

A Developmental Approach to Reducing Recidivism of Young Adults (S.905; H.1436 – Section 23)

- **The young adult brain is still developing.**
- **This development is influenced – positively or negatively – by environment.**
- **An overly punitive approach can actually cause more offending.**
- **Most young adults will “age out” of crime.**

Young adults (18-25 year olds) make up a significant percentage of those serving criminal sentences in state Department of Corrections and County Houses of Corrections facilities. A developmentally appropriate justice system for young adults would reduce recidivism and prevent deeper criminal involvement for this group.

Decades of scientific evidence on brain maturation reveal that the “neuroplasticity” of adolescent and young adult brains presents an opportunity to change brain development through experience^{1, 2}. However, it is also a period of great risk – exposure to toxic environments, such as prisons, entrenches young adults in problematic behaviors. An effective criminal justice system would promote healthy maturation and positive development to reduce the likelihood of committing new offenses. According to Marc Schindler of the Justice Policy Institute: “The research also makes clear that we must do everything possible to reduce young people’s experiences of harm. The malleable young brain makes young people extremely vulnerable to the kinds of negative or traumatic experiences that can occur in confinement, and can have lifelong implications for both individuals and society.”³

Most young people will not persist in criminal behavior as they age. One study found that 52 to 57 percent of juvenile delinquents continue to offend up to age 25. This number dropped by two-thirds — to 16 to 19 percent — in the next five years.⁴ Thus policies should take care not to introduce negative influences that could interfere with the natural progression toward maturity and law-abiding behavior.

The wrong interventions with young adults are likely to extend their involvement in the criminal justice system and slow the process of desistance from crime.⁵ A developmentally-effective justice system instead would increase its reliance on community-based programs focused on developing skills and social connections and graduated sanctions where the severity of punishment would increase with age.

Recognition that young adults are a group with heightened promise and vulnerability is an emerging national and international norm. “Youth Status” is available in federal cases, but not in state cases. The United Kingdom, Sweden, Germany and Austria currently have separate sentencing and institutions for young adults.

This section of the juvenile justice omnibus bill (S.905/H.1436) establishes a “youth status” for persons under the age of 26, based on the scientific literature on brain maturation:

- A person’s status as a youth shall be a distinct rebuttable mitigating factor in his or her case.
- If the Commonwealth fails to rebut “youth status” as a mitigating factor, the Court shall consider it in determining a person’s sentence and can discount up to 1/3 of the adult prescribed penalty for conviction of an offense or provide early release options.
- DOC and HOC are to provide specific programs for anyone who is under the age of 26 at the time of committing the offense, and they are to receive accelerated good time credits for completion of such programming.

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¹ “Age of Opportunity: Lessons from the New Science of Adolescence,” Laurence Steinberg, 2104.

² “Adulthood doesn’t happen overnight”, Jeffrey Butts and John Roman, Huffington Post 7/14/15. Available at <http://jeffreybutts.net/2015/07/14/huffpo2015/>

³ Young People’s Brain Development Gives Us Window for Change”, Marc Schindler, Justice Policy Institute, 12/18/14. Available at <http://www.justicepolicy.org/news/8509>

⁴ Stouthamer-Loeber, Magda, “Persistence and Desistance in Offending” (unpublished report, Pittsburgh, Pa.: Life History Research Program, University of Pittsburgh, 2010).

⁵ “Turnaround Youth: Young Adults (18-24) in the Criminal Justice System. The Case for a Distinct Approach”, Irish Penal Reform Trust, May 2015. Available at <http://www.iprt.ie/files/IPRT-Turnaround-web-optimised.pdf>