Pioneers in Young Adult Justice

10 Initiatives and Programs Improving Criminal Justice for Young Adults

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New research in psychology, criminology and neuroscience makes it clear: young adults at the ages of 17-25 are a distinct population, overrepresented in crime and in the justice system. Criminal behaviors, arrests, prison population and recidivism rates all peak in this age group, yet the justice system offers very little in response. Criminal justice policies rarely have distinct responses to young adults, and targeted interventions for people in their transition from adolescence to adulthood are still scarce. **Pioneers in Young Adult Justice** recognizes those who already work to promote young adult justice on the ground: initiatives, programs and services that work towards producing better outcomes for young people involved in crime.

Contemporary research sheds light on the causes of young adult criminal behaviors. As young people’s brains continue to mature well into their mid-twenties, they tend to be greater risk takers, more impulsive and less future-oriented in their decision making process – factors that increase engagement in crime. Social science highlights young adults’ social reality: they have aged out of school and most youth services, they are susceptible to pressure by their peers, they are rarely fully engaged in the job market, and usually have not established a family of their own yet. The fact that young adults are more represented in the justice system than both juveniles and older adults is therefore not surprising. To be sure, most of these offenders will find their way out of crime as they age out of this transition period. The offenders at higher risk of staying in the justice system can also redirect their lives and desist from crime, but they won’t be able to do so without age-responsive policies and interventions.

The past two years have been a turning point in young adult justice. Policymakers started to translate the new science to policy innovations, and new programs for young adults have been established across the country. Recent reports by the Transition from Juvenile Delinquency to Adult Crime Study...
Group at the National Institute of Justice, the Harvard Kennedy School Executive Session on Community Corrections, the Council of State Governments Justice Center and MassINC have called for distinctive criminal justice policies for young adults, offering an array of possible reforms. Similar policy reports and reforms were lately published abroad, notably in the U.K., Germany, the Netherlands and Ireland.

**Pioneers in Young Adult Justice** is an invitation to draw inspiration from policies and programs which identify the unique risks and needs of justice-involved young adults and work to address them. These national and international pioneers not only provide hope, but also show that change is possible – that justice systems can and should adopt innovative, thoughtful and evidence-based policies and interventions for young adults.

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1. Young Adult Court

*California Young Adult Court, San Francisco*

While specialty courts are already common in drug and mental health cases, a similar problem-solving approach can be adopted for young adults. Specialty court allows court staff to develop deeper understanding of the underlying problems that contribute to criminal behaviors in this age group, and work towards effective individual solutions. Collaboration with community-based organizations that provide opportunities in education, employment, housing, and counseling services for young adults, as well as supportive prosecution, are key factors for the success of such model.

In *San Francisco*, a young adult court for 18-25 year olds was established in summer 2015. The court is an expanded version of a former District Attorney-led program called *Back on Track*, and it operates in collaboration between the court system, the DA’s office, public defense, probation, youth services, public health services, and the police. The current pilot stage serves 60-80 clients a year, charged with violent and non-violent misdemeanors and felonies (felonies are prioritized). More severe offenses may be eligible for the court only upon a grant of probation or deferred entry of judgment (DEJ). Other restrictions include offenders with more than two open felony cases, active involvement in an organized street gang, and offenses that caused serious bodily injury, though these restrictions may be waived by the DA.

Successful completion of the Young Adult Court program may lead to various results, including case dismissal, sealing of arrests, reduction from felony plea to misdemeanor conviction, shortened probation terms and dismissal of fees and fines.⁴

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**Time to go beyond 18**

**Extending Juvenile Court Jurisdiction**

In light of the new knowledge on young adult brain development, the traditional 18 years of age cut-off for juvenile court jurisdiction seems both arbitrary and dated. The Harvard Executive Session on Community Corrections and the NIJ Study Group recommend to apply juvenile law to offenders up to age 21, with gradually diminishing protections extending into the mid-twenties.

While the majority of states still limits juvenile court jurisdiction to 18, in *Connecticut* Governor Dannel Malloy has recently proposed raising it to 21. Internationally, *Germany* has been a world leader, subjecting offenders up to age 21 to juvenile law since the 1950s. *Croatia* also extended juvenile court jurisdiction to 21, and the *Netherlands* has recently adopted the most progressive policy to date, allowing courts to impose juvenile law sanctions on offenders up to the age of 23.
2. Specialized Court for Lower-Risk Young Offenders

*Douglas County Young Adult Court, Nebraska*

*United States District Court for the Eastern District of New York*

*Roxbury CHOICE Program, Boston, Massachusetts*

*Dallas Attorney General initiative, Texas*

A more wide-spread version of young adult courts is a specific session within the traditional adult court, dedicated to young adults who have committed nonviolent offenses or are first time offenders. Typically such programs offer intensive supervision by assigned probation officers, along with periodic case reviews by the presiding judge, as an alternative to incarceration. Probationers who demonstrate progress and stay away from crime may be rewarded with steps like removal of their conditions of probation, reduced charges, and dismissal of their cases.

In *Douglas County, Nebraska*, a young adult court (age limit 22) for individuals charged with nonviolent felonies has operated since 2004. The court is a collaboration between the county and state’s district attorney, probation, county corrections, and reentry services. Cases are transferred to the court at the request of defense attorneys, after a Young Adult Coordinator interviews the clients and completes a suitability report, and the DA approves. Participants need to plead guilty and then complete three stages: In Stage 1 (Stabilization, 60-180 days) participants attend a daily program that includes a drug and mental health evaluation, reentry consultation, job readiness classes, and GED if needed. In Stage 2 (Transition, 120-240 days) attendance drops to once or twice a week, and the program includes self-help groups like AA, continuing education and vocational training, and connecting with community-based services. In Stage 3 (360-720 days) the felony conviction is reduced to a misdemeanor, the youth is put on probation, and attendance requirements are reduced to monthly reporting. Violation of program rules – dirty drug tests, new charges, missing classes, treatments or sessions – result in sanctions ranging from additional restrictions (curfew, etc.) to community service and jail time. After successful completion, the presiding judge holds a graduation ceremony for participants.5

Another program for young adults charged with nonviolent crimes runs at the *United States District Court for the Eastern District of New York*. The Special Options Services program started in 2000 and is designed for 18-25 year olds at the pretrial stage. Participants are intensively supervised by pretrial officers, individual educational and vocational goals are set, and each participant is connected with relevant community-based counseling services.6 The program was reconstructed in 2013, and it now involves also magistrate judges, holding monthly sessions in order to extend further support and encourage meaningful change. The magistrate judges provide the assigned district judge reports regarding participants’ progress and compliance, which inform sentencing and other judicial decisions. The U.S. Attorney considers defense’s requests for reduced charges or dismissal on a case-by-case basis. Where sentencing includes a probation period, participants have the opportunity to continue in the program under the supervision of a specialized probation officer.7

The *Roxbury Department of Boston Municipal Court* runs an intensive post-trial supervision program for young adults, called *Roxbury CHOICE*, which is similar in concept to young adult court.
The 18-month long program is led by two judges and one probation officer, and includes a cohort of up to 25 probationers who meet once a month for a few hour court session. Attendance is mandatory, and probationers who demonstrate positive change – remain drug free, actively seek jobs, complete GED and refrain from picking up new charges – can have some of their conditions of probation (GPS bracelet, curfew) changed or removed. The program prides itself on assisting dozens of young people to make positive choices and reduce reoffending.8

The Dallas Attorney General has also announced a program to establish a young adult court for lower-risk offenses.9 The court, which started operating in January 2016, accepts 18-25 year olds who are first-time delinquents of less serious crimes (gun cases, for instance, are excluded). A specific judge is assigned to this court, and participants are required to complete GED and parenting and life skills classes over six months to a year. Successful completion of the program results in expunging the participant’s case. The court started with a cohort of 50 participants, but it is estimated that thousands of cases in Dallas could qualify.10

The U.K. has also seen success in a low-risk young adult court model. In Greater Manchester offenders who would otherwise be sentenced for up to 12 months in prison are offered a probation-led Intensive Community Order (ICO).11 The court issuing a supervision order can customize it to the specific needs of the offender, with emphasis on mentoring, employment issues, and family counseling. The ICO program collaborates with other state agencies, nonprofits, and private sector organizations, offering a wide range of services.12 Evaluation of the program shows that reoffending among participants has dropped, successful completion rate of supervision orders is as high as 80%, and a quarter of unemployed participants have found full-time jobs. The pilot project is now being replicated.13
3. Prosecutorial and Judicial Choice between Criminal and Juvenile Law

Criminal justice reform, The Netherlands

As young adults vary in their level of maturity, some jurisdictions allow the public prosecutor to take a stand on whether juvenile or adult law should apply. This case-by-case approach is typically based on a probation report regarding the young person’s emotional, cognitive and social maturity. By doing so, the prosecution puts charges in the right context, and enables judges to make an informed decision regarding the law that will apply.

The clearest example of flexibility in applicable law is the Netherlands: according to a 2014 policy, a probation report is prepared for every defendant under age 23, and prosecutors need to ascertain early in the process whether to recommend that juvenile or adult procedures should apply. The court renders the final decision on which procedures and sanctions will apply.14

4. Immaturity as a Factor in Sentencing

Juvenile Justice Act, Germany
Criminal Code, Austria

Revising sentencing guidelines and legislation to include the factor of offender's maturity level at the time of offense is another possible response to the unique situation of young adults in criminal justice. This can be done through either a flexible, case-by-case approach, or through a general mitigating factor regarding offenders in their earlier years of adulthood.

The flexible approach was adopted in Germany, where courts apply juvenile law if “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”.15 In practice, two thirds of offenders under 25 in Germany are sentenced according to juvenile law.16

In Austria, youthfulness is a general mitigating factor. Austrian law prescribes lowered sentences for offenders under age 21: life sentences are inapplicable for this age group, and all minimum sentences are dramatically reduced.17 In Sweden and Finland, two jurisdictions that do not rely heavily on incarceration, being under age 21 is a mitigating factor in sentencing, and in the latter offenders under age 21 serve shorter time than adults before being released on parole.18
5. Specialized Young Adult Probation Caseload

*Transitional Age Youth (TAY) Unit, Adult Probation, San Francisco*

*New York City Department of Probation Young Adult Supervision Model*

Probation officers play a key role in many criminally-involved young adult’s lives, and with sophisticated interventions, this interaction can be more productive for young adults. To build capacity in probation departments to effectively supervise young adults, specialized caseloads have been experimented with. Specialized caseloads allow assigned officers to receive training on cutting-edge techniques in working with this age group, develop broad understanding of relevant community-based services, and improve professional skills in helping young adults redirect their lives.

The **Transitional Age Youth (TAY) Unit in San Francisco Adult Probation** provides a leading example. The unit, which supervises 500 probationers ages 18-25 per year, has seven probation officers who are selected based on their demonstrated commitment to working with this age group. Officers are trained in *Thinking for Change* (a rigorous behavior-change program) and cultural competency, and are familiar with services available for young adults in San Francisco. The unit regularly assesses probationers' risk level, develops an Individualized Treatment and Rehabilitation Plan (ITRP) for each probationer, and sets personalized goals. Collaboration with other services allows probationers access to GED programs, employment opportunities, and city-wide initiatives.

New York City is also experimenting with specialized young adult probation caseload. The **New York City Department of Probation (DOP)** has recently launched a new evidence-based adolescent and young adult supervision model for moderate- to high-risk young people ages 16-24, expected to serve over 2,000 youth annually citywide. The program’s staff undergo extensive training in Positive Youth Development, adolescent brain development, motivational interviewing, *Stages of Change*, and implementation of individual and group cognitive-behavior interventions. Each probationer is assigned to a team of two probation officers – one newly hired for this model and the other a self-selected agency veteran – and will move through three phases of intervention. In the first phase, the youth participates in an age-appropriate, validated risk assessment (YLS or LSI-R), which enables relationship building and development of an individualized case plan. This plan is built in collaboration between the probation officer team, the probationer, and anyone identified as part of the youth’s “circle of care.” In the next phase, probation officers use cognitive-behavioral techniques, aimed at each individual’s areas of highest risk, and according to their Stage of Change with respect to each area. In the third phase, clients participate in programming aimed at promoting community connections that sustain long-lasting change and growth. Probationers are also connected to individual mentors or group mentoring programs, and to anti-violence initiatives.¹⁹

Specialized probation caseloads also exist in **Multnomah County, Oregon**, and at the **Youthful Offender Supervision program in Connecticut**.²⁰
6. Young Adult Correctional Facility

Young Adult Offender Program, Pine Grove State Correctional Institute, Pennsylvania
Young Adult Offender Program, Mountain View Youth Development Center, Maine

If incarceration is to be imposed on young adults, an important question is whether they should be held together with older inmates. Juveniles have long been held in separate facilities, and it may be the case that the same rationale that applies in juvenile cases – protecting young people from deeper engagement in crime – should be adopted for 17-24 year olds. While adult prisons rarely have adequate programs for this age group, specialized young adult prisons can put more emphasis on rehabilitation. Young adult correctional facilities with better staffing and extended programs focusing on life skills, education and future employment, promise a better path for successful reentry.

Pennsylvania, which had expected high numbers of young inmates following 1990s “tough on crime” legislation, opened in 2001 Pine Grove correctional facility. Pine Grove’s Young Adult Offender Program is focused on 15-20 year olds, and is operated as a therapeutic community with emphasis on rehabilitation. Maine started in 2014 a Young Adult Offender Program based in an existing juvenile facility. The program specifically targets 18-25 year old inmates, with an individualized rehabilitative approach. An individual case plan is created for each prisoner, including GED completion, Aggression Replacement Therapy and Thinking for a Change programming, vocational training, and classes on parenting skills and domestic violence prevention. The emphasis in this program is on post-release employment, and inmates are encouraged to proceed to lower risk facilities, participate in work-release programs, and apply for Supervised Community Confinement. New York City has recently announced a plan to open a separate facility for 18-21 year olds also.

Internationally, there is no shortage of examples: young adult prisons have been established in the U.K., the Netherlands and Switzerland, with age limits of 21, 23 and 25 respectively. Even Turkey, a country that otherwise has no special treatment for young adults, has established a separate young adult jail. In other countries juvenile prison jurisdiction is extended to include young adults: Germany holds all inmates up to age 21 and most 21-25 year old inmates in juvenile prisons; Austria admits to juvenile prisons offenders up to age 22, and allows them to stay in juvenile facilities up to age 27; and Israel holds in juvenile prison inmates up to age 25.
7. “Through the Gate” Young Adult Mentoring

London T2A Project, St Giles Trust, U.K.

Young offenders released from jail often return to the same social environment they left before they got locked up: same neighborhood, same gangs, and the same employment and education barriers. As housing is often an issue for this age group, they have few options aside from coming back to their families or friends’ homes. U.K. officials maintain that, at this juncture, mentors who took a similar path can be a game changer, especially if they are present on the day of release and the following critical days.29

In London, young adults serving gang-related sentences are matched before their release with ex-offender mentors with similar backgrounds. Offering both emotional and practical support in the reentry process, these mentors work with the newly-released young person before, during and after discharge. On the day of their release, the mentor waits at the gate, continues the relationship built behind bars, and offers support in the crucial first days back in the community. The mentor’s support is gradually reduced until the young person is stabilized and matched with community-based services.30

“Through the gate” mentoring is combined with other disciplines in other U.K. projects: in Staffordshire, three prisons participate in a mentorship program that identifies pre-release young adults and works with them and with their families prior to and after release.31 In Birmingham, in-jail mentorship is combined with expansive pre-release programming that involves released ex-offenders.32 In South Yorkshire, 3-6 month mentorship is offered to young adults through collaboration between nonprofits and the police, combining restorative practices such as mediation and family conferencing.33

8. Confidentiality of Young Adult Offenses

Holmes Youthful Trainee Act, Michigan
Youthful Offender Act, New York

Criminal records are a heavy burden on young adults’ rehabilitation. Their chances to find jobs, gain post-secondary education, apply for public benefits and housing, and build successful and stable lives, drop dramatically if their past cases stand in their way time after time. “Second chance” laws can limit these collateral consequences by avoiding convictions that will damage young people’s records, shortening record sealing periods, and allowing case expungement for young adults.

In Michigan, the Holmes Youthful Trainee Act allows people who committed crimes between ages 17-23 to apply to a Youthful Trainee status. Courts may grant this status to offenders who plead guilty to their criminal charges (except for capital cases, sex offenses, and major drug and trafficking charges), without entering a judgment of conviction. Youthful Trainees are put on probation, after
successful completion of which the court dismisses all their charges and their records are sealed. With sealed records, they are allowed to answer “no record” to inquiries regarding their cases, and apply to any job and public benefit that requires clean record.\textsuperscript{34}

In **New York**, the Youthful Offender Act allows judges to determine upon sentencing of 16, 17 and 18 year olds that the defendant is a Youthful Offender. Such adjudication is not considered a criminal conviction, and it leaves the criminal record clean. All procedures related to youthful offenders are closed to the public, and official records related to the case are confidential.

9. **Improved Transition Protocols between Systems and Services**

*Transfer Protocol, Birmingham, U.K*

*Cardiff Integrated Offender Management Y2A Service, U.K.*

The transition from adolescence to adulthood is confusing not only for young people, but also for the various institutions and systems handling their cases. The lack of transfer procedures and information exchange protocols leads to loss of critical information, so young offenders often fall through the cracks and miss services that could have helped them desist from crime.

In **Birmingham, U.K.**, it was identified that youth offending teams and probation departments lack transfer procedures, a situation that was both confusing and time consuming for these agencies and the young people they serve. A hand-over protocol was thus put in place, according to which specialized caseworkers meet with the young person to discuss the transfer, professionals’ meeting is organized between youth services, probation, and any other relevant agency (e.g., mental health services), and as a final stage a three-way meeting with both transferring agencies and the young person is held. This improved protocol has increased cooperation between both departments, created a continuum of care, and improved compliance rates with conditions of probation.\textsuperscript{35}

Similarly, in **Cardiff, U.K.**, special attention was drawn to a continuum of services around offenders’ 18\textsuperscript{th} birthday. A dedicated caseworker works with supervised young adult 3-6 months before and 4 months after they turn 18, adapting the time of transition from youth services to adult probation to the young person’s needs, and improving communication between both agencies.\textsuperscript{36}

Better communication channels and improved information sharing procedures can be further developed between other institutions involved in lives of young offenders: between juvenile and adult probation, between correctional facilities and reentry services, and between various community-based organizations serving the same young person. Care should be taken in designing such hand-off procedures not to violate confidentiality protections for youth adjudicated in family court.
10. Data-Driven Young Adult Programs and State Reports

Massachusetts Juvenile Justice Pay for Success Project
Center for Employment Opportunities (CEO), New York
MassINC Report: New approaches to reducing young adult recidivism in Massachusetts

Data on young adults in the justice system are often inadequate, and few programs track the outcomes of their work with this age group. Although rigorous evaluation of programs is increasing, most programs offering tailored services for young adults have yet to publish clear data on the effectiveness of their models. The lack of data is present also in a system-wide level, nationally and in each state: national reports on the justice system fail to provide numbers of young adult crime, cases, incarceration and recidivism rates, and state-level open access to information is scarce. Effective change in the justice system for this age group requires more program evaluation and more accessible data on young adults. Clear data also invites innovative public funding schemes like Pay for Success, which allow solutions that were developed in the nonprofit sector to evolve into a viable systemic change model.

Massachusetts Juvenile Justice Pay for Success Project is a clear example of how rigorous data collection and program evaluation can serve justice-involved young adults. Roca, the service provider in Massachusetts' project, has an intervention model for high-risk men at the ages of 17-25, which is highly data-driven (see boxed text). According to the project’s Pay for Success scheme, Massachusetts pays for Roca’s services only if recidivism reduction goals are met, while in the interim Roca is funded by private investors, who will receive their return on investment only once the goals are achieved and the Commonwealth pays. Such outcome-based approach attracts growing

Roca

Intervention Model for high-risk young adults

Roca works to disrupt the cycle of incarceration and poverty by helping young people transform their lives. Over two decades of working with high-risk people at the ages of 17-25 has led Roca to develop a 4-year evidence-based Intervention Model, effectively reaching society’s highest risk young men: the shooters, the drug dealers, the gang leaders. This population is not ready, willing or able to participate in any type of programming, and is severely disconnected from education and employment. Roca firmly believes that change is possible for each one of these young people.

Roca’s Intervention Model works with high-risk young people through relentless outreach: meeting the young men where they are, and building transformational relationships between the young men and Youth Workers. These talented Youth Workers have to be relentless – a young person will often tell them to get lost dozens of times before returning their calls – but it is the relentlessness that builds trust and enables change. Once engaged in the program, participants are involved in stage-based programming, which helps them complete their HiSET/GED, gain pre-vocational trainings (such as custodial, maintenance and culinary classes and certificates), work on life skills through a specialized Cognitive-Behavioral Technique (CBT) curriculum, and take part in Transitional Employment Program that models real-life work environment. As high-risk young people are tightly connected to multiple institutions – courts, police, state agencies and others – engaging these institutions in the change process is an inseparable part of the model.

In FY15 Roca served 659 young men across 21 communities in Massachusetts, 80% of whom were retained in the Model 24 months or longer by the end of the fiscal year. 98% of participants weren’t re-incarcerated, 93% had no new arrests, 88% had no new technical violations, and 92% retained employment for at least 90 days.
attention, and is now applied also to assist ex-offender obtain jobs despite their criminal records. The **Center for Employment Opportunities in New York** runs a program of this kind with a Pay for Success funding model, serving individuals in a range of ages, one-third of whom are young adults.

State-level data on young adults in the justice system has recently become more publicly accessible in Massachusetts, where a 2015 MassINC report documents young adult engagement in crime and their representation in the state’s prison population.\(^{37}\) Data-driven young adult criminal justice reforms were successful internationally in countries like Germany and the Netherlands,\(^{38}\) and Ireland has recently documented the poor results of the criminal justice system with young adults, calling for various policy changes.\(^{39}\) The U.K sets a high standard in this front, initiating pilot projects especially for generating data on young adult criminal justice reform (see boxed text).\(^{40}\)

### Coalition, Pilots, Framework

**Transition to Adulthood (T2A), U.K.**

Transition to Adulthood (T2A) is a coalition of organizations in the U.K., exploring effective ways of working with young adults at all stages of the criminal justice system. The coalition works to produce data on new approaches in young adult justice, and has run 3 pilot projects to test such approaches in 2009-13 with over 1,000 participants. The evidence collected through these projects led to the development of the T2A Pathway, a framework for adapting all parts of the justice system to the particular needs of young adults, which is now further tested in 6 additional pilots.

**The T2A Pathway** framework includes police trainings, developing pre-trial diversion programs, applying restorative justice practices, considering level of maturity in criminal proceedings, improving probation services, expanding community sentences, reducing young adult incarceration rates, improving transfer protocols, implementing individualized reentry plans, and promoting collaborations between justice systems and education, employment, and housing services.

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1 Yotam Zeira is Roca’s Director of External Affairs; Molly Baldwin is the founder and CEO of Roca. The authors would like to thank Vincent Schiraldi and Ben Forman for their thoughtful comments, and Harvard Law School’s Public Service Venture Fund for its generous support.

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