

Emerging Adult Justice Building Better: Strengthening Structures and Supports for Emerging and Young Adults

Curt & Linda Rodin Center for Social Justice
Loyola University Chicago School of Law

March 27, 2026

Lael Chester

**Emerging
Adult
Justice
Project**

eajustice.org

Today's Agenda

- **WHO** are emerging adults (EAs)?
- **WHAT** is Emerging Adult Justice (EAJ)?
- **WHY** are jurisdictions providing specialized practices and policies to EAs?
- **HOW** are jurisdictions providing more effective and developmentally appropriate responses?

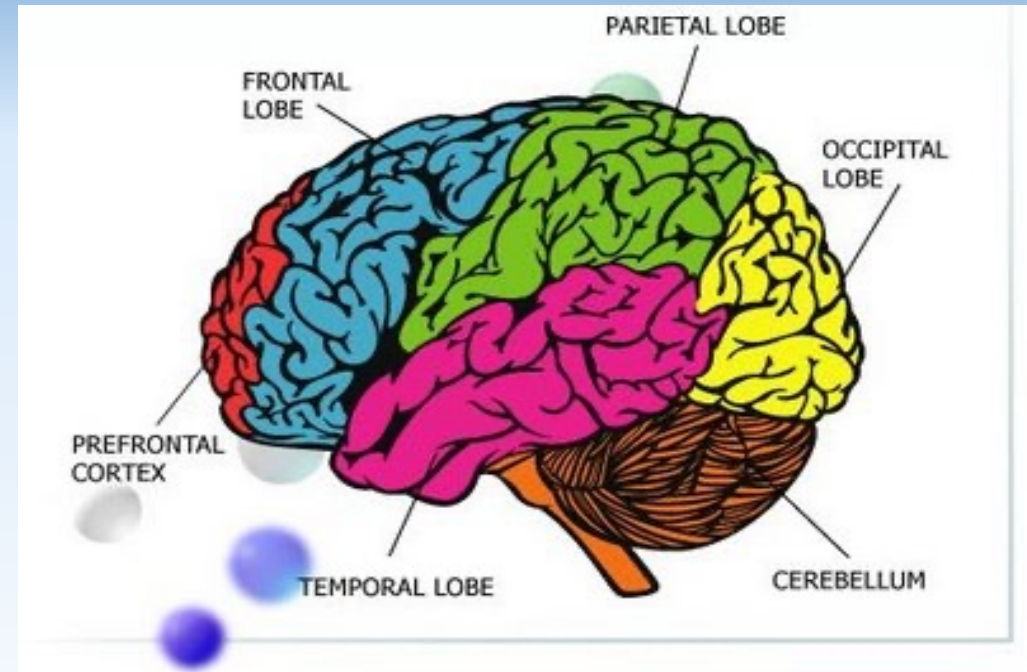
Who are Emerging Adults (EAs)?

- Ages 18-25
- Transitioning from dependent adolescence to increasingly independent adulthood
- Figuring out the BIG questions in life:
 - Who am I?
 - Where do I come from?
 - Who do I want to be?
- **Age of Opportunity**

Brain Maturation

Pre-frontal cortex: critical for planning, solving problems, and making decision, as well as for cognitive control, ability to suppress impulses in favor of more appropriate actions

- **myelination:** An increase in myelin, a substance that insulates the nerve fibers, which allows signals to be transmitted more efficiently
- **synaptic pruning:** the fine-tuning of the tangle of connections, allowing the remaining ones to transmit signals more quickly and efficiently.



EAs share similar characteristics with younger peers

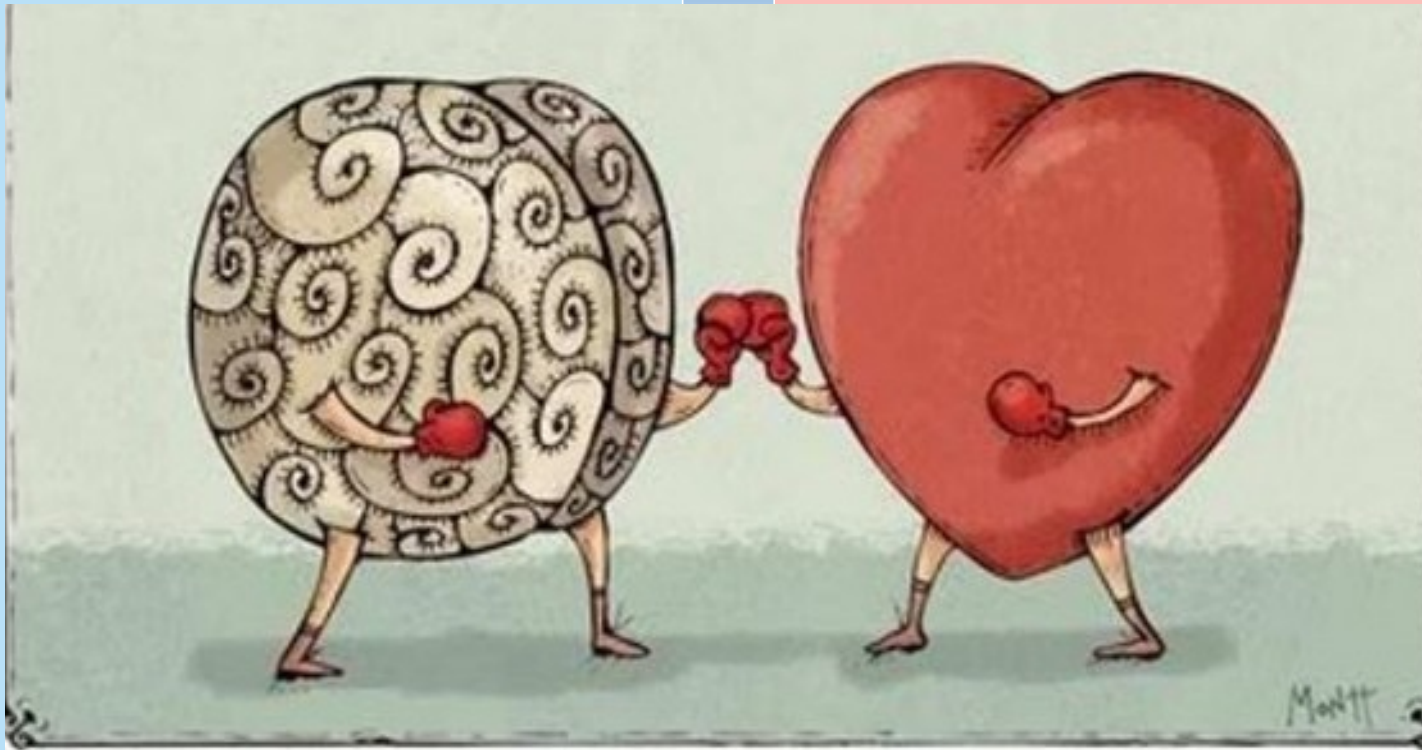
- Still developing (psychologically and neurologically) and share characteristics of younger peers:
 - More volatile in emotionally charged settings;
 - Susceptible to peer and other outside influences;
 - **Risk takers** and impulsive;
 - Less future-oriented;
 - More pronounced if history of trauma and brain injuries; and
 - Uniquely vulnerable (high levels of victimization, mental health disorders, and substance use)
- These distinct characteristics of emerging adults are risk factors associated with involvement in the justice system.

Trauma

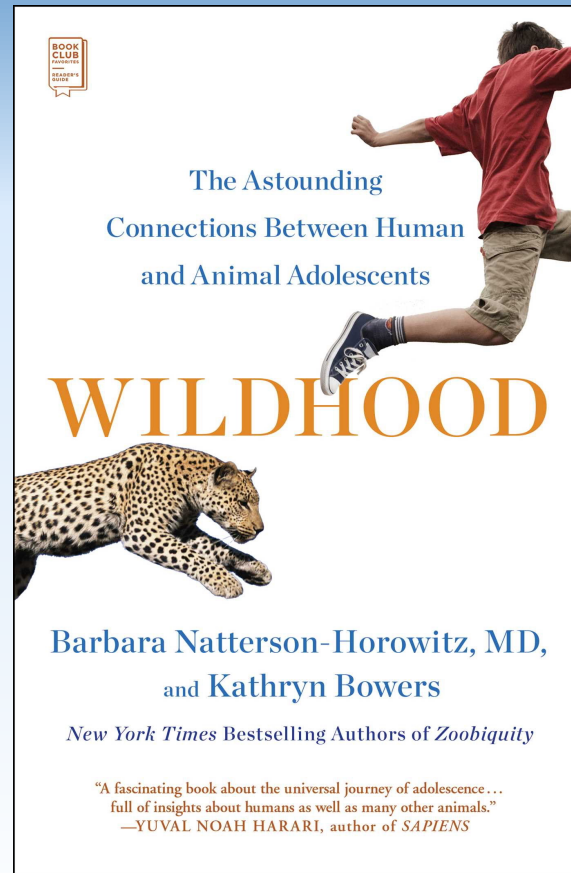
- High rates of trauma for court-involved youth (~90% have experienced at least 1 traumatic event)
- All youth adapt. Question is not if but *how*
- Fight, flight and freeze responses (primitive responses)
- Shapes and delays development

Cold Cognition

Hot Cognition



Critical Developmental Period for ALL Species



Sociological Research

Indicates that youth must cross developmental “bridges” to mature out of delinquency. These “bridges” have been elongated due to social and economic changes.

- Meaningful employment
- Marriage/stable relationships

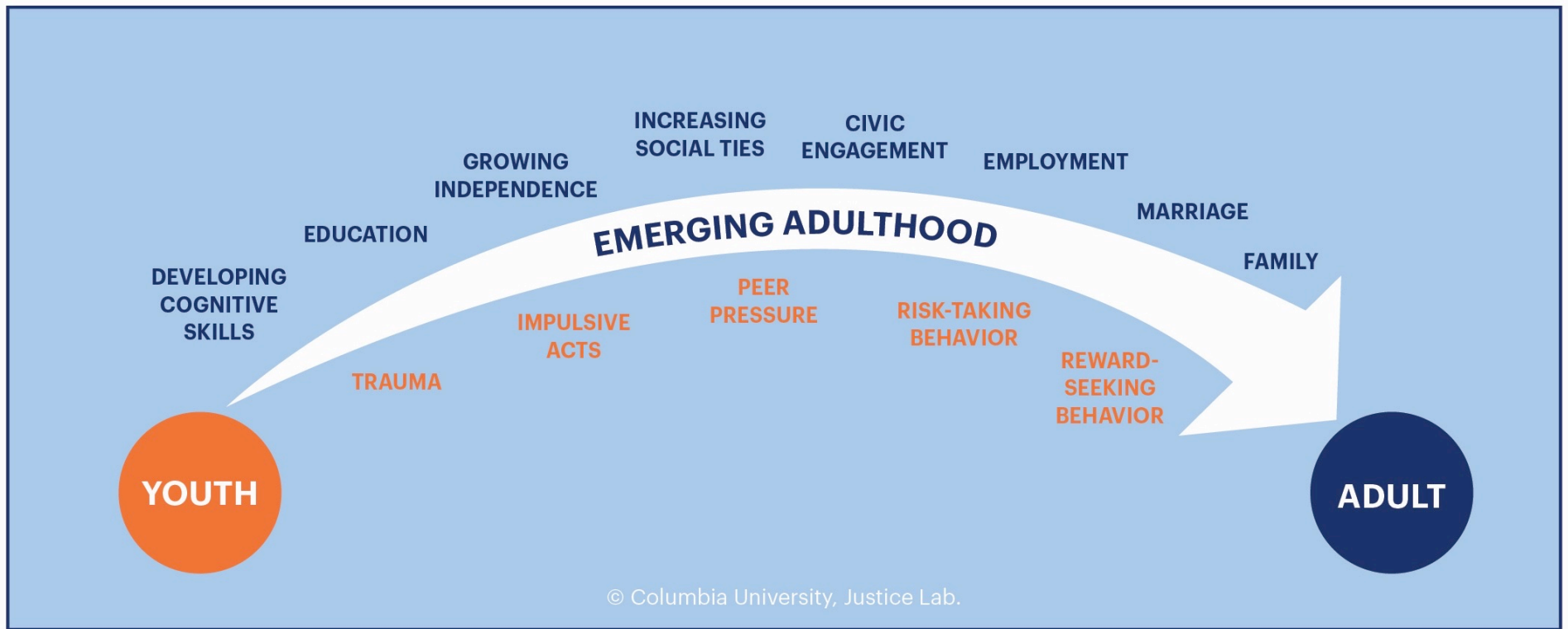
Elements of desistance has shown need for:

- Role models/mentors
- Finding self in a role as a helper/giver
- Having changes (improvements) in behavior recognized

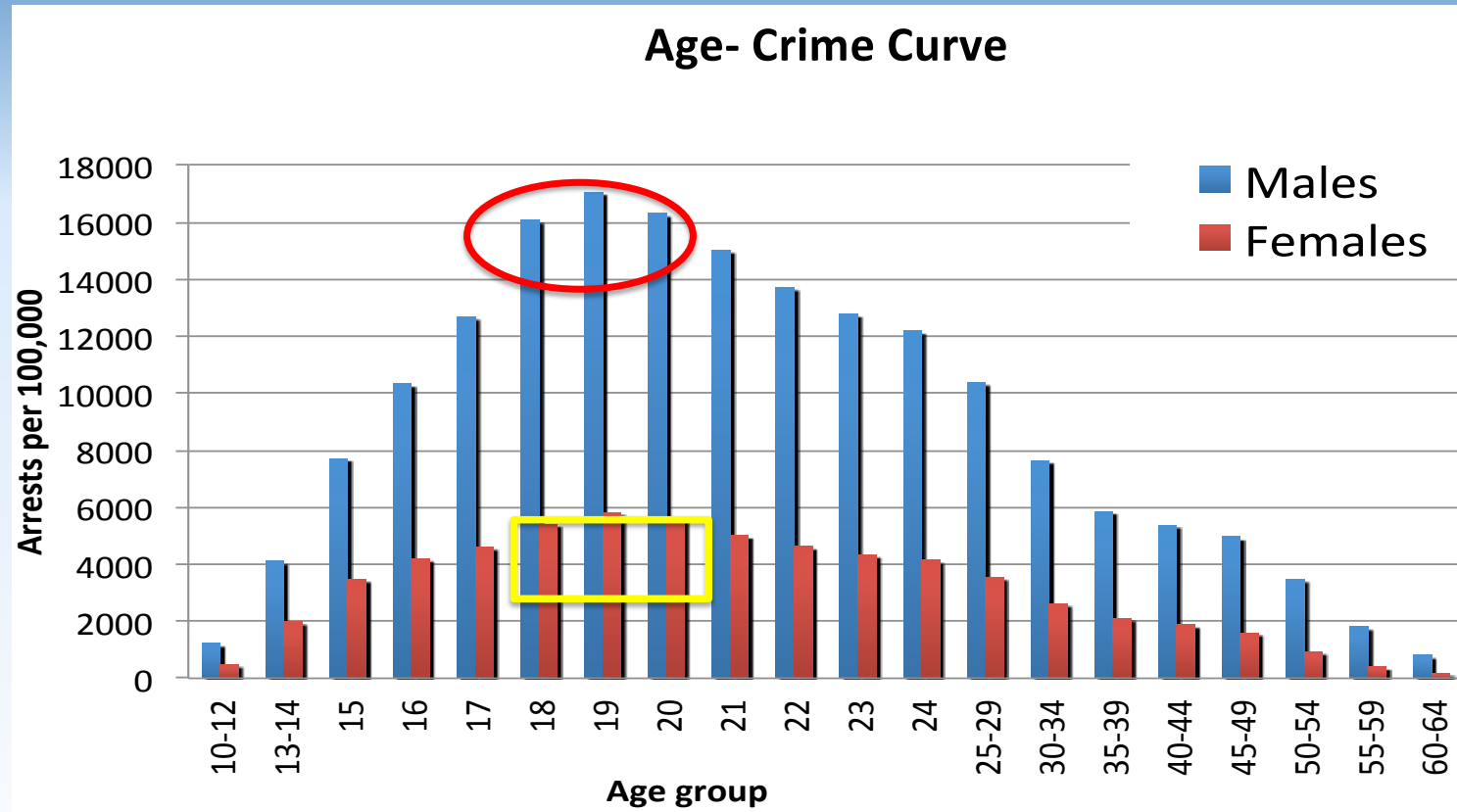


*"Young man, go to your room and stay there
until your cerebral cortex matures."*

Developmental factors and milestones in transition to adulthood



Most emerging adults “age out” of crime by 25



Source: FBI Uniform Crime Report

Justice involvement **delays and prevents** achievement of key developmental milestones.

A conviction is a barrier to:

- **Employment:** A felony record cut the employer response rate by half for white male applicants and nearly 2/3 for Black male applicants.
- **Housing:** Felony convictions restricts access to subsidized housing benefits. Screening for criminal records for rental housing in the private market.
- **Education:** >90% of college admission officials surveyed consider any felony conviction as particularly negative.
- **Interferes with elements of desistance**



Historically...

- Emerging adults have failed in the adult criminal justice system &
- The criminal justice system has failed emerging adults.
 - Disproportionate # of EAs arrested and incarcerated
 - Highest recidivism of any age group
 - Highest racial disparities of any age group

What is Emerging Adult Justice (EAJ)?

- Creating fair, effective and developmentally appropriate services, programs and opportunities for EAs
- Strengths-based, growth-focused approaches



RESEARCH

MIND THE GAP

PRACTICES
&
POLICIES

**Emerging
Adult
Justice
Project**

eajustice.org

Why are jurisdictions implementing specialized practices and policies?

Positive youth outcomes = PUBLIC SAFETY

Key Questions

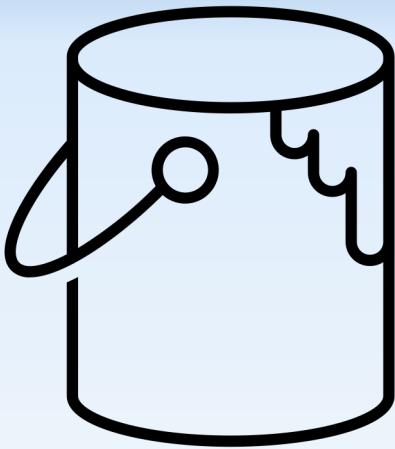
- How can we (via laws, policies, systems, services, etc.) *avoid* interfering with normative maturation?
- How can we *proactively support* healthy youth development?

OPTIONS FOR EAJ REFORMS

1. IMPROVE THE ADULT CRIMINAL LEGAL SYSTEM
2. CREATE/EXPAND A HYBRID SYSTEM (Youthful Offender Laws)
3. IMPROVE/EXPAND THE JUVENILE JUSTICE SYSTEM

NOT MUTUALLY EXCLUSIVE!

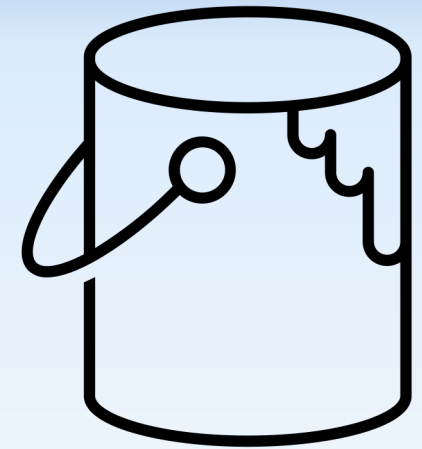
DIFFERENT MEANS TO ACHIEVE REFORMS



PRACTICES



POLICIES/LAWS



LITIGATION

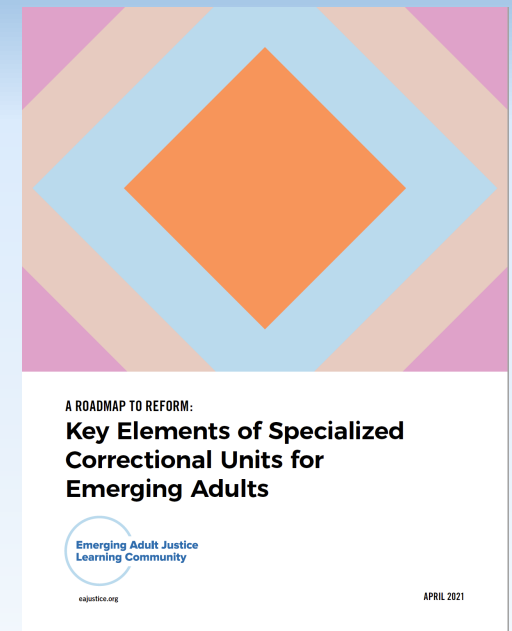
Specialized PRACTICES



COURTS



PROBATION



CORRECTIONS

Specialized PRACTICES Cont'd

Shift to community investment and community-based responses

Diversion (pre-arraignment)

Deferred prosecution (post-arraignment)

Defense caseloads

Prosecution caseloads

Probation caseloads

Alternative sentencing (post plea/conviction)

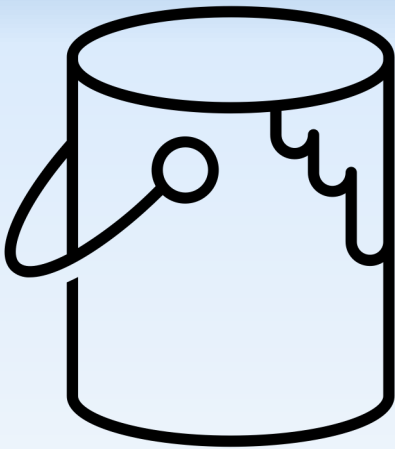
Correctional Units

Re-entry

Potential Pitfalls

- Net Widening
- Selective Participation
- Inadequate, untrained &/or unsupported staffing
- Reforms limited to only one stage of the system (e.g., corrections)
- Vulnerable to change in leadership

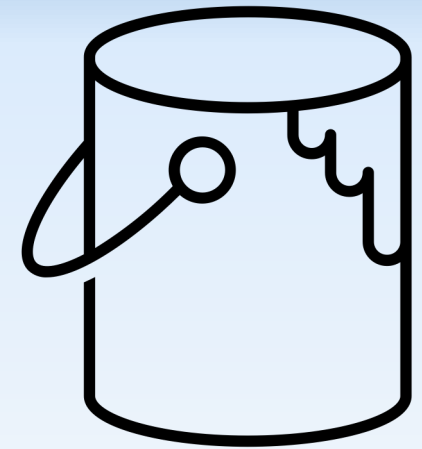
DIFFERENT MEANS TO ACHIEVE REFORMS



PRACTICES



POLICIES/LAWS



LITIGATION

Recent EAJ Innovations - **POLICIES**

(1) Expanding or creating opportunities for expungement (e.g., MA)

(2) Amending parole laws and/or creating opportunity for re-sentencing (e.g., CA, IL and DC)

Specialized **POLICIES** cont'd

(3) Expanding or creating hybrid systems (“youthful offender laws” and a “third system”) (AL, DC, FL, MI, NY, SC, VT)

Key elements:

Confidentiality

Capped Sentences

Expungement

Specialized **POLICIES** cont'd

(4) Raising the upper age of the JJ system > the 18th birthday



Enacted in Vermont

Proposed in CA, CO, CT, IL, MA, NE, VA and WA



Many areas of public policy already recognize emerging adults as a distinct developmental group

- Child welfare: Nat'l trend to extend beyond age 18
- Pediatric care (APA guidelines): 21 and beyond
- Drinking age: 21
- Marijuana use: 21
- Minimum age for purchase of tobacco: 21
- Special education: 22
- Car Rental and Insurance Policies: 25+
- Health Insurance: 26

4 out of 5 European countries have a special approach for emerging adults

57% or 35 European countries surveyed have special rules in juvenile or general penal law

51% Have penalty mitigation

21 % Have no special rules



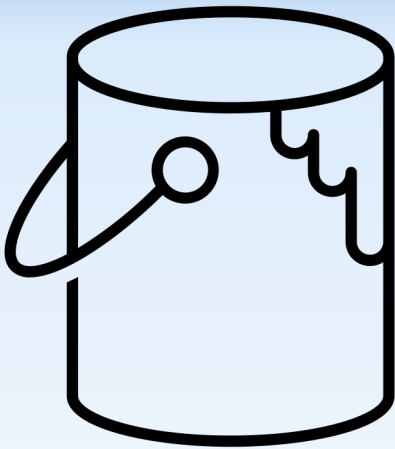
GERMANY

Example of a “strict model”



- Age of youth court jurisdiction in Germany
 - 14th birthday to 21st birthday
 - Since 1953, 18-to 20-year-olds have been tried in youth courts
- Case outcomes involving emerging adults in Germany
 - 67% result in youth sanction; 33% result in adult sanction (mostly cases involving MV offenses)
 - Rape/murder: ~ 90% result in youth sanctions

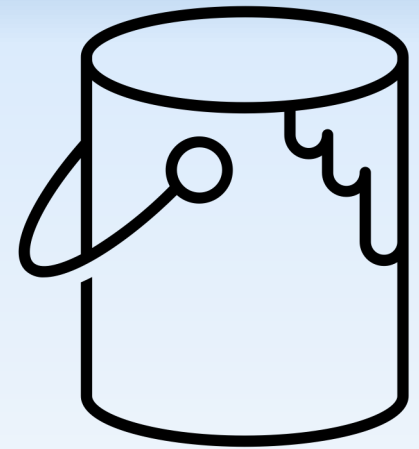
DIFFERENT MEANS TO ACHIEVE REFORMS



PRACTICES



POLICIES/LAWS



LITIGATION

Recent EAJ Innovations - LITIGATION

(1) Challenging LWOP for EAs convicted of an offense committed before the 21st birthday (e.g., MA case Commonwealth v. Mattis, 493 Mass. 216, 2024)

(2) Filing class action lawsuits for failure to provide special ed services to EAs incarcerated in an adult facility (e.g., DC & MA)

Creation of a New EAJ Framework!

- Created by diverse steering committee
- Grounded in research
- Identifies key elements of healthy development for all emerging adults
- Strength-based
- Now being 'test-driven' in 3 innovation sites:



Innovation Sites

Massachusetts (Lowell and Lawrence) – Indigent Defense

Led by public defenders/CPCS in partnership with Youth Advocacy Foundation/education advocates and UTEC (community org that focuses on EAs). Developed a pilot defense office to seek better legal and life outcomes for emerging adult clients.

Nebraska – Probation/Community Supervision

Led by Probation Dept (AOCP) in partnership with RISE Prison Re-Entry Program and Project Restore. Use the Framework to reshape probation practices to better meet the developmental needs of 18-to 25-year-olds.

Washington DC – Community

Led by JPI in partnership with DC Emerging Adult Justice Action Collaborative and the Thrive Under 25 Coalition (School Justice Project, Free Minds Book Club, etc.). Focusing on creating resources, services and opportunities in the community for emerging adults in or exiting the justice system.

Comprehensive Approach

What do emerging adults (EAs) need to experience and do? (Individual Level)

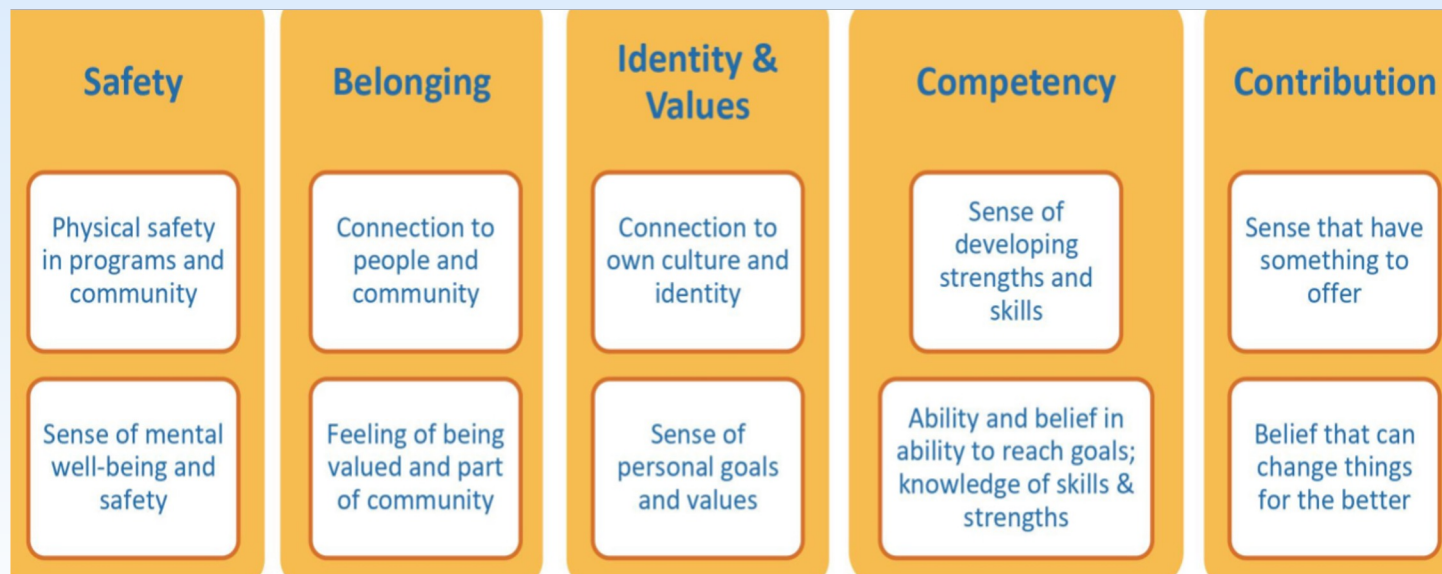
What are effective, developmentally appropriate practices for EAs in the criminal legal system? (Practitioner Level)

What policies, laws, and structures are needed to support emerging adults in the criminal legal system? (System Level)

Developmental Framework Level 1 (Individual)

Transforming Our Understanding of Emerging Adult Needs

Aspects of Individual Well-Being



Developmental Framework Level 1 (Individual)

Transforming Our Understanding of Emerging Adult Needs (Cont.)

Core Experiences and Relationships



Chart: Core Experiences and Relationships Emerging Adults Need

Developmental Framework Level 2 (Practice)

Building Practices and Partnerships to Ensure Emerging Adults Have Critical Developmental Experiences



Developmental Framework Level 3 (Policy)

Building Systems that Support Practices to Promote Healthy

Get rid of policies that directly undermine healthy development

- e.g., solitary confinement, limits on family visitation, banning individuals from living in public housing.

Reform or expand helpful policies to better support youth, support/train staff, engage community partners to do the work

- e.g., changing caseload or staffing requirements, requiring developmentally oriented case planning, creating multi-system partnerships (e.g., workforce and criminal), adding housing casework to service list, expanding the kinds of offenses that can be expunged from a record.

Transform how the system responds or what the system is

- e.g., Changes to jurisdiction boundaries, significant diversion and/or sentencing reforms.

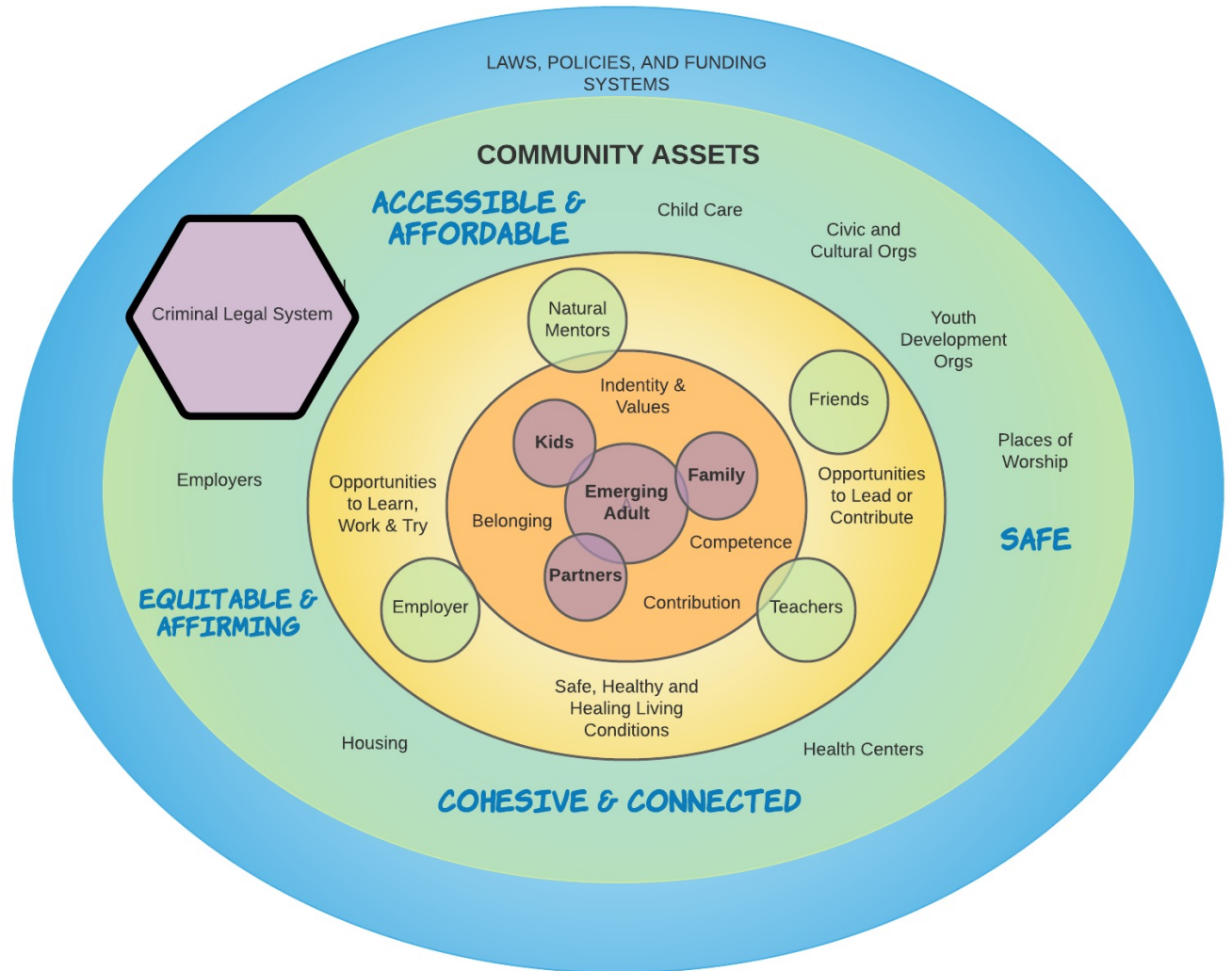
Broadly improve conditions for people and communities

- e.g., federal economic relief, big picture affordable housing policies.

Where does the criminal legal system fit in?

Criminal legal system is **imposed, non-voluntary** institution – not primary source of healthy development.

Often pull out or remove emerging adult from normative conditions of development - outside community, not integrated.



Key Issues

- Connections to community and community resources: [Panel 1](#)
- Working with other systems, particularly child welfare: [Panel 2](#)
- Creating/enhancing diversion/alternatives/off-ramps: [Panel 3](#)
- Creating/enhancing post-conviction relief and re-entry supports: [Panel 4](#)

Questions?

Thank you!