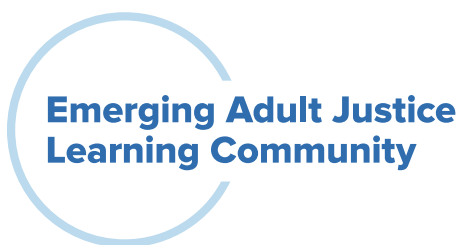




**A ROADMAP TO REFORM:**

# **Key Elements of Specialized Courts 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.*

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## 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 adults<sup>1</sup> in the criminal justice system. This brief is one in a series of “Key Elements” Issue Briefs produced by the Emerging Adult Justice Learning Community<sup>2</sup> (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 jurisdiction<sup>3</sup> and developing a third, hybrid system (via enactment of youthful offender statutes<sup>4</sup>), 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.<sup>5</sup> 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.<sup>6</sup> While age 18 was once understood to signify developmental maturity, recent research suggests that brain development continues well into the 20s,<sup>7</sup> and that developmental milestones associated with independent, mature adulthood occur well past the 18th birthday for the current generation.<sup>8</sup>

Neuroscience tells us that the cognitive abilities of youth develop more quickly than their executive functioning and psychosocial skills, resulting in a “maturity gap.”<sup>9</sup> 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.”<sup>10</sup> Moreover, cultural expectations around adolescence and adulthood have shifted in the last century.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup>

The time it takes to transition to adulthood during late adolescence is sometimes referred to as an “age of opportunity.”<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup>

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.<sup>18</sup> 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.<sup>19</sup> 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.**<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup> The American criminal justice system is steeped in this legacy, and expressions of implicit and explicit bias are commonplace.<sup>24</sup> Any reform or wholesale change demands an ongoing reckoning with this history and present-day inequities.<sup>25</sup>

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”).<sup>26</sup> They are also administered within a system based on the perpetuation of racial and class inequalities.<sup>27</sup> 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.

# Specialized Courts for Emerging Adults: Innovative Models

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Within the last decade, several jurisdictions have launched specialized courts for emerging adults to address the distinct needs of this developmental group. This brief highlights the key elements of this important reform initiative as identified by the participants of the Learning Community and draws lessons from the experience of three innovative models: San Francisco Young Adult Court; Brooklyn Young Adult Court; and Chicago (North Lawndale) Restorative Justice Community Court.

## SAN FRANCISCO YOUNG ADULT COURT

San Francisco Young Adult Court was established in 2015 to specifically target emerging adults ages 18-25 charged with violent and nonviolent felonies.<sup>28</sup> The court emphasizes a “collaborative, problem-solving model”<sup>29</sup> in which participants create a Wellness Care Plan based on their own needs and goals after completing an intake and assessment and meeting with their case manager.<sup>30</sup> Participants’ immediate needs, such as housing, are considered first, and case managers provide ongoing support and monitor engagement.<sup>31</sup> Participants appear regularly before a dedicated judge with a specialized docket to discuss their progress in their Wellness Care Plan. They also participate in life skills groups, dialectic behavior therapy, job readiness, and other developmentally-aligned programming. The program is organized into four phases, with a graduation marking successful completion of the program.<sup>32</sup> Participants may enter the program pre-plea, on a deferred sentence, or on a grant of probation based on the severity of their charges; over three-quarters of participants enter the program without being convicted. Depending on their case status, they may graduate with dismissed charges (and cleared arrest records), reduced charges, or shortened probation terms. An outcome evaluation of the San Francisco Young Adult Court is currently underway.<sup>33</sup>



## BROOKLYN YOUNG ADULT COURT

The Brooklyn Young Adult Court in Kings County, New York, serves 18- to 24-year-olds charged with misdemeanor offenses.<sup>34</sup> Emerging adults are routed to the court via a mandatory referral process: all misdemeanor cases, with a few exceptions like cases of domestic violence,<sup>35</sup> that are not resolved at arraignment are automatically referred to the Brooklyn Young Adult Court.<sup>36</sup> This arrangement is the product of several iterations of the initiative. An Adolescent Diversion Program was initiated in 2012, which grew in 2014 to include youth up to age 24.<sup>37</sup> In 2016, the court expanded to its current model, which now encompasses almost all misdemeanor cases involving 18- to 24-year-olds in Brooklyn.<sup>38</sup> The court includes a dedicated judge as well as dedicated defense attorneys and prosecutors, all of whom are trained in the developmental needs of emerging adults.<sup>39</sup> A specialized social worker screens each participant using a needs assessment. Instead of “incarceration, criminal convictions, fines, or other sanctions,”<sup>40</sup> the court then mandates the young person to “a range of evidence-based social service interventions” based on the specific needs and risks of the young person identified by the social worker.<sup>41</sup> Mandates might include short-term interventions or longer-term court-monitored mental health services, substance abuse treatment, or educational or employment programs, depending on the needs of the young adult.<sup>42</sup>



## CHICAGO (NORTH LAWNDALE) RESTORATIVE JUSTICE COMMUNITY COURT

Launched in 2017, the Restorative Justice Community Court departs from traditional punitive models of responding to crime, instead “apply[ing] restorative justice practices to *emphasize the ways that crime harms relationships in the community* and brings together the people most impacted by the crime to repair the harm.”<sup>43</sup> The court serves 18- to 26-year-old residents of Chicago’s North Lawndale neighborhood.<sup>44</sup> Only nonviolent felony or misdemeanor cases are eligible for referral to the court, and the emerging adult charged with the crime must have a nonviolent criminal history.<sup>45</sup> The victim must also consent to participate in the process, and the person charged must accept responsibility for the harm caused. In this court, located in a community center, the judge sits at a table with the participants but merely approves and oversees implementation of an agreement to repair harm, which is developed through a restorative justice process. This process is conducted through a peace circle convened by a trained circle keeper and may include not only the emerging adult and victim but also family members, friends, and other community members. “System” participants such as the judge, prosecutor, or defense attorney are not part of the process convened by the circle keeper. The restorative justice court is based on an agreement that discussions within the restorative justice process will be confidential—only the final agreement is presented to the court. If the emerging adult completes the program, charges will be dropped and the arrest is expunged.<sup>46</sup>

**BROOKLYN  
YOUNG ADULT COURT**

**SAN FRANCISCO  
YOUNG ADULT COURT**

**CHICAGO (NORTH LAWDALE)  
RESTORATIVE JUSTICE  
COMMUNITY COURT**

<b>Launched</b>	2016 <sup>a</sup>	2015	2017
<b>Age Range</b>	18-24 years	18-25 years	18-26 years
<b>Case Types</b>	Misdemeanors <sup>b</sup>	Enumerated felonies <sup>c</sup> Misdemeanors	Nonviolent felonies <sup>d</sup> Misdemeanors
<b>Specialized Staff</b>	Dedicated judge, prosecution bureau, defense advocates, specialized resource coordinators. <sup>e</sup>	A collaborative Young Adult “Team” made of a dedicated judge, Assistant District Attorney, Defense Attorney, Probation Officer, clinical treatment providers, two employment specialists.	Dedicated judge and case manager work in partnership with UCAN, a multi-faceted social service agency with expertise on trauma-informed treatment, youth development, diversity, and inclusion.
<b>Intervention</b>	Administered in partnership with Brooklyn Justice Initiatives (BJI). Includes: mandated sessions with BJI; needs assessment screening; evidence-informed social service interventions (in-house and with community providers).  Voluntary referrals and ongoing case management	“Wellness Care Plan” created with input from the participant, including stable & safe housing, employment, financial benefits, mental & physical wellness, education, parenting & life skills support. Participants regularly report to court to allow for monitoring engagement and progress with the Wellness Care Plan. <sup>f</sup>  Average length of program is 10-18 months.	Restorative justice model that operates on the principle of voluntary participation.  Connects defendants with services: Mental health counseling, substance abuse treatment, education, job training, housing assistance and parenting classes.  “Peace Circles”: Restorative conferences with defendants, victims, family members, friends, community members. <sup>g</sup>  “Repair of Harm Agreement”: Collective agreement of the peace circle on a remedy with a focus on accountability, restitution, community service, and apology.
<b>Case Outcomes</b>	Alternatives to incarceration, such as 6 social service sessions with BJI (long term & short term).	Pre-Plea Cases: Dismissal of charges; clearing of arrest & court records.  Post-Plea Cases: Reduce eligible felony to misdemeanor; withdraw plea to a strike offense; withdraw plea & dismiss & clearing of arrest & court records.  Probation: Reduction of length of supervision period and permanent stay of fines, fees, and conviction.	Charges may be dropped.  Arrest records may be expunged.
<b>Funding</b>	Mayor’s Office of Criminal Justice; Bureau of Justice Assistance; Department of Criminal Justice Services; Private Foundations.	State General Funds; San Francisco General Funds and Children’s Fund; Federal Justice Assistance Grant funding through CA Board of State and Community Corrections.	U.S. Department of Justice, Bureau of Justice Assistance; Private Foundation.

# Key Elements

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Members of the Learning Community have identified elements critical to the creation of a successful emerging adult court. 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 five areas: centering youth experience and agency; process and procedural justice; connecting to community and developmentally appropriate services; communicating benefits to youth and community; and other considerations of design.

## **CENTERING YOUTH EXPERIENCE AND AGENCY**

Traditional adjudicative systems often emphasize the theme of accountability, without giving young people an opportunity to actually take responsibility or demonstrate change. Learning Community members recommend that the designers of an emerging adult court be explicitly intentional in crafting a process that centers the voices of emerging adults. As with many problem-solving courts, this means that the young person should be speaking directly to the judge and be treated as a full member of the problem-solving team.

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*A fundamental premise of many specialized emerging adult courts is that young people will take responsibility for their choices when empowered and supported to do so.*

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Centering a young person's voice may also involve asking them to articulate their needs and goals, to design programming, and to be involved in the selection of any intervention or treatment plan. In order to be actively involved in the process, the young person should be educated about the court system in a developmentally appropriate manner. This approach undergirds a fundamental premise of many

specialized emerging adult courts: the belief that young people will take responsibility for their choices when empowered and supported to do so.

One important facet of developmentally appropriate court practices for emerging adults is their flexibility. If an agreement between a young person and the court does not seem to be working, the court actors should be willing to change the agreement in partnership with the young person. While this may be challenging to practitioners accustomed to a set sentence or agreement, a dynamic approach is key in supporting a young person to succeed.

Furthermore, providing a trauma-informed process is an essential component for centering youth experience. More than 90 percent of justice-involved youth report experiencing a traumatic event, such as domestic violence or physical abuse.<sup>47</sup> Strategies range from simply understanding why a young person may not want to sit in a seat in which they cannot see who is behind them, to providing trauma-addressing therapeutic interventions, to supporting the emerging adult to have voice and agency in the program.<sup>48</sup>

## PROCESS AND PROCEDURAL JUSTICE

Because a specialized court likely departs from normal courthouse patterns in several ways, gaining the trust of all actors is extremely important. Judges, lawyers, clinical partners, probation officers, victims, and family members should all be provided with accessible information about the intent and format of an emerging adult court. For the same reasons, consistency in staffing is also important. Learning Community members recommend that courts have dedicated staff who are trained in the neuroscientific research and life course criminology that buttresses these innovations. Learning Community members also stressed that “words matter!” especially for young people.<sup>49</sup> For example, youth in the program may be called “participants,” rather than “defendants” and a judge might discuss “engagement,” rather than “compliance” and “responses” rather than “sanctions or “punishments.”

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*Principles of procedural justice overlap with the fundamentals of emerging adult courts — both highlight dignity and agency as core values.*

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One crucial element for the successful functioning of a problem-solving court is record confidentiality and the confidentiality of communications within treatment and restorative processes. Many parallel courts operate as alternatives to traditional prosecution, and a young person who is unable to complete the program may be vulnerable to prosecution. For this reason, it is extremely important that any information disclosed or discussed in emerging adult court not be used as evidence in a future case — to do so would limit the ability of the young person and the team to communicate frankly. In practical terms, this may mean training staff and implementing discrete filing systems. For example, the prosecutor assigned to San Francisco Young Adult Court maintains separate files from the rest of the office and does not discuss any information about the cases beyond the Young Adult Court team.<sup>50</sup> In Chicago, the Restorative Justice Community Court is based on an agreement of confidentiality for discussions within the peace circles.<sup>51</sup>

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*Confidentiality of communications within treatment and restorative processes is crucial for the success of emerging adult courts.*

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A procedural justice framework emphasizes that “how someone perceives the fairness of the process is as important (or more important) than the perceived fairness of the outcome.”<sup>52</sup> Thus, if a person believes that they are treated fairly by an authority, they are more inclined to regard the authority as legitimate.<sup>53</sup> Research suggests that this tendency may be even more pronounced in emerging adults.<sup>54</sup> Even if a young person does not agree with a consequence or outcome mandated by the court, they will be more likely to engage if they see the process as fair. “Individuals’ perceptions of procedurally just encounters are based on four central features of their interactions with legal authorities: whether they were treated with dignity and respect, whether they were given voice, whether the decision-maker was neutral and transparent, and whether the decision-maker conveyed trustworthy motives.”<sup>55</sup> These principles of procedural justice overlap with the fundamentals of trauma-informed emerging adult courts — both highlight dignity and agency as core values.

## CONNECTING TO COMMUNITY AND DEVELOPMENTALLY APPROPRIATE SERVICES

An emerging adult court should welcome emerging adults as their full selves and connect them to essential, developmentally-appropriate services and resources that enable them to successfully transition into adulthood. This includes, for example, engaging family in the courtroom, providing childcare, or offering additional programming in parenting and financial literacy. The Judge of the San Francisco Young Adult Court, for example, has a library of children’s books that he gives to all emerging adult court participants who are parents.

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*The success of emerging adult courts depends largely on collaborations with and improvement of developmentally appropriate systems of support in the communities.*

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Similarly, the core programming and resources offered by the court should reflect the many-layered lives of emerging adults and offer support in the form of mental health services, substance abuse treatment,<sup>56</sup> and assistance in securing employment, education, and housing stability. These services are often offered via partnerships with community organizations and should be developmentally appropriate for emerging adults, who frequently struggle to engage in programs and services designed for older adults. For example, San Francisco’s Young Adult Court has partnered with housing and workforce development agencies to provide dedicated services designed for emerging adults.<sup>57</sup> Brooklyn Young Adult Court, in partnership with Center for Court Innovation and Brooklyn Justice Initiatives, connects youth to community-based services such as drug treatment, GED classes, and job training.<sup>58</sup>

In summary, the success of specialized courts for emerging adults depends largely on collaborations with and improvement of developmentally appropriate systems of support in the communities. These collaborations can be an important way of extending services to young people not involved in the justice system, without acting as a net-widener (see “Potential Pitfalls” section), as well as making them available to an emerging adult after their engagement with the court ends. These partnerships should also be extended to other key justice system actors, including public defenders, prosecutors, and probation agencies to ensure access to services without increasing demands on emerging adults or duplicating efforts across multiple agencies.

## COMMUNICATING BENEFITS TO YOUTH AND COMMUNITY

Clearly conveying the rewards associated with participating in an alternative program such as emerging adult court is an important element to maintaining participant engagement. Each accomplishment of a young person in a program should be celebrated, with the conclusion marked by ceremony. A successful emerging adult court operates by granting far more incentives than sanctions. Incremental incentives may be material, such as gift cards, or they may be programmatic—for example, having to come to court every month instead of every week or simply having the emerging adult’s case called at the start of the session. Completion of the program should be marked by a concrete legal benefit—namely, record sealing or clearing, ideally of both the arrest and conviction, if any.

Graduating participants are not the only ones who benefit from a successful emerging adult court. The broader community benefits from a tailored and developmentally appropriate program that aims to foster growth, rather than merely punish its youth. Specialized courts should be made accountable to the community by collecting data, including descriptive statistics, and sharing findings with key stakeholders. Data transparency also helps to ensure that program requirements are proportional to offenses committed and do not exceed conventional sanctions. For example, routinely sharing and analyzing data would help court actors keep track of the length of time young people remain in court-mandated programs and make adjustments to prevent net-widening, a potential pitfall of specialized courts discussed below. Data transparency is also imperative for tracking equity and racial impact in emerging adult court practices so that *all* emerging adults, regardless of their race, ethnicity, or socio-economic background, can benefit from such developmentally appropriate initiatives.

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*Data transparency is imperative for tracking equity and racial impact in emerging adult court practices.*

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## OTHER CONSIDERATIONS OF DESIGN

Some emerging adult courts, such as the community court in North Lawndale neighborhood of Chicago, use restorative justice as an explicit bedrock principle which shapes the program. Others, such as Brooklyn Young Adult Court, are more focused on the primacy of interventions for the young person. One important consideration in crafting a specialized court is what role the victims of crimes will have. Planners should consider in advance if victims will be asked to speak, if they will be permitted to weigh in on sanctions, and if the young person will be asked to participate in the dialogue.

Another important decision is where the court will be held. The North Lawndale Restorative Justice Community Court is held not in a courthouse, but at a social services agency located in the community it serves. Many practitioners see benefit to having a courtroom in close proximity to the neighborhoods where participants live, while others believe the courtroom should be decentralized. These considerations will also be affected by whether the court serves a rural or urban population.

Similarly, the setup of the courtroom will have both a symbolic and a practical influence on the proceedings. Planners should decide if the judge will be elevated, or sit at the same level as the other participants. Overall, the process of designing a new specialized court for emerging adults is an opportunity to design all elements from the ground up, ensuring each component is aligned with the principles outlined in this paper.

# Potential Pitfalls

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Innovations in court processes have the potential to transform the ways emerging adults are treated by the justice system and to contribute to a world in which emerging adults are given support, guidance, and agency to chart a positive life path. However, emerging adult courts should be designed with caution to avoid net-widening: the idea that the presence of well-resourced courts may attract referrals of young people who otherwise would have been diverted or simply never charged.<sup>59</sup> Emerging adult courts should also be aware of the pitfalls of too much supervision or prolonged reporting requirements. While extended supervision may secure positive outcomes in the short term, it may tighten the grip of the formal system on emerging adults and decrease self-reliance, as well as increase the surveillance of certain communities as a whole.

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*Emerging adult courts should be designed with caution to avoid net-widening.*

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Those tasked with designing specialized courts for emerging adults can prepare against the potential pitfall of net-widening by ensuring that the court operates on the principle of voluntary participation (as opposed to mandatory or coerced participation); by avoiding overreliance on remands; by developing a range of responses in nature and duration that could be individualized and proportional to the severity of the offense; and by ensuring that diversion alternatives at multiple decision points throughout the system

and prior to system-involvement (pre-arrest and post-arrest diversion, prosecution diversion) coexist with the specialized court. As explained above, it is also important for emerging adult courts to document prior practices and track changes through rigorous monitoring and data collection. Finally, eligibility criteria for emerging adult courts should be carefully defined in order to prevent admission of only participants who are most likely to succeed (“creaming”) or because their risk is low. The members of the Learning Community also caution against categorical exclusion of certain youth from specialized courts purely on the basis of their offense classification (violent vs. nonviolent, gang-affiliation).<sup>60</sup>

# Conclusion

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Emerging adult justice remains a new area of study, practice, and advocacy, and there has been little research to date on quantifiable outcomes of the innovations detailed in the Learning Community's *Key Elements* series. Accordingly, designing and collecting outcome measurements are essential to inform and improve court innovations discussed in this brief.

While emerging adult courts may ameliorate some of the most striking harms of incarceration, court reforms alone are insufficient to properly serve justice-involved emerging adults. Emerging adult courts should be adopted in tandem with systemic reform efforts that cover all the other aspects of the justice system – policing, prosecution, defense practices, corrections, probation, parole, and re-entry – with the goal of supporting all justice-involved emerging adults so they can successfully mature into independent, healthy, productive adults engaged in the community.

# ENDNOTES

<sup>1</sup> “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>.

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

<sup>3</sup> 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/5dd2ebf5ce2b1425d33ae1ef1/1574104062934/Vermont-RTA-DCF-Report-Final\\_EAJP.pdf](https://static1.squarespace.com/static/5c6458c07788975dfd586d90/t/5dd2ebf5ce2b1425d33ae1ef1/1574104062934/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](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](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>.

<sup>4</sup> 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](https://www.washingtonpost.com/opinions/youth-rehabilitation-in-dc-from-controversy-to-progress/2019/01/11/d2ea0be6-056a-11e9-b5df-5d3874f1ac36_story.html).

<sup>5</sup> 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>.

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<sup>36</sup> *Ibid.* at 4-5.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

<sup>39</sup> Center for Court Innovation. “More About the Brooklyn Young Adult Court.” Available at <https://www.courtinnovation.org/programs/brooklyn-young-adult-court/more-info>.

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<sup>41</sup> Center for Court Innovation, *supra* note 39.

<sup>42</sup> White and Dalve, *supra* note 35 at 3.

<sup>43</sup> (Emphasis added). Circuit Court of Cook County. (July 20, 2017). “Restorative Justice Community Court arrives in North Lawndale.” Available at <http://www.cookcountycourt.org/MEDIA/View-Press-Release/ArticleId/2564/Restorative-Justice-Community-Court-arrives-in-North-Lawndale>.

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<sup>49</sup> *Ibid.*

<sup>50</sup> Superior Court of California, County of San Francisco, *supra* note 30 at 30.

<sup>51</sup> State of Illinois, Circuit Court of Cook County, *supra* note 45.

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<sup>53</sup> See Meares, T. (2017). “Policing and Procedural Justice: Shaping Citizens’ Identities to Increase Democratic Participation.” *Northwestern University Law Review* 111(6):1525–1535.

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<sup>57</sup> See Schiraldi et al., *supra* note 5.

<sup>58</sup> See Brooklyn Justice Initiatives. (2019). “Overview.” Available at [https://www.courtinnovation.org/sites/default/files/media/document/2020/BJI\\_Factsheet\\_03262019.pdf](https://www.courtinnovation.org/sites/default/files/media/document/2020/BJI_Factsheet_03262019.pdf).

<sup>59</sup> See Justice Policy Institute, *supra* note 52.

<sup>60</sup> For instance, members of the Learning Community raised concerns about categoric exclusion of “violent” offenses or “gang-involved” youth from participation in the young adult courts. The classification of violent offenses is not uniform and vary greatly in terms of their seriousness. A categoric rejection of developmentally appropriate responses to emerging adults is therefore problematic. See, e.g., Bersani et al., *supra* note 47.

## TABLE NOTES (PAGE 7)

<sup>a</sup> Beginning March 2016, all youth cases (ages 16-24) are adjourned to the Brooklyn YAC part. Lower age of participants gradually increased from 16 to 18 with state’s raise the age legislation fully implemented by 10/19.

<sup>b</sup> All misdemeanor cases with the exception of domestic violence and special victim cases are eligible for Brooklyn YAC.

<sup>c</sup> San Francisco YAC focus on felonies rather than misdemeanors. However, gun involvement and gang-affiliation cases are eligible only with permission from the prosecutor.

<sup>d</sup> Additionally, a youth must not have a violent criminal record to be a participant of the restorative justice community court.

<sup>e</sup> All court staff receive specialized training, including adolescent brain, psychological development, risk-needs responsivity, procedural justice, and mental health first aid training.

<sup>f</sup> Often 1 time per week for first few months. Frequency of reporting is reduced as progress achieved in individualized Wellness Care Plans.

<sup>g</sup> Procedure and setting are crucial for the operation of the restorative justice court. Participants sit around a table on the same level as the judge and victims can directly address defendant.

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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.