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Meeting the Needs of Emerging Adults in the Justice System*

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Emerging adults aged 18 to 24 are developmentally distinct from fully developed adults and require different justice system responses. Court-related programs and practices for this age group should include building community collaboration, connecting emerging adults to their community, and individualizing program responses.

Emerging adults, also referred to as young adults and defined as those aged 18 to 24, should be provided with differential treatment within the justice system that considers their developmental needs and unique social challenges. While some state approaches have extended the juvenile court jurisdiction or juvenile probation supervision period into young adulthood, some scholars have instead argued that a developmentally informed approach would recognize emerging adults as different from both juveniles and adults over 25, warranting a separate justice system or justice system responses (Farrington, Loeber, and Howell, 2012; Scott, Bonnie, and Steinberg, 2016).

In most states, the maximum age of juvenile court jurisdiction is 17 years old; however, recent reforms have led some states (e.g., Vermont) to extend the maximum age of juvenile jurisdiction to include 18

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MEETING THE NEEDS OF EMERGING ADULTS IN THE JUSTICE SYSTEM

and 19 year olds (with supervision extending until aged 21.5 years old). Several other states have considered similar policy changes that would extend the juvenile jurisdiction to ages 19 or 20 (e.g., California, Connecticut, Illinois, and Massachusetts). The rationale underlying these reforms, in part, is the developmental similarity between emerging adults and older adolescents (age 16 to 17). Because the adolescent brain does not drastically transform into a fully mature brain at 18, setting the boundaries of juvenile jurisdiction at this age is somewhat arbitrary and not supported by developmental science (Fountain, Mikytuck, and Woolard, 2021) or by criminological research on the age-crime curve (Hirschi and Gottfredson, 1983). Despite this, state policies and interventions for emerging adults fall predominately within the adult criminal justice system.

In many respects, developmental science indicates that the emerging adult brain is more akin to an older adolescent's brain than a full-grown adult's brain, and that brain development continues through an individual's mid-20s (Sowell et al., 2001; Farrington, Loeber, and Howell, 2012). These differences are especially pronounced in the prefrontal cortex, the part of the brain that controls impulse and assesses risk (Cohen et al., 2016; Farrington, Loeber, and Howell, 2012). While cognitive capacity—the ability to reason logically—reaches adult levels during late adolescence (16 to 17 years old), psychosocial maturity—individuals' ability to restrain themselves in the face of emotional, exciting, or risky stimuli—continues developing well into young adulthood.



MEETING THE NEEDS OF EMERGING ADULTS IN THE JUSTICE SYSTEM

Because of this, emerging adults do not exercise self-restraint as well as fully developed adults can when emotionally aroused (Icenogle et al., 2019). More specifically, experimental research has shown that emerging adults between 18 and 21 have diminished cognitive control in both brief and prolonged emotionally charged situations, as compared to older adults (Cohen et al., 2016).

Similarly, criminological research on the age-crime curve also supports the need for specialized justice responses for emerging adulthood. Studies demonstrate that offending rates increase during adolescence, peak around age 19 to 20, and decrease thereafter (Farrington, Loeber, and Howell, 2012). Longitudinal studies, which follow participants over many years to understand how individuals change over time, further indicate that the decline in criminal behavior during adulthood is due in part to biological changes to the brain (Loeber et al., 2012).

Social factors also make this stage in life particularly vulnerable to criminal behavior, but also more susceptible and amenable to justice system responses than fully developed adults. Emerging adulthood is thought to be the most unstable period of the lifespan, where changes in love relationships, work, and education are most frequent (Arnett, Žukauskienė, and Sagimura, 2014; Loeber et al., 2012). Although this instability is partly derived from identity explorations, it is also associated with economic and social dynamics. This life stage is marked by higher unemployment than later life and is greatly impacted by socioeconomic disparities. As an example, privileged emerging adults are more likely to be in college, an environment tailored to their developmental stage and where they are more likely to receive informal disciplinary actions through campus disciplinary codes for minor law violations, compared to disadvantaged peers who are not in college and are more likely to receive formal criminal justice responses for minor law violations.

Moreover, this age group is overrepresented at every stage of the criminal justice system, including prison and jail (Pirius, 2019; Bronson and Carson, 2019), with emerging adults of color disproportionately represented (Kovera, 2019). At a time when emerging adults should be creating social bonds that contribute to being productive members of their community, it is important that court involvement or incarceration not disrupt the healthy development of education, career, family, or other prosocial engagements. Justice responses instead should increase positive societal connections, rather than create barriers that hinder healthier development.

Applying Science to Practice

A growing number of jurisdictions are implementing programming and practices for emerging adults that address the unique needs identified by developmental science. Leaders from three such programs were interviewed for this article: Judge Bruce Chan from San Francisco's young adult court; Judge Cindy Leos and Tanya Tijerina from the 2nd Judicial District Young Adult Court in Albuquerque, New Mexico; and Elizabeth Henneke from the Lone Star Justice Alliance in Texas. Several themes emerged from these interviews that can help other jurisdictions looking to improve their approach to emerging adults.

Build a Community Collaboration

The courts cannot meet the needs of emerging adults alone. As Judge Leos stated, "It's a community problem, so we need a community solution." While young adult courts in San Francisco, Albuquerque, and other jurisdictions have promising outcomes, communities should focus on building a continuum of care that expands beyond the courthouse walls. Emerging adults should receive supportive resources before and after becoming involved with the court. Young adult courts should be reserved for individuals with the highest level of risk and needs because the programs are resource intensive, providing not only a higher level of case management and support, but also additional judicial time. Court judicial leaders can use their power to convene community stakeholders, build shared understanding of the unique needs of emerging adults, and work together to strengthen the infrastructure of communities to effectively address those needs.

Key stakeholders include the district attorney, public defenders, probation, pretrial services, law enforcement, and community treatment providers. Behavioral treatment providers are critical to this work, as emerging adults have high levels of problematic substance use and untreated mental health issues (Davis et al., 2013). Henneke suggested starting with engaging community support and treatment providers, including mental health and substance use professionals and employment skill organizations, noting that it can be easier to bring the justice system along because they interact with this population regularly. All interviewees emphasized the importance of stakeholders having the same understanding of the needs of emerging adults and noted that training on brain development and the impact of trauma can help develop the shared understanding. Joint training helps to ensure that the same messages are reinforced at every opportunity.

"Have neuroscience training for everyone across the board," said Chan, "It's not just the right thing to do—the science backs it up."

Connections to the Community

Ideally, justice-involved emerging adults should remain in their community and receive community-based services whenever possible; however, even when they are placed elsewhere, they will one day return to their community. Programs should implement strategies for connecting emerging adults to positive prosocial relationships through education, housing, family, employment, and other supportive resources (Schiraldi, Western, and Bradner, 2015). This connection starts while an individual is participating in the program, through case coordination with treatment providers and meaningful community engagement opportunities. Henneke noted that while high levels of community engagement can be a better predictor of positive outcomes than a strong relationship with a case manager, a trusted relationship with a case manager can develop bridges to community connections. This way, the case manager is not the sole support system for the individual, which creates a vacuum of support when the individual completes the program. Rather, the case manager can identify community engagement opportunities aligned with the individual's skills and interests, make necessary introductions, and encourage the individual to continue engagement after program completion.

Unlike early adolescents, emerging adults might be especially open to nonparental adult role models and might have greater motivation to build profound and long-lasting relationships (Yu and Deutsch, 2019). Program case managers should leverage this openness by helping emerging adults forge prosocial relationships in the community that continue after program completion, which can help them adopt social and emotional roles that contribute to positive behavioral change.

Individualized Responses

Each interviewee emphasized the importance of responding to emerging adults in an individualized way by understanding their story and being responsive to their unique needs. All programs interviewed use standardized screening and assessment tools to identify the needs of participants. Currently, there is not a specific tool validated on the emerging adult population, and the programs in this article use an array of screening tools and assessments. Information gleaned from the screening-and-assessment process, along with building a trusting relationship, allows programs to tailor services and requirements to each young person. For instance, programs demonstrated individualization through customizing community service options to accommodate interests or work schedules, providing flexibility within program parameters, and setting personalized goals. As Judge Chan said, "When you have people with different educational levels, cognitive abilities, mental health needs, success is defined differently."

MEETING THE NEEDS OF EMERGING ADULTS IN THE JUSTICE SYSTEM

It is critical that individuals who work with emerging adults are willing to be flexible and forgiving. Relationships are important to individuals of this age group, and relationships are developed through being present to help emerging adults navigate life. Case managers in the programs often help emerging adults prioritize tasks and complete routine life skills, such as going to the DMV or calling to make appointments. These routine life skills may sound simple; however, many emerging adults have been deprived of nourishing interpersonal relationships that facilitate the development of proper skills to face the challenges of this life stage independently. While a case manager's presence and support help teach practical life skills, these small instances also build a trusting relationship and demonstrate to the emerging adult that they are cared for and valued. Only after those trusting relationships are built can a program produce change. Ms. Tijerina stated, "Our biggest strength is getting to know each participant and getting creative in addressing issues that come up. Not being afraid to try something new."

This age group is also influenced by peers, and while peer mentors can be a powerful tool for mentees, it is also a meaningful relationship for mentors. Judge Leos and Ms. Tijerina described their court's peer mentor training as a strategy to counteract the self-sabotage they often see emerging adults experience as they come close to completing the program. In their court, participants who are near the end of their participation can be trained as certified peer mentors as a way for them to "step forward" rather than step back.

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In addition to emerging adults' underdeveloped brain and its impact on psychosocial immaturity, social factors also make this stage in life particularly vulnerable to criminal behavior, but also more susceptible and amenable to justice system responses than fully developed adults.

Conclusion

Individuals aged 18 to 24 straddle an imaginary line between youth and adulthood. Their brain is still developing problem-solving, prioritization, and emotional regulation skills. Most emerging adults are amenable to change, but they need trusted advisors who see their value and support them as they continue to develop. This age group also needs to be connected to their community in a manner that outlives their participation in any program. Continuing to treat emerging adults in our justice system in the traditional ways comes at a cost to communities, governments, and families (Pirius, 2018). Investing in developmentally aligned, trauma-informed, and community-centric interventions, however, can have a positive impact on young adults for a lifetime, addressing the underlying factors that led to the criminal behavior, cultivating positive connections to their community, and reducing the likelihood of continued court involvement.

As Judge Leos stated, “This is an amazing population to work with—there is never a dull moment. They are at a place in their life where they are trying to figure it out, and even just for a moment, they are grateful for the chance to feel valued. They come to you broken, oppositional—once you pull back those layers, they are just looking for guidance. To be a part of that is powerful.”



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MEETING THE NEEDS OF EMERGING ADULTS IN THE JUSTICE SYSTEM

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