

EMERGING ADULT JUSTICE

America's Recent Attempts to Apply Research to Policies and Practices

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The United States has been a leader in the study of youth development and brain science, but it has been slow to implement policies and practices tailored to emerging adults—youth up to age 25—in the justice system relative to European countries.

But, after long and failed experiments with mass criminalization and incarceration, the US is finally beginning to catch up and apply its own research to practice, driving the burgeoning field of Emerging Adult Justice (EAJ). EAJ can be broadly bracketed into programmatic and legislative domains; the most exciting developments are in the areas of legislative and structural interventions, that allow innovations to be institutionalized and protected (somewhat) from oscillations in political winds and individual leaders, and also less vulnerable to the pitfalls of cherry picking or “justice by geography” within a jurisdiction.

While innovative efforts have been undertaken in jurisdictions across the country, as of yet, there are few articles aggregating the United States' experience of EAJ innovation. This article attempts to fill this gap, with a particular focus on highlighting promising examples of structural and legislative interventions.

History of “Emerging Adult” Justice

The term “emerging adulthood” was first introduced in 2000 by Jeffrey Jensen Arnett, a psychologist who recognized that a critical and distinct developmental period exists between the dependence of childhood and the maturity and independence of adulthood.

Jeffrey Jensen Arnette, *Emerging Adulthood: A Theory of Development from the Late Teens Through the Twenties*, 55 *Am. Psych.* 469 (May 2000), <https://tinyurl.com/2x7vewnu>. Since that time, there has been a growing body of research, especially in the neurobiological and psychological fields, indicating that the cognitive skills and emotional intelligence marking the transition from childhood to adulthood may not fully develop until a person's mid-20s. See, e.g., *Nat'l Acad. Sci., Eng'g & Med., The Promise of Adolescence: Realizing Opportunity for All Youth* (2019), <https://tinyurl.com/4nhhf7ez>; Catherine Insel et al., *Ctr. for Law, Brain & Behav., Mass. Gen. Hosp., White Paper on the Science of Late Adolescence: A Guide for Judges, Attorneys, and Policy Makers* (2022), <https://tinyurl.com/26zexjs2>. Traits traditionally associated with adolescence—such as proneness to risk-taking, impulsivity, tendency to be overly motivated

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by reward-seeking behavior, and high susceptibility to peer influence—are all prevalent in emerging adults too. Further, sociological research has framed these age group distinctions as part of a broader shift within modern US society, noting that the transitional period during which a dependent and emotionally immature child becomes a mature individual has become prolonged, as people reach such key markers as marriage, meaningful employment, and educational milestones later than previous generations. The good news is that when young people reach these key markers, they desist from criminal behavior. As seen in the universal age-crime curve, criminal behavior peaks in emerging adulthood and then plummets by the mid-20s.

Public and private decision-makers have appropriately taken note. For example, the American Academy of Pediatrics (AAP) released guidelines in September 2017 raising its previously recommended age limit of care from age 21, noting that “it is increasingly clear that the age of 21 years is an arbitrary demarcation line for adolescence because there is increasing evidence that brain development has not reliably reached adult levels of functioning until well into the third decade of life.” Amy Peikoff Hardin et al., *Age Limit of Pediatrics*, 140 *Pediatrics* e20172151 (2017), <https://tinyurl.com/mp9n7kku>. State alcohol laws in all 50 states set the drinking age to 21 years, and every state that has legalized marijuana has restricted use to at least the 21st birthday as well. Private companies’ understanding of the age group’s proclivity towards impulsivity and risk taking is also reflected in car rental and automobile insurance policies and pricing.

Research and discourse on the distinct developmental needs of emerging adults have direct and significant relevance for the criminal legal system since their youthful characteristics put them at high risk for exposure to system involvement. Notably, although emerging adults make up approximately 10 percent of the US population, they account for 19 percent of admissions into adult state and prisons nationally. Emerging Adult Just. Learning Cmty., Colum. Univ. Just. Lab, *A Roadmap to Reform: Key Elements of Specialized Correctional Units for Emerging Adults* at 4 (Apr. 2021), <https://tinyurl.com/4h875ujn> [hereinafter *Roadmap to Reform*]. The Bureau of Justice Statistics reports that of a cohort of people released from correctional facilities in 30 states in 2005, 76.5 percent of those under the age of 24 were rearrested within three years, the highest recidivism rate of any age group. Ann Carson & Daniela Golinelli, *Prisoners in 2012 Trends in Admissions and Releases*,

1991–2012, Bureau of Just. Stat., Dec. 2013, at 6, <https://tinyurl.com/3vtym5wf>. Emerging adults also face numerous other vulnerabilities; they are more likely to experience violent victimization and physical and emotional trauma and are more likely to be diagnosed with substance use disorders than any other age group. Selen Siringil Perker & Lael Chester, *The Justice System and Young Adults with Substance Use Disorders*, 147(Suppl. 2) *Pediatrics* S249 (2021), <https://tinyurl.com/336j894x>. These challenges are interactive and cumulative, resulting in high rates of homelessness, further trauma, and deeper justice system penetration. Finally, emerging adults suffer the highest racial disparities of any age group, with data showing that 18- to 19-year-old black males are almost 12 times more likely to be incarcerated than their white peers, further enhancing society’s stark inequities. E. Ann Carson, *Prisoners in 2016*, Bureau of Just. Stat., Jan. 2018, <https://tinyurl.com/4kwm7xht>.

Given the impact that the disproportionate presence of emerging adults has on overall criminal justice systems and mass incarceration, enacting reforms targeted specifically towards this age group is gaining momentum in jurisdictions across the country. To date, these innovations fall into two types of initiatives: programmatic and policy. Programmatic initiatives are those that can be implemented (or, alternatively, eliminated) through the discretion of actors and offices but do not require structural or legislative reform. Policy reforms, in contrast, are legislative undertakings that structurally alter the justice framework in a given jurisdiction. From a reform perspective, the more permanent codification inherent in structural interventions makes them of particular interest inasmuch as they are more resistant to the variability of political vicissitudes and allow for a more consistent and universal policy application across geographies and settings within the applicable jurisdiction. However, it is important to note that the implementation of policy and programmatic innovations are not mutually exclusive; jurisdictions can, should, and often do consider integrating both into their justice frameworks. In fact, structural interventions are ideally informed and guided by the experience of programmatic innovation and implementation, while programmatic reforms evolve through the development of new policy. Thus, an iterative process of development and implementation will maximize the effectiveness and efficiency of innovation and reform.

Collectively, the amalgam of policy and programmatic options discussed below, some of which already exist in other countries, is based upon an understanding that the period of emerging adulthood is one of high risk and

high reward. The gradual developmental transition from childhood to adulthood makes emerging adults more vulnerable to and less culpable for criminal behavior, but also makes them more malleable and amenable to positive influence, intervention, and rehabilitation. Successful implementation of EAJ initiatives thus offers the potential benefits of not only promoting healthy and successful transitions into adulthood, but also increasing public safety as well.

Policy and Structural Innovations

Raise the Age Legislation

When the first juvenile court was created in Cook County, Illinois, in 1899, an innovation that was soon followed by other states, policymakers had very little data with which to guide their decisions about the boundaries and parameters of legal adulthood. Customs of the day dictated their choices, and most chose ages in the range of 16–18 as the upper limit of juvenile jurisdiction. This age range remained steady through much of the 20th century, although the “tough on crime” era of the late 1980s and 1990s resulted in more and younger people prosecuted as adults. However, recent decades have seen a national trend towards raising the age of jurisdiction to 18 years, with only three states (Georgia, Texas, and Wisconsin) failing to set the upper age limit of juvenile court to the 18th birthday.

While the wide-scale adoption of the 18-year age limit represents an important first step, it should not be interpreted as the achievement of sufficient age-appropriate standards. Rather, it should be viewed as evidence that moving the age limit is a rational and realistic programmatic approach and policy option. Given the aforementioned body of research and growing awareness of emerging adulthood, there have been an increasing number of individuals and organizations (including such sports teams as the New England Patriots and Boston Celtics) recommending that emerging adults ages 18 and over be handled in the juvenile, rather than adult, criminal legal system. Even the US Justice Department’s Administrator for the Office of Juvenile Justice recommended in 2014 that state policy members should consider raising the upper age of juvenile jurisdiction to 21 or 24. Greg Ridgeway & Robert Listenbee, *Young Offenders: What Happens and What Should Happen*, Nat’l Inst. of Just. (Feb. 2014), <https://tinyurl.com/mw6dvnvt>.

As in many areas of EAJ, Europe has led the way in implementing policies related to expanding juvenile jurisdiction: Croatia extended special youth provisions up to the 21st birthday in 2011, the Netherlands raised

their age to 23 in 2014, and Germany has included individuals up to age 21 in juvenile proceedings since 1953. The German system includes a specialized youth court that has jurisdiction over youth in the 14–21 age range. Procedures are the same for everyone in the youth court, but sanctioning policies are differentiated by age. Without exception, individuals under age 18 are prosecuted using juvenile sanctions, while those in the 18–21 age range can be subject to juvenile sanctions or to adult sanctions, depending on a series of assessment criteria. Despite their ability to leverage adult sanctions, German courts have demonstrated a strong preference for handling 18- to 21-year-olds as juveniles; as of 2012, 67 percent of all young adults were sentenced as juveniles rather than adults. Sibella Matthews, Vincent Schiraldi & Lael E. H. Chester, *Youth Justice in Europe: Experience of Germany, the Netherlands, and Croatia in Providing Developmentally Appropriate Responses to Emerging Adults in the Criminal Justice System*, 1 Just. Evaluation J. 59 (May 24, 2018), <https://tinyurl.com/mr2mke3p>. Furthermore, unlike in the United States, serious offenses are *more likely* to be adjudicated in the German juvenile system, while minor offenses like traffic infractions are processed more efficiently through the adult system (and also without the same collateral consequences as the American criminal legal system). This is due to systemwide acceptance and recognition of the broad societal benefits of providing age-appropriate services to system-involved young people.

Though behind many European counterparts, efforts to similarly raise the age of juvenile jurisdiction are gaining traction in the United States. In 2018, Vermont became the first state to raise the age of juvenile jurisdiction, enacting a new law that gradually raises the upper age of jurisdiction to a youth’s 20th birthday, excluding the most serious crimes. The legislation and implementation plan was developed after a thorough assessment of Vermont’s youth and adult justice systems, during which it was determined that, excluding a set of major crimes, the vast majority of cases for 18- and 19-year-olds were minor public order offenses that often got dismissed, diverted, or sentenced to a fine, and closely resembled those of youth being prosecuted in the juvenile system. Further, the assessment, which was conducted through extensive collaboration with state criminal justice, social service, governmental, and community stakeholders and partners, and with the support of Columbia University’s Justice Lab, led to the development of a number of guiding principles and recommendations for successful implementation of the

resulting legislation. Karen Vastine et al., *Report on Act 201 Implementation Plan Report & Recommendations in Accordance with [2018 Act 201 Sec. 12(3)]*, Vt. Dep't for Child. & Fam. (Nov. 1, 2019), <https://tinyurl.com/3vs7xern>.

First, the report advised increasing opportunities for diversion from formal justice processing, through such practices as restorative justice practices and school-based interventions. Assessments estimated that almost 50 percent of the state's current delinquency caseload, as well as the caseload of 18- and 19-year-olds included in the new legislation, could appropriately be recommended for diversion, which would prevent delinquency caseloads from becoming overwhelming with the addition of 18- and 19-year-olds into the system. Second, the report noted that juvenile justice stakeholders, including those from traditionally adversarial perspectives, endorsed a number of measures to streamline delinquency court procedures and improve the efficient incorporation of older youth into the delinquency system. Third, the report emphasized the need to ensure a full continuum of post-dispositional options that should be applied with a Positive Youth Development framework, building on young people's strengths rather than merely attempting to extinguish their deficits.

Similar legislation proposals to raise the upper age of juvenile jurisdiction have been proposed in Colorado, Connecticut, Illinois (misdemeanors only), Massachusetts, Nebraska, Virginia, and Washington to the 21st birthday, and in California to the 20th birthday.

Hybrid Systems

Rather than expanding the boundaries of the juvenile justice system, some jurisdictions have instead opted to establish or expand existing hybrid systems, often called "youthful offender" statutes. In essence acting as a third justice system, these laws apply elements of the adult and juvenile systems in recognition of the developmental needs of emerging adults during both prosecution and sentencing.

Washington, DC, provides a good example of a hybrid system: Created in 1985, with amendments made over the years including a recent expansion in 2018, the District's Youth Rehabilitation Act (YRA) applies to emerging adults aged 24 and younger at the time of the offense (excluding those charged with a select number of serious violent offenses). The post-sentencing provisions are particularly robust, allowing possible departures from mandatory sentences and early termination of a sentence, as well as a mandatory provision of developmentally appropriate programming and support ser-

vices. In addition, a conviction may be "set aside" under the YRA with important legal consequences to reduce collateral effects of a criminal record and improve public safety. In fact, YRA's set-aside provision has been shown to reduce recidivism rates.

In addition to DC's YRA, hybrid statutes that apply to emerging adults exist in six other jurisdictions: Alabama, Florida, Michigan, New York, South Carolina, and Vermont. The provisions vary considerably, but each of these hybrid systems seeks both to lessen the harm caused by the adult justice system and to extend more developmentally appropriate rehabilitative opportunities of the justice system to support the healthy transition to adulthood. Over the last five years, Washington, DC; Michigan; and Vermont have raised the upper age of jurisdiction of their hybrid statutes to include a greater number of the emerging adult cases, and legislation has also been filed in New York to follow suit, indicating that hybrid systems are becoming an increasingly appealing reform option. (For a detailed legal analysis of hybrid statutes, see Selen Siringil Perker & Lael Chester, Colum. Univ. Just. Lab, *Time for Change: A National Scan and Analysis of Hybrid Justice Systems for Emerging Adults* (July 2023), <https://tinyurl.com/3b9za9y8>.)

Reforms Within the Adult Criminal Legal System

Opportunities also exist to enact legislation to reform existing adult criminal legal systems, better equipping them to respond to the specific developmental needs and circumstances of emerging adults. These can include mechanisms for specialized considerations at sentencing, such as downgraded sentence guidelines, departures from mandatory minimum guidelines, or preventing convictions during emerging adulthood from counting towards "habitual offender status" or three-strikes sanctions.

Further downstream, several jurisdictions have enacted laws that provide mechanisms for early release for people serving sentences for crimes committed during emerging adulthood. These mechanisms typically take the form of either early parole opportunities or resentencing/sentence reductions. For example, the California legislature extended the Youth Offender Parole law in 2018 to provide individuals convicted of a crime before age 26 with an earlier opportunity for a parole hearing after serving a specified minimum number of years of the original sentence (14–24 years, depending on the original sentence). The law also requires that the parole board significantly consider factors of youthfulness, diminished culpability, and development when

making parole decisions in these cases. Although there is no publicly available data on the recidivism rates of youth released under the Youth Offender Parole law since the age range has been expanded, the rates reported by the California Department of Corrections and Rehabilitation for people released for all life-term sentences are very low: Of the 682 people released on parole for life-term sentences in fiscal year 2014-2015, 2.3 percent, or 16 people, were convicted of a new misdemeanor or felony during a three-year follow-up period and 0.4 percent, or 3 people, for a felony crime against a person. Kevin Grassel, Kendra Jensen & Sam Mooc, Cal. Dep't of Corrections & Rehab., *Recidivism Report for Offenders Released from the California Department of Corrections and Rehabilitation in Fiscal Year 2014-15* (Jan. 2020), <https://tinyurl.com/5ft4p2dt>. Illinois and Colorado have enacted similar specialized parole provisions for emerging adults, in 2018 and 2021 respectively, that apply to youth who commit a crime under the age of 21, while Washington, DC, has taken a similar approach towards the goal of early release by expanding the opportunity for resentencing. In 2020, the Council of the District of Columbia amended the Incarceration Reduction Amendment Act of 2016 by providing individuals convicted of crimes committed under the age of 25 with the ability to file a motion in the original sentencing court for a reduction of sentence after 15 years of incarceration. Sentencing courts will then hold a hearing on the individual's motion, at which time evidence may be provided by the individual, their attorney, and any other witnesses. The court is charged with considering age at the time of the offense; history and characteristics of the individual; demonstrations of maturity, rehabilitation, and preparedness for reentry; any mitigating histories of abuse, trauma, and hardship; and the developmental realities of youth.

Post release, some jurisdictions have enacted opportunities for individuals convicted of offenses as emerging adults to apply for record expungements or to have all or some of their conviction records sealed from public view. For example, Massachusetts passed a bill in 2018, with amendments in 2020, that provides an opportunity to expunge juvenile and adult criminal records in up to two cases when offenses occurred prior to the 21st birthday. These laws seek to ameliorate the collateral consequences that flow from a public criminal record that can interfere with a young person's ability to get a job, enroll in an educational institution, obtain housing, and enter into healthy adulthood.

Programmatic Innovations

While legislatively driven reforms are more durable and equitable mechanisms for driving policy changes and interventions, they can also be slow moving and politically demanding. Programming innovations are often more attainable and provide efficient preliminary or intermediate steps. As with structural innovations, programming interventions for emerging adults can take many forms along the stages of the criminal legal system continuum.

Specialized Diversion

Diversion programs that respond to criminal behavior outside of the traditional legal system have mostly been offered to youth in the juvenile justice system, and research has consistently showed positive outcomes of these programs. In contrast, only recently have jurisdictions begun to develop and offer such diversion programs to emerging adults. While this means that there has not been the opportunity to conduct robust outcome evaluation studies on the few extant specialized diversion programs for emerging adults, nonetheless a set of promising practices grounded in research have been identified and jurisdictions like Suffolk County (Boston), Massachusetts, have decided to pursue this opportunity. Noor Toraif & Lael Chester, Colum. Univ. Just. Lab, *Promising Practices: Pre-arraignment Diversion for Emerging Adults* (Apr. 2023), <https://tinyurl.com/2j722w8u>.

Specialized Courts and Legal Units

In the absence of broad legislative action to incorporate emerging adults into the juvenile system, or to enact statutory procedures for handling youth in the adult system, an increasing number of jurisdictions have carved out specialized programs and teams to achieve similar outcomes. Several cities have developed "youth courts" to work specifically with emerging adults in the criminal legal system. These courts are designed to have a more therapeutic and collaborative, rather than punitive, orientation. Brooklyn's Young Adult Court was established in 2016 and is the first young adult court in the state of New York. The court handles misdemeanor offenses committed by individuals aged 16-24 in Kings County and aims to "minimize or even avoid the legal and collateral consequences that can accompany traditional criminal prosecution" by promoting "social services as alternative court outcomes." Tia Pooler & Kimberly Dalve, Ctr. for Ct. Innovation, *The Brooklyn Young Adult Initiative: Perceptions and Impacts of a New Approach to Young Adult Justice*, at iv (Sept. 2019),

<https://tinyurl.com/37h4pukb>. A dedicated specialized staff (including a judge, prosecutors, defense attorneys, resource coordinators, and clinical staff from the Center for Justice Innovation) work collaboratively to connect young adults with case management and targeted social services in order to address the underlying and individual issues that may be driving criminal behavior, while minimizing the harms associated with exposure to the criminal legal system. Participation in the young adult court typically includes referrals to community-based clinical programming, employment readiness and conflict resolution workshops, and frequent case conferencing and compliance monitoring.

A second example, San Francisco's Young Adult Court (YAC), was established in 2015 and goes even further by including individuals 18–25 who have been charged with felonies. While the court is small, designed to serve 60–80 individuals per year, it features intensive collaboration between partner agencies, including the Superior Court; Office of the District Attorney; Office of the Public Defender; Department of Public Health; Adult Probation; Department of Children, Youth and Their Families; the Police Department; and Family Service Agency. The court is conceptualized as a “problem solving” court, and to participate, individuals must enter a plea for a deferred sentence. Program completion includes four phases and typically takes 10–18 months, during which time individuals participate in a range of case management, clinical, educational, vocational, and other supportive services identified on an individual care plan designed to align with the individual's self-identified goals and needs. YAC also requires random drug testing, frequent court appearances and case conferences, and a series of protocolized rewards and sanctions. Successful program completion can result in reduced or dismissed convictions. (For a detailed discussion of specialized courts for emerging adults, see *Roadmap to Reform—Courts, supra.*)

Some jurisdictions have taken the approach of forming specialized units within prosecutor offices to handle cases with emerging adults. In the Brooklyn District Attorney's Office, a Young Adult Bureau was established in 2016 in tandem with Brooklyn's youth court, tasked with collaboratively and supportively handling misdemeanor cases against 16- to 24-year-olds. In Philadelphia, the District Attorney's Office created an Emerging Adult Unit in 2022 to focus on misdemeanor and lower-level felony cases involving emerging adults through age 25.

On the defense side, Massachusetts' statewide agency, the Committee for Public Counsel Services (CPCS), is launching an Emerging Adult Pilot Office this year, pairing public defenders working in the juvenile court with colleagues representing clients. They will use a new emerging adult developmental framework to guide their work both inside and outside the courtroom, collaborate with social service and education professionals to advocate for a plan that meets a young person's individual needs, and partner with a community nonprofit, UTEC, with expertise in supporting the wellness, development, and empowerment of emerging adults. CPCS intends to expand this specialized emerging adult practice into a statewide model over the next three to five years, guiding criminal defense practices for all 18- to 25-year-olds in the Commonwealth. Lael E.H. Chester & Naoka Carey, *To End the Age of Incarceration, Three Communities Pioneer a Developmental Approach*, *Juv. Just. Info. Exch.* (May 11, 2023), <https://tinyurl.com/2nyt6xdw>.

Specialized Correctional and Supervision Units

Avoiding the use of incarceration and confinement for emerging adults is preferred whenever safely possible; emerging adults are uniquely vulnerable to trauma, abuse, and negative peer influence in general adult jail and prison settings, and incarceration can have lasting negative impacts on emerging adults' developmental trajectories. Some jurisdictions have taken steps to ensure that the harms associated with incarceration, when necessary, are minimized. Some facilities utilize specialized correctional units that physically separate emerging adults from the general population and/or offer specialized programming services and opportunities. In Connecticut's T.R.U.E Unit (Truthfulness, Respectfulness, Understanding, Elevating), which was inspired by a tour of a German prison facility and supported by the Vera Institute of Justice in collaboration with the Connecticut Department of Corrections, young adults are placed on the same prison unit as older adult mentors, who have the autonomy to develop some of the policies and practices on the unit. The unit also features small group discussions, classes, and highly structured and scaffolded rehabilitative programming. The unit, in turn, inspired Washington, DC's Young Men Emerging (YME) unit, which houses emerging adults in DC's jail with older people serving long prison sentences. These older participants serve as mentors who help the emerging adults navigate the

justice system, develop life skills, create goals, and promote personal development.

After or in lieu of incarceration, some jurisdictions have also developed specialized community supervision caseloads. These units, which feature specially trained probation/parole officers and smaller individualized caseloads and often have connections to targeted employment and/or educational programming, seek to mitigate the consequences of incarceration that also follow emerging adults post-release, which are manifested through high rates of recidivism and poor mental, physical, and social health. In Harris County, Texas, the Community Supervision and Corrections Department has a specialized caseload for emerging adults aged 17–25, with officers specially selected and then trained in youth brain development and cultural competency. These officers are paired with certified life/recovery coaches to cultivate a positive, therapeutic, and supportive supervisory environment for engaging with emerging adult clients. Meanwhile, New York City's Department of Probation launched an adolescent/young adult specialized unit and caseload in 2016, focused on 16- to 24-year-olds. Probation staff in this unit, called Anyone Can Excel (ACE), receive specialized training on positive youth development and other topics related to successfully engaging with young adults on topics relevant to supervision. They too develop individualized action plans that integrate the results of a risk assessment measure, as well as input from the supervised youth and their immediate community members. Based on these plans, officers facilitate connections to relevant programming and resources. Separately, New York City's Neighborhood Opportunity Network (NeON) offers several programs and services for emerging adults, including arts, athletic skill building, workforce development, and education and employment opportunities. *Roadmap to Reform—Probation, supra.*

International Comparisons

As cities and states across the US accelerate efforts to integrate principles of EAJ into criminal justice systems and policies, it is vital to consider how we can learn from European nations (and other countries) that are much further ahead. Decades of international human rights standards, including United Nations Standard Minimum Rules for the Administration of Juvenile Justice in 1985, the Convention on the Rights of the Child in 1989, and the Council of Europe's 2003 and 2008 recommendations, have propelled European nations towards continued innovation and reform related to EAJ, including

expansions of diversion, education, restorative justice, therapeutic programming, and preferences for minimum intervention. These reforms have normalized and systematized a rehabilitative approach to juvenile justice and EAJ across the European continent.

As mentioned above, Germany has included youth up to age 21 into its juvenile justice system since 1953, the Netherlands has raised its age of juvenile jurisdiction to 23, and Croatia extends youth procedures (including applying youth sanctions) to age 21. However, these are just three examples. Overall, 28 out of 35 European countries have special provisions for prosecuting or sentencing emerging adults, and 57 percent have special penal laws that apply specifically to emerging adults. European nations tend to fall into two broad model categories when it comes to EAJ: strict and flexible. In strict model systems, nations fix an upper age limit of the youth justice system and preclude any prosecution of children and young people under that age limit in the adult system for any reason. Flexible models, meanwhile, allow for the transfer of juvenile defendants into the adult criminal justice systems under special circumstances. Matthews, Schiraldi & Chester, *Youth Justice in Europe, supra.* While this, in theory, is similar to the US's system, this option is utilized much more rarely in Europe than in the United States. When European countries do incarcerate young people (which happens much less frequently in Europe than in the United States), the conditions of confinement are much more humane and focused on rehabilitation and growth. Indeed, it was a visit to a prison in Germany that inspired Connecticut's T.R.U.E. program, and in the Netherlands, young adults can serve their confinement sentences in either juvenile or adult facilities, and elaborate provisions exist to protect the safety and legal rights of confined individuals.

Conclusions and Next Steps

While much of criminal legal system reform and innovation take place at the local and state levels, there is an important role for the federal government to play in setting minimum and foundational standards and advancing priorities and agenda items. As the US has finally begun to apply its own research to practice and has accelerated at rapid speed to catch up with its European counterparts, the present moment is ripe with opportunity for the Biden administration, along with state and local jurisdictions, to prioritize and advance a progressive EAJ platform that acknowledges and highlights the distinct strengths and needs of emerging adults. ■