Unit ⁴⁰	Correctional Treatment Facility, Washington, D.C	2018	18-25	25 males (mentees) 5 (mentors)	Yes	Mentoring, enhanced educational programming, rehabilitative programs, health and wellness programs, financial literacy, family reunification and restorative circles	No
CORE Community ^{41*}	Turbeville Correctional Institute, South Carolina	2018	18-25	40 – 60 males	Yes (facility serves youth sentenced under the Youthful Offender Act, sentenced for less than 3 years)	Uses mentors and embraces 4 values of Restorative Promise Initiative	3-year Randomized Control Trial (RCT) in progress
Cadre of HOPE ^{42*}	Lee Correctional Institute, South Carolina	2019	18-25	40 – 60 males	Yes (facility serves youth sentenced to "straight time" with an average sentence of 18 years)	Uses mentors and embraces 4 values of Restorative Promise Initiative	Yes: 3-year RCT study ongoing

*=Indicates that the program is part of Restoring Promise, an initiative co-led by the Vera Institute of Justice and MILPA to create housing units grounded in dignity for young adults in prison. At the time of publication, Restoring Promise is working in Colorado, Idaho, and North Dakota, in addition to the facilities marked above.⁴³

Key Elements

Members of the Learning Community have identified specific elements crucial to the successful implementation of a transformational specialized correctional unit for emerging adults.⁴⁴ These recommendations come from the collective experiences and expertise of the members – researchers, policy makers, practitioners, and advocates from across the country – and were generated during interactive group discussions at the convenings. They center around three areas: creating developmentally appropriate programming, altering the physical environment and training of staff, and providing opportunities for autonomy and growing agentic capacity.

PROGRAMMING

Chief among the Learning Community’s recommendations is that emerging adults have access to ample, high-quality, developmentally-tailored programming. Correctional facilities can cultivate partnerships with external organizations, and emerging adults should have access to continued programming from community partners when they leave the facility. Youth should also be involved in selecting and designing programming for the unit, as well as in charting their own aspirations and plans. Helping youth to imagine a future and identify what elements they need to attain their goals will promote growth and a deeper investment in taking advantage of programming.

“Emerging adults are more likely than any other age group in prison to attend class and receive their GEDs.”⁴⁵ Because the brains of emerging adults are still developing, “learning- and training-induced structural changes within the brain continue through the mid-twenties.”⁴⁶ Thus, emerging adults are uniquely well situated to benefit from educational programming. Moreover, a meta-analytic study by the RAND Corporation found that people who participated in educational programming while incarcerated had 43 percent lower odds of recidivating than those who did not participate.⁴⁷ It should also be noted that young people under age 22 who have a disability, have received special education, or have an Individualized Educational Program (“IEP”) are legally entitled to educational services until they attain a high school diploma.⁴⁸

Programming should not only be limited to providing GEDs, however, but should encompass post-secondary education and vocational training, as well as topics such as financial literacy and parenting skills.

Programming should embrace the dual goals of making productive use of the young person’s time on the unit and preparing them for a successful reentry into the community. Programs in many states allow students in correctional facilities to continue their post-secondary education after release.⁴⁹

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A key component of many emerging adult units is the mentoring of participants by older adults who have served substantial time in prison.⁵⁰ There is evidence that mentorship of youth can be effective,⁵¹ but there appears to be no data yet available on the impact of these types of mentorships in the specialized facilities. Many see promise in the idea,⁵² and this is an area of inquiry that is ripe for research.

In order for older prisoners to effectively mentor emerging adults, they must be provided with substantial training, just like the correctional staff. For example, the “lifer” mentors in Connecticut’s TRUE Unit are provided with three to four months of training by the unit’s mental health staff on mentoring skills, conflict resolution, and more.⁵³ Similarly, the older incarcerated mentors in DC’s YME unit received training and certification as “credible messengers.”⁵⁴

Physical and mental health services are both paramount in promoting positive development. Traditional therapeutic techniques, such as cognitive behavioral therapy, have been successfully adapted for use with justice-involved emerging adults.⁵⁵ However, there are specific challenges in crafting mental health services in an inherently unhealthy setting such as incarceration, and programs should be created with this in mind.⁵⁶ In addition, physical and mental health services should be guided by a trauma-informed and healing-centered perspective, as more than 90 percent of justice-involved youth have reported experiencing a traumatic event.⁵⁷

Involving family is another crucial element of emerging adult units. “Family” here is understood broadly as the close connections that support the emerging adult. Opportunities for personal visits should be encouraged and expanded, as should visits from the children of emerging adults on the unit. In addition, phone calls should be free or at least affordable, in order to maintain strong connections to the families and communities to which emerging adults will return. At times of celebration (see below), invitations to family can help reinforce the connection between the emerging adult and their community of support.

PHYSICAL ENVIRONMENT AND STAFF

The Learning Community emphasized that the unit should feel like a “safe space” or “haven,” so that emerging adults can feel comfortable engaging in programming and growth. Any correctional facility is defined by its 24-7 constants: the space and the staff. Therefore, a specialized correctional unit for emerging adults must have as its foundation a physical environment that is safe. At bottom, treatment or rehabilitation is impossible in unsafe, unhealthy, or chaotic environments. Staff should be trained in how to respond to the particular needs of this age group and to model appropriate behavior.

Sanctions and accountability should be created through the withdrawal of privileges, not harsh and debilitating solitary confinement, and should be balanced with positive incentives to encourage and support good behavior.

As a baseline principle, emerging adult units should never have cells designed for solitary confinement, nor should staff impose solitary confinement upon participants. The destructive and permanent effects of solitary confinement have been well documented,⁵⁸ and its effects on still-developing brains are even more damaging.⁵⁹ “Given the unique vulnerabilities of emerging adults,” one writer summarized, “the practice of solitary confinement is likely to be ineffective in disciplining individuals and maintaining safety, and it simultaneously exacerbates detrimental health effects.”⁶⁰

Robust programming and behavioral programs should supersede the use of devices like solitary confinement, restraints, and pepper/OC spray. Programming should be grounded in encouraging and rewarding positive behavior and growth, rather than punishing bad behavior with harsh and ineffective approaches. When emerging adults act out in ways that are a violation of serious facility rules or that may endanger other youth, staff, or themselves, staff should be trained in de-escalation techniques and use youth's current rooms for brief "time outs" (under constant staff monitoring and ending when the youth has calmed down). Sanctions and accountability should be created through the withdrawal of privileges, not harsh and debilitating solitary confinement, and should be balanced with positive incentives to encourage and support good behavior.

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To the extent possible, the physical space of the unit should be a reflection of a cultural shift away from punishment and towards development. However, as discussed above, the Learning Community's support for specialized units is not intended to encourage the construction of new facilities or utilize community environments that can be rendered secure through redesign. Practically, therefore, the creation of specialized units will involve retrofitting traditional or non-traditional facilities. Small changes can also make a difference in an environment, such as decorating the walls of the unit, adding color and natural light, and creating green spaces. Also important to promoting the development of emerging adults is providing avenues for agency and self-expression. As one participant in Connecticut's TRUE Program explains, his first week was full of "organizing our cells, painting our cells, and putting a special paint on the door that allows us to write on it with chalk. Part of the painting process included painting special spaces on the walls where we could hang up our pictures and another place where we could put inspirational quotes or portraits."⁶¹

Use of the space may shift from the framework of a traditional adult unit. Emerging adults should be permitted to leave their rooms at will for much of the day in order to interact with peers and participate in programs. Many correctional facilities have disciplinary codes strictly regulating the use of space. As part of implementing a specialized unit for emerging adults, special consideration should be paid to disciplinary processes and perceptions of fairness. Emerging adults, like younger adolescents, care deeply about fairness—indeed, it is part of their psychological brain development.⁶² Having clear expectations for use of the living space, as well as transparent guidelines for dealing with conflicts, is essential. Whenever possible, emerging adults should be afforded a voice in choosing norms and regulations for the unit. This process should allow for “use of space” to be defined through different cultural lenses.

This approach should also be reflected in the words used to refer to the unit and the people who live there. For example, some specialized units refer to “rooms” rather than “cells” and “members” rather than “inmates” to underscore the humanity of incarcerated emerging adults and provide a framework for mutual respect.⁶³ Similarly, some specialized units may choose to offer clothing options beyond the stigmatized traditional jumpsuit.

Unit staff should be provided with training in emerging adult development. For example, staff should understand that while an 18-year-old may have the cognitive capacity of an older adult (known as “cold” cognition), he or she will have more limited socio-emotional regulation and skills (known as “hot” cognition).⁶⁴ Staff and others often misperceive a youth’s ability to reason as indicative of full maturity, therefore overreacting when they misbehave in highly volatile circumstances involving “hot” cognition. An understanding of this developmental stage should inform staff approaches to de-escalation, discipline, positive behavior approaches, and problem solving. In addition, positive interactions between staff and emerging adults should be supported, allowing the youth to learn from the adults around them in safe and productive ways. Because this training may represent a departure from older previous practices, members of the Learning Community emphasize the necessity of strong leadership to create staff buy-in and fundamentally transform the culture. Connecting with other specialized units through site visits (in person or virtual) can also help create buy-in for staff members and provide motivation and inspiration for adopting reforms.

OPPORTUNITIES

In order for young people to develop within a correctional setting, they must have the opportunity to grow and succeed. One way this can be reinforced is by celebrating significant milestones, such as the completion of a GED, certificate, or skills training program. Other milestones might include a certain number of days without a conflict, or peer recognition prizes awarded weekly or monthly, such as “most supportive,” “demonstrated growth,” or “display of leadership.” The YME unit at the D.C. Jail has success with using a banking and financial literacy program through which mentees can earn points to acquire new items such as a game system.

Another vital component, however, is an avenue for legal benefits. Offering emerging adults the possibility of a shortened sentence, expungement of their record, or other ways to reduce life-long collateral consequences is perhaps the most powerful way to acknowledge commitment and growth.

Finally, emerging adults should be encouraged to envision opportunities within the unit itself. Including their voice in designing the unit, selecting programming, and choosing consequences create important opportunities for emerging adults to grow and mature.

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Potential Pitfalls

The Learning Community has identified several hazards that may arise in the creation of a specialized correctional unit. Chief among these is the fear of net-widening: the idea that if there are carefully designed and well-resourced units, more young people will be referred there for services rather than being released, or that more young people will be prosecuted in the adult system than might otherwise be the case. Thus, it is important to stress that reforming correctional systems is not intended to promote their use or to negate efforts to reduce the incarceration of emerging adults. The Learning Community advocates for placing emerging adults in the least restrictive environment possible at all times. Those creating a specialized unit are urged to design their program with the aim of no longer needing it.

Pitfalls to avoid:

Net-widening

Selective participation

Inadequate staffing

*Limiting reforms to
behind the walls*

A second potential pitfall is making programs competitive for entry or carefully selecting only certain members to be eligible. While programs may be tracking outcomes carefully and may be tempted to extend services to those deemed “most likely to succeed,” this approach ignores the fundamental premise that all emerging adults are worthy of services. Access to humane and developmentally appropriate conditions should not be determined via an application process. It is also important to note that any selection bias will prevent us from knowing with any confidence whether these specialized units are successful or not.

A third potential pitfall identified by the Learning Community is the failure to adequately staff the units. A small staff to member ratio is imperative for the success of the programs described above. Adequate staffing is essential to ensure fidelity to training and programming on specialized units.

Finally, reform must extend beyond the grounds of the facility. If a specialized unit is successful in its programming, emerging adults will have built a shared partnership and trust with others on the unit. When released, they will be returning to contexts where they are deemed and treated as criminals and will often have inadequate support. In order to support long-term outcomes upon release, any effort at reforming correctional units must also support system-wide reforms to prevent or mitigate the harm caused by incarceration and support the transition to healthy adults living successfully in the community.

Conclusion

Emerging Adult Justice remains a new area of study, practice and advocacy, and there has been little research conducted on quantifiable outcomes of the innovations detailed in the Learning Community's issue briefs. Accordingly, designing and collecting outcome measurements is essential to inform and improve future programs and specialized units. While specialized units may ameliorate some of the most striking harms of incarceration and help currently incarcerated emerging adults grow, specialized units alone are insufficient to properly serve justice-involved emerging adults. Specialized units should be adopted in tandem with efforts to reform all the other aspects of the justice system – policing, prosecution, defense practices, sentencing, community-based services, supports and opportunities, probation, parole, and re-entry – with the goal of supporting emerging adults so they can successfully mature into independent, healthy, productive adults engaged in the community.

ENDNOTES

¹ “Emerging adult” is defined here as the 18–25-year-old cohort, traditionally overlooked in the justice system. For a history of the phrase, see Arnett J.J. (2014). “Presidential Address: The Emergence of Emerging Adulthood: A Personal History.” *Emerging Adulthood* 2(3) 155–162. For an overview of the topic of emerging adult justice, as well as an online library of materials focused on emerging adult justice, see <https://www.eajjustice.org>.

² For more information about the Emerging Adult Justice Learning Community, including other publications, see <https://www.eajjustice.org/learning-community>.

³ In 2018, Vermont enacted a new law that gradually raises the age of juvenile jurisdiction to a young person’s 20th birthday by 2022. Massachusetts, Illinois, Connecticut, and California legislatures have all been actively considering raising the age of their juvenile court jurisdictions above age 18. Other states (e.g., Colorado) have established task forces. For a discussion of raising the age and other statewide systemic reform efforts: in **Vermont**, see, Vermont Agency of Human Services, “Report on Act 201 Implementation Plan Report & Recommendations.” Available at https://static1.squarespace.com/static/5c6458c07788975dfd586d90/t/5dd2ebf9ce2b1425d33ae1ef1/1574104062934/Vermont-RTA-DCF-Report-Final_EAJP.pdf; in **Connecticut**, see, Chester, L. and Schiraldi, V. (December 15, 2016). “Public Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under Age 21.” Harvard Kennedy School, Harvard University. Available at https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/public_safety_and_emerging_adults_in_connecticut.pdf; in **Massachusetts**, see, Siringil Perker, S. and Chester, L. (June 2017). “Emerging Adults: A Distinct Population That Calls for an Age-Appropriate Approach by the Justice System.” *Emerging Adult Justice in Massachusetts Issue Brief*, Harvard Kennedy School, Harvard University. Available at https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/MA_Emerging_Adult_Justice_Issue_Brief_0.pdf; in **Illinois**, see, Siringil Perker, S. Chester, L. and Schiraldi, V. (February 1, 2019). “Emerging Adult Justice in Illinois: Towards and Age-Appropriate Approach.” *Emerging Adult Justice Research Series*. Justice Lab, Columbia University. Available at <https://doi.org/10.7916/d8-fpvw-1t32>; in **California**, see, Schiraldi, V. (January 7, 2020). “Young offenders don’t belong in adult prisons. California has a chance to end the practice” *The Los Angeles Times*. Available at <https://www.latimes.com/opinion/story/2020-01-07/young-offenders-dont-belong-in-adult-prisons-and-california-has-a-chance-to-end-the-practice>.

⁴ An example of such a hybrid statute is the Youth Rehabilitation Act in Washington D.C. This Act was significantly expanded in 2018 to include youth prosecuted for committing a crime before their 25th birthday. For a description of the District’s decision to expand the Act, see Schindler, M. (January 11, 2019). “Youth Rehabilitation in D.C.: From Controversy to Progress.” *The Washington Post*. Available at https://www.washingtonpost.com/opinions/youth-rehabilitation-in-dc-from-controversy-to-progress/2019/01/11/d2ea0be6-056a-11e9-b5df-5d3874f1ac36_story.html.

⁵ Schiraldi V., Western B., and Bradner K. (2015). “Community-Based Responses to Justice-Involved Young Adults.” *New Thinking in Community Corrections Bulletin*, Washington DC: U.S. Department of Justice, National Institute of Justice, NCJ 248900. Available at <https://www.ojp.gov/pdffiles1/nij/248900.pdf>.

⁶ Over time, states have chosen different upper-age limits for their juvenile justice systems, usually choosing the 16th, 17th, or 18th birthday. Recently, the national trend has been to set the upper age at the 18th birthday, though there are many different types of statutory exceptions that allow or require youth younger than age 18 to be prosecuted and/or sentenced as adults, regardless of the upper age of jurisdiction. The national advocacy group Campaign for Youth Justice (CFYJ) kept up-to-date information about these laws on its website: <http://www.campaignforyouthjustice.org>, although CFYJ closed its campaign in December 2020. As of this writing, the site is being maintained as a resource.

⁷ Giedd, J.N., Blumenthal, J., Jeffries, N.O., Castellanos, F.X., Liu, H., Zijdenbos, A., Paus, T., Evans A.C., and Rapoport, J.L. (1999). “Brain Development During Childhood and Adolescence: A Longitudinal MRI Study.” *Nature Neuroscience* 2(10): 861–863; Sowell, E.R., Thompson, P.M., Tessner, K.D., and Toga, A.W. (2001). “Mapping Continued Brain Growth and Gray Matter Density Reduction in Dorsal Frontal Cortex: Inverse Relationships During Postadolescent Brain Maturation.” *Journal of Neuroscience* 21(22): 8819–8829. See also studies cited in Steinberg, L. and Icenogle, G. (2019). “Using Developmental Science to Distinguish Adolescents and Adults Under the Law.” *Annual Review of Developmental Psychology* 1:30–31.

⁸ Schiraldi et al., *supra* note 5 at 4-5; Arnett, *supra* note 1 at 156-7.

⁹ Icenogle, G., Steinberg, L. Duell, N., Chein, J., Chang, L. Chaudhary, N., Di Giunta, L., Dodge, Kenneth A., Fanti, K.

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¹⁴ Scott et al., *supra* note 12.

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²² *Ibid.*

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⁴⁰ Woody, M., Walker, T., and Castón, J. (September 2020). “DC’s Young Men Emerging Unit: A Story of Reform and Lessons Learned from the Front Lines.” Justice Policy Institute. Available at: http://www.justicepolicy.org/uploads/justicepolicy/documents/Young_Men_Emerging_Unit_2020.pdf. Schindler, M. (January 11, 2019). “Youth Rehabilitation in D.C.: From Controversy to Progress.” *The Washington Post*. Available at: https://www.washingtonpost.com/opinions/youth-rehabilitation-in-dc-from-controversy-to-progress/2019/01/11/d2ea0be6-056a-11e9-b5df-5d3874f1ac36_story.html?noredirect=on&utm_term=.d8d89ef01c85.

⁴¹ For more information about the program, see <https://restoringpromise.vera.org/where-we-work/south-carolina> and Wilks, A.G. (January 17, 2019). “To curb jail violence, repeat offenders, SC prisons take page from Europe’s playbook.” *The State*. Available at: <https://www.thestate.com/news/politics-government/article224612585.html>

⁴² *Id.*

⁴³ For more information about Restoring Promise, see <https://restoringpromise.vera.org/about>.

⁴⁴ These decent, humane and effective principles can and should be applied system-wide for *all* persons in prison, regardless of age. However, these principles are particularly salient for emerging adults.

⁴⁵ Caulum, M.S. (2007). “Postadolescent Brain Development: A Disconnect Between Neuroscience, Emerging Adults, and the Corrections System.” *Wisconsin Law Review*: 729, 755. (Internal citations omitted).

⁴⁶ *Id.*

⁴⁷ Davis, L., Bozick, R., Steele, J.L., Saunders, J. and Miles, J.N.V. (2013). *Evaluating the Effectiveness of Correctional Education: A Meta-Analysis of Programs That Provide Education to Incarcerated Adults*. Santa Monica, CA: RAND Corporation. Available at: https://www.rand.org/pubs/research_reports/RR266.html. For more on RAND’s findings, see RAND Review (January 3, 2016). “The Case for Correctional Education in U.S. Prisons” *The RAND Blog*. Available at: <https://www.rand.org/blog/rand-review/2016/01/course-correction-the-case-for-correctional-education.html>

⁴⁸ Edelson, M. (2017). “Special Education in Adult

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⁴⁹ For several comparative examples, see Delaney, R., Patrick, F., and Bolding, A. (May 2019). *Unlocking Potential: Pathways from Prison to Postsecondary Education*. Vera Institute of Justice. Available at: https://storage.googleapis.com/vera-web-assets/downloads/Publications/unlocking-potential-prison-to-postsecondary-education/legacy_downloads/unlocking-potential-prison-to-postsecondary-education-report.pdf. Another example that is connected to the D.C. Jail (and the Young Men Emerging Unit) is the Georgetown Prison Scholars program. Information available at: <https://prisonsandjustice.georgetown.edu/programs/scholarsprogram/>.

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⁵² “‘The literature on mentoring is limited,’ said Angela Hawken, a New York University professor who studies programs that try to keep people from returning to prison. ‘There’s still a lot to be learned about whether this approach works.’” Chammah, M., *supra* note 35.

⁵³ Hedger, J. (January 2018). “Mentorship and True Change: Connecticut’s Department of Correction Reaches Out to Its Young Adult Population.” *Corrections Today* 44. Available at: http://www.aca.org/ACA_Prod_IMIS/DOCS/Corrections%20Today/2018%20Articles/January%202018/Hedger.pdf.

⁵⁴ Woody et al., *supra* note 40 at 12.

⁵⁵ Baldwin, M., Chablani-Medley, A., Marques, L., Schiraldi, V., Valentine, S., and Zeira, Y. (April 24, 2018). “Cognitive Behavioral Theory, Young Adults, and Community Corrections: Pathways for Innovation.” Executive Session on Community Corrections, Program in Criminal Justice Policy and Management, Harvard Kennedy School, Harvard University. Available at: <https://>

www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/cbt_young_adults.pdf.

Texas Tech Law Review 46: 71, 83–84 (summarizing neuroscientific data).

⁵⁶ Steinberg, L., Chung, H.L., and Little, M. (2004). “Reentry of Young Offenders from the Justice System: A Developmental Perspective.” *Youth Violence and Juvenile Justice* 2(1), 21–38.

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⁵⁸ See, e.g., Testimony of Craig Haney (June 19, 2012). Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights Hearing on Solitary Confinement. Available at: <https://www.judiciary.senate.gov/imo/media/doc/12-6-19HaneyTestimony.pdf>.

⁵⁹ Dimon, L. (June 30, 2014). “How Solitary Confinement Hurts the Teenage Brain.” *The Atlantic*. Available at: <https://www.theatlantic.com/health/archive/2014/06/how-solitary-confinement-hurts-the-teenage-brain/373002/>.

⁶⁰ Nagib, D. (2017). “Jail Isolation After Kingsley: Abolishing Solitary Confinement at the Intersection of Pretrial Incarceration and Emerging Adulthood.” *Fordham Law Review* 85(6): 2919. Available at: <https://ir.lawnet.fordham.edu/flr/vol85/iss6/18> (internal citations omitted).

⁶¹ Jordan (May 2, 2017). “Connecticut’s T.R.U.E. Prison Program Offers New Beginnings.” Think Justice Blog, Vera Institute of Justice. Available at: <https://www.vera.org/blog/dispatches-from-t-r-u-e/connecticuts-t-r-u-e-prison-program-offers-new-beginnings>.

⁶² Güro lu, B., van den Bos, W., van Dijk, E., Rombouts, S.A.R.B., and Crone, E. A. (2011). “Dissociable brain networks involved in development of fairness considerations: Understanding intentionality behind unfairness.” *NeuroImage* 57(2), 634–641.

⁶³ *Id.* See, forthcoming report, Fader, J. and Talley, D. “Respect: A Necessary Element of Justice Contact with Emerging Adults.” Emerging Adult Justice Learning Community, Justice Lab, Columbia University.

⁶⁴ See, e.g., Steinberg, L. and Icenogle, G. (2019). “Using Developmental Science to Distinguish Adolescents and Adults Under the Law.” *Annual Review of Developmental Psychology* 2019.1:21–40 and Pimentel, D. (2013) “The Widening Maturity Gap: Trying and Punishing Juveniles As Adults in an Era of Extended Adolescence.”

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Emerging Adult Justice Learning Community

The Emerging Adult Justice Learning Community is a carefully organized collaborative learning environment that brings together researchers, practitioners, policymakers, and advocates twice a year over a three-year period in order to create more developmentally appropriate, effective and fairer criminal justice responses for youths ages 18 – 25. Participants of the Learning Community are all engaged in some aspect of this work in their professional pursuits.

Despite the fact that emerging adults experience some of the worst criminal justice outcomes in our justice system, little attention has been paid to the research that would support new and improved justice system responses. The Learning Community's goals are to provide researchers and policymakers access to one another in order to increase learning, practice and policy innovations by translating academic research into effective policies and developing opportunities to research burgeoning practices that contribute to a more equitable treatment of this population.