

# Emerging Adult Justice in Illinois: Towards an Age-Appropriate Approach

Selen Siringil Perker, Lael E. H. Chester and Vincent Schiraldi\*

In 1899, when Cook County established the first Juvenile Court in the country, it formally acknowledged that youths are fundamentally different from adults and would be better served in a separate justice system. Over the years, the age of demarcation between the juvenile and adult justice systems has differed among states (and has even been set at different ages for the different genders). Illinois joined the vast majority of states by setting the legal marker at a youth's 18<sup>th</sup> birthday, first for misdemeanors in 2010 and then for felonies in 2014.<sup>1</sup>

This report examines the implications of Illinois' automatic prosecution of all young people ages 18 and over in its adult criminal justice system<sup>2</sup> in the same manner as it prosecutes and sentences 40- or 50-year-olds. This report also reviews research indicating that by providing more developmentally appropriate responses – many of which already exist in the juvenile justice system, such as individualized rehabilitative services and confidentiality protections – Illinois could increase positive outcomes for the youth and enhance public safety.

The idea that individuals in their late teens and early twenties are too young to be subjected to the adult criminal justice system is not foreign to Illinois. Between 1914 and 1969, the Boys' Court operated as a specialized criminal branch of the Municipal



The first Juvenile Court in the nation, Cook County, Illinois. Photo credit: 1939/Chicago Tribune Archive Photo/TNS

Court of Chicago with exclusive jurisdiction over male defendants between the ages of 17 (then the maximum age limit of juvenile court jurisdiction) and 21. The Boys' Court was meant to foster a rehabilitative ideal that was lacking in adult criminal courts.<sup>3</sup>

But several developments *are* new to Illinois. First, there is mounting scientific evidence that youth ages 18–24 are developmentally distinct from older adults and should be treated as such by the justice system. Recent research in neurobiology and developmental psychology suggests that cognitive skills and emotional intelligence continue to develop into a person's mid-20s, and even beyond.<sup>4</sup> Sociological research also reveals that key milestones bridging youth to adulthood, such as completing education, employment, and marriage, come later in an individual's life course than they did for previous generations (Figure 1).<sup>5</sup> Research shows that there is no magic birthday that transforms a youth into an adult and the transition period is longer than previously understood.<sup>6</sup>

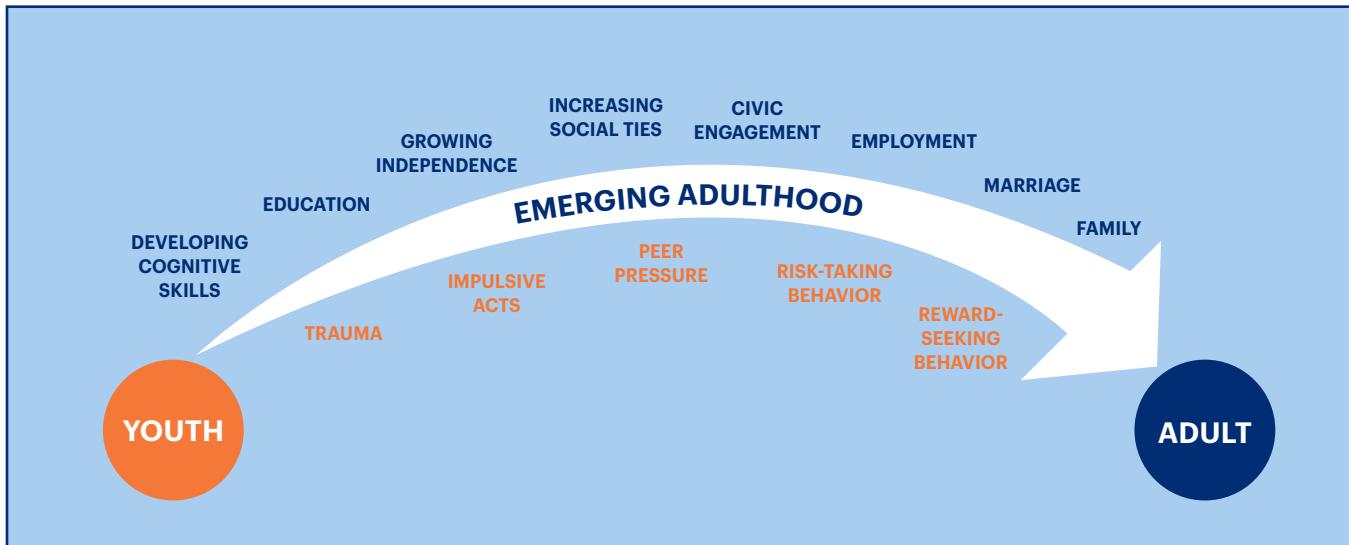
Second, Illinois recently had a successful experience raising the age of its juvenile jurisdiction in 2010 and 2014, as noted above. Despite concerns that the expansion of the juvenile justice system from age 17 to 18 would result in unmanageable increases of court caseloads, incarcerated populations, and youth crime, the data show the opposite result: Juvenile crime, court caseloads, and juveniles in youth prisons have all declined substantially since the age of juvenile court was raised to age 18.<sup>7</sup>

It is important to explore this new research and the success of previous “raise the age” efforts as Illinois and other states consider new ways to improve justice system outcomes for this age cohort and, in turn, improve public safety.

## Definition of emerging adults

The term “emerging adults,” first coined in 2000 by psychologist Jeffrey Arnett, aptly defines a critical developmental period: the transition from a youth who is dependent on parents or guardians for supervision and guidance (as well as emotional and financial support) into a fully mature, independent adult who engages as a productive and healthy member of society.<sup>8</sup> While there is no universal definition of “emerging adults” in the context of criminal justice, it is defined here as individuals transitioning from youth to adulthood, from age 18 to 25.<sup>9</sup>

**Figure 1: Developmental factors and milestones in transition to adulthood**



### **Increased focus on emerging adults and the transitional period to adulthood**

In the past decade, many professional fields have increasingly recognized the distinct developmental needs of emerging adults. For example, the American Academy of Pediatrics (AAP) released new guidelines in September 2017 suggesting that setting the upper age limit of care at age 21 (as it recommended in 1988) is out of step with recent research on childhood development.<sup>10</sup> As the AAP stated, “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.”<sup>11</sup>

Further, many areas of public policy increasingly recognize emerging adulthood as a distinct developmental stage and, as a result, laws and policies have been crafted to specifically protect this age group from harmful conduct. For example, while the federal voting age is 18, legislators in Illinois and every other state have set the drinking age, which is more closely related to social and emotional decision making, at 21 years. Similarly, legislation was considered last year in Illinois to increase the age for purchase of tobacco and purchase of assault weapons to 21 years.<sup>12</sup> By the same token, all states that have legalized marijuana have set the legal age of its use at 21 years or older. Private companies also understand the risk-taking and impulsive behavior that marks this age group and have adjusted their car rental and insurance policies accordingly.<sup>13</sup> These policies mirror the gap that exists between the cognitive abilities of emerging adults (cold cognition) that underlie an activity like voting and their lesser-developed social-emotional capabilities (hot cognition) that can play a large role in risky behavior, such as drinking and driving.<sup>14</sup>

“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.”

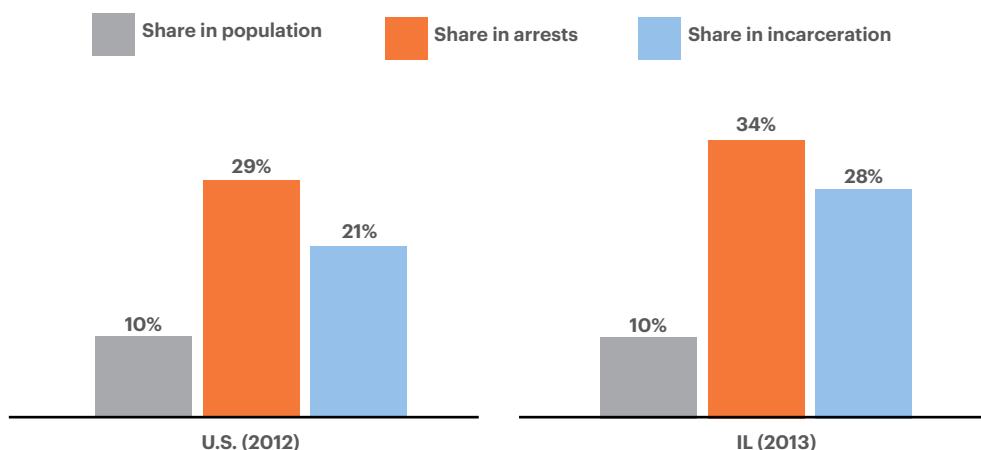
—American Academy of Pediatrics (2017)

Policy discussions around the country are now focusing on reforming the justice system so that it similarly recognizes the distinct developmental needs of emerging adults. In 2018, four states considered legislation to include emerging adults in the juvenile justice system by raising the age of juvenile jurisdiction beyond the 18<sup>th</sup> birthday – Connecticut, Illinois, Massachusetts, and Vermont. On May 30, 2018, Vermont enacted a new law that gradually raises the upper age of juvenile jurisdiction to a young person's 20<sup>th</sup> birthday by 2022, making this the first state in U.S. history to do so.<sup>15</sup> This series of legislative proposals to raise the age of juvenile court jurisdiction follows a National Institute of Justice study group<sup>16</sup> and, separately, a paper from a Harvard Kennedy School Executive Session,<sup>17</sup> recommending that jurisdictions incorporate emerging adults into their juvenile justice systems. To specifically target and serve this age cohort, jurisdictions across the country have also been considering and implementing specialized courts, specialized caseloads, specialized correctional units, and the expansion of hybrid systems (which borrow elements of both the juvenile and adult criminal justice systems, usually referred to as "youthful offender statutes").

## Emerging adults in the criminal justice system

*Emerging adults are overrepresented in the criminal justice system, primarily for nonviolent and minor offenses.*

**Figure 2: Share of Emerging Adults in Criminal Justice, U.S. & Illinois**



Source: Data for the U.S. are from U.S. Census, Federal Bureau of Investigation, and Carson & Golinelli (2014). Data for Illinois are from Bureau of Justice Statistics, National Corrections Reporting Program, 1991-2014: Selected Variables, Prison Admissions, and Ishida (2015).

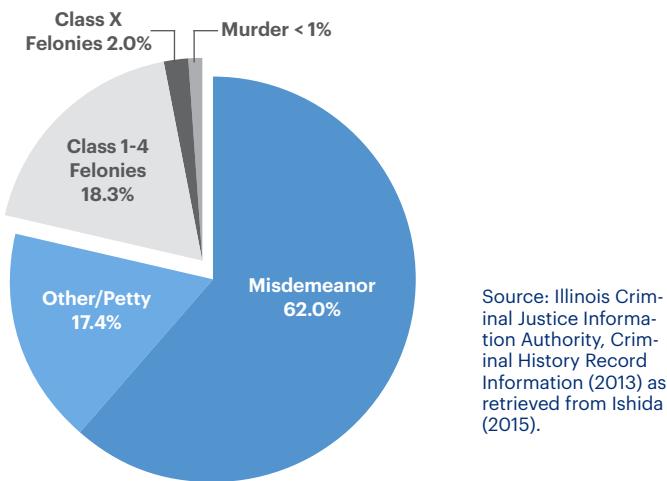
Emerging adults<sup>18</sup> make up 10 percent of the United States population, but in 2012 they comprised 29 percent of arrests<sup>19</sup> and 21 percent of admissions into adult prisons across the country (Figure 2).<sup>20</sup>

Similarly in Illinois, emerging adults comprised 10 percent of the overall population in 2013, yet they accounted for 34 percent of total arrests<sup>21</sup> and 28 percent of individuals sentenced to incarceration in state prisons (Figure 2).<sup>22</sup>

Furthermore, the rate of incarceration in Illinois state prisons for emerging adults was 682 per 100,000, more than double the incarceration (admission) rate for residents over the age of 25 (250 per 100,000).<sup>23</sup>

The disproportionately large share of emerging adults in the Illinois criminal justice system is mostly driven by nonviolent and minor offenses. In 2013, over 60 percent of all arrests of 18- to 21-year-olds statewide were for misdemeanor offenses and another 20 percent were for other petty offenses, such as local ordinance violations (Figure 3).<sup>24</sup> Meanwhile, felony arrests accounted for only 20 percent of all arrests of 18- to 21-year-olds.<sup>25</sup>

**Figure 3: Arrests by Offense Class (%), Ages 18–21, Illinois (2013)**



Emerging adults are similarly overrepresented in the criminal justice system of Illinois' largest jurisdiction, Cook County. In 2015, of the 16,106 18- to 21-year-olds arrested in Cook County, more than half (52%) were released and never spent even one night in the Cook County jail.<sup>26</sup> Of those 18- to 21-year-olds admitted to Cook County jail (7,777), a third were charged with misdemeanors (2,566). In 2017, 35 percent (2,252) of 18- to 21-year-olds admitted to the Cook County jail were charged with misdemeanors or other petty offenses, such as minor traffic violations and violation of probation.<sup>27</sup>

Similarly, a substantial majority of the emerging adults who are incarcerated in Illinois are serving time for nonviolent offenses. Convictions for nonviolent offenses led to nearly three quarters (73 percent) of the emerging adult admissions to Illinois state prisons in 2013 (Figure 4).<sup>28</sup> Of those nonviolent offenses, property offenses were the leading most serious sentenced offense, constituting 29 percent of all emerging adults admitted to state prisons.

**2X**

In Illinois, emerging adults are imprisoned at twice the rate of adults over age 25.

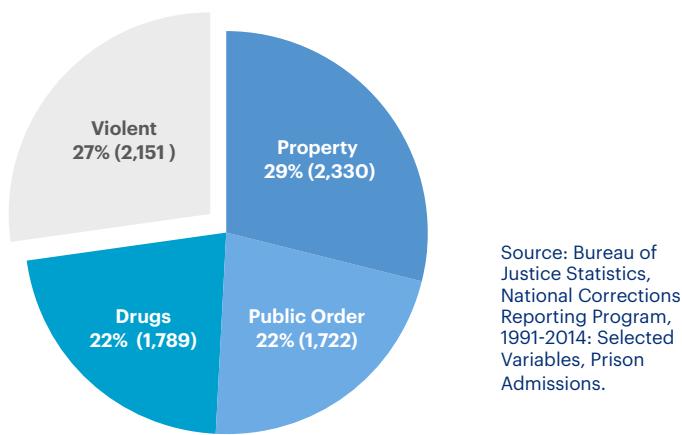
**35%**

In 2017, over a third of youth ages 18–21 (2,252 young people) admitted to Cook County Jail were charged with misdemeanors or other petty offenses.

# 73%

Almost three quarters of the emerging adults entering Illinois' prisons —nearly 6,000 youth— are imprisoned for nonviolent offenses.

**Figure 4: Admissions by most serious sentenced offense (%), Ages 18–24, Illinois State Prisons (2013)**



The persistent, large, and disproportionate share of emerging adults in the criminal justice system for relatively minor charges increases the system's workload and expense, and contributes significantly to the problem of mass incarceration. It also burdens large numbers of youth with criminal records and exposes them to the trauma associated with incarceration at a critical developmental turning point.

*Emerging adults have the highest recidivism rates and face significant barriers to re-entry, including higher rates of trauma, substance use disorders, and homelessness.*

Emerging adults are not only more likely to be incarcerated than older adults, but they are also more likely to recidivate when they leave a correctional facility. A national study of 30 states revealed that 75.9 percent of those under age 24 released in 2005 were rearrested within three years, compared to 69.7 percent of those ages 25–29 and 60.3 percent of those 40 and older.<sup>29</sup> This pattern continued to hold at the 5-year mark after release.

Higher recidivism rates among emerging adults correspond with other challenges faced by this particular population. Emerging adults experience violent victimization and emotional and physical trauma at a much higher rate than any other population.<sup>30</sup> Of all age groups, emerging adults are also the most vulnerable to substance use disorders.<sup>31</sup> While the causal relationship between victimization and offending is the subject of scholarly debate,<sup>32</sup> some studies suggest that adult jails and prisons are toxic environments that cause and often increase trauma and further expose youth to negative influence.<sup>33</sup>

In addition, homelessness is a growing concern among emerging adults. A recent study found that one in 10 emerging adults (ages 18–25) had experienced homelessness in the United States over the course of a year.<sup>34</sup> Prevalence of homelessness among emerging adults is especially striking since research also indicates that homelessness impacts the formerly incarcerated population to an even greater degree and increases the likelihood of further criminal justice involvement.<sup>35</sup>

*The starker racial and ethnic disparities in the criminal justice system are amongst emerging adults.*

**9.4x**

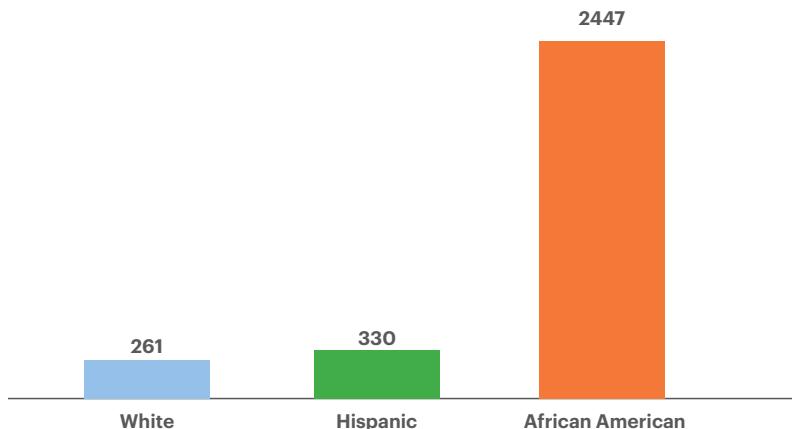
In Illinois,  
African American  
emerging adults  
are 9.4 times  
more likely to  
be incarcerated  
than their white  
peers.

African American male emerging adults comprised nearly 40 percent of all emerging adults admitted to state and federal prisons in the United States in 2012, and they were 7 to 9 times more likely to end up in prison compared to their white peers.<sup>36</sup>

In Illinois, disparities in incarceration of African American emerging adults and white emerging adults are particularly stark. In 2013, 2,447 per 100,000 of the African American 18- to 24-year-old population were admitted to state prisons in Illinois, compared to 261 per 100,000 of the white 18- to 24-year-old population (Figure 5). In other words, African American emerging adults are incarcerated at a rate 9.4 times greater than their white peers in Illinois.<sup>37</sup>

Illinois has one of the highest incarceration rates of African American emerging adults in the country. Findings of our forthcoming comparative report suggest that the incarceration rate of African American emerging adults in Illinois (2,447 per 100,000) is 9 times higher than Massachusetts (272 per 100,000), three times higher than New York (773 per 100,000), and 2.5 times higher than California (943 per 100,000).<sup>38</sup>

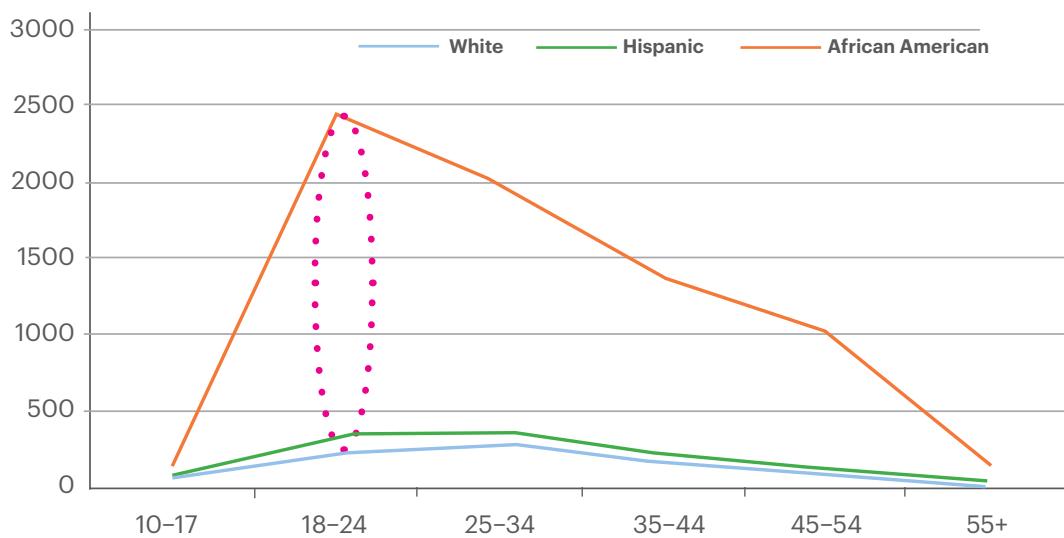
**Figure 5: Incarceration Rates by Race and Ethnicity per 100,000 18- to 24-year-olds, Illinois State Prisons, 2013**



Source: Bureau of Justice Statistics, National Corrections Reporting Program, 1991-2014: Selected Variables, Prison Admissions; U.S. Census Bureau, American Community Survey.

Although African Americans are overrepresented in Illinois state prisons in every age cohort, this disproportionate representation is highest for incarcerated emerging adults. As Figure 6 shows, the racial gap modestly narrows for incarcerated 25- to 34-year olds and 35- to 44-year-olds as rates of incarceration drop. African Americans in these age groups were, respectively, 6.6 and 7.3 times more likely than their white peers to be incarcerated in a state prison in Illinois in 2013.<sup>39</sup>

**Figure 6: Rate of Imprisonment per 100,000 Residents by Age, Race and Ethnicity, Illinois (2013)**



Source: Bureau of Justice Statistics, National Corrections Reporting Program, 1991-2014: Selected Variables, Prison Admissions; U.S. Census Bureau, American Community Survey. Data for juveniles (ages 10 -17) show commitments to juvenile facilities and are from Office of Juvenile Justice and Delinquency Prevention as retrieved from Rovner (2016).

---

Illinois has one of the **highest incarceration rates of African American emerging adults** in the country: 3 times higher than New York and 2.5 times higher than California.

---

These disparities call into the question the fairness of the criminal justice system and create a “crisis of legitimacy,” particularly among youth of color.<sup>40</sup> Weakened perceived legitimacy and fairness, in turn, challenges the effective operation of the criminal justice system, as law enforcement and other justice officials need cooperation and support from communities to operate successfully.<sup>41</sup>

Racial and ethnic disparities in the criminal justice system also create serious post-release inequalities among vulnerable communities. A criminal record can severely interfere with an individual’s ability to join the workforce, pursue higher education, and secure housing.<sup>42</sup> These collateral effects are amplified for emerging adults, especially young men of color, because they face significantly higher levels of detachment from mainstream institutions such as employment and school compared to their white peers. In 2017, the percentage of African American males ages 18–19 who were out of school and unemployed was 30.7 percent, 2.5 times higher than their white peers.<sup>43</sup> Because the criminal justice system impacts emerging adults in communities of color at higher rates than it does in white communities, the corresponding decrease in opportunity for socio-economic development hits these communities hardest.

*Emerging adulthood provides both specific challenges and opportunities for effective justice responses.*

Research shows that the human brain continues to develop into the mid-20s and beyond.<sup>44</sup> Emerging adults have been found to be overly motivated by reward-seeking behavior, susceptible to peer pressure, and prone to risk-taking and impulsive behavior.<sup>45</sup>

They are particularly volatile in emotionally charged settings, especially when with their peers.<sup>46</sup> Furthermore, victimization or history of trauma has been shown to amplify and prolong the effects of such factors.<sup>47</sup>

Despite these perceived challenges associated with emerging adulthood, this transitional period is also a time of opportunity. Most emerging adults will mature and age out of crime as their cognitive skills develop, responsibility and independence grow, and social ties are strengthened through key milestones such as education, stable employment, and marriage. Few youths who are involved in even serious delinquent behavior actually go on to engage in criminal behavior during adulthood.<sup>48</sup> Compared to older adults, emerging adults are also more responsive to rehabilitation and appropriate interventions that promote growth and more susceptible to negative interventions, like jail.

---

**Few youths** who are involved in delinquent behavior actually go on to engage in criminal behavior during adulthood.

---

Illinois already has experience providing effective interventions for youth under age 18. The Redeploy Illinois Program, for example, is nationally recognized for providing a network of community-based programs for 13- to 18-year-olds who are at high risk of commitment to the Illinois Department of Juvenile Justice (IDJJ). Outcomes for this program have been encouraging: 61 percent of the youth who completed the program were not incarcerated within the following 3 years.<sup>49</sup> While achieving better outcomes for youth and public safety, such age-appropriate community-based programs also result in significant cost savings. The Redeploy Illinois Program's cost-per-youth is five times less expensive than IDJJ full commitment and two times less expensive than IDJJ evaluation commitments.<sup>50</sup> Tailoring the justice system's response to emerging adults' developmental needs may similarly help improve public safety in a cost-effective way and end the cycle of crime and incarceration that is common for this population.

Furthermore, there are models of evidence-based interventions targeted specifically to the needs of emerging adults that also show promise in positively changing behavior. For example, non-randomized evaluations of two nationally recognized community-based programs in Massachusetts focusing on justice-involved emerging adults, Roca and UTEC, have shown long-lasting, positive outcomes. The 2016 program evaluation of Roca's Intervention Model found that 87 percent of emerging adult participants involved with Roca's 24-month intensive support program had no new arrests, and 88 percent retained employment for six months or more.<sup>51</sup> Roca is now expanding programming to Baltimore, Maryland. Similarly, 83 percent of youth who completed Massachusetts' UTEC programming in 2014 had no new arrests within two years of leaving UTEC, and 82 percent remained employed.<sup>52</sup>

Nationally, over 260 YouthBuild programs in the United States, including over a dozen in Illinois, have been providing a range of services to at-risk youth ages 16–24, to expand their opportunities for employment, education, and housing. These YouthBuild programs have achieved noteworthy outcomes: Of the emerging adult participants who had left high school without a diploma, 30 percent were justice-involved and yet only 11 percent recidivated within one year of enrollment.<sup>53</sup>

Finally, an innovative adaptation of standard multisystemic therapy for adolescents (MST) to emerging adults with serious mental illness and justice involvement (Multisystemic Therapy – Emerging Adults or MST-EA) has recently been piloted and early findings have shown promising outcomes, including a reduction in recidivism.<sup>54</sup> MST-EA targets symptoms of mental illness and justice-system involvement through individualized cognitive and behavioral interventions that integrate clinical techniques within a community-based setting for emerging adult populations. A pilot study reported that the number of criminal and juvenile charges of MST-EA participants in the 6 months post-intervention was less than those in the 6 months prior to the intervention.<sup>55</sup> The percent of participants working doubled and the percent of participants living in out-of-home settings was cut by more than half. While large clinical trials to determine the efficacy of MST-EA are still pending, these early findings suggest that an adaptation of MST to the needs of emerging adults may provide more effective justice responses.

### **Efforts to apply developmentally appropriate responses to system-involved emerging adults in Illinois**

A growing recognition of the need for improvements in emerging adult justice has recently been reflected in numerous ways in Illinois. The Illinois Parent-Teacher Association (PTA) released a report on emerging adults involved in the justice system at the 2017 Illinois PTA Convention, concluding that “youth from the age of 18 to 25 have a different maturity level from that of adults over that age, and that should affect their treatment within the justice system.”<sup>56</sup> The study committee in charge of the report examined a variety of options that could be considered by justice-system stakeholders to address this age group’s developmental needs, including an extension of juvenile jurisdiction up to age 25, specialty courts that are part of the adult court system, and a hybrid model that enhances community-based responses to emerging adult justice.

“Youth from the age of 18 to 25 have a different maturity level from that of adults over that age, and that should affect their treatment within the justice system.”

—Report to 2017 Illinois PTA Convention

Over the past few years, the judiciary in Illinois has actively sought developmentally appropriate ways to address the needs of emerging adults. In recent landmark cases, the Illinois Appellate Court (1<sup>st</sup>) ruled that de facto life sentences imposed on 19-year-old defendants “shocked the moral sense of community” as applied to the particular facts of each case, because they did not take into consideration the youth of the defendant.<sup>57</sup> This follows a recent series of similar high court rulings in other states.<sup>58</sup> Further, in August 2017, the state judiciary opened a new “Young Adult Restorative Justice Community Court” in North Lawndale, Illinois, to exclusively serve emerging adults ages 18–26 charged with nonviolent felonies and misdemeanors. This new court explicitly embraces a restorative justice approach, engaging the community in seeking alternative ways to redress alleged wrongdoing.<sup>59</sup>

The Illinois legislature has recently proposed several bills focusing on justice-involved youth, some of which have been enacted. For example, a sentencing reform act went into effect in January 2018, establishing a pilot First Time Weapon Offender Program for youth under 21 years of age who are charged with certain weapon offenses as a community-based alternative to incarceration.<sup>60</sup> With this act, the General Assembly recognized that “some persons, par-

ticularly young adults in areas of high crime or poverty, may have experienced trauma that contributes to poor decision making skills, and the creation of a diversionary program poses a greater benefit to the community and the person than incarceration.”<sup>61</sup> In November 2018, the Illinois legislature passed a new bill that provides parole eligibility after serving 10 years of sentence for most youth under age 21 at the time of conviction.<sup>62</sup> For youthful offenders, the bill brings back an improved parole system, which Illinois had abolished in 1978.

Legislation was also filed in February 2018 that proposed a gradual expansion of the juvenile justice system to include emerging adults prosecuted for misdemeanor offenses.<sup>63</sup> This bill proposed to raise the age of juvenile jurisdiction for misdemeanor cases from age 18 to 19 in 2019, and to age 21 in 2021. The bill was passed favorably by the Judiciary-Criminal Committee of the Illinois House of Representatives but was not enacted during the legislative session.

The proposal to raise the age of juvenile jurisdiction builds on Illinois’ earlier reform efforts to expand the juvenile justice system. In 2010, Illinois became the first and only state to successfully raise the age of its juvenile jurisdiction to 18 exclusively for misdemeanors, followed by the inclusion of felony cases in 2014. Despite concerns at the time about the potential negative impact of this reform,<sup>64</sup> juvenile arrests, detention, and incarceration rates in Illinois decreased 24 percent, 18 percent, and 22 percent respectively within two years after the change in the law.<sup>65</sup> As juvenile incarceration continued to drop (a total decrease of 45 percent between 2009 and 2015), three state-operated juvenile prisons, as well as a detention center, were closed by 2015.<sup>66</sup>

In Illinois,  
**within two years**  
of raising  
the age of juvenile jurisdiction  
to 18 for misdemeanors,  
youth arrests,  
detention, and  
incarceration  
rates all  
**declined by double-digits.**

Whether emerging adults are prosecuted and sentenced in the juvenile or the adult criminal justice system can also have a significant effect on their life-course outcomes. An adult conviction and incarceration has far-reaching collateral consequences, such as diminished prospects of employment, reduced access to housing and higher education, and disenfranchisement.<sup>67</sup> The juvenile system has the potential to mitigate some of these consequences by avoiding an adult conviction, protecting confidentiality of the youth, and providing developmentally appropriate services, such as education and vocational training. Expanding juvenile jurisdiction increases the likelihood that system-involved youth will become engaged and productive members of society, and provides an opportunity to simultaneously increase public safety and reduce long-term costs to taxpayers.

## Conclusion

As the state of many juvenile justice firsts, it is not surprising that Illinois is among the leaders in the field of emerging adult justice, developing and proposing systemic reforms. But Illinois is also not alone. There is a growing recognition that emerging adults present both significant challenges as well as important opportunities for the justice system. The data show that the current system is producing poor results, in terms of youth outcomes, racial and socio-economic equity, and public safety. The reform efforts being pursued in Illinois present the state with an opportunity to provide more individualized, tailored, developmentally appropriate responses. Connecticut, Massachusetts and Vermont are pursuing similar strategies and many other states are watching closely.

## Endnotes

\* Selen Siringil Perker is Senior Research Associate, Lael E. H. Chester is the Director of Emerging Adult Justice Project, and Vincent Schiraldi is Senior Research Scientist and Co-director of The Justice Lab at Columbia University. The authors wish to thank the Open Philanthropy Project and the William T. Grant Foundation for supporting this research on Emerging Adult Justice.

1 In 2010, PA95-1031 provided that 17-year-olds charged with misdemeanors in Illinois would be sent to juvenile court rather than adult criminal court. In 2014, PA98-0061 went into effect, which similarly raised the age of juvenile jurisdiction to 18th birthday for felony offenses in Illinois.

2 This report will mostly use the terms “juvenile justice” and “(adult) criminal justice” since they are the terms most commonly used to describe the systems in which children and adults are arrested, prosecuted, and sentenced. But it is worth noting that the alternative terms, such as “juvenile and criminal legal systems,” may more aptly indicate that “justice” is not always achieved.

3 Willrich, M. (2003). *City of Courts: Socializing Justice in Progressive Era Chicago*. New York, NY: Cambridge Press.

4 See e.g., Giedd, J.N., Blumenthal, J., Jeffries, N.O., Castellanos, F.X., Liu, H., Zijdenbos, A., Paus, T., Evans A.C., and Rapoport, J.L. (1999). “Brain Development During Childhood and Adolescence: A Longitudinal MRI Study.” *Nature Neuroscience* 2: 861-863; Howell, J.C., Feld, B.C., Mears, D.P., Farrington, D.P., Loeber, R., and Petechuk, D. (2013). “Bulletin 5: Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know.” Study Group on the Transitions Between Juvenile Delinquency and Adult Crime. Final report to National Institute of Justice (grant number 2008-IJ-CX-K402).

5 Berlin, G., Furstenberg, F.F., and Waters, M.C. (Eds.) (Spring 2010). “Transition to Adulthood.” Special Issue. *The Future of Children* 20(1); Schiraldi, V., Western, B., and Bradner, K. (2015). “Community-Based Responses to Justice-Involved Young Adults.” *New Thinking in Community Corrections Bulletin*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice. NCJ 248900; Sampson, R.J., and Laub, J.H. (1993). *Crime in the Making: Pathways and Turning Points Through Life*. Harvard University Press.

6 Arnett, J.J. (2004). *Emerging adulthood: the winding road from the late teens through the twenties*. New York: Oxford University Press.

7 Illinois Juvenile Justice Commission (February 2013). “Raising the Age of Juvenile Court Jurisdiction.” Available at: <http://ijjc.illinois.gov/rta>.

8 This population is also often described as “young adults” or “transition-age youth.”

9 The authors acknowledge that each emerging adult matures at a different rate, and many variables affect the developmental process. Thus, we consider the 18-to-25-year age range for emerging adults to be flexible, and we encourage enabling the application of dedicated policy and programming to youths 1-2 years outside of this age range.

10 Hardin, A.P., Hackell, J.M., AAP Committee On Practice And Ambulatory Medicine. (2017). “Age Limit of Pediatrics.” *Pediatrics*. 2017; 140(3):e20172151.

11 *Id.*

12 H.B. 4297, 100<sup>th</sup> Gen. Assem. (Ill. 2018); H.B. 1465, 100<sup>th</sup> Gen. Assem. (Ill. 2017). H.B. 4297, which proposed to raise the legal age for purchasing tobacco to 21 years statewide, was approved by both the Illinois House and Senate Health Committees in February 2018, but was vetoed by the Governor. The Illinois House did not override the Governor’s veto. Chicago had already raised the minimum age for purchasing tobacco from 18 years to 21 years in 2016. H.B. 1465, which proposed to raise the age of purchase of assault-style weapon to 21 years, passed both the House and Senate in March 2018, but was pending at the House Committee at the time of writing this paper.

13 In general, the minimum age to rent a vehicle is 21 years of age across the United States (except Michigan and New York) and surcharges, often called a “young renter fee,” apply to drivers who are under age 25. Age is also one of the primary factors insurance companies consider in determining car insurance premiums. Youth under age 25 pay, on average, the highest auto insurance premiums of all age groups. See, e.g., <https://www.valuepenguin.com/how-age-affects-auto-insurance-costs>.

14 Steinberg, L., Cauffman, E., Woolard, J., Graham, S., and Banich, M. (2009). “Are Adolescents Less Mature Than Adults? Minors’ Access to Abortion, the Juvenile Death Penalty, and the Alleged APA “Flip-Flop.”” *American Psychologist* 64(7): 583-594.

15 S. 234 (A. 201), Reg. Sess. 2017-2018 (Vt. 2018). “An act relating to adjudicating all teenagers in the Family Division, except those charged with a serious violent felony.” (enacted as 33 V.S.A. § 5201). Full Act is available at: <https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT201/ACT201%20As%20Enacted.pdf>.

16 Loeber, R., Farrington, D.P., and Petechuk, D. (2013). “Bulletin 1: From Juvenile Delinquency to Young Adult Offending.” Study Group on the Transitions Between Juvenile Delinquency and Adult Crime. Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/242931.pdf>.

17 Schiraldi, V., Western, B., and Bradner, K. (2015). “Community-Based Responses to Justice-Involved Young Adults.” New Thinking in Community Corrections Bulletin. Washington, D.C.: U.S. Department of Justice, National Institute of Justice. NCJ 248900.

18 Data cited for emerging adults in this report include 18-to 24-year-olds (including 24) unless otherwise specified.

19 United States Department of Justice, Federal Bureau of Investigation (October 2013). “Crime in the United States, 2012.” Retrieved from <https://ucr.fbi.gov/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/resource-pages/download-printable-files>.

20 Carson, E.A., and Golinelli, D. (2014). “Prisoners in 2012: Trends in Admissions and Releases, 1991-2012.” U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics.

21 Data are from Illinois Criminal Justice Information Authority, Criminal History Record Information (2013) and were retrieved from Ishida, K. (February 2015). “Young Adults in Conflict with the Law: Opportunities for Diversion.” Juvenile Justice Initiative. Available at: <https://jjjustice.org/wp-content/uploads/Young-Adults-in-Conflict-with-the-Law-Opportunities-for-Diversion.pdf>.

22 Data are from United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. National Corrections Reporting Program, 1991-2014: Selected Variables. Ann Arbor, MI: Inter-university Consortium for Political and Social Research, 2016-09-07. <https://doi.org/10.3886/ICPSR36404.v2>. (hereinafter National Corrections Reporting Program, 1991-2014: Selected Variables)

23 *Id.*

24 Data are from Illinois Criminal Justice Information Authority, Criminal History Record Information (2013) and were retrieved from Ishida, K. (February 2015). “Young Adults in Conflict with the Law: Opportunities for Diversion.” Juvenile Justice Initiative.

25 *Id.*

26 Cook County Sheriff’s Office, Cook County jail admission data (2015), retrieved through the Juvenile Justice Initiative of Illinois.

27 Cook County Sheriff’s Office, Cook County jail admission data (2017), retrieved through the Juvenile Justice Initiative of Illinois.

28 Data are from National Corrections Reporting Program, 1991-2014: Selected Variables, *supra* note 22.

- 29 Durose, M.R., Cooper A.D., and Snyder H.N. (2014). "Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010." Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics. NCJ 244205. Table 14.
- 30 Velazquez, T. (May 2013). "Young Adult Justice: A New Frontier Worth Exploring." *The Chronicle of Social Change*. Available at: <http://chronicleofsocialchange.org/wp-content/uploads/2013/05/Young-Adult-Justice-FINAL-revised.pdf>. The study found that emerging adults ages 18-20 experience violent victimization at more than twice the rate of the general population, and those with a history of foster care are 10 times more likely to report being arrested when they were 18 or 19 years old.
- 31 Siringil Perker, S., and Chester, L. (January 2018). "Combating the Crisis: Using Justice Reform to Address the Drug Epidemic among Emerging Adults." Emerging Adult Justice Research Series, Justice Lab, Columbia University. Available at: <https://justicelab.columbia.edu/combating-the-crisis>.
- 32 Lauritsen, J.L., Sampson, R.J., and Laub, J.H. (1991). "The link between offending and victimization among adolescents." *Criminology* 29:265-292.
- 33 Bishop, D.M., and Frazier, C.E. (2000). "Consequences of transfer." In J.E. Fagan and F.E. Zimring (Eds.), *The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Criminal Court* (pp. 227-276). Chicago, IL: University of Chicago Press. Also see, Howell et al., *supra* note 4.
- 34 Morton, M.H., Dworsky, A., and Samuels, G.M. (2017). *Missed opportunities: Youth homelessness in America. National estimates*. Chicago, IL: Chapin Hall at the University of Chicago.
- 35 Greenberg, G.A., and Rosenheck, R.A. (2008). "Jail Incarceration, Homelessness, and Mental Health: A National Study," *Psychiatric Services*, 59(2), 170-177. Available at: <https://ps.psychiatryonline.org/doi/full/10.1176/ps.2008.59.2.170>; Roman, C.G., and Travis, J. (2006). "Where Will I Sleep Tomorrow: Housing Homelessness, and the Returning Prisoner," *Housing Policy Debate* 17:2, 389-418. Available at: [tandfonline.com/doi/abs/10.1080/10511482.2006.9521574?journalCode=rhpd20](https://tandfonline.com/doi/abs/10.1080/10511482.2006.9521574?journalCode=rhpd20).
- 36 Carson, E.A., and Golinelli, D. (2014). "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012." U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics.
- 37 Data are from U.S. Census Bureau, American Community Survey (ACS), and National Corrections Reporting Program, 1991-2014: Selected Variables, *supra* note 22.
- 38 *Id.* See, forthcoming report, "Racial and Ethnic Disparities Among Justice-Involved Emerging Adults" (Columbia University, The Justice Lab).
- 39 Data are from U.S. Census Bureau, American Community Survey (ACS); National Corrections Reporting Program, 1991-2014: Selected Variables, *supra* note 22; Data for juveniles (ages 10 -17) in Figure 6 are from Office of Juvenile Justice and Delinquency Prevention and were retrieved from Rovner, J. (2016). "Racial Disparities in Youth Commitments and Arrests." The Sentencing Project. Appendices A & B. Available at: <https://www.sentencingproject.org/wp-content/uploads/2016/04/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf>.
- 40 Bobo, L.D., and Thompson, V. (2006). "Unfair by design: The war on drugs, race, and the legitimacy of the criminal justice system." *Social Research: An International Quarterly* 73: 445-471.
- 41 Rocque, M. (2011). "Racial Disparities in the Criminal Justice System and Perceptions of Legitimacy: A Theoretical Linkage." *Race and Justice* 1(3): 292-315.
- 42 Sampson, R.J., and Laub, J.H. (1990). "Crime and deviance over the life course: The salience of adult social bonds." *American Sociological Review* 55(5): 609-627; Grogger, J. (1995). "The effect of arrests on the employment and earnings of young men." *Quarterly Journal of Economics* 110:51-71; Western, B., Kling, J. R., and Weiman, D. F. (2001). "The labor market consequences of incarceration." *Crime and Delinquency* 47: 410-427; Pager, D. (2003). "The mark of a criminal record." *American Journal of Sociology* 108(5): 937-975; Huebner, B.M. (2005). "The effect of incarceration on marriage and work over the life course." *Justice Quarterly* 22: 281-

303; Western, B. (2006). *Punishment and Inequality in America*. New York, NY: Russell Sage Foundation; Kling, J.R. (2006). "Incarceration length, employment, and earnings." *American Economic Review* 96(3): 863-876.

43 United States Department of Labor, Bureau of Labor Statistics (2017). "Labor Force Statistics from the Current Population Survey." Annual averages Table 3. Available at: <https://www.bls.gov/cps/cpsaat03.pdf>.

44 Giedd, J.N., Blumenthal, J., Jeffries, N.O., Castellanos, F.X., Liu, H., Zijdenbos, A., Paus, T., Evans, A.C., and Rapoport, J.L. (1999). "Brain Development During Childhood and Adolescence: A Longitudinal MRI Study." *Nature Neuroscience* 2: 861-863; Sowell, E.R., Thompson, P. M., Holmes, C.J., Jernigan, T. L., and Toga, A.W. (1999). "In Vivo Evidence for Post-Adolescent Brain Maturation in Frontal and Striatal Regions." *Nature Neuroscience* 2(10): 859-861; Sowell, E.R., Thompson, P.M., Tessner, K.D., and Toga, A.W. (2011). "Mapping Continued Brain Growth and Gray Matter Density Reduction in Dorsal Frontal Cortex: Inverse Relationships During Post-Adolescent Brain Maturation." *Journal of Neuroscience* 21: 8819-8829.

45 Monahan, K.C., Steinberg, L., Caufman, E. and Mulvey, E.P. (2009). "Trajectories of Antisocial Behavior and Psychosocial Maturity from Adolescence to Young Adulthood." *Developmental Psychology* 45(6): 1654-1668; Bryan-Hancock, C. and Casey, S. (2010). "Psychological Maturity of At-Risk Juveniles, Young Adults and Adults: Implications for the Justice System." *Psychiatry, Psychology, and Law* 17(1): 57-69.

46 Moffitt, T.E. (1993). "Adolescence-Limited and Life-Course-Persistent Antisocial Behavior." *Psychological Review* 100(4): 674-701; Galambos, N. L., Barker, E. T., and Tilton-Weaver, L. C. (2003). "Who Gets Caught at Maturity Gap? A Study of Pseudomature, Immature, and Mature Adolescents." *International Journal of Behavioral Development* 27(3): 253-263.

47 Adams, E. J. (July 2010). "Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense." Justice Policy Institute. Available at: [http://www.justicepolicy.org/images/upload/10-07\\_REP\\_HealingInvisibleWounds\\_JJ-PS.pdf](http://www.justicepolicy.org/images/upload/10-07_REP_HealingInvisibleWounds_JJ-PS.pdf).

48 Mulvey, E. P. (2011). "Highlights from Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders." Washington, DC: Office of Juvenile Justice and Delinquency Prevention. Available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/230971.pdf>.

49 See, Redeploy Illinois Annual Report 2012-2013 (March 26, 2014), citing the findings of outcome evaluation, *Recidivism and Cost Benefit Analysis on the Redeploy Illinois Program*, conducted by Illinois State University. Available at: [http://www.dhs.state.il.us/page.aspx?item=70551#a\\_toc3](http://www.dhs.state.il.us/page.aspx?item=70551#a_toc3).

50 *Id.*

51 Roca, Inc. (2016). "Fiscal Year 2016 High Risk Young Men Performance Benchmark and Outcomes Report." Available at: <https://rocainc.org/wp-content/uploads/2016/10/fy16-young-men-outcomes-report.pdf>.

52 UTEC (2016). "Fiscal Year 2016 Outcomes & Impact Report." Available at: <https://utecinc.org/wp-content/uploads/2018/10/UTEC-Outcomes-and-Impact-Report-FY2016.pdf>

53 See <https://www.youthbuild.org/our-impact>.

54 Davis, M., Sheidow, A. J., and McCart, M. R. (2014). "Reducing Recidivism and Symptoms in Emerging Adults with Serious Mental Health Conditions and Justice System Involvement." *The Journal of Behavior Health Services and Research* 42(2): 172-190.

55 *Id.*

56 Illinois Parent-Teacher Association. (2017). "Report to 2017 Illinois PTA Convention on Young Adults Involved in the Justice System." Available at: <https://illinoisppta.org/wp-content/uploads/2018/03/Report-to-2017-Illinois-PTA-Convention-on-Young-Adults-Involved-in-the-Justice-System-1.pdf>.

57 People v. House, 2015 IL App (1<sup>st</sup>) 110580, ¶101; People v. Williams, 2018 IL App (1<sup>st</sup>) 151373. See also, People v. Harris, 2016 IL App (1<sup>st</sup>) 141744, ¶69. The Illinois Supreme Court held in People v. Harris (2018 IL 121932) that a mandatory 76-year sentence imposed on an 18-year-old defendant did not violate the 8<sup>th</sup> Amend-

ment, and it reversed the Appellate Court's proportionate penalties determination based on the defendant's age. However, the majority did not determine whether such a sentence is categorically (facially) unconstitutional under the Illinois constitution. Instead, it concluded that the court record was insufficient to apply the relevant science on juvenile maturity and brain development to the specific facts and circumstances of the case.

58 For example, in three 2017 cases, a Kentucky Circuit Court found it unconstitutional to sentence to death individuals under 21 years of age at the time of their offense. *See Commonwealth v. Bredhold*, 14-CR-161, \*1, 12 (Fayette Circuit Court, Aug. 1, 2017); *Commonwealth v. Smith*, 15-CR-584-002, \*1, 12 (Fayette Circuit Court, Sept. 6, 2017); *Commonwealth v. Diaz*, 15-CR-584-001, \*1, 11 (Fayette Circuit Court, Sept. 6, 2017). *See also*, *State v. O'Dell*, 183 Wn.2d 680, 358 P.3d 359 (2015), in which the Supreme Court of Washington significantly broadened the circumstances under which a defendant's youthfulness may justify an exceptional sentence below the standard range.

59 *See* Circuit Court of Cook County Press Release. (July 20, 2017). "Restorative Justice Community Court Arrives in North Lawndale." Available at: <http://www.cookcountycourt.org/MEDIA/ViewPressRelease/tabid/338/ArticleId/2564/Restorative-Justice-Community-Court-arrives-in-North-Lawndale.aspx>.

60 S.B. 1722, 100<sup>th</sup> Gen. Assemb. (Il. 2017) (enacted as PA 100-0003). Available at: <http://www.ilga.gov/legislation/billstatus.asp?DocNum=1722&GAID=14&GA=100&DocTypeID=SB&LegID=104613&SessionID=91>.

61 730 ILCS 5/5-6-3.6 (a) (Lexis through P.A. 100-1158 of the 2018 Reg. Sess. of the 100<sup>th</sup> Gen. Assemb.).

62 At the time of writing this paper, H.B. 0531 has passed both houses of the Illinois legislature, but has not yet been signed into law. Full text of H.B. 0531 is available at: <http://www.ilga.gov/legislation/billstatus.asp?DocNum=531&GAID=14&GA=100&DocTypeID=HB&LegID=100727&SessionID=91>.

63 H.B. 4581, 100<sup>th</sup> Gen. Assem. (Ill. 2018). Available at: <http://www.ilga.gov/legislation/100/HB/PDF/10000HB4581lv.pdf>.

64 Wiser, M., "State's Changes to Juvenile Age Cutoff May Raise Costs for County." *Rockford Register Star*, December 26, 2009. Available at: <https://www.rrstar.com/x1437793775/Changes-to-juvenile-age-cutoff-may-raise-costs>. *See also*, IL H. Tran. 2008 Reg. Sess. No. 277, 200 – 216.

65 Illinois Juvenile Justice Commission (February 2013). "Raising the Age of Juvenile Court Jurisdiction." Available at: <http://ijjc.illinois.gov/rta>.

66 Justice Policy Institute (2017). "Raising the Age: Shifting to a safer and more effective juvenile justice system." Available at: <http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheage.fullreport.pdf>.

67 Uggen, C., and Stewart, R. (2015). "Piling On: Collateral Consequences and Community Supervision." *Minnesota Law Review* 99:1871-1910. Available at: [http://www.minnesotalawreview.org/wp-content/uploads/2015/09/Uggen\\_4fmt\\_PDF.pdf](http://www.minnesotalawreview.org/wp-content/uploads/2015/09/Uggen_4fmt_PDF.pdf).