



# Too Young to Succeed? Emerging Community Supervision Strategies for Emerging Adults

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## Key Points

- Emerging adults are more prone than their older counterparts to risk-taking behavior, impulsivity, resistance to authority, and negative peer influences.
- Emerging adults account for a disproportionate share of arrests and revocations from probation.
- Emerging adults are increasingly less likely to be married and employed than their older counterparts, which are relevant factors for risk of recidivism and the level of supervision and services needed to achieve positive outcomes.
- Specialized courts and probation caseloads targeting emerging adults have shown promise in reducing recidivism and improving positive outcomes such as employment.
- Community partnerships that leverage strategies such as the use of trusted messengers as mentors, case management, victim-offender reconciliation, and vocational training hold potential both as supplements and alternatives to basic probation.

## Executive Summary

Transitioning from being a youth typically living with a parent to establishing self-sufficiency as a mature adult is a challenging period, and how a person handles that transition greatly impacts the rest of their life trajectory. In many cases, emerging adults between the ages of 18 to 25 must overcome challenges faced as a youth, including family breakdown, abuse and neglect, lack of positive role models, inadequate education, and involvement in the justice system.

Though the law is the weakest form of social control, as the bonds of family and community fray, it is also the last resort. Unfortunately, the system of adult community supervision has largely proven ill-equipped to deal with emerging adults between the ages of 18 and 25, as evidenced by failure rates among this population that dwarf those of their older counterparts. For many emerging adults who are among those with high-risk factors such as impulsivity and negative peer influences and few protective factors such as stable employment and home life, it is perhaps not surprising that basic probation involving reporting to an officer perhaps once a month and attempting to comply with a long list of conditions is often insufficient to mitigate the thinking patterns, behaviors, and associations that led them into the justice system to begin with.

Fortunately, many promising strategies offer a menu of options, either in addition to or in lieu of community supervision, that provide additional structure and support and in some cases mitigate the need for incarceration. These include specialized probation caseloads, courts dedicated to young adults that are coupled with supervision methods tailored to this population, cognitive interventions such as Multisystemic Therapy for Emerging Adults (MST-EA), and innovative nonprofit programs such as Roca and UTEC that leverage both counselors and coaches who are trusted messengers to deliver a curriculum that emphasizes both behavior change and vocational skills. At the same time, there are emerging adults whose assessment will reveal that they have a low-risk and needs level and who, therefore, won't benefit from and may even be damaged by such intensive approaches.

Policymakers can not only reduce recidivism but increase positive outcomes such as employment by more widely implementing promising strategies for targeting justice-involved emerging adults who stand at the crossroads of unlimited potential and a lifetime of crime.

## Introduction

Policymakers often rightly focus on prisons and jails, but some 4.5 million Americans are on adult community supervision, including more than 3.6 million Americans on adult probation, with the remainder on adult parole ([Jones](#)). The number of people on adult probation has tripled since 1980 ([Horowitz et al., 4](#)).

The growing interest in community supervision is partly attributable to its high failure rates that are a major contributor to high incarceration rates. Nationally, 50 percent

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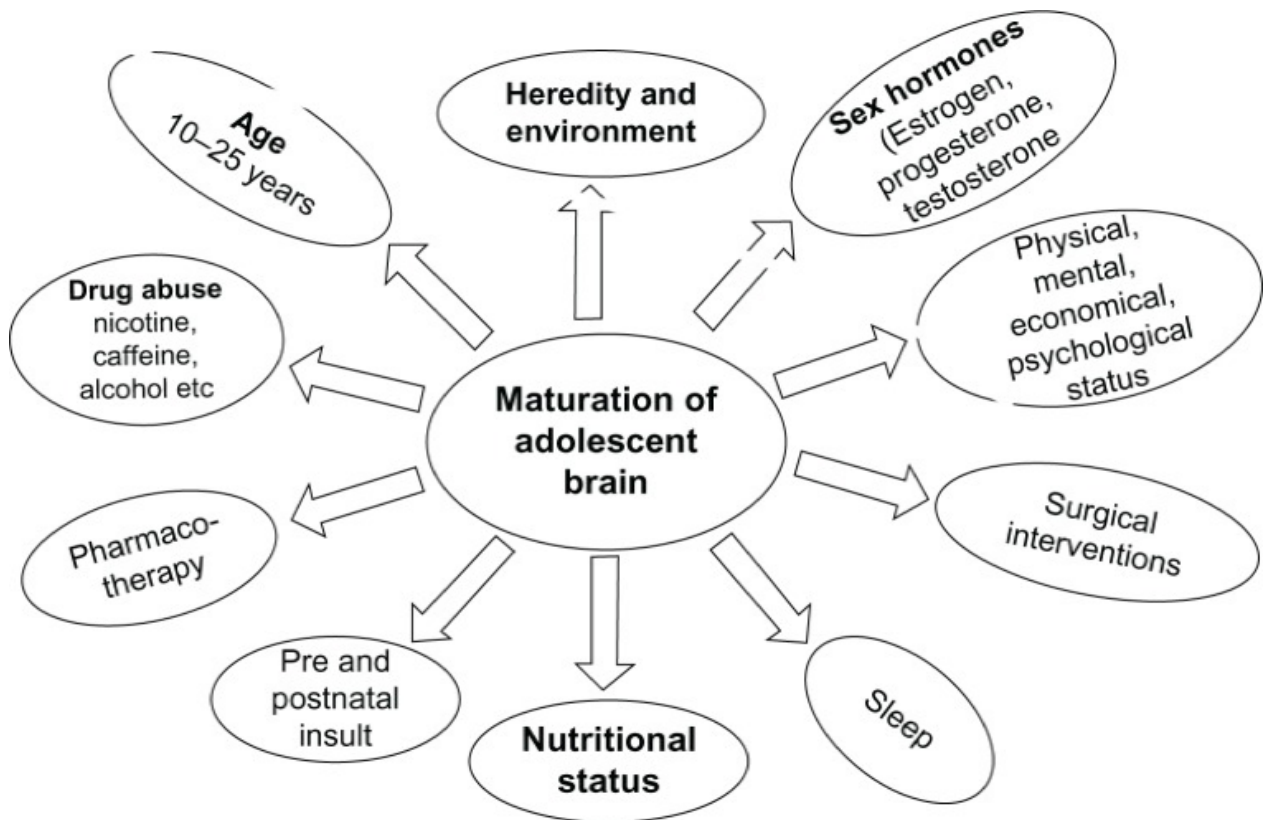
of people complete their probation term successfully, with 29 percent failing and 21 percent unaccounted for ([Horowitz et al., 9](#)). In some states, probation revocations alone account for more than half of prison admissions. For example, in Georgia, 55 percent of prison admissions in 2015 came from probation revocations, and that figure was 61 percent in Rhode Island ([Horowitz et al., 10](#)). In addition to avoiding negative outcomes, such as a new offense and revocation to prison, whether due to an offense or technical violations, policymakers focusing on supervision are seeking positive outcomes, such as employment.

### Neurological Development

On the one hand, the factors that distinguish emerging adults from those who are older are nothing new under the sun. Emerging adulthood has been described as “a unique developmental phase ... characterized by distinct features—such as identity exploration, impulsivity, sensitivity to peer influence, risk-taking and instability—and may give rise to particular risks for criminal justice system involvement” ([Loyola University Chicago, 2](#)).

A range of behavioral problems, including substance abuse, have been found to reach a peak in these years ([2](#)). Journalist Stephen Johnson, on Big Think.com, commenting on the prefrontal cortex and the brain’s reward systems, writes “research shows that it can take more than 25 years for them to reach maturity.” ([Johnson](#)). Indeed, research shows that some parts of the brain, perhaps most importantly for control of drives and emotional behavior the frontal cortex, which includes the prefrontal cortex, continue development into the mid-20s ([Somerville](#)). It is a nuanced picture though, as the estimated age of developmental asymptote (nearly full development) varies even within a region such as the frontal cortex based on the measure of growth used ([Somerville, Fig. 1](#)). For example, in the case of the frontal cortex, cortical thickness reaches its apex around 25 before fractional anisotropy, which refers to the density of neurofibers ([Somerville, Fig. 1](#)). Furthermore, the development of the brain is influenced not just by hereditary factors, but also by environmental ones ([Arain et al.](#)).

Figure 1. Factors governing brain maturation during adolescence (ages 10–24 years)



Source: [Arain et al.](#)

While developmental traits make emerging adults more prone to initiate and repeat criminal activity and less likely to comply with a laundry list of supervision conditions, there is an important corollary, which is that emerging adults are highly malleable. Indeed, researchers have noted when describing 18 to 25 year-olds and even those up to age 28: “No stage in life, other than perhaps infancy, experiences such dynamic and complex changes on the personal, social, emotional, neuroanatomical, and developmental levels” ([Wood et al.](#)). Drawing upon both research on humans and animals, two neuroscientists conclude that the emerging adults have greater brain plasticity such that the “ability to change and adapt appears to peak in young adulthood and show a gradual, but consistent decrease into senescence” ([Olberman et al.](#)). This suggests divergence among emerging adult trajectories based on whether they are subject to positive influences on their mental and emotional development such as supportive home environment and high-performing educational institutions, as opposed to negative influences on this development such as abuse, neglect, and trauma (De Bellis et al.).

### Societal Trends

While emerging adults have always been more inclined toward risk-taking and more malleable than their older counterparts, executive-level brain functioning is not determined simply by biological factors, but also by environmental factors. In this vein, recent societal changes have influenced the maturation process for emerging adults. Among them are trends in marriage, which are relevant in two respects. First, marriage has declined generally, and unwed births have skyrocketed since the 1960s, especially among those in the lower-income bracket ([Schiraldi, et al., 5](#)). Indeed, a December 2019 global survey found the U.S. now has the highest rate of children living in single parent households, which has reached 21 percent ([Kramer](#)). This has left many young men in particular without the tutelage of a positive male role model to guide their maturation. Furthermore, the increasing share of young males who grew up in single-parent homes and the attendant consequences for educational and employment outcomes have occurred over roughly the same period as federal welfare expenditures increased exponentially from 1962 to 2010 ([Heritage Foundation, Chart 5](#)).

Second, Americans are continuing to marry at much older ages than in decades past ([Stritof](#)). This is relevant given that this results in a lower percentage of emerging adults being married, in light of the high correlation between marriage and reduced criminal behavior for young men

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([Sampson et al., 465](#)). While marriage is a protective factor, prior foster care involvement, and in particular aging out of foster care, is a risk factor for delinquency and justice system involvement, including placement on adult probation. A study in Los Angeles County found that 18 percent of young adults who aged out of foster care were on adult probation at some point within 1 to 4 years of exiting care ([Culhane et al., v](#)).

Given the structure and stability that employment provides for emerging adults who are not enrolled in secondary or postsecondary education, it is notable that labor force participation rates among those 16 to 19 and 20 to 24 declined significantly from 66 percent in 1998 to 55 percent in 2018 ([Bureau of Labor Statistics](#)). In late 2018 and 2019, overall participation rates have risen so there may be a slight gain even in these age groups, but it wouldn't come close to making up for this secular falloff ([Trading Economics](#)). It is important to note that labor participation rates for those 16 to 24 are not necessarily co-extensive with economic conditions, since, for example, if an 18-year-old's parent is earning more money, they may be able to provide sufficient support so that their 18-year-old son can attend college full time. However, data shows that from 2000 to 2015, the labor force participation rate fell even among those ages 16 to 19 and 20 to 24 who were not enrolled as students ([Hipple](#)).

Another notable trend is that the current generation of Americans under the age of 26 is more likely to be arrested than this age group in prior years. Despite the marked drop in crime over the last two decades, 23 percent of Americans born between 1979 and 1988 were arrested before the age of 26 compared with 13.8 percent born between 1959 and 1968 ([Smith](#)). Part of the explanation may lie in the fact that drug offenses often lead to arrest, but index crime rates only include property and violent offenses. A RAND Institute analysis found that rising arrest rates among

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emerging adults are “associated with lower probabilities of being married, fewer weeks worked, lower hourly wages and lower family incomes during Americans’ adulthood” ([Smith](#)).

As emerging adults become even more prone to involvement in the justice system, societal trends that delay the maturation of emerging adults have implications not only for public safety but also for social cohesion and the nation's economic performance. In light of these challenges as they pertain to the criminal justice system, changes in policy and practice are needed to better align community supervision policies and practices to achieve desistance and positive outcomes for emerging adults.

### The Community Supervision Status Quo

When it comes to emerging adults, they are far more likely to be supervised by probation than parole, because the vast majority of people discharged from prison are older than 25. However, the data in Texas indicates 602 individuals between ages 18 and 19 released from state lockups in 2018 and some 19,127 individuals ages 20 to 29 released that same year ([Texas Department of Criminal Justice](#)). A multi-state analysis found that, some 78 percent of people who were under the age of 25 when released from prison were rearrested within three years ([DuRose et al., 3](#)). However, there is little research on parole practices and outcomes for emerging adults. Nonetheless, since the probation experience is similar to parole, without the additional challenges of immediate prior incarceration, research findings specific to probation may be generalizable to parole.

Ordinary probation generally involves high caseloads, averaging between 100 and 200 per office in California in 2008 ([California Legislative Analyst's Office](#)). While such caseloads, and even larger ones, are consistent

with achieving positive outcomes for low-risk, low-need individuals, such as a first-time DWI offender who has a stable job and home life, the societal trends and behaviors of emerging adults that delay maturity may be factors that indicates both higher risk and need.

A related issue that could be particularly burdensome for full-time students is the high fines and fees that are associated with community supervision in many jurisdictions, especially to the extent emerging adults are less likely to be employed or have accumulated savings. National data indicates that in 2014 about 20 percent of 18- and 19-year-olds were enrolled in high school, a figure that is higher than in 1980. ([National Center for Education Statistics \(a\)](#)). Probation officers in Texas surveyed by the Robina Institute expressed frustration that some people on probation who are behind on their fees either abscond or opt for incarceration rather than continuing on probation ([Ruhland et al., 7-8](#)). Although Texas acted a decade ago to prohibit technical revocations solely for failure to pay fees, this is one of the reasons cited for technical revocation in 55 percent of such motions ([Johnson, 11](#)). In Texas, only 28 percent of the people on probation who are revoked for technical violations were employed full time ([Johnson, 5](#)). This is highly significant given that being employed is a standard condition of adult probation. In some states like Texas, many of these financial burdens do not apply if the person is sentenced to incarceration.

In addition to the Texas Criminal Justice Coalition study that revealed far higher probation revocation rates for emerging adults in Texas, an analysis of tens of thousands of people on probation in North Carolina found almost identical results. Rates of re-arrest, re-conviction, and incarceration were correlated closely with age group. For example, those entering adult probation at an age below 21 had a 53 percent chance of being re-arrested in two years, and 47 percent of those ages 21 to 29 were re-arrested. In contrast, the two oldest age groups (40 to 49 and 50 or older) had a 33 and 24 percent chance of being re-arrested within two years ([North Carolina Sentencing and Policy Advisory Commission, 18](#)).

### Policy Options

It is apparent that, because emerging adults are more likely to have behaviors that elevate their risk and needs level and less likely to have factors that mitigate the risk of criminal activity such as stable employment and home life, a greater share of emerging adults in the justice system can benefit from supervision strategies that provide greater structure and services. Indeed, given the discretion in many systems

that lies with both the prosecutor and judge on whether the defendant is sentenced to prison or some form of diversion or community corrections program, the availability of options other than basic probation and prison may result in fewer direct sentences to prison. However, it is also important that each emerging adult be evaluated using a validated risk and needs assessment because there are low-risk and low-need emerging adults just as there are high-risk, high-need older adults. This is critical to avoiding both the provision of not just less supervision and services than necessary, but also more than necessary which has been demonstrated to not just waste resources but lead to worse outcomes ([Pew Center on the States, 4](#)).

### *Specialized Adult Probation Caseloads/Units*

In 2009, the San Francisco Adult Probation Department launched its Transitional Age Youth (TAY) unit. This program features a supervisor and seven probation officers with special training in working with this population, including certification as Thinking for Change facilitators. This is a form of cognitive behavioral therapy, which has generally been found to be one of the most effective practices in reducing recidivism and is particularly applicable to emerging adults who present challenges such as risk-taking and anti-authority attitudes as well as the opportunity of being particularly impressionable. Individualized treatment plans are developed with supervision levels tailored to the assessed risk level. The goal, in most cases, is successful completion of probation within two years with performance-based incentives for reduced reporting, early termination, and expunction. Other aspects of the program include close collaboration with other agencies and two classrooms operated by the probation department where courses are offered that can lead to a high school diploma or GED. The TAY unit has achieved a 73 percent completion rate ([Schiraldi et al., 11](#)).

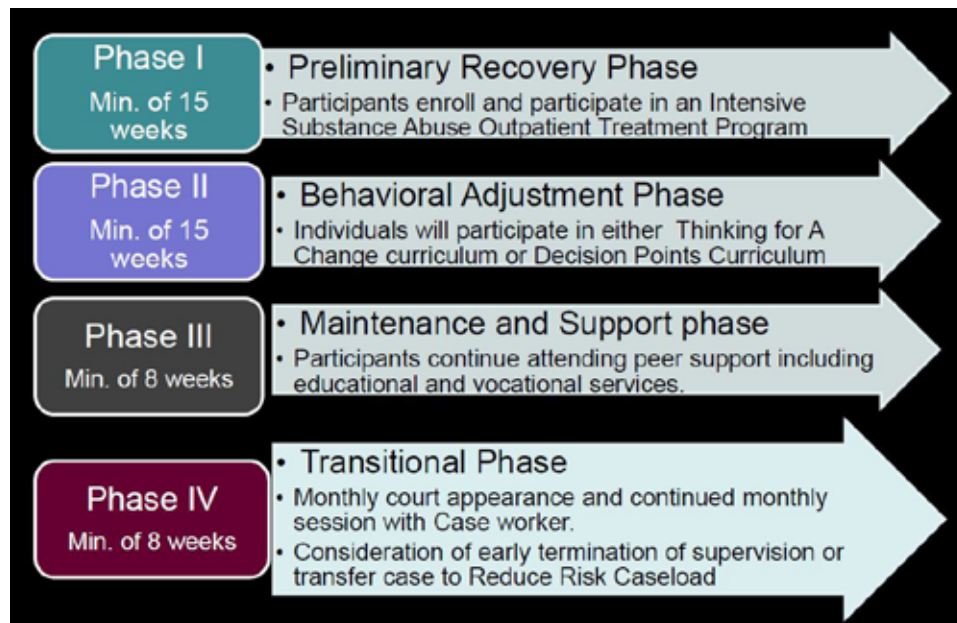
Multnomah County in Oregon also uses similar specialized caseloads and in 2019 published a guide on how supervision officers can customize their use of practices such as case plans, service referrals, meetings, sanctions, incentives, and transition/release planning to reflect the attributes of those age 25 and younger ([Bernard et al.](#)). In each of these functions, tips are provided for probation officers to implement approaches like trauma-informed care that address factors such as adverse childhood experiences which can particularly influence the behavior of this age group.

## **In 2016, the Hidalgo County Community Supervision and Corrections Department (adult probation) in Texas implemented a new initiative that is both a program and an ongoing research study called the Hidalgo County Emerging Adult Strategy (HCEAS).**

### *Young Adult Courts*

There are at least six young adult courts in the U.S. in Omaha; Idaho Falls; San Francisco; Kalamazoo; Lockport City, New York; and Manhattan ([Hayek, 24](#)). These courts are similar to drug and other specialty courts in that they feature ongoing judicial involvement, including regular court hearings, to monitor progress. These courts also partner closely with probation and treatment providers and many hold graduations and issue certificates of completion. Some such courts also have the authority to order that the participant's record be sealed upon graduation.

In 2016, the Hidalgo County Community Supervision and Corrections Department (adult probation) in Texas implemented a new initiative that is both a program and an ongoing research study called the Hidalgo County Emerging Adult Strategy (HCEAS). It incorporates both the Hidalgo County Youthful Offender Court and a specialized supervision strategy, with officers supervising 50 or fewer 18- to 25-year-olds compared to the 110-person average caseload of the department. Officers assigned to the program have a background in developmental issues faced by emerging adults. A key aspect of the program is the use of numerous rewards for exemplary conduct, including reducing and waiving fees, gift cards, and early termination. The incentives are given for positive steps related to employment, education, and being a good citizen. Sanctions are only used for serious behaviors such as a new misdemeanor that may not rise to the level of requiring that probation be revoked. Additionally, cognitive behavioral treatment, including the Decision Points curriculum, peer support, and substance abuse treatment, if needed, are employed. The program lasts between 6 and 18 months, with a 12-month minimum for felony cases ([Lopez and Lerch](#)).

**Figure 2. Hidalgo County emerging adult program phases**

Source: [Lopez and Lerch](#).

Arnold Patrick, the director of the Hidalgo County Community Supervision and Corrections Department (CSCD), notes that the impetus for this program came from the 46 percent revocation rate among 18- to 25-year-olds in 2015 ([Lopez and Lerch](#)). Since the program began, the share of total annual revocations attributable to 18- to 21-year-olds has fallen from 22.39 percent in 2016 to 17.67 percent in 2018 ([Hidalgo County CSCD](#)). The reduction in share has been a bit smaller for those ages 22 to 25, falling from 23.95 percent in 2016 to 21.86 percent of the total in 2018 ([Hidalgo County CSCD](#)). Given that there were 21,435 felony probation revocations in Texas in fiscal year 2019 resulting in hundreds of millions in incarceration costs, even a modest reduction can have a substantial aggregate impact ([TDCJ Community Justice Assistance Division, 8](#)). While the formal evaluation of the program is ongoing, an interim report found that HCEAS participants experienced higher levels of employment, as reported by their probation officer ([Lopez and Lerch](#)).

While these courts reflect many elements of the drug court model and include felony defendants, they are also variations of the community court model focused on emerging adults charged with misdemeanors. For example, in 2017, Chicago launched the Restorative Justice Community Court based in the Lawndale neighborhood

that handles misdemeanor cases involving 18- to 26-year-olds in that area ([Circuit Court of Cook County](#)). It uses a sentencing circle model that is similar to victim-offender mediation in that a trained member of the community mediates an agreement between the defendant and the victim to repair the harm done. While there is not yet an evaluation of this program, research has generally shown that such restorative justice approaches can both enhance victim satisfaction and reduce recidivism ([Cohen, 4](#)). Through restorative processes, the offending party becomes more sensitized to the harm they caused an actual person, making them less likely to be able to rationalize offending ([Cohen, 4](#)).

#### *Intensive Therapeutic Interventions for Those with the Greatest Needs*

Another promising approach that can augment basic probation or be implemented along with specialized probation caseloads and courts is Multisystemic Therapy for Emerging Adults (MST-EA). MST has long been recognized as an evidence-based practice. This form of MST is similar to ordinary MST as traditionally implemented in the juvenile justice system but modified to account for the fact that in many cases the individual is no longer living with a parent and, therefore, the individual must be the primary lever for change. The treatment team

includes a therapist and a coach. The therapist, with a caseload of just four clients, spends 4 to 10 hours per week with each client, while the coach engages clients in pro-social, skill-building activities and functions as a positive mentor. In addition to treating the mental illness, MST-EA addresses indicators of antisocial behavior in this group by focusing on school completion, career development and vocational needs, substance abuse treatment, independent living skills and housing, relationship skills, and parenting skills in those with children. An evaluation of 80 individuals who received MST-EA found that 82 percent had no new arrests while in the program, and far fewer participants were using drugs other than marijuana at the end of the program than when they started ([Sheidow et al.](#)).

### **Community Partnerships**

Some of the most promising initiatives rely on community resources, including nonprofit organizations and mentors. For example, founded in the Boston area, Roca is a nonprofit organization that targets disconnected young men ages 18 to 24 who are involved in the justice system. Roca accepts only the highest-risk individuals who are not served by other programs. Among their participants, 92 percent have a history of arrests, 63 percent have previously been incarcerated or supervised, 74 percent dropped out of high school, 89 percent are drug involved, and 91 percent are involved with street gangs ([Roca 2019a](#)).

Since participants are not referred to Roca as part of a new sentence or a condition of probation, the program is perhaps best known for the aggressive efforts it undertakes to encourage participation, with outreach workers often recruiting participants who initially declined by gradually building trust. The program has four major components: (1) relentless street outreach and engagement; (2) data-driven case management; (3) stage-based programming in education, life skills, and employment; and (4) partnerships with numerous agencies and institutions including law enforcement, judicial, corrections and government agencies. The programming focuses on obtaining a high school diploma or GED; pre-vocational trainings such as custodial, maintenance, and culinary classes and certificates; developing life skills through a specialized Cognitive-Behavioral Technique curriculum; and participation in a Transitional Employment Program that models the real-life work environment.

Roca has achieved impressive results from 2012 to 2019, including a 30 percent reduction in recidivism when compared with the control group. Additionally, 66

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percent of participants worked and held their jobs for longer than six months even though 82 percent started the program with no employment history ([Roca 2019a](#)). A 2016 analysis found that of those enrolled 24 months or longer, 98 percent did not violate conditions of probation, 93 percent did not get arrested for a new offense, and 98 percent did not get incarcerated for a new offense ([Roca 2019b, 19](#)). In 2014, Roca was chosen as the beneficiary of an innovative pay for success funding model involving numerous foundations in which some upfront contributions are linked with outcomes such as savings from reduced incarceration. ([Third Sector](#)).

The Boston area also boasts the UTEC program, which is particularly known for its social enterprises, including a mattress recycling service, food services, and woodworking that create employment opportunities for participants. Like Roca, it uses street outreach to attract participants ages 17 to 25. Given the paucity of examples and research in the parole and reentry field when it comes to young adults, it is notable that UTEC recruits participants by entering correctional facilities to meet with individuals approaching their discharge date. Given that most participants dropped out of high school, the education component of the program results in high school diplomas or a GED. Also, the transitional coach works with each participant during their entire 18- to 24-month enrollment to connect them with needed services such as substance abuse and mental health treatment and help them develop core competencies such as interpersonal skills. In fiscal year 2018, of the 148 emerging adults in the UTEC intensive enrollment program, 94 percent had a criminal record, 66 percent lacked a high school credential, and 52 percent were expecting or parenting ([UTEC 2018](#)). Nonetheless, outcomes are impressive: 97 percent had no new convictions or technical violations, 88 percent had no

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new arrests or technical violations, and 63 percent received an industry-recognized certification ([UTEK 2018](#)). Over the longer term, 83 percent of youth who completed UTEK in 2014 had no new arrests within two years after discharge, and 82 percent remained employed ([UTEK 2016](#)).

UTEK is anchored by in-house social enterprises that offer its participants a paid work experience in a supportive setting. For example, many new participants begin their work experience in a mattress recycling enterprise that offers employment for participants. The social enterprise program has grown into an industry, and contracts have been established with hotels and colleges throughout the region. There are requirements for attendance and participation for youth in UTEK, but instead of kicking youth out of the program indefinitely when they do not comply, temporary restrictions are placed on their participation in the social enterprise opportunities.

Another highly effective program is the Arches Transformative Mentoring Program in New York City that targets those on probation within the ages of 16 to 24. The program, which is operated within the New York City Probation Department, utilizes paid mentors with similar backgrounds as the participants, and many themselves have criminal records. In addition to individual mentoring, participants attend group sessions where they work with mentors to self-examine attitudes and behaviors connected with criminal justice system involvement. The program also contracts with numerous community-based service providers, such as the Bronx Clergy Criminal Justice Roundtable, Good Shepherd Services, and Community Mediation Services ([NYC Probation](#)). The goals of Arches are for participants to “gain a better understanding of

personal responsibility and enhance their social skills, which in turn improves peer relationships, self-esteem, and problem-solving skills” ([Phipps Neighborhoods](#)). A 2018 evaluation found that it reduced one-year felony re-conviction rates by two-thirds and two-year rates by one-half ([Lynch et al., vi](#)).

Another New York City program focused on young adults is Common Justice in Brooklyn, which is a nonprofit restorative justice initiative that receives referrals from the Brooklyn District Attorney's Office in cases involving 16- to 24-year-olds where both the victim and offending party opt for this approach. Common Justice recognizes the reality that, particularly in communities heavily affected by crime, many individuals are both victims in one case and perpetrators of crime in another, and that victims are often as much in need of interventions such as counseling as the individual who harmed them. Remarkably, 90 percent of victims who have been given the option opt for Common Justice in lieu of traditional prosecution, even though the cases involve serious offenses such as assault and robbery ([Keller](#)). Common Justice requires the offending party to take responsibility for the harm they have caused through a mediated agreement often involving restitution, community service, and apologies. Common Justice also connects the parties to services as needed, such as mental health treatment. To date, fewer than 8 percent of offending party participants have been terminated from the program and convicted of a new offense ([Brooklyn Community Foundation](#)).

Inspired in part by Common Justice, another innovative nonprofit program for emerging adults in the justice system launched earlier this year in Texas. The Lone Star Justice Alliance (LSJA) accepts cases referred by the district attorney's office involving 17- to 24-year-olds charged with felony offenses. In addition to a restorative justice component, it also provides case management and an extensive mental and physical health component through partnerships with local medical centers. The program is in the pilot phase, in which it will serve 200 people per year ([Lone Star Justice Alliance](#)). While it is so new that no results are yet available, LSJA is working with researchers at the Texas A&M Public Policy Research Institute, Harvard's Access to Justice Lab, and the University of Texas Health Science Center at Houston School of Public Health to carry out a randomized control study to compare the public safety and health outcomes of participants with those in a control group.



### ***Curtail Supervision Fines and Fees and Require Upfront Ability to Pay Determination***

In addition to the burden that fines and fees place on those on supervision who lack employment and savings, a category into which many emerging adults fall, the reliance of probation departments on fees can distort their priorities. In Texas, more than half of probation departments' budgets come from such fees. In a Robina Institute examination of four departments in Texas, one probation officer said:

Probably 50% or more of the time that they spend with [probationers] are toward collecting fees. Because ultimately [probationers] have to pay these fees in order to successfully complete this probation. And not focusing on that is, in a sense, setting them up for failure and unsuccessful completion if we don't concentrate on that ([Ruhland et al., 5](#)).

Therefore, time that could be spent on practices such as motivational interviewing that have been shown to reduce recidivism is instead devoted to collecting money ([Alexander et al., 2](#)).

Excessive fines and fees should be addressed for all those on supervision, not only emerging adults. However, policies such as waiving fees for individuals on adult probation enrolled as full-time students would primarily benefit emerging adults. More generally, jurisdictions should move away from fees such as probation fees and court costs. Fines are different because they can be justified not primarily for the purpose of raising revenue, but as a punishment and a deterrent, though they should not be disabling. Additionally, restitution to victims, with which government fees compete, should be prioritized. In 2017, Louisiana took a major step in alleviating its notoriously burdensome fines and fees through passage of House Bill 249, which tied fines and fees, including probation fees, to ability to pay ([PEW 2018, 2](#)). Finally, revocations to prison should be based on risk to public safety, not payment status.

### ***Hybrid Sentencing Models, Juvenile Disposition and Incarceration***

Several states such as Michigan, New York, Alabama, and South Carolina have youthful offender acts that cover emerging adults. These policies provide special consideration based on the age in certain cases that may enable the defendant to avoid a mandatory minimum that would otherwise be applicable or obtain the sealing of their record after successfully completing probation, which would otherwise not be available. In 2015, Michigan extended the maximum age of those who can benefit from

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its Holmes Youthful Trainee Act from 21 to 23. The Holmes Act excludes the most serious offenses and, even within those covered, prosecutor consent and approval by the court is required ([North Carolina General Statutes](#)). Youthful offender acts, by tweaking the way in which the adult system treats certain young defendants, may increase the odds that emerging adults will be diverted from unnecessary incarceration and be able to better reintegrate into society by avoiding a lifetime criminal record. However, simply adjudicating an emerging adult with high risks and needs as a youthful offender and placing them on basic probation without offering specialized programming may miss an opportunity to move the needle on recidivism. More far-reaching policies have been adopted in Europe, such as in Germany where since 1953 those 21 and younger have been eligible for a juvenile disposition ([Schiraldi](#)). Now, those under 25 can be sentenced under juvenile law and this occurs in two-thirds of the cases. The court applies the statutory standard of whether “a global examination of the offender’s personality and of his social environment indicates that, at the time of committing the crime, the young adult in his moral and psychological development was like a juvenile.” Similarly, in the Netherlands, a discretionary decision is made at the outset of the case whether any defendant up to age 23 should be treated as a juvenile or adult. While it is challenging to compare recidivism rates across countries, there is existing research showing otherwise similar youths who are transferred to the adult system have higher rates of recidivism ([UCLA School of Law Juvenile Justice Project, 30-31](#)) than otherwise similar youths who remain in the juvenile system. These comparisons and the European example have caused some to ask whether, for example, at least some 18-year-olds would also be more successful in the juvenile system.

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In the last few years, states such as Connecticut, Massachusetts, and Arizona have considered but not enacted legislation that would bring most 18-year-olds into the juvenile justice system ([Kelly](#)). However, with Act 201 passed in 2018, Vermont changed its age of juvenile jurisdiction, which will result in most 18-year-olds entering the juvenile justice system in 2020, followed by 19-year-olds in 2022 ([Vastine](#)). Notably, those charged with the 12 most serious offenses such as rape and murder will remain in the adult system, and in 2018 Vermont only had about 600 cases involving offenses by 18- and 19-year-olds ([Becker](#)). While juvenile probation typically offers much smaller caseloads, more programming, lower fees, and the benefit of confidentiality, states must consider whether their juvenile systems are equipped (or if policymakers are prepared to equip them) to provide services and supervision to emerging adults without shortchanging their existing work. Vermont sought to address this in part by providing for a period to prepare for implementation, and it also benefits from being a very small state with relatively few cases to account for. Another question that may be more relevant in states other than Vermont is whether using the juvenile system in cases involving emerging adults would eventually lead to calls to increase the punitiveness of the juvenile system.

Additionally, there may be legal complications with revocation from juvenile probation resulting in placement in an adult prison. In many states, those committed to juvenile facilities as youths can remain there until at least the age of 21, allowing them to complete rehabilitative and educational programming. For an 18-year-old placed on probation, this would be less of a concern, but as the age of placement increases each year beyond that, it

would result in revocations occurring at an age a year or two later. Depending in part on the number and type of juvenile facilities in a jurisdiction, there could be significant challenges of mixing disparate ages that would result from revoking those on juvenile probation in their early 20s to juvenile lockups.

Given that no law in the U.S. has taken effect yet that treats those 18 and older in the juvenile system and thus there has not been the opportunity to study the impact, at least in the U.S., there is not enough evidence to assess the impact both on those younger than 18 who are now in juvenile systems and those who would have otherwise been treated in the adult system.

While the focus of this paper is on the community supervision function rather than incarceration, some states operate separate facilities with their adult prison systems for emerging adults. For example, South Carolina maintains two facilities for emerging adults between ages 17 and 25 that provide educational and vocational training and therapeutic programming to those charged under the South Carolina Youthful Offender Act. One such prison, the Turbeville Correctional Institution, implemented a Restoring Promise unit in 2018 with support from Arnold Ventures, which involves more open spaces and programming, as well as 11 older prisoners mentoring the 37 emerging adult participants ([WIS News 10 Staff](#)). While mentoring by another incarcerated person may seem counterintuitive to the public, this approach is used in other types of programs, including seminary programs in Texas and Louisiana prisons ([Thomas](#)). Based on the initial U.S. model at a prison in Connecticut, surveys of South Carolina staff and participants in the Restoring Promise program show significant improvement when asked whether the prison environment is supportive of rehabilitation ([Mintz](#)).

Even as states focus on improving community supervision for emerging adults, initiatives such as Restoring Promise that transform the incarceration experience are relevant, as they will affect outcomes both for those placed on parole supervision and those revoked from probation. In most states, modifications to the adult system are currently the most readily implementable approach. This includes specialized courts and probation caseloads as well as community-based initiatives such as Roca, UTEC, Common Justice, Lone Star Justice Alliance, and Arches that employ strategies such as mentoring, restorative justice, and vocational training. However, given the dismal

outcomes of emerging adults in the traditional adult system, the opportunity to analyze the impact of Vermont's experiment on both those currently classified as juveniles and emerging adults will be valuable for researchers and instructive for other jurisdictions, provided differences between Vermont and other jurisdictions are taken into account.

### **Conclusion**

It should not be presumed that all emerging adults who are arrested have a high level of risk and needs. Assessments are critical to match the right level of supervision with each person on probation or parole, but the reality is that a greater share of young adults due to both innate and societal factors are much more likely to fail community supervision than their older counterparts. Given the

high costs of incarceration associated with supervision revocations, not to mention the cost to victims of crime in those cases where revocation stems from a new property or violent offense, as well as the actuarial reality that emerging adults have a longer runway for future criminal or pro-social conduct, there is every reason to identify and implement targeted policies and practices that both reduce recidivism and improve positive outcomes such as employment in this subpopulation. Fortunately, there are many promising approaches for emerging adults that draw upon not only the capacities of probation agencies but also the innovations of many community partners. Even as additional research and innovations continue, policymakers should act to better align the status quo with recent advances in knowledge. ★

## References

- Alexander, Melissa, Scott W. VanBenschoten, and Scott T. Walters. 2008. "[Motivational Interviewing Training in Criminal Justice: Development of a Model Plan](#)." *Federal Probation* 72(2).
- APA Dictionary of Psychology. 2019. "[Emerging Adulthood](#)" American Psychological Association. Accessed December 6.
- Arain, Mariam, Maliha Haque, Lina Johal, Puja Mathur, Wynand Nel, Afsha Rais, Ranbir Sandhu, and Sushil Sharma. 2013. "[Maturation of the adolescent brain](#)." *Neuropsychiatric Disease and Treatment* 9: 449–461.
- Becker, Deborah. 2019. [Why Vermont Raised Its Juvenile Court Age Above 18 — And Why Mass. Might, Too](#). WBUR.
- Bernard, Kimberly, Valeria Adrian, and Kate Kerrigan. 2019. [Best Practices for Supervising Young Adults on Probation or Parole](#). Multnomah County Department of Community Justice.
- Brooklyn Community Foundation. 2017. "[Common Justice](#)." Accessed December 6.
- Bureau of Labor Statistics. 2018. "[Employment Projections: Civilian labor force participation rate by age, sex, race, and ethnicity](#)." Accessed December 19, 2019.
- California Legislative Analyst's Office. 2009. [Achieving Better Outcomes for Adult Probation](#). California Legislative Analyst's Office.
- Circuit Court of Cook County. 2017. [Restorative Justice Community Court](#). Circuit Court of Cook County.
- Cohen, Derek. 2013. [Reviving Restorative Justice: A Blueprint for Texas](#). Texas Public Policy Foundation.
- Cohen, Mark, and Alex Piquero. 2009. "[New Evidence on the Monetary Value of Saving a High Risk Youth](#)." *Journal of Quantitative Criminology* 25(1):25-49.
- Caldwell, Comal, and Hays County CSCD. "[Probation Information](#)." Accessed December 16, 2019.
- Cuddy, Joshua, Doug Smith, and Lindsey Linder, Aug. 2018. [Young Adults and Community Supervision: The Need for a Developmentally Appropriate Approach to Probation](#). Texas Criminal Justice Coalition.
- Culhane, Dennis, Thomas Byrne, Stephen Metraux, Manuel Moreno, Halil Toros, and Max Stevens. 2011. [Young Adult Outcomes Of Youth Exiting Dependent Or Delinquent Care In Los Angeles](#). Southern California Grantmakers.
- De Bellis, Michael D., and Abigail Zisk. 2015. "[The Biological Effects of Childhood Trauma](#)." *Child Adolescent Psychiatry Clinics of North America* 23(2): 185-222.
- DuRose, Matthew, Alexia Cooper, and Howard Snyder. 2014. [Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010](#). U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Federal Bureau of Investigation. 2017. "[Crime in the United States](#)." Accessed December 6, 2019.
- Hayek, Connie. 2016. [Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults](#). U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.
- Hidalgo County CSCD. 2019. [Youthful Offender Program](#). Hidalgo County CSCD.
- Hipple, Steven. 2016. "[Labor force participation: what has happened since the peak?](#)" *Monthly Labor Review*, September.

- Horowitz, Jake, Connie Utada, and Monica Fuhrmann. 2018. [\*Probation and Parole Systems Marked by High Stakes, Missed Opportunities\*](#). Pew Charitable Trusts.
- Jones, Alexi. 2018. [\*Correctional Control 2018: Incarceration and supervision by state\*](#). Prison Policy Initiative, December.
- Johnson, Stephen. 2019. "[Why is 18 the age of adulthood if the brain can take 30 years to mature?](#)" *Big Think*, March 20.
- Keller, Bill. 2017. "[Is Prison the Answer to Violence?](#)" *The Marshall Project*, February 6.
- Kelly, John. 2019. "[Several States Ponder Expansion of Juvenile Justice Beyond 18](#)." *Chronicle of Social Change*, March 11.
- Kramer, Stephanie. 2019. "[U.S. has world's highest rate of children living in single-parent households](#)." *Pew Research Center*, December 12.
- Lone Star Justice Alliance. 2019. "[Transformative Justice](#)." Accessed December 6.
- Lopez, Faustino and Jennifer Lerch. 2019. [\*The Impact of Specialized Emerging Adult Supervision\*](#). Texas Community Supervision and Corrections Department.
- Loyola University of Chicago Center for Criminal Justice Research, Policy, and Practice. 2017. [\*Emerging Adults and the Criminal Justice System: Specialized Policies, Practices & Programs\*](#). Loyola University of Chicago.
- Lynch, Matthew, Nan Marie Astone, Juan Collazos, Micaela Lipman, and Sino Esthappan. 2018. [\*Arches Transformative Mentoring Program: An Implementation and Impact Evaluation in New York City\*](#). Urban Institute.
- Michigan Code of Criminal Procedure. [Section 762.11](#).
- Mintz, Evan. 2019. "[Restoring Promise Expands Prison Reform to Three New States](#)." *Arnold Ventures*, November 19.
- National Center for Education Statistics (a). 2016 "[The Conditions of Education 2016](#)." Accessed December 16, 2019.
- National Center for Education Statistics (b). 2017. "[Table 5.1. Compulsory school attendance laws, minimum and maximum age limits for required free education, by state: 2017](#)." Accessed December 6, 2019.
- North Carolina General Statutes. [§ 15A-1340.16](#) (2005).
- North Carolina Sentencing and Policy Advisory Commission. 2018. [\*Correctional Program Evaluation: Offenders Placed on Probation or Released from Prison in FY 2015\*](#). North Carolina Sentencing and Policy Advisory Commission.
- NYC Probation. 2019. "[Arches: A Transformative Mentoring Program](#)." Accessed December 6.
- Olberman, Lindsay, and Alvaro Pascual-Leone. 2013. "[Changes in plasticity across the lifespan: Cause of disease and target for intervention](#)." *Progress in Brain Research* 207: 91-120.
- PEW (The Pew Charitable Trusts). 2018. [\*Louisiana's 2017 Criminal Justice Reforms\*](#). The Pew Charitable Trusts.
- Pew Center on the States. 2011. [\*Risk/Needs Assessment 101: Science Reveals New Tools to Manage Offenders\*](#). The Pew Charitable Trusts.
- Phipps Neighborhoods. 2019. "[Arches](#)." Accessed December 19.

- Roca. 2019a. "[Outcomes Dashboard for Massachusetts High-Risk Young Men Fiscal Year 2019](#)." Accessed December 6.
- Roca. 2019b. [Roca Strategies for Behavior Change in High Risk Youth](#). Roca.
- Ruhland, Ebony L., Jason P. Robey, Ronald P. Corbett Jr., and Kevin R. Reitz. 2017. [Exploring Supervision Fees in Four Probation Jurisdictions in Texas](#). Robina Institute of Criminal Law and Criminal Justice.
- Sampson, Robert, John Laub, and Christopher Wimer. 2006. "[Does Marriage Reduce Crime: A Counterfactual Approach to Within-Individual Causal Effects](#)." *Criminology* 44(3): 465-508.
- Schiraldi, Vincent. 2018. "[In Germany, It's Hard to Find a Young Adult in Prison](#)." *The Crime Report*, April 10.
- Schiraldi, Vincent, Bruce Western, and Kendra Bradner. 2015. [Community-Based Responses to Justice-Involved Young Adults](#). Harvard Kennedy School Program in Criminal Justice Policy and Management and National Institute of Justice.
- Sheidow, Ashli, Michael R. McCart, and Maryann Davis. "[Multisystemic Therapy for Emerging Adults With Serious Mental Illness and Justice Involvement](#)." *Cognitive and Behavioral Practice* 23(3): 356–367.
- Smith, James. 2019. [Younger Americans Much More Likely to Have Been Arrested Than Previous Generations; Increase Is Largest Among Whites and Women](#). RAND Institute.
- Somerville, Leah H. 2016. "[Searching for Signatures of Brain Maturity: What Are We Searching For?](#)" *NeuroView* 92(6): 1164-1167.
- TDCJ Community Justice Assistance Division. 2019. [Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds](#). Texas Department of Criminal Justice.
- Texas Department of Criminal Justice. 2019. [FY2018 Statistical Report](#). Texas Department of Criminal Justice.
- Third Sector. 2019. "[Project Overview](#)." Accessed December 6.
- Thomas, Rachel. 2018. "[Angola inmates earn seminary degrees](#)." *WAFB News*, December 20. Updated December 21, 2018.
- Trading Economics. 2019. "[U.S. Labor Participation Rate](#)." Accessed December 16.
- UCLA School of Law Juvenile Justice Project. 2010. [The Impact of Prosecuting Youth in the Adult Criminal Justice System](#). UCLA School of Law.
- U.S. Census Bureau. 2019. "[Age and Sex. 2017 American Community Survey 1-Year Estimates](#)." Accessed December 6.
- UTEC. 2016. [Outcomes and Impact FY 2016](#). UTEC.
- UTEC 2018. "[Outcomes and Impact FY 2018](#)." Accessed December 6, 2019.
- WIS News 10 Staff. 2019. "[Initiative at Turbeville Correctional provides helpful skills for youthful offenders](#)." *WIS News 10*, October 30.
- Vastine, Karen. 2018. [Report on the Expansion of Juvenile Jurisdiction](#). Vermont Agency of Human Services.
- Wood, David, Tara Crapnell, Lynette Lau, Ashley Bennett, Debra Lotstein, Maria Ferris, and Alice Kuo. 2017. "[Emerging Adulthood as a Critical Stage in the Life Course](#)." In *Handbook of Life Course Health Development*, 123-143. Cham, Switzerland: Springer.

## About the Author



**Marc A. Levin** is the vice president of criminal justice at the Texas Public Policy Foundation and Right on Crime.

An attorney and accomplished author on legal and public policy issues, Marc began the Foundation's criminal justice program in 2005. This work contributed to nationally praised policy changes that have been followed by dramatic declines in crime and incarceration in Texas. Building on this success, in 2010, Levin developed the concept for the Right on Crime initiative, a TPPF project in partnership with Prison Fellowship and the American Conservative Union Foundation. Right on Crime has become the national clearinghouse for conservative criminal justice reforms and has contributed to the adoption of policies in dozens of states that fight crime, support victims, and protect taxpayers.

In 2014, Levin was named one of the "Politico 50" in the magazine's annual "list of thinkers, doers, and dreamers who really matter in this age of gridlock and dysfunction."

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