

Emerging Adult Justice Project

Bridging justice between childhood and adulthood

The EAJP Held a Panel on Specialized Parole and Resentencing Laws for Emerging Adults

On September 30, 2020, the EAJP facilitated a virtual panel of experts to discuss current proposals and laws that create early release mechanisms for people incarcerated for lawbreaking that occurred when they were emerging adults in California, Colorado, Illinois, Washington, D.C., and Florida. Columbia Law student **Natalie Behr** opened the event with a discussion of her research paper detailing such laws.

Members of the panel shared their first-hand experiences and wealth of knowledge regarding specialized parole and early release legislation for emerging adults. "In my 40s being denied for things I did as a child, as a 16-year-old, 17-year-old, 18-year-old, 19-year-old boy, I was being prosecuted over and over again at that [parole] board hearing until [laws] 260 and 261," **John Windham**, community leader and human rights activist, explained of his experience with the parole board prior to California's expansion of early parole legislation to include emerging adults. He and others spoke passionately about the timeliness and necessity of specialized parole and resentencing laws. Representative **Serena Gonzales-Gutierrez** from Colorado (CO), spoke to the importance and challenges of passing specialized laws for emerging adults in CO, such as Bill SB20-076, which she sponsored.

Rep. Gonzales-Gutierrez's experiences were echoed by D.C. Councilmember **Charles Allen**, who emphasized centering themes of hope and resilience when creating legislation and advocating for emerging adults. Councilmember Allen spoke in reference to the enactment of the Comprehensive Youth Justice Amendment Act of 2016 which included several reforms for young people in the District. One such reform is the Incarceration Reduction Amendment Act of 2019 (IRAA), which provides individuals incarcerated for offenses committed under the age of 18 the ability to petition the court for early release. The D.C. Council is currently considering an amendment that would expand the IRAA to include emerging adults (under age 25). To close out the session, California Youth Justice Initiative Director **Francis ("Frankie") Guzman**, touched on the significance of investing in developmentally appropriate programming for justice-involved young people, "Passing a law isn't enough, we need to really make sure that we invest in the programming, and to make it available."

The EAJP also took part in another panel discussion this month focused on

lengthy sentences. As part of the National Decarceration Network's month-long commemoration of the 49th anniversary of the Attica uprising, [the Osborne Association held a virtual panel discussion](#) exploring the implications of new emerging adult justice research for the release of those serving life and lengthy sentences.

The Justice Policy Institute Launched Publications on Emerging Adult Justice Reforms in Washington, D.C and the Young Men Emerging Unit in the D.C. Jail

This past September, the Justice Policy Institute (JPI) published two policy briefs examining reforms in Washington, D.C. that have focused on emerging adults in contact with the criminal legal system.

One of the briefs details [information about emerging adults in contact with the Washington D.C. justice system](#), and highlights the extreme over-representation of emerging adults. "Emerging adults in the District account for 11 percent of the general population, yet they account for 25 percent of the justice-involved population – 24 percent of all arrests, 18 percent of those under community supervision, and 26 percent of the average daily population in the DC Jail." The report also highlights that among justice-involved people in Washington D.C., emerging adults experience extreme racial disparities, with Black emerging adults arrested and incarcerated at extremely high rates. "Black young adults, a fraction of the District's population (5.5 percent), account for the overwhelming majority of people experiencing justice system involvement. Despite only comprising 1 in 18 District residents, Black young adults represented 1 in 5 arrests, 1 in 4 arrests for a violent crime, and 1 in 3 individuals sentenced to incarceration."

JPI's other brief features [stories from mentors and mentees on the Young Men Emerging \(YME\) Unit in the Washington, D.C. jail](#). Authored by Michael Woody, Tyrone Walker, and Joel Castón, three former mentors in the YME unit, the paper highlights their experiences. The YME was formed in response to the lack of developmentally appropriate programming for incarcerated young people. The establishment of the Unit led to numerous benefits such as culture changes throughout the prison and the use of humanizing practices in the Unit, like speaking in person-first language and creating safe environments for mentees. The inclusion of Unit members (both mentors and mentees) in advocacy opportunities adds "a critical voice to the policy conversation that too often has been ignored."

See the [Crime Report's](#) October 5, 2020 article on the JPI's brief on the YME [here](#).

Washington State Board of Health Study Found Positive Impacts of Raising the Upper Age of Juvenile Jurisdiction

The [Washington State Board of Health analyzed the impact](#) of increasing both the lower and upper ages of juvenile jurisdiction and thereby "right-sizing" the state's juvenile justice system. The report, which was guided by [the EAJP's research](#), found "very strong evidence" of positive impacts of raising the age, including reduced recidivism and improved access to employment opportunities, housing, economic stability, and health outcomes.

Youth Represent and the Children's Defense Fund of New York Released a Report on Expanding Youth Justice

The Children's Defense Fund of New York and Youth Represent published a guidebook that urges New York to embrace "a comprehensive, cutting-edge agenda for youth justice" that would provide many improvements for adolescents and emerging adults. The report's policy recommendations for New York to improve emerging adult justice include:

- Providing pre-arrest diversion,
- Raising the upper age of Family Court jurisdiction,
- Enacting alternative sentencing and record sealing,
- Utilizing age-appropriate probation and community-based programming,
- Creating age-appropriate settings in adult facilities, and
- Providing opportunities for sentence review and early parole.

The report emphasizes the racial disparities and high rates of recidivism among justice-involved emerging adults, and suggests that "the safest communities are those with the most resources, not the most police and incarceration."

Vermont Raised the Age of Juvenile Jurisdiction and Closed Woodside Juvenile Rehabilitation Center

Vermont became the first state in the country to raise its upper age of juvenile jurisdiction past a youth's 18th birthday with the enactment of **Act 201**, the "Raise the Age" law. Most young persons accused of lawbreaking at age 18 are now prosecuted in the Family Division of the Superior Court, rather than in the Criminal Division, and receive supervision and other services provided by the Department for Children and Families. The EAJP, along with the Department for Children and Families, prepared for the enactment of this legislation by developing a report on Act 201 and providing recommendations.

As of October 18, 2020, Woodside Juvenile Rehabilitation Center, Vermont's only juvenile prison, was effectively shut down by the legislature. Woodside had undergone multiple investigations and lawsuits stemming from concerns over treatment of and low numbers of youths in the facility.

New York Law Waives Surcharges and Fees for Defendants Under the Age of 21

On August 24, 2020, New York **Assembly Bill A5045**, introduced by Rep. Davila, was signed into law and immediately took effect. This new law authorizes judges to waive specific surcharges and fees for defendants under the age of 21 under certain circumstances. Similarly, this law eliminates court fees when young people receive a "youthful offender" status.

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