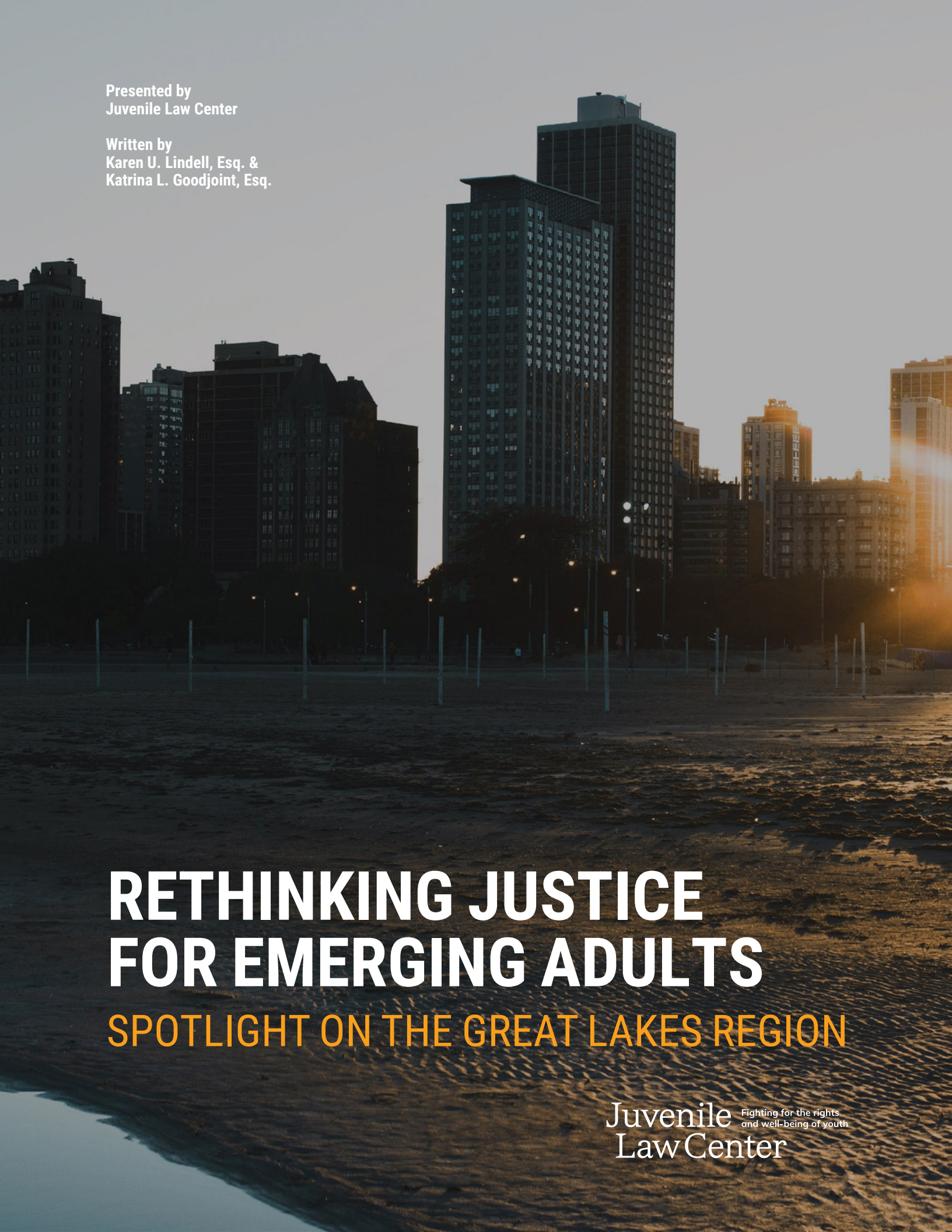


Presented by
Juvenile Law Center

Written by
Karen U. Lindell, Esq. &
Katrina L. Goodjoint, Esq.

RETHINKING JUSTICE FOR EMERGING ADULTS

SPOTLIGHT ON THE GREAT LAKES REGION

Juvenile Law Center
Fighting for the rights and well-being of youth

RETHINKING JUSTICE FOR EMERGING ADULTS

SPOTLIGHT ON THE GREAT LAKES REGION

A Publication of Juvenile Law Center

Authored by:
Karen U. Lindell, Esq. and Katrina L. Goodjoint, Esq.

Juvenile Law Center
Fighting for the rights and well-being of youth

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the foster care and justice systems.
Founded in 1975, Juvenile Law Center is the first nonprofit, public interest law firm for children in the country. We fight for youth through litigation, appellate advocacy and submission of *amicus* (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values. For more information about Juvenile Law Center's work, visit www.jlc.org.

TABLE OF CONTENTS

INTRODUCTION **3**

WHAT IS EMERGING ADULTHOOD? **4**

THE CASE FOR RETHINKING JUSTICE FOR EMERGING ADULTS **9**

ENDING MASS INCARCERATION REQUIRES A FOCUS ON EMERGING ADULTS 9

BLACK AND BROWN COMMUNITIES ARE DISPROPORTIONATELY AFFECTED 9

THE CURRENT APPROACH IS COUNTERPRODUCTIVE 10

OTHER AREAS OF THE LAW ALREADY TREAT EMERGING ADULTS DIFFERENTLY 11

JUSTICE REFORMS AROUND THE COUNTRY **13**

RAISING THE AGE OF JUVENILE COURT JURISDICTION 13

MODIFYING CRIMINAL JUSTICE PROCEDURES AND PRACTICES 14

USING OTHER SYSTEMS OF SUPPORT 18

SPOTLIGHT ON THE GREAT LAKES REGION **26**

ILLINOIS 27

INDIANA 34

MICHIGAN 39

MINNESOTA 45

OHIO 51

WISCONSIN 56

ENDNOTES **62**

APPENDICES **80**

APPENDIX A: GREAT LAKES REGION COMPARISON CHARTS 80

APPENDIX B: EXAMPLES OF YOUTHFUL OFFENDER STATUTES FOR EMERGING ADULTS OUTSIDE OF THE GREAT LAKES REGION 91

ACKNOWLEDGEMENTS

Deep appreciation goes to the advocates and experts in the Great Lakes region and around the country who participated in a convening on emerging adult justice in December 2019. The thoughtful feedback and ideas shared at that event are reflected in this report and continue to inform and inspire our work on this topic.

A very special thanks to Tiffany Faith for all of her invaluable contributions to this publication, including her meticulous review of the citations, and to Marsha Levick and Susan Vivian Mangold for their guidance and support. The authors would also like to thank Chloe Alvarado, James Bell, Julie Biehl, Emily Buss, Lael E.H. Chester, Jessica Feierman, Diane Geraghty, Elizabeth Henneke, Lisa Jacobs, Christine Johnson, Chelsea Lewis, Soledad McGrath, Rebecca Melley, Katy Otto, Johnny Perez, Jennifer K. Pokempner, Ann Rosewater, Emily Satifka, Elizabeth Scott, Riya S. Shah, Vincent Shiraldi, Karen Vastine, Yulise Waters, Vic Wiener, Aryn Williams-Vann, and Leslie Wisdom for their insights and assistance, which have been instrumental in shaping this publication. We also wish to thank Ballard Spahr LLP and Quarles & Brady LLP for their valuable research assistance; legal interns Tilyn Bell, Claire Greenberg, Julia Sheppard, and Destiney Wilson for their research and citation support; and Karen Schmidt Graphic Design for formatting this publication, charts, and summaries.

Work on this report was made possible by a generous grant from the Joyce Foundation. Points of view or opinions in this document are those of the authors and do not necessarily represent those of the Joyce Foundation.

INTRODUCTION

Since the U.S. Supreme Court's decision in *Roper v. Simmons* banning the death penalty for young people under the age of 18, the principle that "kids are different" has come to permeate the justice system's approach to young people. The developmental differences between adolescents and adults are now codified in numerous state statutes, have been cited in countless court decisions, and are foundational concepts in juvenile defense. And, while there is much work still to be done, the shift toward a developmental approach to youth justice has contributed to dramatic reductions in youth incarceration rates over the last decade.[1]

Yet even the Supreme Court has acknowledged, "[t]he qualities that distinguish juveniles from adults do not disappear when an individual turns 18."[2] People do not transform from children into adults on their 18th birthdays; instead the transition to adulthood is gradual and highly individualized. This continuing maturation of young—or "emerging"—adults beyond age 18 is now supported by a growing body of research, ranging from neuroscience research demonstrating that our brains retain their adolescent "imbalances" until our mid- to late-twenties, to studies showing that the classic social markers of adulthood—marriage, parenthood, and financial independence—now occur later than at any point in history.

In the 15 years since *Roper*, science has provided exciting findings about this period of life. Developmental science now characterizes the mid-twenties as a period when the degree of brain development is comparable to the remarkable changes that occur during early childhood.[3]

Adolescence and early adulthood are periods when the brain flourishes with the right environmental supports and can create new pathways for a positive trajectory toward adulthood despite past trauma or even injury. This developmental stage poses an opportunity for our public systems, including our justice system, to provide positive supports that can lead to meaningful rehabilitation rather than more punitive responses which can actually amplify harm during this period of extensive brain development.

Our legal system already recognizes the developmental characteristics of emerging adults in many contexts. Numerous state and federal statutes limit young adults' abilities to engage in risky activities, such as drinking, purchasing firearms, and driving commercial vehicles. Others extend protective supports to young adults to help them in their transition to adulthood, providing them with continued health care coverage, targeted education and training programs, and continued child welfare services.

The criminal justice system, however, is only beginning to acknowledge and respond to the distinctive developmental characteristics of emerging adulthood. As youth incarceration rates have steadily fallen, rates of justice involvement for young adults have barely budged, despite an overall decrease in crime rates across the country.[4] Emerging adults disproportionately comprise those who are arrested and incarcerated across the country. And, in a criminal justice system rife with racism, available data suggests racial disparities are worst for this age group.

This report aims to lay the groundwork for more developmentally appropriate responses to emerging adults at risk of justice system involvement, with a particular focus on opportunities for reform in the Great Lakes region. The report begins by describing the defining characteristics of emerging adulthood and laying out the case for reforming the justice system's approach to emerging adults. The report then examines examples and lessons from around the country where reforms are underway, including raising the age of juvenile court jurisdiction, reforming criminal justice procedures and practices, and using supports from systems outside of the justice field. Finally, the report presents an in-depth look at the legal provisions and programs impacting emerging adults in the six states of the Great Lakes region—Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin. Our hope is that this report provides policymakers and advocates in each of those states, as well as elsewhere, greater tools to reshape justice for emerging adults in their jurisdictions.

WHAT IS EMERGING ADULTHOOD?

Because developmental processes are highly individualized, and broad generalizations about particular groups of people are inherently imperfect, researchers in different disciplines define "emerging adulthood" in different ways and for different purposes. For Jeffrey Jensen Arnett, the psychologist who coined the term almost two decades ago,[5] "emerging adulthood" is a distinct life phase "between adolescence and young adulthood," which has expanded as marriage and parenthood have shifted later to include young people from age 18 potentially all the way up until age 29.[6] Laurence Steinberg, a leading expert on adolescent brain development, also notes that people in their twenties are waiting longer to take on traditional adult roles, and characterizes this period as an "extended adolescence" that generally concludes (developmentally, at least) in the early to mid-20s.[7] Other researchers, including public health experts studying teenage behavior, have declared that "25 is the new 18," a refrain echoed across many disciplines and in the popular media.[8]

Emerging adulthood is a distinct life phase between adolescence and young adulthood that spans from age 18 until at least the mid-twenties.

For purposes of this report, we define "emerging adulthood" as the period from age 18 until roughly age 24. One reason for this is pragmatic: criminal justice data often draws a boundary at age 24. Additionally, as we explain below, the growing body of research focusing on this age group suggests that many of the features that define this life phase—and distinguish it from both earlier adolescence and from older adulthood—persist until at least the mid-twenties.[9] In particular, emerging adults in this age range share many key developmental characteristics with adolescents under age 18; they are experiencing a challenging and transitory life period that is often made more difficult by trauma and other adverse life experiences; and they have tremendous potential for growth and opportunity if given the proper supports. These characteristics are helpful both in defining "emerging adulthood" as a life phase and in thinking about how best to design a more effective and age-responsive criminal justice system.

Emerging Adults Share Many Key Developmental Characteristics with Younger Adolescents

In its series of decisions barring imposition of the harshest adult sentences on children, the U.S. Supreme Court has focused on three "distinctive attributes of youth": adolescents' "'lack of maturity' . . . recklessness, impulsivity, and heedless risk-taking;" their vulnerability to outside influences, including from peers; and their capacity for change.[10] The Court has concluded that these characteristics, which are grounded in neuroscience and developmental research, render adolescents categorically less culpable than adults and must be taken into account in sentencing young people.

At the time of the Court's decisions, most of the existing research on adolescent brain development focused on teens under age 18, but newer research shows that these developmental characteristics persist into emerging adulthood. Neuroscientists have found that certain areas of the brain continue to develop into the mid- to late-20s.[11] One longitudinal study that tracked brain development in 5,000 children

demonstrated that their brains were not fully mature until at least 25 years of age.[12] These and other studies suggest that the "imbalance" in development that characterizes adolescence—where emotional responsiveness outpaces development of the areas of the brain governing judgment and impulse control—continues at least until age 21. Thus, like their younger peers, emerging adults are similarly prone to poor decision-making, impulsivity, peer influence, and risky behavior.[13]

For emerging adults, these limitations in judgment are particularly pronounced during emotionally charged situations. Psychologists distinguish between "cold" cognition, which refers to the thinking abilities used under calm circumstances, and "hot" cognition, which refers to the thinking abilities used under emotionally arousing circumstances.[14] Relative to adults, adolescents' deficiencies in judgment and self-control are greater under "hot" circumstances in which emotions are aroused than they are under calmer "cold" circumstances.[15] Recent research has shown that, while emerging adults function similarly to their older peers in calm situations, in circumstances of hot cognition, the brain of an 18- to 21-year-old functions like that of a 16- or 17-year-old.

Young adults are also still highly susceptible to peer pressure.[16] In a sample of 306 individuals in 3 age groups—adolescents (13–16), youths (18–22), and adults (24 and older)—one study found that "although the sample as a whole took more risks and made more risky decisions in groups than when alone, this effect was more pronounced during middle and late adolescence than during adulthood" and that "the presence of peers makes adolescents and youth, but not adults, more likely to take risks and more likely to make risky decisions."[17] The presence of peers has also been shown to double risk-taking among adolescents (mean age 14) and increase it by 50% among young adults (mean age 20), but to have no effect on older adults (mean age 34).[18]

In light of these developmental characteristics, it is unsurprising that social scientists have observed that emerging adulthood is a time when risky behavior—such as unprotected sex, substance use, and risky driving behaviors—peaks.[19] Indeed, emerging adults "experience higher rates of morbidity and mortality than either adolescents or older adults from a wide variety of preventable causes, including automobile crashes, physical assaults, gun violence, sexually transmitted diseases, and substance abuse."[20] Research on the trajectory of criminal behavior consistently demonstrates an age-linked pattern of offending, which increases over the course of adolescence, peaks around age eighteen, and declines in one's early twenties.[21] Although this "age-crime curve" varies somewhat based on characteristics like gender, race, and type of offense—for instance, the peak for violent crime is slightly later than for minor offenses like shoplifting—it demonstrates that the vast majority of adolescents and emerging adults naturally grow out of their tendency toward risky or criminal conduct.[22]

Like their younger peers, emerging adults are similarly prone to poor decision-making, impulsivity, peer influence, and risky behavior.

Research on the trajectory of criminal behavior consistently demonstrates an age-linked pattern of offending, which increases over the course of adolescence, peaks around age eighteen, and declines in one's early twenties.

Key Resources on the Developmental Characteristics of Emerging Adulthood:

The National Academies Of Sciences, Engineering, And Medicine, The Promise Of Adolescence (2019)

Laurence Steinberg, Age Of Opportunity: Lessons From The New Science Of Adolescence (2015)

Jeffrey Jensen Arnett, Emerging Adulthood: The Winding Road From The Late Teens Through The Twenties (2nd Ed. 2015)

Emerging Adulthood is a Challenging Phase of Life

Emerging adulthood can be an exciting and memorable time in many people's lives, but it is also a time of significant upheaval. Dr. Arnett defines this life phase as beginning at 18 in large part because that is the age when many young people leave home and live outside of the custody of their parents or guardians for the first time. He describes emerging adulthood as a time when young people are focused on figuring out "who they are and what they want out of life"—forming their identities by "try[ing] out different ways of living and different possible choices for love and work."[23] It is therefore also a time of great instability; life plans shift, residences change; and romantic partners come and go.

While these changes are all developmentally appropriate, they present many challenges. In 2019, unemployment rates for young people ages 16–24 were roughly twice the national average, and many young adults struggle with financial insecurity.[24] Half of the new sexually transmitted infections that occur each year are among young people ages 15–24.[25] Psychological disorders and behavioral problems such as substance abuse also reach their peak during emerging adult years,[26] and rates of suicide attempts are highest between ages 18 and 25.[27] According to a recent national study of more than 40,000 people, "in any given year nearly one-half of all American young people between the ages of nineteen and twenty-five suffer from a diagnosable psychiatric disorder, most commonly substance dependence but also depression, anxiety, and certain types of personality disorders."[28] The age of onset for many major mental health disorders, including bipolar disorder, alcohol and drug dependence, impulse-control disorder, and schizophrenia, also fall within this period.[29]

Psychological disorders and behavioral problems such as substance abuse reach their peak during emerging adult years, and rates of suicide attempts are highest between ages 18 and 25.

Many of our major cultural and legal institutions recognize and try to accommodate these challenges. For some young adults, colleges and universities offer opportunities to experiment with new ideas, people, and identities, and to practice living independently from their parents or guardians, while also providing tremendous support. These institutions also sometimes shelter young people from the consequences of their missteps, offering private disciplinary processes as an alternative to the justice system and campus security focused on reducing risky situations rather than arrests. Of course, this well-supported environment is certainly not the experience of all young people in college. Many students juggle multiple jobs to make ends meet, and college environments can be unfamiliar and even hostile for some students. According to one survey, Black students are more than twice as likely as their peers to report feeling unsupported and physically unsafe on campus.[30] But for many emerging adults, colleges offer a supportive and forgiving laboratory for the experimentation that characterizes this life phase.

Outside of a university setting, there is also increasing societal accommodation of emerging adulthood (at least for more affluent or privileged young people), with many parents continuing to financially support their children well into adulthood.[31] Other institutions are following suit: children can now remain on their parents' health

insurance until age 26;[32] the IRS allows parents to claim children as dependents until age 24 if they are still in school;[33] and some states will enforce child support obligations beyond age 18.[34] In other words, the law has already recognized the challenges of this period and the need for ongoing support in many respects.

But not all youth benefit from these extended supports. Emerging adults from lower socioeconomic backgrounds often encounter an abrupt end to their limited supportive services during this difficult period. For many young people, schools are a primary source not just of educational services, but also of behavioral and mental health supports through special education programming, which ends when a student graduates or turns 21.[35] Eligibility for many of the services supporting young people with disabilities changes or ends when they reach early adulthood. Youth on Medicaid lose their Early and Periodic Screening Diagnostic, and Treatment (EPSDT) coverage (which guarantees access to all medically necessary services) at 21 and may lose health insurance entirely;[36] the Social Security Administration redetermines eligibility for SSI benefits at 18;[37] and some Medicaid "Waiver" programs offering specialized services to children are unavailable for adults.[38] Youth in foster care age out of the system during early adulthood, leaving many of them homeless.[39] Indeed, homelessness is a major issue for emerging adults in general. According to one recent study, approximately one in ten adults ages 18–25 experiences some form of homelessness each year.[40]

These challenges can impede the natural developmental processes of this life phase. As Dr. Arnett has recognized, "[v]ariations in socioeconomic status and life circumstances also determine how a young person may experience emerging adulthood."[41] Individuals struggling with low-paying jobs and other economic barriers will not have the same opportunities for self-focused identity explorations.[42] Similarly, youth who drop out of school and face barriers to employment because of their lower educational attainment will not have the same opportunities for identity exploration and self-focus.[43] Past physical or emotional trauma and exposure to other adverse childhood experiences also affect development. Young people coping with trauma may be preoccupied with feelings of sadness or anxiety and more focused on coping with their trauma than on the typical developmental tasks of this period.[44]

Black youth and other youth of color face an especially difficult path during this period. Not only are Black and Latinx youth disproportionately likely to come from low-income backgrounds and have experienced past trauma, but the racial discrimination they often encounter during early adulthood can also derail their physical and mental well-being.[45] Emerging adults "are especially sensitive to the attitudes and behaviors of the adult members of the community," and so may be particularly impacted by exposure to bias and discrimination.[46] According to one study of the effects of racism on development, "African American emerging adults are burdened with, in addition to normative developmental tasks, the negative sequel of institutional and interpersonal racial discrimination."[47] Another study of 114 Native American youth between ages 18 and 25 found an overwhelming number of youth face daily discrimination at slightly higher rates than those reported in some studies of other marginalized groups.[48] Chronic experiences of microaggressions and discrimination have been tied to poor health outcomes, including elevated blood pressure, increased risk for cardiovascular diseases, and exaggerated "fight or flight" processes.[49] Racial discrimination also contributes to the mental health challenges of this life phase. Research links institutional and cultural racism to increased rates of depression and anxiety, suicidal ideation and behavior, and maladaptive coping mechanisms including violent behavior.[50] Native American youth between ages 18 and 24 have higher rates of suicide than any other racial or ethnic demographic, and higher than the general population.[51]

In short, emerging adulthood looks very different for people of different backgrounds. Although the developmental tasks of this age are similar for most young people, those with a strong safety net and other advantages experience the challenges as bumps along the road or misadventures from which one learns and develops. Youth with fewer resources, however, face additional challenges and often find the consequences of their mistakes, miscalculations, and misfortunes compounded when they also lose access to their existing support systems. These young people—who are disproportionately

Black and other youth of color—find themselves at high risk of involvement in a system that typically does not make accommodations for developmental characteristics: the criminal justice system.

With Appropriate Supports, Emerging Adulthood Can Be a Period of Tremendous Growth and Opportunity

Despite the challenges of emerging adulthood, researchers agree that it is also a period of tremendous growth and opportunity. Like younger adolescents, emerging adults are highly amenable to rehabilitation and positive change.[52] The brain retains its heightened "plasticity" during early adulthood, meaning it is still highly influenced by experience and sensitive to environmental factors.[53] Through exposure to positive experiences and supports, young people can overcome and heal from past trauma. Positive environmental influences during adolescence can create the opportunity for the brain to flourish and set the young adult on a trajectory to healthy adulthood.[54]

Further, despite the potential problems posed by emerging adults' proclivity toward risky or emotionally driven choices, in the right circumstances these characteristics are not just developmentally normal, they are advantageous. Research suggests that a willingness to take certain risks is actually essential to the developmental tasks of this period, as it allows young people to quickly adapt to new environments and grow their social connections.[55] "Risky" behavior can take many different forms, ranging from potentially harmful or self-destructive behaviors (like illegal drug use), to positive risk-taking—such as stepping outside of a comfort zone to try a new job—that offers a healthy opportunity to learn from mistakes. At its base, "risky" behavior is simply an activity that presents an opportunity for failure, and such activities are a necessary and normal part of development.[56]

Effective support structures are key to ensuring that emerging adulthood is a period marked by healthy risk-taking and positive experiences that help the young person succeed as an adult, rather than negative risk-taking that leads to dangerous situations and additional trauma. When young people have confidence that their basic needs will be met, that there is a safety net to help them get back on their feet, and that emotional support and practical guidance will be available, they can fully embrace the developmental tasks of this period: exploring their identities, learning new skills sets, and developing the social networks that will support them into adulthood.

THE CASE FOR RETHINKING JUSTICE FOR EMERGING ADULTS

Since the modern criminal justice system began taking shape in the decades following the Civil War and Reconstruction, the justice system's approach to emerging adults who engage in criminal activity has been highly retributive and punitive and primarily reliant upon incarceration. Although there have been historical efforts to craft alternative approaches tailored to this age group,[57] over the last several decades—and particularly since the 1990s' "tough-on-crime" era—the justice system has left little room for consideration of the individual developmental characteristics of older teens and young adults. Even as the youth justice system has increasingly embraced a developmental approach to justice, those over age 18 have generally been categorically excluded from those reforms.

But over the last few years, a national bipartisan conversation on the need for a different, more age-responsive approach to criminal justice for young adults has emerged. This conversation draws upon a growing body of developmental research, criminal justice data, and policy analyses to present a compelling case for reform. Below are some of the major themes central to this conversation:

Ending Mass Incarceration Requires a Focus on Emerging Adults

It is well established that the United States leads the world in incarceration, imprisoning its citizens at a higher rate than any other country.[58] In 2017, almost 1.5 million Americans were in prison,[59] with many more held in local jails or on probation or parole.[60] Although much attention is now being paid to the epidemic of incarceration in the United States,[61] we have seen only modest reductions in rates of imprisonment. At the end of 2017, the overall U.S. incarceration rate had decreased by just 7% from its peak in 2009.[62] Meanwhile, over roughly that same period, the number of youth in residential placement in the juvenile justice system declined by 55%.[63]

Emerging adults represent a disproportionate share of the incarcerated population. Although they make up just over 9% of the overall population in the United States, more than 23% of people arrested in 2017 were emerging adults ages 18–24.[64] In 2012, the last year the Bureau of Justice Statistics released this data by age, emerging adults comprised just over 21% of prison admissions.[65] To meaningfully address the problem of mass incarceration, we must focus on the needs and challenges of the emerging adult population specifically.

Black and Brown Communities are Disproportionately Affected

Racial and ethnic disparities pervade the justice system. As numerous studies have shown, these disparities begin with policing practices and widen as one goes deeper through a criminal legal system plagued by racism, from arrest to prosecution and conviction and ultimately

Key Resources on Emerging Adults and Criminal Justice Reform:

Justice Policy Institute, Improving Approaches To Serving Young Adults In The Justice System (2016).

The Council Of State Governments Justice Center, Reducing Recidivism And Improving Other Outcomes For Young Adults In The Juvenile And Adult Criminal Justice Systems (2015).

Vincent Schiraldi et al., *Community-Based Responses to Justice-Involved Young Adults*, (New Thinking in Community Corrections Ser. No. 1 2015).

Elizabeth S. Scott, et al., *Young Adulthood as a Transitional Legal Category: Science, Social Change, and Justice Policy*, 85 Fordham L. Rev. 41 (2016).

Loyola University Chicago, Center for Criminal Justice Research, Policy & Practice, Emerging Adults and the Criminal Justice System: Specialized Policies, Practices & Programs 3 (2017)

Although emerging adults make up just over 9% of the overall population in the United States, more than 23% of people arrested in 2017 were between the ages of 18 and 24.

to incarceration.[66] Nationally, Black people are incarcerated at more than five times the rate of white people, and in some states—including the Great Lakes states of Minnesota and Wisconsin—the disparity is twice that.[67] Despite making up just 17% of the general population, Latinx individuals are imprisoned at 1.4 times the rate of whites.[68] Nationally, Native Americans are incarcerated at four times the rate of whites, and the disparities can be even worse in states with larger indigenous populations.[69] For instance, Native Americans make up 7% of Montana's population, but account for nearly 20% of all arrests.[70] As the Sentencing Project argues in a recent report, "[t]ruly meaningful reforms to the criminal justice system cannot be accomplished without acknowledgment of racial and ethnic disparities in the prison system, and focused attention on reduction of disparities."[71]

Available data suggests that these disparities are even worse for the emerging adult population. In Illinois, for example, the overall Black/white differential in incarceration rates is 8.8:1,[72] but for emerging adults the disparity is 9.4:1—the highest of any age cohort.[73] Similarly, in Wisconsin, where only 6.4% of the state population is Black, 52% of people admitted to prison at age 24 or under in 2018 were Black—again, the highest disparity of any age range.[74]

Although more research is needed to get a full picture of the racial and ethnic disparities among justice-involved emerging adults, addressing racial inequities is critical to any reforms targeted at this population, and advocates fighting racial injustice should pay particular attention to the experience of emerging adults in the justice system.

Incarceration is a huge impediment to the psychological development of adolescents and emerging adults.

The Current Approach is Counterproductive

The current approach of relying on incarceration as the primary response to emerging adults' criminal misconduct is counterproductive to the developmental tasks of this period, prevents successful transitions to adulthood, and makes it more, not less, likely that an individual will commit more crimes in the future.

Incarceration is a huge impediment to the psychological development of adolescents and emerging adults. Psychologists have described the vital importance of social environment (family, peers, school, workplace, and community) to the developmental tasks of this period.[75] Ideally, these social contexts provide "a mix of structure and freedom," opportunities for "intimate friendships with prosocial peers" and "to forge relationships with positive role models," and resources to gain job and life skills.[76] Incarceration isolates a young person from support networks, dramatically limits opportunities to build prosocial peer relationships, prevents youth from developing autonomy, and offers few meaningful pathways for skill development.

For many young people, it can also be traumatizing. Physical and psychological abuse by staff or other inmates is pervasive in many facilities.[77] Solitary confinement, strip searches, restraints, and other common features of incarceration can be deeply harmful during this developmental period, and separation from family can itself be

experienced as a form of trauma.[78] These traumatic experiences can further disrupt a young person's development and exacerbate or trigger mental health problems that persist well into adulthood.[79]

Incarceration, and criminal justice involvement more generally, also actively hinder emerging adults' chances for success in the future. According to Dr. Steinberg, "[t]he most potentially damaging aspect of adolescents' passage through the justice system is its effects on individuals' sense of competence and orientation toward the future."[80] The labeling and stigma associated with justice involvement can reshape young people's views about themselves and their futures. The psychological effects of this stigma are reinforced and compounded by the collateral consequences of criminal justice involvement. Emerging adults reentering society after incarceration find that they are barred from many professions, branded as "criminals" on job applications, limited in their educational options, and unable to access affordable housing. With these additional challenges, it is almost impossible to continue with the developmental tasks of this period and succeed in the transition to adulthood.

It is therefore unsurprising that recidivism rates are highest for emerging adults. A recent study of prisoners released in 30 states in 2005 showed that 90% of those under age 25 at the time of release were rearrested within nine years—the highest of any age group—compared with 83% overall. Notably, the largest disparity was during the first year after release, when almost 52% of people released at age 24 or younger were rearrested, compared with 46% for ages 25–39 (the next highest age cohort).[81] State-specific data shows similar results; in Wisconsin, almost half of offenders age 24 or younger at the time of their offense were reincarcerated within three years, compared with 37% of offenders overall.[82]

A recent study of prisoners released in 30 states in 2005 showed that 90% of those under age 25 at the time of release were rearrested within nine years—the highest of any age group—compared with 83% overall.

In short, our current approach undermines public safety and damages communities by responding to emerging adults' risk-taking behavior in a manner that hinders their development, often causes physical or emotional harm, may make them more likely to commit future crimes, and prevents them from succeeding as adults.

Other Areas of the Law Already Treat Emerging Adults Differently

Although popular perception is that the law consistently draws the boundary between childhood and adulthood at age 18, in fact many areas of the law already recognize and make accommodations for the developmental characteristics of emerging adulthood.

There are many situations, for instance, in which state and federal laws restrict emerging adults' access to risky or dangerous activities, reflecting the understanding that young adults are less mature and may exercise poorer judgment in certain situations than their older peers. These laws are growing in number and cover a wide range of domains, including:

- **Controlled Substance Use.** The legal drinking age has long been set above age 18, with all 50 states moving the age to 21 following the passage of the federal National Minimum Drinking Age Act of 1984.[83] In 2019, Congress raised the national age to purchase tobacco from 18 to 21 as well.[84] This federal legislation followed similar actions by more than a dozen states and hundreds of municipalities, representing more than half of the U.S. population,[85] and it reflected the National Academies of Sciences' conclusion that such a change would be beneficial because "the parts of the brain most responsible for decision making, impulse control, sensation seeking, future perspective taking, and peer susceptibility and conformity continue to develop and change through young adulthood."[86] To date, every state that has legalized marijuana has not done so for people under age 21.[87]

- **Driving Restrictions.** Federal law bars individuals under age 21 from driving most commercial vehicles across state lines,[88] and many states do not grant full driving privileges even for private vehicles until age 18.[89] New Jersey requires people under age 21 without full driving privileges to display a decal on their vehicle identifying them as a novice driver.[90] And, while not a statutory restriction, most car rental companies limit rentals to individuals under age 25, recognizing the increased risk posed by this age group.[91]

- **Firearm Ownership.** Many gun control statutes limit firearm ownership by people under age 21. For example, federal law bars licensed dealers from selling handguns to youth under age 21, and at least 18 states have made 21 the minimum age for some forms of gun ownership or possession.[92]

- **Access to Credit.** Under federal law, young people cannot open credit cards without a cosigner until they turn 21.[93]

Other laws recognize emerging adults' need for additional support, extending benefits or services to young people into their twenties that are not available to older adults. For example:

- **Healthcare.** Children receiving Medicaid remain eligible for all medically necessary services under the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) guarantee until age 21 (whereas coverage for older adults on Medicaid is more limited).[94] Under the Affordable Care Act, young adults are allowed to remain on their parents' health care plans until age 26.[95]

- **Education.** The federal Individuals with Disabilities Education Act (IDEA) requires states and school districts to offer special education services to children and youth with disabilities up to age 21 (or until the young person graduates).[96] State laws vary widely in the upper age boundary for entitlement to public education, but most set it above age 20.[97]

- **Child Welfare Services.** Federal law incentivizes states to extend foster care services beyond age 18, and now almost all states serve youth who are over age 18 in some fashion, including through extended foster care programs, extended guardianship and/or adoption subsidies, and aftercare services.[98]

JUSTICE REFORMS AROUND THE COUNTRY

In light of the research showing that young adults have unique developmental characteristics that influence their criminal conduct, a growing number of jurisdictions are recognizing that emerging adults require a different approach from the justice system. As legislatures and courts across the country grapple with the question of how to design a more age-appropriate justice system, several possible approaches have emerged, which could serve as examples for states in the Great Lakes region, including: (1) raising the age of juvenile court jurisdiction to above age 18; (2) modifying standard criminal justice policies and procedures to account for the developmental characteristics of this age group; and (3) looking to other service systems to provide supports *outside* the criminal justice arena. This section describes examples of these different approaches only to illustrate how other jurisdictions have responded to the needs of emerging adults specifically.

Raising the Age of Juvenile Court Jurisdiction

Founded on the premise that children possess developmental characteristics that render them more amenable to treatment than adults, the juvenile justice system offers numerous protections and supports not typically available through the adult criminal justice system, including confidentiality of records, alternatives to incarceration, and more rehabilitative programs. The categories of youth able to benefit from these protections, however, have changed over time. In the 1990s, many states lowered the upper age limit of juvenile court jurisdiction to below age 18 and created new mechanisms for transferring minors into adult court, effectively excluding a large cohort of children from the protections of the juvenile justice system.

The trend now is in the opposite direction. Responding to the developmental research and acknowledging the flaws in the "tough on crime" approach of the 1990s,[99] many states have raised the age of juvenile court jurisdiction in recent years. In October of 2019, Michigan became the latest state to raise the jurisdictional limit to age 18.[100] Today, only three states have yet to include 17-year-olds in juvenile court jurisdiction (one of them in the Great Lakes region): Georgia, Texas, and Wisconsin.[101]

Studies of these "raise the age" efforts have shown that, despite fears of increased crime or an overcrowded juvenile system, success is possible:

- Since the passage of New York's raise-the-age legislation, arrest rates for 16- and 17-year-olds have fallen dramatically,[102] quelling concerns that the addition of these youth to the juvenile system would push it beyond capacity.
- Despite projections that Connecticut's legislation raising the age to 18 would increase the state's juvenile justice budget by $100 million, costs actually went down following the change. Juvenile crime rates also went down, and the state was able to close its one secure youth facility.[103]

Key Resources on Raising the Age of Juvenile Court Jurisdiction:

Justice Policy Institute, Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System (2017)

Anne Teigen, *Juvenile Age of Jurisdiction and Transfer to Adult Court Laws*, National Conference Of State Legislatures (2020)

Lael Chester & Vincent Schiraldi, Public Safety and Emerging Adults in Connecticut: Providing Effective And Developmentally Appropriate Responses for Youth Under Age 21 (2016)

Fair & Just Prosecution, *Prosecutors Urge Policymakers to Raise the Age of the Juvenile Justice System to 21* (June 27, 2019)

- Illinois projected a 35% increase in the number of youth entering the juvenile justice system when it raised the age, but that never occurred. Instead, as in Connecticut, crime rates and confinement rates fell.[104]

Building on these successes—and recognizing that emerging adults exhibit many of the developmental characteristics that inspired the creation of the juvenile justice system—some states have pushed to raise juvenile court jurisdiction above age 18. **In 2018, Vermont became the first state to succeed. By the year 2022, juvenile court jurisdiction will be expanded to include 18- and 19-year-olds, with a few exceptions for certain violent offenses.** In 2019, the Department for Children and Families with the Emerging Adult Justice Project at Columbia University's Justice Lab submitted a plan for implementation to the Vermont Legislature.[105]

Other states are actively engaged in similar efforts, although so far none have been enacted:

- In **New York**, a pending bill would increase the maximum age of eligibility for youthful offender status from 19 to 22.[106]
- A 2016 bill in **Connecticut**, supported by the governor, would have gradually raised the age for which offenders are automatically tried as adults from 18 to 21.
- In **Massachusetts**, a bill introduced in 2017 would have raised the age of juvenile jurisdiction to 21. This effort has support from the NFL Players Coalition[107] and from an association of District Attorneys. Suffolk County District Attorney Rachael Rollins stated:

> "The record shows that young people treated in the juvenile justice system fare better and the community becomes safer. By pushing these young people, who research tells us are still developing, into the adult justice system, we are willfully ignoring decades of data and developmental science and failing to protect the health and safety of communities as public servants are sworn to do."[108]

- **Illinois** has legislation pending that would change the definition of "delinquent minor" to include anyone who committed a misdemeanor before the age of 19 in the first year following passage, then later extend to the age of 21.[109]

The effort to include some emerging adults in the juvenile system is supported by a wide array of criminal justice organizations and stakeholders, including a growing number of prosecutors.[110]

Modifying Criminal Justice Procedures and Practices

Another approach to criminal justice reform is modifying standard adult criminal justice policies and practices in ways that recognize and accommodate emerging adults' developmental characteristics. For instance, some jurisdictions now have specialized young adult courts, others have diversion programs specifically for emerging adults, and others limit the sanctions that can be imposed upon younger offenders. Many of these reforms take the form of "youthful offender statutes" – legislative provisions that create specialized processes targeted at young people of particular age ranges. Other reforms are more programmatic and do not require legislative change. Below are some of the types of reforms states and localities have implemented at different phases of the justice system.

WHAT IS A YOUTHFUL OFFENDER STATUTE?

Youthful offender statutes can look very different from jurisdiction to jurisdiction. Some states use "youthful offender" terminology to refer to procedures for youth *under* the age of 18 – usually juvenile offenders charged with more serious offenses where the youthful offender statute creates a type of modified transfer regime. In this report, we are focusing on youthful offender statutes that include youth *over* the age of 18. These statutes generally carve out exceptions to standard criminal justice processes for younger offenders or create "hybrid" approaches that blend juvenile and adult criminal processes or sanctions. For example, in addition to its statute raising the age of juvenile court jurisdiction to include 18- and 19-year-olds, Vermont has a youthful offender law that allows emerging adults up to age 22 to proceed in juvenile court, with the option to be returned to adult criminal court if the "youthful offender" status is revoked. Vt. Stat. Ann. tit. 33, §§ 5280; 5287. For more examples of youthful offender laws including youth over age 18, see Appendix B.

The specific age ranges included in these statutes vary from state to state. For example, Colorado has created a youthful offender system for youth between ages 18 and 20 at the time of their offense, C.R.S.A. §§ 18-1.3-407; 18-1-3-407.5, and Georgia's statute defines youthful offenders as between ages 17 and 25, Ga. Code Ann. § 42-7-2(7). New Jersey's statutory age range is one of the highest, defining a "youthful offender" as a person between 18 and 30 years of age who has been convicted of a qualifying crime. N.J. Stat. Ann. § 52:17B-183(d). While most of the statutes focus on age at the time of the offense, South Carolina's Youthful Offender Act focuses on age at the time of conviction, which must be between 17 and 25 years of age for a nonviolent crime. S.C. Stat. Ann. § 24-19-10(d)(ii).

Pretrial Processes & Diversion Programs

Modifications to pretrial procedures can support emerging adults before or shortly after they are formally charged with an offense. This pathway can help emerging adults by preventing deeper justice system involvement, accommodating developmental characteristics, and helping them access more effective supports. Some of these programs involve legislative change, while others are collaborative efforts among system stakeholders. Notably, sometimes there are fees associated with these programs, which may limit access and exacerbate racial and economic disparities.

- In **North Carolina**, first-time offenders ages 16–25 charged with minor offenses such as underage drinking, disorderly conduct, or possession of drug paraphernalia can participate in a Young Adult Offender Program to avoid a criminal record.[111] Although the program costs $95 ($60 for dismissal of charges and $35 to Mediation Center for life skills workshop), it is advertised as cheaper than the cost of court. Participants must attend a four-hour life skills workshop, write a formal letter of apology, and complete 24 hours of community service to have charges dismissed.

- **Texas's** Lone Star Justice Alliance has piloted a program where justice-involved young adults ages 17–24, charged with a felony offense, will be diverted out of the justice system and into multi-disciplinary programs.[112] For more information on this program, see *infra* page 21.

Specialized Courts & Proceedings

Specialized courts for emerging adults are one way to ensure developmentally appropriate responses from the justice system. Some features of young adult courts include closed courtrooms or separate trial proceedings for emerging adults. Other youth courts include specialized training on trauma and development for judges or prosecutors, and access to evidence-based interventions. Typically, courts initiate these programs and manage their implementation.[113] The following are a few examples of young adult court programs:

- The **Brooklyn** Justice Initiative, in partnership with the New York state court system and Brooklyn's District Attorney's Office, created a program to support 16- to 24-year-olds charged with misdemeanor offenses. This program created a young adult court and aims to reduce incarceration by providing alternative sentencing that includes community-based mental health programs and drug treatment. Prosecutors involved in this program receive substantive training on trauma, evidence-based practices, and matching people to appropriate interventions.
- In 2017, the Cook County Circuit Court launched a young adult court pilot project in **North Lawndale**, **Illinois**, to serve 18- to 26-year-olds charged with nonviolent felonies and misdemeanors. The court takes a restorative justice approach, requiring defendants to take accountability for their actions and then work with victims or the community to create an agreement focused on restitution, community service and/or letters of apology. Once the restorative justice process is completed, the case is dismissed.[114]
- The Young Adult Court in **San Francisco**, the first of its kind in the country, provides an alternative to the standard criminal justice process for young adults charged with certain felonies and misdemeanors.[115] Young adults are referred to the court by the district attorney, public defender, or probation; if accepted, the young person receives services and supports through a four-phase process over approximately 10–18 months.[116] An early evaluation of the program found the court was successfully implementing a more developmentally appropriate approach to justice for emerging adults.[117]

Sentencing Limitations

Efforts to extend some of the limitations on harsh adult sentences for juvenile defendants set forth in *Roper*, *Graham*, and *Miller* to young adults are also underway. In a February 2018 resolution, the American Bar Association urged jurisdictions to prohibit imposition of the death penalty on individuals under age 21 at the time of their offense due to "newly-understood similarities between juvenile and late adolescent brains."[118] Legal challenges to the application of harsh adult sentences to emerging adults have also had some limited success. For example, in *State v. O'Dell*, the **Washington** Supreme Court reversed a trial court decision that failed to consider the youthfulness of an 18-year-old offender as a mitigating factor justifying an exceptional sentence under the state's sentencing scheme. The court noted that the Washington Legislature "did not have the benefit of psychological and neurological studies showing that the 'parts of the brain involved in behavior control' continue to develop well into a person's 20s" when it drafted the definition of "offender."[119] Similarly, a federal district court in **Connecticut** extended *Miller*'s requirement that age and its relevant characteristics be considered in sentencing to an 18-year-old offender, citing to "national consensus and developments in the scientific evidence on the hallmark characteristics of youth" that also apply to 18-year-olds.[120] That decision is currently on appeal, however, and there have been numerous court rulings upholding the application of harsh sentences to emerging adults.[121]

California is the only state to have responded to *Miller* by extending parole eligibility not just to people sentenced to life without parole as juveniles, but also to people who were young adults at the time of their offense. Under a 2017 statute, individuals who were age 25 or younger at the time of their offenses and were sentenced to life sentences or long determinate sentences are eligible for release on parole through a special "youth offender parole hearing" process.[122]

Correctional Programs

Some policymakers and advocates are also pushing for changes to correctional practices for emerging adults.

Several states and localities have developed "youthful offender" units, facilities, or programs that separate younger inmates from older adults or offer more developmentally appropriate services. For example, **California** has a Youthful Offender Program for youth under the age of 22 entering state prisons that offers additional rehabilitative programming;[123] **Mississippi** created a "youthful offender unit" at its Central Mississippi Correctional Facility that can house youth up to age 19;[124] and **Wisconsin** has an entire correctional facility specifically for male offenders ages 18–24.[125]

There are few existing evaluations of the success of these programs, however, and whether they represent a positive step towards a more developmentally appropriate justice system depends on the quality and substance of the specific programs offered in these units. Separately confining younger offenders in and of itself—without other modifications to the traditional harsh, retributive correctional model—is unlikely to better meet the developmental needs of emerging adults.

Parole, Expungement & Other Postconviction Processes

Jurisdictions across the country are making modifications to parole, probation, and expungement procedures to specifically support emerging adults. For example, **California** parole boards must now give weight to the diminished culpability and subsequent growth in maturity for youthful offenders who committed offenses before 25.[126]

Additionally, jurisdictions have begun to recognize the need for further protections for emerging adults to help with re-entry. Expunging records and keeping criminal information confidential from the public are two critical ways to support emerging adults. For example, youthful offenders in **New Jersey** can apply to expunge their records up to the age of 21 for certain drug offenses.[127]

The practical benefits of expungement and sealing of records can vary from state to state. The best support for reentry spares individuals from having to report their records and eliminates all records from even court and law enforcement systems. Expungement in the **U.S. Virgin Islands** is an "absolute obliteration" of the individual's record and allows a youthful offender to "state unequivocally that no such conviction has occurred."[128]

Using Other Systems of Support

Given the poor outcomes experienced by young people in the criminal justice system, many policymakers and advocates are focusing on prevention programs that would keep emerging adults out of the justice system altogether or diversion processes that could quickly channel them out of the system once they enter it. As the Justice Policy Institute concluded, "[t]he best way to reduce 18 to 24-year-olds' justice system involvement should involve community-based approaches, largely outside the formal justice system."[129] In fact, many of the programs highlighted above draw upon resources or supports from outside of the traditional justice system.

A common barrier to enacting these reforms is that the systems that could potentially provide services or supports are often very siloed and underfunded. Mental health providers, workforce development programs, school systems, housing authorities, and child welfare agencies all provide services that could help a young person avoid justice involvement and be better set up for success in adulthood. In fact, many of these systems have programs or services targeted specifically at emerging adults. Yet criminal justice policymakers and advocates are often not well versed in these systems and the available supports, or these systems' limited resources do not extend to people with criminal justice involvement.[130]

Today, nearly all states have extended their foster care systems to include young adults.

Here are some examples of laws, policies, and programs within other systems that could be leveraged to support criminal justice reform for emerging adults:

Child Welfare

The child welfare system's recent expansion to include emerging adults offers many lessons for ways in which the justice system could take a more developmentally appropriate approach to this age group, particularly since there is a substantial overlap in the populations served by both systems.

Many of the emerging adults at risk of justice system involvement have a history of child welfare involvement.[131] For that reason, many juvenile courts have developed "crossover courts" to serve young people with both dependency and delinquency involvement. The courts are designed to streamline the court process for these youth and offer a more integrated approach to service provision.[132]

Today, nearly all states have extended their foster care systems in some fashion to include young adults,[133] and a few have included justice-involved youth in their extended foster care programs.[134] Yet there has been little collaboration between the criminal justice system and the child welfare system, despite the population overlap. Additionally, several federal child welfare statutes—most recently the Family First Prevention Services Act (Family First Act) passed in 2018—have further expanded support and services to older youth, including young adults. These statutes reflect a growing recognition of the poor outcomes experienced by young people who age out of the foster care system and of their unique developmental needs:

- **Extended Foster Care:** In 2008, the federal Fostering Connections to Success and Increasing Adoptions Act encouraged states to extend foster care to age 21 for youth who are in school, working, or have a disability.[135] Since the statute's passage, more than half of states have sought federal funding to extend foster care beyond age 18, and many others offer forms of extended care using state money.[136] Extended care must be voluntary, and many states allow youth to exit and reenter (up to age 21) if they desire, acknowledging the shifting life plans and changing circumstances that characterize this life stage. Young adults in extended foster care are entitled to the full array of child welfare services, including housing and other basic needs, transition planning, "normalcy" activities, and services to help the young person prepare for adulthood.
- **Supervised Independent Living**: Under the Fostering Connections Act, states can utilize federal funding for supervised independent living arrangements for youth between the ages of 18 and 21.[137] States have great flexibility in determining what settings fall in this category, and they can include college dorms, shared housing, "host homes" (where a young person lives with a family or older adult), and other housing arrangements. Federal guidance clarifies that these settings do not need to be licensed.[138]
- **Aftercare Services & Other Supports:** There are also a number of services available to former foster youth, many of which are available into early adulthood. These services include:
    - **Aftercare Services:** The federal John H. Chafee Foster Care Program for Successful Transition to Adulthood provides states with funds to offer services to youth who have aged out of care, including emergency funds, education assistance, and housing support.[139] The Family First Act extended eligibility for these services to age 23 (from age 21 for states that have extended foster care), although states must elect this option.[140]
    - **Education Vouchers & Tuition Waivers:** The federal government provides funding for education or training vouchers for former foster youth. The Family First Act recently offered states the option to extend eligibility for the vouchers from age 23 to age 26.[141] A growing number of states have also passed tuition waiver bills for former foster youth.[142]
    - **Housing Vouchers:** The Department of Housing and Urban Development recently announced a process for streamlining access to housing vouchers for youth aging out of foster care until age 25. To take this option, jurisdictions will need to set up collaborative agreements between the child welfare agency and the local housing authority.[143]
    - **Medicaid Access:** Youth who were in foster care at age 18 and enrolled in Medicaid at that time are now categorically eligible for Medicaid until age 26.[144] Most recently, the SUPPORT for Patients and Communities Act required states to extend Medicaid eligibility to former foster youth from other states, and barred states from terminating Medicaid eligibility when youth are placed through the juvenile justice system.[145]

Although states are still struggling to convert these legal protections into improved outcomes for youth,[146] some models have begun to emerge for how to effectively meet the needs of young adults specifically. For example, Nebraska's extended foster care program, called Bridge to Independence (B2I), is structured using voluntary services agreements that give youth autonomy while also ensuring they have an adequate safety net, support, and guidance. Notably, the program was designed and implemented with ongoing input from a youth council, and youth are part of the monitoring of the program.[147]

Education & Workforce Development

Emerging adults involved in the justice system frequently have limited education, few job skills, and challenges securing stable employment.[148] Connecting young people to strong educational and career services—including vocational rehabilitation and workforce development programs—can help them avoid justice involvement or get back on the right track if they do become involved in the justice system.

In recent years, much attention has been paid to engaging "disconnected youth" (commonly defined as young people age 16–24 who are neither working nor in school) and supporting them on the path to a stable career.[149] As with child welfare services, a growing number of programs and legal provisions have been designed to target educational and vocational services specifically at young adults, as well as long-standing services that could be better utilized on behalf of justice-involved emerging adults:

- **Special Education Services:** Under the Individuals with Disabilities Education Act (IDEA), states must provide a "free appropriate public education" to all children with disabilities—including those who are incarcerated—through age 21 (or until the student graduates).[150] The IDEA guarantees access to the services described in the student's Individualized Education Plan (IEP) which, beginning at age 16, must include "transition services" to help the student prepare for adulthood.[151] A highly underutilized part of the IEP, these transition services can include community experiences like job shadowing, internship opportunities, vocational rehabilitation, assistance with college applications, computer skills training, and much more.[152] Expanding utilization of IEP transition services is a potential area for reform and advocacy that could help young people with disabilities access the supports they need to avoid justice involvement during the vulnerable transition period.

- **Workforce Development:** The Perkins Act, reauthorized in 2018 with an increase in funding to serve more students, provides federal funding for Career & Technical Education (CTE) programs in high schools and universities.[153] Further, the federal Workforce Innovation and Opportunity Act (WIOA), passed in 2014, dramatically expanded the workforce development programs and funding available to youth and young adults.[154]

- **Vocational Rehabilitation:** Federal law requires states to provide vocational rehabilitation services to assist individuals with disabilities access employment. Under WIOA, vocational rehabilitation offices must set aside at least 15% of their federal funds for "pre-employment transition services" to youth, which can include career counseling, job training, and even paid internships.[155]

- **Higher Education:** Congress is currently considering bipartisan legislation that would allow incarcerated people to receive federal Pell Grants, expanding access to higher education to justice-involved emerging adults.[156]

LESSONS FROM THE FIELD: THE LONE STAR JUSTICE ALLIANCE'S "TRANSFORMATIVE JUSTICE" PROGRAM

Texas's Lone Star Justice Alliance recently developed a pre-trial diversion program for emerging adults that draws heavily on supports and services outside of the traditional criminal justice system. Launched in September 2019, the program connects young people ages 17-24 arrested for a nonviolent felony offense with a multidisciplinary team that develops an individualized care plan for the youth. If the goals in the plan are successfully completed, then the case is dismissed and all records expunged. The program is currently available in Dallas County and in Williamson County (outside Austin).

The Transformative Justice program includes several unique features that could be replicated in other jurisdictions:

- **The care plan draws on cross-disciplinary expertise and services outside of the traditional justice system.** Once an eligible youth decides to participate in the program (after consulting with a defense attorney), they are connected to a multi-disciplinary team for the development of the care plan. Depending on the needs of the youth, the team may include substance abuse treatment providers, housing specialists, career counselors, behavior health professionals, or education experts, among others. Thus, the goals in the plan are developed by experts in the relevant disciplines using a cross-systems approach.
- **Prior records are not disqualifying.** Young people with prior records can still be eligible for the program, as long as the past offenses also meet program criteria.
- **Services can continue even if the case does not.** Defense counsel continues representing the young person throughout the program, and in some situations the case may get dismissed. If this occurs, the young person can continue receiving the services in the care plan for up to 18 months.
- **The program is being studied as a randomized control trial.** Lone Star Justice Alliance has partnered with the Texas A&M Public Policy Research Institute, Harvard's Access to Justice Lab, and the University of Texas Health Science Center at Houston School of Public Health to structure the program as a randomized control trial. Once a youth is determined to be eligible for the program and elects to participate, they are randomly assigned either to receive services through the program, or to have the case handled outside of the program. Youth in both groups are asked to participate in follow-up surveys to facilitate the study. The study will track and compare participants' recidivism rates and health outcomes, and it will also include a cost/benefit analysis.
- **No new legislation was needed to launch the program.** The program built upon existing structures and systems, and is a collaboration among many stakeholders, including judges, district attorneys, and public defenders. As a result, no new legislation or regulatory change was needed to develop and implement the program.

*This information is drawn from Transformative Justice: A Developmental Approach to System-Involved Emerging Adults and the Lone Star Justice Alliance's webpage, https://www.lonestarjusticealliance.org/transformative-justice.html, supplemented by an interview with Elizabeth Henneke and Yulise Waters on August 15, 2019.

Many of these services are embedded within juvenile justice systems. For example, some states have incorporated CTE programs into their juvenile placements.[157] Currently, few criminal justice programs are utilizing these resources, although there are some exceptions, such as Philadelphia's "The Choice is Yours" diversion program for first-time drug offenders that utilizes workforce development funding to provide case management, job training, and other services.[158] More typically, criminal justice involvement is an *impediment* to education and employment. Having a criminal record is often an insurmountable barrier to college admission, professional licensure, and employment.[159]

Mental Health & Other Healthcare Services

As discussed above, young adults have very high rates of mental health disorders and are particularly vulnerable to addiction and substance use disorders.[160] They also have high levels of poor health in general—they are less likely to eat well and exercise regularly than at other ages, they are more likely to smoke cigarettes and abuse alcohol, and they are prone to accidents and serious injuries.[161]

Despite these vulnerabilities, emerging adults struggle to access healthcare services. Before the passage of the Affordable Care Act, emerging adults had significantly lower health care utilization rates than other age groups.[162] Notably, utilization rates are low for this age group even in areas where need is known to increase, such as mental health care and substance abuse treatment.[163] Researchers have described many barriers to healthcare access specific to emerging adults, including that they often must transition from pediatric to adult providers, may experience changes in their health insurance coverage, and struggle to navigate a complicated health system on their own.[164]

The medical field and healthcare policymakers have responded to this concerning research in several ways:

- **Access to Insurance:** The Affordable Care Act's requirement that health insurance plans extend coverage to dependent children up to age 26 has expanded insurance coverage for this population. Federal surveys show that as of 2014, between 1 and 3 million previously uninsured young adults have gained coverage.[165] The Act also facilitated Medicaid expansion in many states, offering young adults without access to parental coverage a possible insurance option.[166]

- **Expanding Pediatric Care & Improving Care Coordination:** The American Academy of Pediatrics (AAP) released a policy in 2017 recommending that pediatrics coverage continue beyond age 21 and that the age of transition to adult care be individualized based on the needs and developmental characteristics of the patient.[167] Efforts to improve care coordination and improve transitions between pediatric and adult systems are longstanding. In 2011, the AAP, American Academy of Family Physicians, and American College of Physicians released joint guidance on effective health care transitions for youth and young adults.[168]

- **Targeted Mental & Behavioral Health Programs:** A growing number of mental and behavioral health interventions target emerging adults specifically. For example, multisystemic therapy (MST), an evidence-based intervention that has been highly successful for children involved in the juvenile justice system, has been adapted for emerging adults ages 17–21. This targeted intervention has been shown to reduce mental health symptoms, decrease the chance of further justice system involvement, and decrease associations with antisocial peers.[169] The federal Substance Abuse and Mental Health Services Administration (SAMHSA) also has a grants program specifically to improve mental health services for young adults.[170]

For a list of federal public health programs relevant to young adults, see the Institute of Medicine and National Research Council's report, "Investing in the Health and Well-Being of Young Adults."[171]

Housing

Lack of housing is a key risk factor for criminal justice involvement. Without access to stable housing, it is almost impossible to finish school, pursue higher education or job training, maintain employment, and meet basic healthcare needs—all of which lead to further risk factors for getting caught in the justice system. According to one study, people returning from prison who lack stable housing are twice as likely to recidivate as those with a reliable place to live.[172]

Emerging adults, out on their own for the first time, are particularly vulnerable to housing instability. Longitudinal studies have shown that more than half of young adults who move out of their parents' homes move back in at some point during their early twenties.[173] In 2015, a third of young people ages 18 – 34 lived with a parent, more than in any other living arrangement.[174] For emerging adults without stable families, staying with a parent may not be an option, leading to the very real possibility of homelessness if they lose a job, end a relationship, or fail to get a scholarship. Indeed, one in 10 young adults ages 18 to 25 experience some form of homelessness each year, including staying in a shelter, sleeping on the streets, or couch surfing.[175]

One in 10 young adults ages 18 to 25 experience some form of homelessness each year.

As with education and employment, criminal justice system involvement can be yet another barrier to housing. Public housing policies often exclude people with criminal records, and housing authorities have broad discretion to evict tenants for drug use or actions they deem a safety risk.[176]

These challenges are compounded by the overall shortage of affordable housing in the United States. According to the National Low Income Housing Coalition, there are only 35 affordable and available rental units for every 100 extremely low income families in need of housing.[177] Because the issue is so dire in general, it can be challenging to find housing options specifically for emerging adults. Many of the options for young adults that are available are targeted at certain subpopulations at elevated risk of homelessness:

- **HUD Vouchers:** In July 2019, the U.S. Department of Housing and Urban Development (HUD) launched a new initiative targeting federal housing assistance and supportive services to young adults ages 18–24 with a history of child welfare involvement.[178] This program is available in states that do not currently have a Family Unification Program voucher, which is another housing assistance program that can serve young adults.[179]
- **Transitional Living Programs:** The federal government offers limited funding for Transitional Living Programs that provide long-term residential services to homeless youth ages 16 to 22. These living arrangements can include group homes, host families, and supervised apartments, and the program offers other supportive services such as counseling and job training.[180]

Resource Highlight:

A May 2019 report from the Emerging Adult Justice Learning Community summarizes research on violent criminal behavior over the life course and offers policy recommendations focused on emerging adults.

Bianca E. Bersani, John H. Laub & Bruce Western, Thinking About Emerging Adults and Violent Crime (2019)

- **Supportive Housing:** HUD offers grants for homeless assistance programs designed to help move people from homelessness to independent living. These programs now fall within a broader umbrella of "Continuum of Care" programs supported by HUD.[181] Some states target these programs at homeless youth or young adults.[182]
- **Programs for LGBTQ Youth:** Because youth who identify as lesbian, gay, bisexual, transgender, or gender-nonconforming are at a high risk of homelessness, many states and the federal government have undertaken initiatives targeted at this community in particular.[183]

Violence Prevention

Emerging adults experience violent victimization at alarming rates. An estimated four million youth nationwide have experienced at least one traumatic event.[184] The U.S. Department of Justice reports the rates of violent victimization and serious violent victimization for 18- to 24-year-olds are on the rise.[185] These victims of violence are at an elevated risk of also being perpetrators of violent acts. As explained in a recent report on emerging adults and violent crime, "the overlap between violent victimization and violent offending is so great that it suggests these individuals are frequently one and the same."[186]

Addressing root causes of violence is therefore core to reforming the criminal justice system for emerging adults. There is not one "system" dedicated to violence prevention (although many cities and states have dedicated agencies), but there are a growing number of promising programs and approaches:

- **Trauma-responsive practices:** Trauma-informed approaches recognize the diverse manifestations of violence, expand trauma awareness, and help system stakeholders avoid retraumatizing trauma victims.[187] Many disciplines, such as domestic violence services, have long embraced and incorporated trauma principles into their practices and standards, but the justice system has been slow to adopt them.
- **Public health approaches to violence:** A public health approach to violence is one that identifies and treats people at risk of violent behavior, much like healthcare professionals identify and treat people at risk for diseases.[188] With support from major medical centers, academic institutions, and private foundations, a growing number of jurisdictions are adopting reforms based upon the premise that violence—gun violence in particular—is best addressed by treating it like an infectious disease.[189]
- **Restorative justice techniques:** Restorative justice approaches to criminal misconduct—which focus on repairing the harm that has been done, rather than punishing the offender—have been shown to reduce violence and recidivism, and produce higher victim satisfaction than traditional criminal justice approaches.[190]

Families and Communities

Last, but certainly not least, criminal justice reformers should consider ways to utilize a young person's natural supports—their families and communities—in helping them avoid justice involvement and succeed as adults. As discussed above, one of the primary tasks of this developmental period is forming the social networks that will sustain a person into adulthood and beyond. Researchers studying child welfare outcomes have found that one of the strongest determinants of whether a young person will succeed in adulthood is whether the person has a strong connection to a supportive adult.[191] Many child advocates now support the concept of "Connected by 25": the idea that young people need to be embedded in networks of family, friends, and community members by age 25 in order to maximize their chances for a successful adulthood.[192]

The justice system should work to *support*, not undermine, a young adult's connections to family and community. In juvenile justice systems, there are typically many measures in place to sustain and encourage these connections. For example, standards governing juvenile facilities require that youth have access to the outside community and prohibit limits on visits or phone calls as punishment;[193] family engagement is considered to be an integral part of the process;[194] and there are a growing number of peer support programs, such as credible messenger programs, to help keep youth supported and on track.[195] The criminal justice system could adopt similar protections, finding ways to strengthen and protect the connections research shows are most correlated to successful outcomes. More globally, criminal justice policymakers and advocates should engage with community organizations in identifying strategies for reform.

Researchers studying child welfare outcomes have found that one of the strongest determinants of whether a young person will succeed in adulthood is whether the person has a strong connection to a supportive adult.

SPOTLIGHT ON THE GREAT LAKES REGION

In reviewing the reform efforts across the country, we took a deeper look at the states in the Great Lakes Region. For each state, we provide the following:

- **A data "snapshot" of emerging adults in the state**. We summarize the available data about each state's justice-involved emerging adults. Although the publicly available information varies widely among states, the types of information provided include: data on the degree of overrepresentation of emerging adults in the justice system, including trends over time; demographic information, including racial disparities data; types of offenses committed by emerging adults compared to the general population; recidivism rates; and rates of violent victimization.
- **The jurisdictional boundaries between juvenile and adult criminal court**. Each state profile details the current boundaries between juvenile and adult criminal court, including all transfer mechanisms, blended sentencing options, and youthful offender programs.
- **Existing criminal justice procedures impacting emerging adults**, including programs focused on emerging adults and other notable features of the criminal justice system relevant to possible reform efforts.
- **Other systems serving emerging adults**, including the child welfare system, education system, housing, mental and behavioral health care systems, and violence prevention programs.

The aim of this section is to provide a comprehensive overview of the current approach to emerging adult justice in each state that can assist advocates and policymakers in developing and advancing emerging adult justice reforms – both within the region and around the country. It is designed to aggregate information from across systems in a way that facilitates a broad conversation about possible areas for reform and concrete next steps, and to serve as an ongoing resource for those working on these issues in the region.

ILLINOIS

Advocates in Illinois have been engaging in criminal justice reform efforts over the past decade in both the juvenile and adult justice systems. Following a ten-year moratorium, Illinois became the 16th state to abolish the death penalty in 2011. Illinois has also made great strides to better support emerging adults both in and outside of the justice system. Recent studies have seen a decline in the number of emerging adult arrests as well as the racial disparities in these arrest rates. Despite this momentum, Illinois reform efforts to raise the age of juvenile court jurisdiction above age 18 are ongoing but not yet successful, and promising local efforts to better support emerging adults remain unavailable in other parts of the state. Illinois also retains several transfer mechanisms from the juvenile to the adult system, including a discretionary transfer provision that gives judges wide latitude to transfer youth as young as age 13 to adult criminal court.

Snapshot of Emerging Adults in Illinois

In addition to numerous municipal, county, and agency-level data collection mechanisms, Illinois has several statewide data systems that provide valuable details about its criminal justice system.[196] Recent reports from the Juvenile Justice Initiative, the Columbia Justice Lab, and Loyola University's Center for Criminal Justice Research, Policy and Practice have used these data systems to analyze key information about emerging adult involvement in the justice system:

- **Overrepresentation**: Emerging adults are disproportionately overrepresented in justice involvement compared to the total population. In 2015, emerging adults accounted for 15% of the adult population and 33% of all adult arrests.[197]
- **Emerging adult arrests have declined over time.** Loyola University Chicago has documented a 47% decrease in the number of emerging adult arrests over the last decade, which is a sharper decline than for arrests of older age groups.[198] The number of arrests peaked for emerging adults ages 18-21 in 2007 (115,688 arrests) and have since been declining (79,926 arrests in 2013).[199]
- **Racial disparities in incarceration rates are highest for emerging adults.** Data from 2013 show that Black male emerging adults in Illinois are 9.4 times more likely to be incarcerated than white peers.[200] A 2019 report by Columbia Justice Lab found that the state incarcerates Black emerging adults at one of the highest rates in the country.[201]
- **Recidivism:** More than 70% of individuals sentenced to prison as emerging adults in Illinois are rearrested within three years—15% higher than for all other adults.[202] Additionally, emerging adults ages 17 to 24 experience higher rates of probation revocation, reconviction for new offenses after being discharged from probation, and negative outcomes in court-ordered drug treatment.[203]

Jurisdictional Boundaries Between Juvenile and Adult Criminal Court

In 1899, Illinois became the first state to establish a separate juvenile court system.[204] While the separation between adults and youth has remained, the boundaries between the juvenile and adult court systems have evolved with developments in neuroscience and social science research. In 2010, Illinois joined a number of other states in raising the age of juvenile court jurisdiction to 17 for misdemeanors, and subsequently to age 18 for both misdemeanors and felonies in 2014.[205] In 2015, the state eliminated mandatory transfer for 15-year-olds, and limited the situations in which 16-year-olds are excluded from juvenile court.[206] Today, the juvenile court has jurisdiction over all young people through age 17, except those 16 or older who have been charged with certain serious offenses, and advocates are pushing to raise the age further, to above 18.

JUVENILE COURT JURISDICTION

Standard Juvenile Court Jurisdiction

Illinois's juvenile court has exclusive jurisdiction over any youth who has violated or attempted to violate any federal, state, county or municipal law prior to age 18. 705 Ill. Comp. Stat. Ann. § 405/5-120 (West 2014). However, juvenile court jurisdiction does not include youth at least 16 years of age who are charged with first-degree murder, aggravated criminal sexual assault, or aggravated battery with a firearm. 705 Ill. Comp. Stat. Ann. § 405/5-130 (West 2016).

The court can retain jurisdiction until age 21 for dispositions. 705 Ill. Comp. Stat. Ann. § 405/5-105(10) (West 2015).

Habitual Juvenile Offender

The court can label a minor as a "habitual juvenile offender" if the youth has committed two offenses that would be felonies and the third offense is one of the enumerated offenses (i.e. first-degree murder, criminal sexual assault, armed robbery). The court must then adjudicate the youth under this provision and commit them to the Department of Juvenile Justice until their 21st birthday without the possibility of aftercare release, furlough, or non-emergency authorized absence. 705 Ill. Comp. Stat. Ann. § 405/5-815 (West 2014).

Violent Juvenile Offender

A "violent juvenile offender" is defined as a youth who has been previously adjudicated for an offense which would have been a Class 2 felony or greater involving the use or threat of physical force or violence or a felony for which an element of the offense is use or possession of a firearm, had they been prosecuted as an adult, and is later adjudicated delinquent for a second time for any of those offenses. If all prerequisites are proven, the youth can be committed to the Department of Juvenile Justice until their 21st birthday without possibility of aftercare release, furlough or non-emergency authorized absence. 705 Ill. Comp. Stat. Ann. § 405/5-820 (West 2014).

TRANSFER MECHANISMS

Discretionary Transfer

The juvenile judge has discretion to transfer a youth who is at least 13 years old who has committed any crime to adult court if there is probable cause to believe allegations and it is not in best interest of the public to proceed in juvenile court. 705 Ill. Comp. Stat. Ann. § 405/5-805 (West 2016).

Statutory Exclusion

Youth age 16 or older charged with first degree murder, aggravated criminal sexual assault, or aggravated battery with a firearm are excluded from juvenile court jurisdiction. 705 Ill. Comp. Stat. Ann. § 405/5-130 (West 2016).

Presumptive Transfer

There is a rebuttable presumption that youth are unfit to be dealt with in juvenile court if the youth is at least 15-years-old, has committed a forcible felony, has a previous adjudication or conviction for a forcible felony, the act was committed in furtherance of criminal activity by an organized gang, and the judge believes there is probable cause to believe the allegations are true. The judge must enter an order allowing prosecution under criminal laws unless the judge finds clear and convincing evidence that the minor would be amenable to care, treatment, and training programs based on an evaluation of several factors. 705 Ill. Comp. Stat. Ann. § 405/5-805 (West 2016).

BLENDED SENTENCING	
Juvenile Blended Sentencing	In any case involving a youth age 13 or older alleged to have committed an offense that would be a felony if committed by an adult, the prosecutor may petition the juvenile judge to designate the proceeding an "extended jurisdiction juvenile proceeding." Proceedings so designated have different procedures, including the right to trial by jury. If the youth is found guilty, the juvenile court must impose both a juvenile sentence and an adult criminal sentence. The adult sentence is stayed unless the youth violates the provisions of the juvenile sentence. 705 ILL. COMP. STAT. ANN. § 405/5-810 (West 2016).

Criminal Justice Procedures Impacting Emerging Adults

Illinois has several local initiatives targeting emerging adults, including a restorative justice program through a young adult court in North Lawndale and a Cook County program for incarcerated emerging adults that offers a separate dorm environment with additional classes and therapy. Statewide, there is a first-time weapon offender program for young adults, and the state passed legislation allowing parole review for individuals who committed a crime before age 21 and have already served 10 years.

CURRENT PROGRAMS OR PRACTICES TARGETED AT EMERGING ADULTS	
Pretrial & Trial Processes	**Young Adult Court:** The Restorative Justice Community Court, a pilot project of the Cook County Circuit Court, opened in North Lawndale, Illinois in 2017 to serve 18-26-year-olds charged with nonviolent felonies and misdemeanors. Defendants are required to take accountability for their actions and then work with victims or the community to create an agreement focused on restitution, community service and/or letters of apology.[207] Once the restorative justice process is completed, the case will be dismissed. As of February 2019, 13 young people had completed the program since its inception in 2017.[208]
Sentencing & Correctional Programs	**SAVE Program in Cook County:** Cook County's "Sheriff's Anti-Violence Effort" (SAVE) serves incarcerated emerging adults. Individuals between 18 and 24 live in an open dorm setting away from the general population and participate in class or therapy for 6 to 8 hours a day. All participants are currently awaiting trial or sentencing for felonies.[209] While this program cannot be ordered by the court, participants can receive "program credit" which a judge can consider during sentencing.

	First Time Weapon Offender Program: Illinois has a First Time Weapon Offender Program for youth under age 21 who are charged with certain weapons-based offenses. 730 ILL. COMP. STAT. ANN. § 5/5-6-3.6 (West 2018). A court, with consent from the defendant and prosecutor, can sentence an individual charged with an unlawful use of weapons offense or aggravated unlawful use of a weapon offense to a First Time Weapon Offender Program. The program lasts between 18 and 24 months during which time the individual cannot break any laws; cannot possess any firearm or dangerous weapon; must obtain or attempt to obtain employment; attend educational courses; refrain from drug use; perform 50 hours community service; and pay all fines, assessments, fees and costs. In supporting this program, the General Assembly noted: "some persons, particularly 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." 730 ILL. COMP. STAT. ANN. § 5/5-6-3.6(a) (West 2018). **Ineligibility:** • Offense committed during commission of a violent offense • Previous conviction, probation, or conditional discharge for any violent offense • Prior successful completion of the First Time Weapon Offender Program • Previous adjudication as a delinquent minor for the commission of a violent offense • Over the age of 21 • Existing order of protection issued against defendant **Factors for consideration:** In deciding whether this program is appropriate, the judge will consider the age, immaturity, or limited mental capacity of the defendant; the nature and circumstances of the offense; whether participation in the program is in the interest of the defendant's rehabilitation; whether defendant suffers from trauma; and the potential risk to public safety. **Disposition:** Completion of the program will result in a discharge and dismissal of the underlying offense.
Parole, Expungement, and other Postconviction Processes	In 2019, Governor Pritzker signed a law allowing parole review for individuals who committed a crime before turning 21 and who have served 10 years. Individuals convicted of first-degree murder or aggravated criminal sexual assault will be eligible for review after 20 years. Anyone convicted of predatory criminal assault of a child or serving a life sentence will not be eligible.[210]

OTHER NOTABLE FEATURES OF ILLINOIS'S CRIMINAL JUSTICE SYSTEM

Offender Initiative Program: Any person who has not been convicted or adjudicated of a felony offense, or charged with a violent offense, can participate in this program. The defendant and prosecutor will agree to waive the preliminary hearing and have proceedings suspended during participation in the program for at least 12 months. During this time, the individual cannot violate any laws, possess a firearm or dangerous weapon, must obtain employment, pay restitution in full, attend educational courses, and complete 30 hours of community service. Youth participating in this program can be ordered to reside in a foster home or non-residential program. Completion of the program results in dismissal and discharge. 730 Ill. Comp. Stat. Ann. § 5/5-6-3.3 (West 2018).

Interrogation: Oral, written, or sign language statements from youth under age 18 during custodial interrogation are presumed to be inadmissible where the interrogator has read *Miranda* in its entirety without stopping to check for comprehension or a response and when the interrogator has not asked the youth: "Do you want to have a lawyer?" and "Do you want to talk to me?" Additionally, statements given during interrogations at police stations or other places of detention are presumed inadmissible unless there is an electronic recording of the interrogation that is substantially accurate and not intentionally altered. 405 Ill. Comp. Stat. Ann. § 405/5-401.5 (West 2017).

Community Mediation: Illinois law explicitly allows state's attorneys to establish community mediation programs where minors who commit delinquent acts can be adjudicated at the community or neighborhood level. A disposition in this program can include community counseling, community series, restitution, or tutorials sessions. 705 Ill. Comp. Stat. Ann. § 405/5-310 (West). Municipalities and county boards are permitted to create teen court programs. 705 Ill. Comp. Stat. Ann. § 405/5-315 (West).

Second Chance Probation: Any person without a felony conviction who has been charged with a felony offense such as drug possession, theft, or burglary, can be sentenced to 24 months of probation. Completion of probation results in discharge and dismissal of the offense. 730 Ill. Comp. Stat. Ann. § 5/5-6-3.4 (West 2018).

Parole: Illinois has a Prisoner Review Board which is responsible for imposing release conditions for incarcerated individuals leaving confinement, conducting hearings to determine if parole conditions have been violated, and making confidential recommendations to the Governor related to clemency petitions.[211] It is a quasi-judicial body that is no longer part of the Department of Corrections.[212] For determinate sentences, parole is permitted after serving 1/3 of sentence, or 20 years, whichever is more. The Prisoner Review Board conducts mandatory supervised release hearings for these cases where they set conditions for parole. The Board does not control when these individuals are released since they must serve the time required by law.

Records: Illinois law permits expungement or sealing of records of arrest and conviction in a variety of circumstances. See 20 Ill. Comp. Stat. Ann. § 2630/5.2 (West 2020). Employment applications (except for applications to law enforcement agencies, the Department of Corrections, and prosecutors' offices) must include language stating the applicant is not obligated to disclose sealed or expunged records of conviction or arrest. Public and private entities in employment matters, certification, licensing, revocation of certification or licensure, or registration may not ask if an applicant has had records expunged or sealed. 20 Ill. Comp. Stat. Ann. § 2630/12 (West 2018).

Other Systems Serving Emerging Adults

Illinois offers a variety of supports for emerging adults beyond the justice system. Illinois was earlier than some other states in the region to extend foster care services to youth over age 18. The state also offers services to emerging adults experiencing homelessness or mental or behavioral health challenges. More than other states in the region, Illinois—and particularly the city of Chicago—has high rates of gun violence. State and local agencies have created policies to try to address this huge challenge.

CURRENT POLICIES OR SERVICES TARGETED AT EMERGING ADULTS	
Child Welfare	Youth in Illinois can continue to receive child welfare services through age 21. The Department of Children & Family Services must provide or authorize services with the goal of assisting youth to achieve sustainable self-sufficiency and independence. Youth receive a case manager who helps them design an agreement identifying what services must be provided and how the youth can increase skills to become self-sufficient. 20 Ill. Comp. Stat. Ann. § 505/5(n-1) (West 2019).
Education	"Student at risk of academic failure" means a student at risk of not meeting the Illinois Learning Standards or not graduating from elementary or high school and who demonstrates a need for educational support or social services beyond that provided by the regular school program. Such students are eligible for services up to the age of 21. 105 Ill. Comp. Stat. Ann. § 5/13B-15.10 (West 2002).
Housing	There are a few supportive or transitional housing programs in Illinois targeted at emerging adults, including the Thresholds Young Adult Program[213] and 360 Youth Services Transitional Housing Program.[214] Statewide, the Illinois Bureau of Youth Intervention Services administers homeless youth services, including transitional living for up to 24 months, to youth ages 14-23 who lack safe and stable housing. In 2015, this program served almost 2,800 youth, at an average cost of $1,903 per youth – a small fraction of the $111,000 the Bureau estimates it costs to incarcerate a youth for a year. [215]
Behavioral or Mental Health	Several Illinois groups have joined forces to form the Healthy Minds Healthy Lives Coalition,[216] which in 2019 successfully pushed for legislation to improve services and funding for youth and young adult mental health services.[217] The legislation, which went into effect on January 1, 2020, made Illinois the first state in the country to require private insurance to cover multi-disciplinary mental health care for young adults under age 26.[218]
Violence Prevention	Gun violence is a major issue in Illinois, particularly in Chicago, and there has long been a focus on preventing youth violence in particular. In 2014, then-Mayor Rahm Emmanuel laid out a comprehensive plan to prevent youth violence which, by implementing strategies for prevention, intervention, and response to youth violence, aimed to "cut violence in Chicago in half by the year 2020."[219] The plan included an array of programs and interventions, including cognitive behavioral therapy programs, jail alternatives, and evidence-based home visits.

The "public health" approach to violence prevention also has its roots in Illinois. "Cure Violence"[220] (formerly known as CeaseFire), a model that studies and treats violence like an infectious disease, originated at the University of Illinois/Chicago School of Public Health, and the model was launched in the West Garfield Park neighborhood of Chicago and evaluated in 2008.[221] Other violence prevention programs that serve predominantly emerging adults include Readi Chicago and Chicago CRED.[222]

Illinois has also statutorily targeted emerging adults in its violence prevention efforts. The state requires applicants for firearms and firearm ammunition to be at least 21 (unless they have consent from a parent or legal guardian), and the minimum age for a concealed carry license is 21. 430 Ill. Comp. Stat. Ann. §§ 65/4, 66/25 (West 2019). More recently, the Senate passed a bill to raise the age to possess assault-style weapons and assault weapon attachments to 21 years of age. This bill stalled in the House.[223]

Data from 2013 show that Black male emerging adults in Illinois are 9.4 times more likely to be incarcerated than white peers.

INDIANA

Indiana is one of only three states in the country that permit justice-involved youth to receive extended foster care support,[224] and a recent statute aims to expand and improve the quality of services available to older youth in foster care.[225] However, Indiana has the highest overall incarceration rate in the Great Lakes region, no statutory protections or programs specifically for emerging adults, and little publicly available data to shed light on possible reform areas. There are also very few services outside of the justice system supporting emerging adults, other than some workforce training programs specifically for 16-24-year-olds. Indiana therefore has many areas ripe for reform, including better data tracking and more policies providing better protections to emerging adults both inside and outside of the justice system.

Snapshot of Emerging Adults in Indiana

Of all the states in the Great Lakes region, Indiana by far has the least information publicly available about incarcerated individuals and arrest statistics for emerging adults. However, the information available on the overall justice system paints a dim picture. The state incarcerates 723 people per every 100,000 individuals in the population, giving it the highest overall incarceration rate in the Great Lakes Region.[226] This rate increases dramatically when race is taken into account. According to information from the 2010 U.S. Census, Indiana incarceration rates per 100,000 people were 542 for whites; 781 for Latinx; 2,814 for African Americans; and 888 for American Indians.[227] Despite making up 82% of the state population, white individuals represent just 59% of the incarcerated population.[228] In contrast, African Americans make up 9% of the state population and 34% of the prison and jail population.[229] In 2018, about 47,000 Indiana residents were confined in state prisons, local jails, federal prisons, involuntary commitment facilities, and youth institutions.[230]

The Indiana Department of Correction (IDOC) tracks aggregate adult recidivism rates. The most recent summary from 2018 concludes that the younger the offender is at the time of release, the more likely they are to return to a state correctional institution.[231] The IDOC also releases monthly reports on the incarcerated population itemized by county and type of offenses.[232] However, it does not include demographic information such as age and race.

Jurisdictional Boundaries Between Juvenile and Adult Criminal Court

Unlike most states, Indiana state law does not define the youngest age that a youth can be adjudicated delinquent. The court can retain jurisdiction until the youth has turned 21 so long as the offense was committed prior to the child's 18th birthday. There are a number of ways youth can be moved from the juvenile system to adult criminal court. Youth can be transferred to the adult system through mandatory transfer for certain offenses committed by youth over the age of 16, as well as through discretionary transfer provisions. Youth can also be transferred to the adult system for having a previous conviction for a felony or non-traffic misdemeanor.

JUVENILE COURT JURISDICTION

Standard Juvenile Court Jurisdiction	For the purposes of juvenile law, the state defines a "child" as one who commits a delinquent act prior to turning 18 years of age. Ind. Code Ann. §§ 31-37-1-1, 31-9-2-13(d) (West 2019).

TRANSFER MECHANISMS FROM JUVENILE TO ADULT COURT

Discretionary Transfer	The juvenile court has discretion to waive its jurisdiction for: • youth at least 14 years of age charged with heinous or aggravated felonies and "part of a repetitive pattern of delinquent acts" even if those acts are less serious. IND. CODE ANN. § 31-30-3-2 (West 2008). • youth at least 16 years of age charged with felony violation of controlled substances. IND. CODE ANN. § 31-30-3-3 (West). • youth at least 12 years of age charged with murder. IND. CODE ANN. § 31-30-3-4 (West 2015). • youth at least 16 years of age charged with involuntary manslaughter or reckless homicide as a Level 5 felony. IND. CODE ANN. § 31-30-3-5 (West 2014).
Mandatory Transfer	The juvenile court will not have jurisdiction for a juvenile at least 16 years of age and charged with attempted murder, murder, kidnapping, rape, criminal deviate conduct, certain allegations of robbery, carjacking, carrying a handgun without a license. The adult court will retain jurisdiction over the case even if the individual pleads guilty. IND. CODE ANN. § 31-30-1-4 (West 2016). **Reverse Transfer** If a juvenile pleads guilty to or is convicted of a lesser offense that was initially joined to a qualifying excluded offense that resulted in acquittal or dismissal, the judge may withhold judgment and transfer jurisdiction to the juvenile court. IND. CODE ANN. § 31-30-1-4(c) (West 2016).
Once/Always an Adult	The juvenile court must waive jurisdiction over a case in which a juvenile of any age is charged with a felony and has previously been convicted of a felony or a non-traffic misdemeanor. IND. CODE ANN. § 31-30-3-6 (West).

BLENDED SENTENCING

Juvenile Blended Sentencing	Juvenile court judges can order juveniles adjudicated delinquent in the custody of the Indiana Department of Corrections which handles both juveniles and adults. IND. CODE ANN. §§ 31-37-19-9; 31-37-19-10 (West 2014).
Criminal Blended Sentencing	Criminal court can impose an adult criminal sentence or suspend the criminal sentence and order the offender into the custody of the Indiana Department of Corrections but placed in the juvenile facility of the division of youth services pending successful participation and completion. IND. CODE ANN. § 31-30-4-2 (West 2014).

Criminal Justice Procedures Impacting Emerging Adults

Indiana has very few criminal justice policies targeted at emerging adults. Currently, there is a boot camp program for justice-involved youthful offenders under the age of 21. This is a subcomponent of a sentence, rather than an alternative to incarceration. However, evidence suggests boot camps are generally not very effective for juvenile offenders,[233] and a bill introduced in the Senate would eliminate the boot camp program without providing another alternative.[234] Additionally, the few court decisions focusing on emerging adults have emphasized that they should be treated as adults in the justice system.

PROGRAMS OR PRACTICES TARGETED AT EMERGING ADULTS	
Pretrial & Trial Processes	None identified.
Sentencing & Correctional Programs	**Boot camp** Judges have discretion to order youth under the age of 21 to spend part of their incarceration sentence in a boot camp program. The final decision rests with the Department of Correction to accept youth into the program and spots are typically reserved for youth under age 21 accused of sex offenses or with intense medical needs. The boot camp is described as a "paramilitary environment" where participants can receive treatment and counseling if needed. The boot camp also provides remedial education and GED preparation. Successful completion of the boot camp allows the court to suspend the remainder of the individual's sentence and place them on probation instead. Ind. Code Ann. § 11-14-2-5 (West 2011). The program's purpose is to promote successful re-entry for youthful offenders under 21 by "preventing the offender's association with older and more experienced criminals; and providing the offenders with skills for living and rehabilitation." Ind. Code Ann. § 11-14-2-1 (West). **Marion County Diversion Program** Marion County has partnered with the National League of Cities, the National Association of Counties, and the National Conference of State Legislatures to work toward reducing the use of jails for young adults. The county participated in the Intergovernmental Policy Academy in 2018 to develop a 12-month plan to align policies at the city, county and state levels to reduce the number of young adults in jails.[235]
Parole, Expungement, and other Postconviction Processes	None identified.

OTHER NOTABLE FEATURES OF INDIANA'S CRIMINAL JUSTICE SYSTEM

Criminal Justice Reform Task Force: The 2013 House Enrolled Act pushed a significant number of individuals out of the Indiana Department of Correction and into local jails. In May of 2016, Indianapolis Mayor Hogsett signed an Executive Order launching the Indianapolis Criminal Justice Reform Task Force with a goal of "holistic, data-driven criminal justice reform."[236] The Task Force found that Marion County's jail system is experiencing overcrowding at over three times its population limit.[237]

Sentencing:

- Indiana law explicitly states 16-18-year-olds can be sentenced to life imprisonment without parole for murder. Ind. Code Ann. § 35-50-2-3 (West 2015). See *Conley v. State*, 972 N.E.2d 864 (Ind. 2012) (affirming life imprisonment without the possibility of parole for 17-year-old). The state has not enacted any new sentencing legislation in the wake of the *Miller v. Alabama* decision.
- Legal challenges to the application of harsh sentences to young adults in the state have thus far been unsuccessful.[238]
- The death penalty is still legal in Indiana for individuals over the age of 18 if the state can prove beyond a reasonable doubt the existence of at least one aggravating circumstance. Ind. Code Ann. § 35-50-2-9 (West 2016). See *also* Appendix A.
- Indiana law provides mandatory minimum and advisory sentences for homicides, drug crimes, and gun offenses. See Appendix A.

Parole: The parole board may consider an individual's age at the time of the offense and their age and level of maturity at the time of the parole review. 220 Ind. Admin. Code § 1.1-2-3(l) (West).

Records: A business or occupational license or certificate cannot be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. However, the facts underlying the conviction may be considered in determining whether the applicant or holder should be entrusted to serve the public in a specific capacity. Ind. Code Ann. § 25-1-1.1-1(a) (West 2015).

Other Systems Serving Emerging Adults

Given the lack of policies distinguishing justice-involved emerging adults, the additional supports outside of the justice system are critical. Indiana has workforce development programs targeting emerging adults, and it is one of the few states to offer extended foster care to youth involved in the juvenile justice system. In fact, extended foster care services are available to age 23 for youth with justice-system involvement. There are also a few housing and behavioral health services for the emerging adult population.

Indiana incarcerates 723 people per every 100,000 individuals in the population, giving it the highest overall incarceration rate in the Great Lakes Region.

CURRENT POLICIES OR SERVICES TARGETED AT EMERGING ADULTS

Child Welfare	**Extended foster care:** Indiana allows older youth between the ages of 18 and 21 to continue receiving services so long as the individual is employed, attending school or a vocational program, participating in a program or activity to promote employment, or unable to do any of these activities due to a medical condition. IND. CODE ANN. § 31-28-5.8-5 (West 2019). Indiana also offers extended foster care services up to age 23 to youth with justice-system involvement.[239]
Education or Workforce Development	"School age individual" refers to individuals under the age of 22. IND. CODE ANN. § 20-21-1-6 (West). EmployIndy[240] EmployIndy funds organizations serving young adults in Marion County ages 16 to 24. Community Alliance of the Far Eastside (CAFE)[241] Provides employment coaching to residents between the ages of 16 and 24. Youth are connected to local employment opportunities as well as educational services such as industry trade programs, college, and occupational skills training. Job Ready Indy[242] Job Ready, a collaboration among Mayor Joe Hogsett, EmployIndy, and various community organizations throughout Marion County, helps job seekers ages 16 to 24 develop necessary skills such as effective communication and time management.
Housing	Blue River Services, Inc.[243] offers rental housing and supportive services such as case management and employment training, for young adults between 18 and 25 experiencing homelessness and a disability. These apartments are fully-furnished and the minimal rent required covers utilities.
Behavioral or Mental Health	St. Vincent Stress Center[244] in Indianapolis offers mental health and behavioral programs for different age groups including 18-25.
Violence Prevention	None identified.

MICHIGAN

Michigan has been making great strides in criminal justice reform recently. In 2015, the maximum age of inclusion in the Holmes Youthful Trainee Act (HYTA)—a set of provisions to give youth the opportunity to avoid a criminal conviction—was raised to age 24 for certain offenses.[245] In 2019, the legislature raised the age of juvenile court jurisdiction to 18 with overwhelming bipartisan support.[246] And most recently, the Michigan Joint Task Force on Jail and Pretrial Incarceration released a report with recommendations such as behavioral health crisis response training for law enforcement and jail officers, limits on the use of restrictive pretrial release conditions, and increased focus on alternatives to jail sentences.[247] Based in part on these recommendations, a group of bipartisan lawmakers announced plans to introduce a group of bills aimed at reducing the number of offenses that can result in a suspended or revoked driver's license, trim or eliminate jail time for certain driving-related offenses, and easing punishments for low-level offenses.[248] Finally, a package of bills introduced in July of 2020 to expand expungement laws has received bipartisan support.[249] However, there is a lack of education, behavioral health, housing, and other extrajudicial supports specifically for emerging adults.

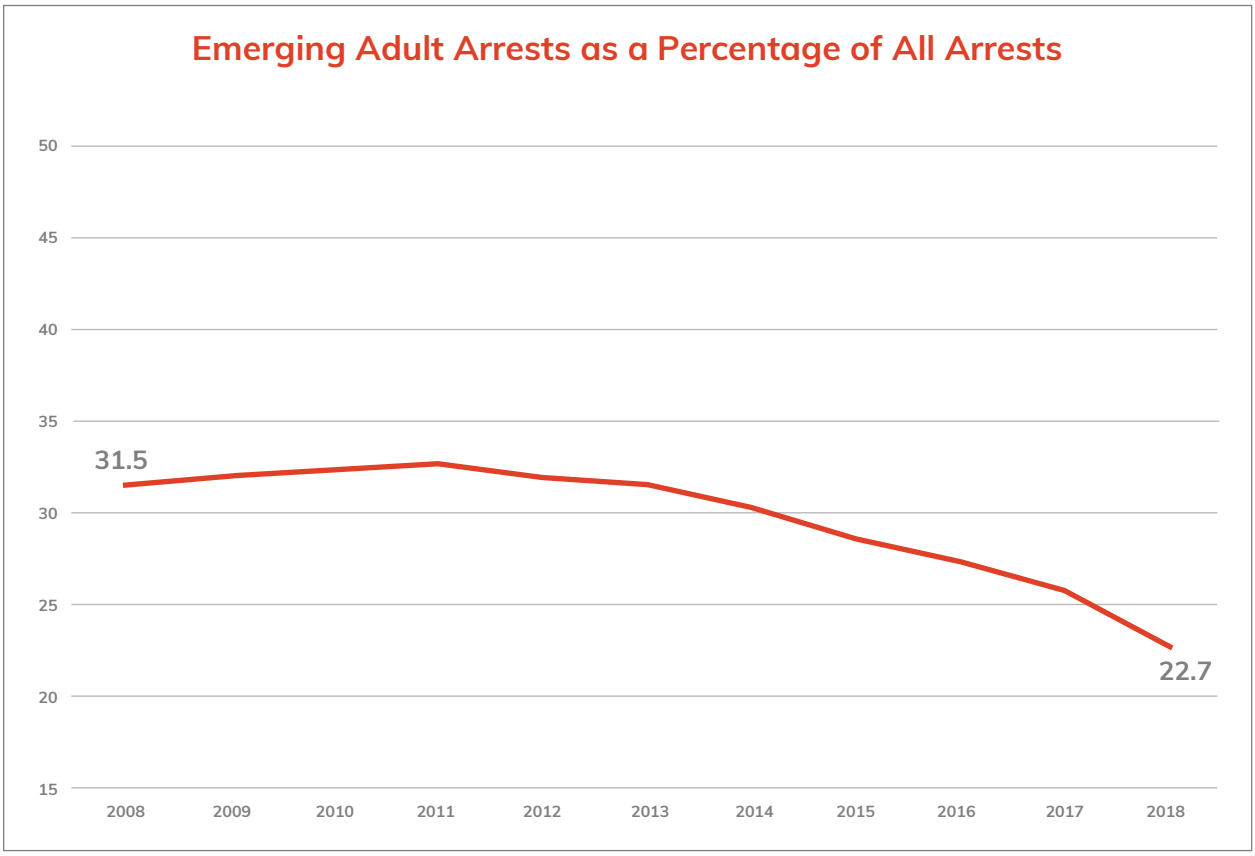
Snapshot of Emerging Adults in Michigan

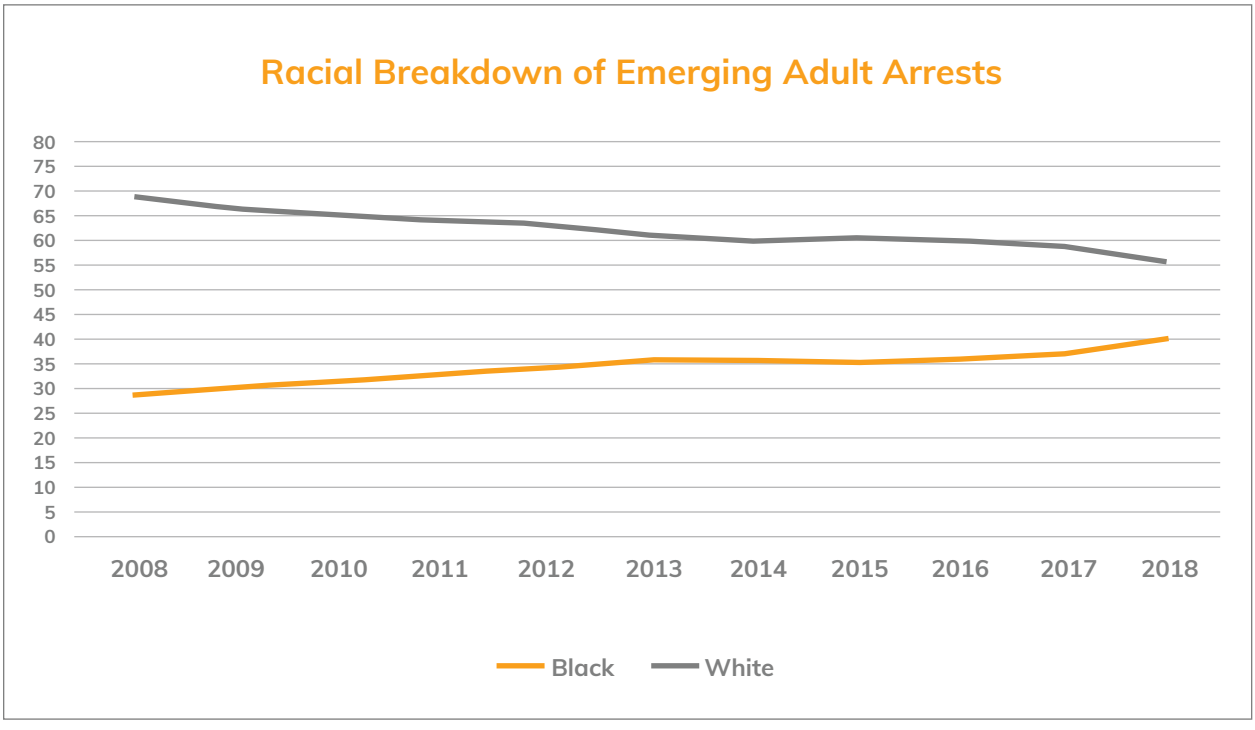
Michigan requires all law enforcement agencies to participate in a statewide incident-based reporting program. Because of this, the state provides a significant amount of data about arrests and crime, including an interactive incident-based search tool where statewide arrests can be searched by crime type, age, race, and gender.[250] In addition to this, the state police publishes an annual report of crime data and statistics[251] and other data summaries.[252] However, it is important to note a major limitation of this data—it does not include numbers for youth arrested and prosecuted under the HYTA.

The available data reveal the following information about Michigan's emerging adult population:

- **Overrepresentation slightly declining over time:** Although emerging adults remain overrepresented in Michigan's justice system, emerging adult arrest rates have slowly declined over time. 2018 saw 18-24-year-olds make up 22.7% of all arrests,[253] despite making up only 9.6% of the state population,[254] whereas in 2010 emerging adults accounted for 32.3% of all arrests,[255] and 9.8% of the state population.[256]
- **Racial disparities worsening:** Since 2008, the racial disparities between Black and white emerging adult arrests have been steadily increasing. In 2008, 28.7% of emerging adult arrests were of Black emerging adults, and 67.9% of those arrests were of white emerging adults.[257] By 2018, Black emerging adults accounted for 15.3% of all emerging adults and just 1.5% of the state population,[258] yet 39.8% of all emerging adult arrests and 9.0% of all arrests.[259] Comparatively, white emerging adults accounted for 68.9% of all emerging adults in Michigan and 6.6% of the general population,[260] yet 55.4% of all emerging adult arrests and 12.6% of all arrests.[261]

A unique and long-standing feature of Michigan's sentencing system is the Holmes Youthful Trainee Act, which allows a court to adjudicate youth between the ages of 17 and 24 without entering a conviction on the individual's record.


Emerging Adult Arrests as a Percentage of All Arrests
50
45
40
35
30
25
20
15
31.5
22.7
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018


Racial Breakdown of Emerging Adult Arrests
80
75
70
65
60
55
50
45
40
35
30
25
20
15
10
5
0
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
Black
White

Jurisdictional Boundaries Between Juvenile and Adult Criminal Court

On October 31, 2019, Governor Whitmer signed a set of bipartisan bills raising the age of juvenile court jurisdiction from 17 to 18.[262] The new law also creates funding to ensure 17-year-olds have access to services and developmentally-appropriate resources,[263] but it will not take effect until October 1, 2021, and will not be applied retroactively.[264] Michigan does not have a mandatory transfer scheme, but the state has several pathways for youth into adult criminal court, including a prosecutorial discretion provision and a juvenile court discretionary waiver statute.

JUVENILE COURT JURISDICTION

Standard Juvenile Court Jurisdiction	The juvenile court has jurisdiction over individuals who commit offenses prior to their seventeenth birthday, after which point the youth will be charged in adult court. The juvenile court can retain jurisdiction over youth until age 21. Mich. Comp. Laws Ann. §§ 712A.2, 712A.2a (West 2015). Beginning in 2021, the age of juvenile court jurisdiction will be raised to include individuals who commit offenses prior to their eighteenth birthday. 2019 Mich. Pub. Act Nos. 97-114.

TRANSFER MECHANISMS

Discretionary Transfer (Prosecutorial)	If a youth between the ages of 14 and 17 is alleged to have committed a "specified juvenile violation" – offenses that include weapons charges and other more serious offenses – the prosecutor may bring the charges in adult criminal court. Mich. Comp. Laws Ann. §§ 764.1f; 712A.2(a)(1) (West).
Discretionary Transfer (Judicial)	Michigan law permits a juvenile court to waive jurisdiction over any youth age 14 or older accused of committing an act that would be a felony if committed by an adult, if, following a hearing, the court determines that waiver would be in the best interests of the youth and the public based on an enumerated list of factors, including the seriousness of the alleged offense, the youth's culpability, the youth's prior record, programming history, adequacy of the punishment or programming available in the juvenile justice system, and the dispositional options available. Mich. Comp. Laws Ann. § 712A.4 (West).
Once/Always an Adult	If a youth has previously been tried in adult criminal court, the juvenile court must waive jurisdiction if the youth is alleged to have committed an offense that would be a felony if committed by an adult. Mich. Comp. Laws Ann. § 712A.4(5) (West).

BLENDED SENTENCING

Juvenile Blended Sentencing	Both the prosecutor and the juvenile court have the ability, under certain circumstances, to designate a case as "a case in which the juvenile is to be tried in the same manner as an adult" – meaning that standard criminal due process protections are used in juvenile court and an adult sentence may be imposed. The prosecutor has the discretion to so designate a case when a youth is charged with a "specified juvenile violation." When a youth is charged with an offense *other than* a "specified juvenile violation," the prosecutor may request that the court so designate a case, and the court may grant the request if, after a hearing, "it determines that the best interests of the juvenile and the public would be served" based on the same factors considered in discretionary waiver. Mich.

	Comp. Laws Ann. § 712A.2d(1), (2) (West). If a case is designated as "a case in which the juvenile is to be tried in the same manner as an adult", then, following a judgment of conviction, the juvenile court may impose a juvenile disposition or, if "the best interests of the public would be served," an adult sentence. The court may also order a juvenile disposition and delay imposition of the adult sentence, placing the youth on probation during the period of the juvenile disposition. In determining which of these options to choose, the court must consider various factors specified by statute, which are similar to those a court must consider in making a waiver determination. Mich. Comp. Laws Ann. § 712A.18 (West 2018).
Criminal Blended Sentencing	A youth tried in adult criminal court must be sentenced "in the same manner as an adult" if convicted of certain crimes (that encompass most crimes meeting criteria for prosecutor discretion). For other offenses, adult sentences can usually be imposed unless the court finds by a preponderance of the evidence that "the best interests of the public would be served" by a juvenile commitment, taking into account a number of specified factors (similar to those for discretionary waiver decision), giving "greater weight to the seriousness of the alleged offense and the juvenile's prior record of delinquency." Mich. Comp. Laws Ann. § 769.1 (West).

Criminal Justice Procedures Impacting Emerging Adults

A unique and long-standing feature of Michigan's sentencing system is the HYTA, which allows a court to adjudicate youth between the ages of 17 and 24 without entering a conviction on the individual's record.[265] This act includes a mandatory probation supervision fee of up to $60 multiplied by the number of months on probation (up to 36 months) which may prevent low-income emerging adults from completing the program.[266] A local program in Kalamazoo has established a diversion court for youth between ages 17 and 20, made possible by numerous foundations and court agencies.[267] While it is not immediately clear how many youth take part in the diversion court, an area for reform could be to replicate this program in other cities.

PROGRAMS OR PRACTICES TARGETED AT EMERGING ADULTS

Pretrial & Trial Processes	None identified.
Sentencing & Correctional Programs	**Youthful Trainee Status** The HYTA allows individuals between 17 and 24 years of age who have pleaded guilty to a criminal offense, to receive no more than two years in prison and have their cases processed without a conviction if they satisfy the conditions imposed by a judge. Mich. Comp. Laws Ann. §§ 762.11-762.16 (West 2015). Although a guilty plea is required, the court does not enter a judgment of conviction and state police records become closed to the public, but still open to courts, law enforcement, and family agencies. Prosecutor's consent is required if the offense was committed on or after the youth's 21st birthday, but before their 24th birthday.

	For youthful trainees under age 21, their sentence may include: • Probation of not more than 3 years • Placement in the county jail for not more than 1 year • Commitment to an institutional facility Young Adult Diversion Court[268] Kalamazoo County has created a 6-8 month program (can be extended up to 24 months if needed) for young adults on probation between the ages of 17 and 20 who have been sentenced to minor offenses such as possession of marijuana, possession of alcohol, retail fraud, and malicious destruction of property. Probation officers or sentencing judges can refer youth to this court who are struggling with probation requirements to receive more support and intensive case management. Graduates of the program are discharged from probation and have their charge dismissed.
Parole, Expungement, and other Postconviction Processes	None identified.

OTHER NOTABLE FEATURES OF MICHIGAN'S CRIMINAL JUSTICE SYSTEM

Sentencing

- There is no death penalty in Michigan.[269] See Appendix A.
- Michigan is unique in that it has no mandatory minimum sentences for numerous offenses such as illegal gun possession, manslaughter, and attempted murder. However, the state still mandates life imprisonment for first- and second-degree murder. See Appendix A.

Occupational Licenses: A licensing board or agency cannot use a person's judgment of guilt in a criminal prosecution or a judgment in a civil action to prove that person's lack of good moral character. However, the licensing board or agency may use the judgment as evidence in determining a person's "moral character". The individual can rebut this evidence by showing that they have the ability to, and are likely to serve the public in a fair and honest matter; that they have been rehabilitated; or that the substance of the former offense is not reasonably related to the occupation or profession in which they are seeking a license. Mich. Comp. Laws Ann. § 338.42 (West 2015).

Parole: The parole board may consider a person's age in determining whether to grant parole. Mich. Admin. Code § 791.7715(2)(a)(v).

Expungement: Individuals convicted of not more than one felony and not more than two misdemeanor offenses can petition the court to set aside the felony offense. An individual convicted of not more than two misdemeanors and no felonies can petition the court to set aside one or both misdemeanor convictions. Mich. Comp. Laws Ann. § 780.621 (West 2017). This does not leave expungement options for individuals with more extensive records.

Other Systems Serving Emerging Adults

Despite having a long history of youthful offender provisions in the justice system, there are few other systems serving emerging adults in Michigan. Like other states, foster care services have been extended through age 21. But there are relatively few programs for workforce development, housing, or mental and behavioral health specifically for emerging adults.

CURRENT POLICIES OR SERVICES TARGETED AT EMERGING ADULTS

Child Welfare	**Extended foster care:** Michigan allows youth in the child welfare system at age 18 to continue to receive child welfare services up to age 21 so long as they meet one of the federal categories for eligibility (in school or a vocational training program, working at least 80 hours per month, or unable to do these activities due to a medical condition). MICH. COMP. LAWS ANN. §§ 400.647, 400.649 (West 2011). **Higher education support:** Michigan has a large higher education access and support program for youth in or with experience in foster care—Fostering Success Michigan[270]—which has been highly successful.[271]
Education or Workforce Development	To be eligible for public school, a student must be under age 20 unless one of the following exceptions is met: **1.** A special education pupil who is enrolled and receiving instruction in a special education program or service approved by the department, who does not have a high school diploma, and who is less than 26 years of age as of September 1 of the current school year shall be counted in membership. **2.** A pupil who is determined by the department to meet all of the following: **a.** Is enrolled in a public school academy or an alternative education high school diploma program that is primarily focused on educating pupils with extreme barriers to education, such as being homeless as defined under the Homeless Assistance Act. 42 U.S.C.A. § 11302 (West 2015). **b.** Had dropped out of school. **c.** Is less than 22 years of age as of September 1 of the current school year. MICH. COMP. LAWS ANN. § 388.1606 (West 2020).
Housing	None identified.
Behavioral or Mental Health	None identified.
Violence Prevention	Applicants for concealed pistols must be at least 21 years of age. MICH. COMP. LAWS ANN. § 28.425b (West 2017).

MINNESOTA

Similar to some of the other states in the region, Minnesota provides yearly information on emerging adult incidents and arrests. However, only the homicide data isolates the 18-24-year-old age range specifically. The data on homicide shows an overrepresentation of emerging adults as victims and arrests. While the state does not have any programs or proceedings unique to emerging adults in the criminal justice system, there are a wealth of other services outside of the justice system, particularly mental health supports, that serve this population. Additionally, while the mandatory minimums in the state are not particularly harsh, the "predatory offender" registry as applied to both adults and juveniles creates an unforgiving scheme of monitoring.

Snapshot of Emerging Adults in Minnesota

The Minnesota State Demographic Center released a report in 2015 on young adults in the state. The report found that 18-34-year-olds were more racially and ethnically diverse than any other age group, were marrying at lower rates than young adults in Minnesota in 1950 and pursuing higher education at significantly higher rates.[272]

From 2010 to 2016, the age groups 15-19 and 20-24 consistently had some of the highest reported violence-related injuries treated at hospitals in Minnesota and neighboring states.[273] This includes injuries from interpersonal violence (abuse, intimate partner violence, and sexual violence).

On the criminal side, the Minnesota Department of Public Safety (DPS) tracks and gathers a collection of incident and arrest data from criminal justice agencies throughout the state.[274] It is mandatory for law enforcement agencies to report certain incident and arrest data to DPS's Bureau of Criminal Apprehension (BCA). The BCA then compiles annual reports based off these data.

- According to Census data, young people ages 18 to 24 made up approximately 8.9% of Minnesota's population in 2018,[275] yet this population consistently represents a disproportionate percentage of victimization and offender homicide rates. Black emerging adults made up 7.8% of the emerging adult population and 0.70% of the entire state population.[276] White emerging adults made up 73.3% of emerging adults and 6.5% of the total state population.[277]
    - In 2018, 24 of the 104 homicide victims, or 23%, were between 18 and 25 years of age; of these 24 victims, 19 were Black.[278]
    - In 2018, 23 of the 124 reported homicide offenders, or 18.5%, were between 18 and 25 years of age.[279]
    - Similarly, in 2017, 20 out of 119 homicide victims, or 17%, and 29 out of 130 homicide offenders, or 22.3%, were between 18 and 25 years of age.[280]
    - In 2016, 24 out of 100 homicide victims, or 24%, and 27 out of 117 homicide offenders, or 23%, were between 18 and 25 years of age.[281]

Since 1988, the legislature has required peace officers to report bias-motivated crimes when the officer has reason to believe or if the victim alleges the offender was motivated by the victim's race, religion, national origin, sex, age, disability, or sexual orientation. Although not all victims report these incidents, the information that has been collected is notable.

- Of the 127 bias incidents reported in 2018, 42 were described as anti-Black[282]
- 58 of the 139 victims of bias incidents, or 41.7%, were between the ages of 18 and 35[283]

Jurisdictional Boundaries Between Juvenile and Adult Criminal Court

Minnesota adjudicates individuals under the age of 18 in the juvenile court system. However, Minnesota has both discretionary and presumptive transfer regimes. There is a presumption that adult court is more appropriate for 16- or 17-year-olds charged with violent or repeated serious offenses. In 2017, the Juvenile Justice Advisory Committee issued a report to the Governor recommending the elimination of life without parole sentences to conform with the 2012 *Miller* decision, but no action has been taken thus far.[284] From 2000 to 2016, the juvenile percentage of total arrests has decreased from 26% to 7%.[285]

JUVENILE COURT JURISDICTION	
Standard Juvenile Jurisdiction	Generally, the juvenile court has jurisdiction over individuals under the age of 18 who are alleged to be "delinquent," "juvenile traffic offenders," or a "juvenile petty offender." MINN. STAT. ANN. § 260B.101 (West).
TRANSFER MECHANISMS FROM JUVENILE TO ADULT COURT	
Discretionary Transfer	The juvenile court can certify a case to criminal court when a child at least 14 years of age is charged with an offense that would be a felony if committed by an adult. MINN. STAT. ANN. § 260B.125 (West 2011).
Presumptive Transfer	There is a presumption that a trial in adult court is more appropriate for a 16- or 17-year-old who is accused of an offense that would result in presumptive commitment to prison (generally violent or other repeated serious offenses) or any felony committed while using a firearm. The child has the burden to rebut the presumption with clear and convincing evidence that retaining the case in juvenile court serves public safety. MINN. STAT. ANN. § 260B.125 (West 2011).
Excluded Jurisdiction	The definition of "delinquent" does not include a child at least 16 years of age charged with first-degree murder. MINN. STAT. ANN. § 260B.007 (West 2015).
Once/Always an Adult	The juvenile court must certify a case to adult court in any case where the prosecutor shows the child accused of a felony was previously certified and then convicted of either the offense that caused the certification or a lesser included offense that constituted a felony. MINN. STAT. ANN. § 260B.125 (West 2011).
BLENDED SENTENCING	
Juvenile Blended Sentencing	Children between 14 and 17 years old who commit felony-level offenses and are subject to adult certification, but who the prosecutor or court believe would be more aptly treated by the juvenile court, are designated extended jurisdiction juveniles ("EJJ"). Conviction for the offense results in both a juvenile court sentence and a stayed adult court sentence. Failure to satisfy all the conditions of a juvenile court sentence can result in the court imposing the adult sentence, and the juvenile may be sent to adult prison. A child who is designated an EJJ has the right to a jury trial in juvenile court and effective assistance of counsel on the issue of guilt. MINN. STAT. ANN. § 260B.130 (West 2010).[286]

Criminal Justice Procedures Impacting Emerging Adults

Minnesota does not appear to have many programs specifically targeting emerging adults. However, the state has been making advances in criminal justice reform. In 2014, Governor Mark Dayton signed a bill that requires a criminal conviction before the government can seize property and shifts the burden of proof to the government to show the property was the instrument or proceeds of a crime.[287] In 2016, the Minnesota legislature unanimously passed a bill that eliminated mandatory minimum sentences for low-level controlled substance crimes and established a reinvestment account to support individuals convicted of low-level drug offenses.[288] The Community Justice Reinvestment Account funds can be used to support local participation in drug court initiatives, establish or operate chemical dependency and mental health treatment programs, and other programs to reduce recidivism of controlled substances offenders.[289]

PROGRAMS OR PRACTICES TARGETED AT EMERGING ADULTS	
Pretrial & Trial Processes	None identified.
Sentencing & Correctional Programs	None identified.
Parole, Expungement, and other Postconviction Processes	None identified

From 2010 to 2016, youth age 24 and under consistently had some of the highest reported violence-related injuries treated at hospitals in Minnesota and neighboring states.

OTHER NOTABLE FEATURES OF MINNESOTA'S CRIMINAL JUSTICE SYSTEM

Sentencing:

- There is no death penalty in Minnesota.[290] See Appendix A.
- The mandatory minimum for murder (except first degree) and manslaughter is one year and one day for the first offense. The mandatory minimum for first degree murder is life imprisonment. Minn. Stat. Ann. §§ 609.11, 609.106 (West 2019). See *also* Appendix A.
- All individuals, including youth, convicted or adjudicated delinquent of specific crimes such as kidnapping, murder, criminal sexual conduct, and even prostitution are required to register as a "predatory offender" with a corrections agent or law enforcement authority. Additionally, registrants must give notice at least five days before moving to another address and provide the address of the school they are attending or the location where they are employed. People are also required to register as a "predatory offender" in the state where the person works or attends school even if it is outside of Minnesota. Minn. Stat. Ann. § 243.166 (West 2020). Non-compliant predatory offenders are visible on the public registry.[291]

Parole

- An advisory panel reviews the case of each individual who is serving a life sentence three years prior to the individual's parole or supervised release eligibility date to establish a projected release date or a future review date. The advisory panel considers the entire case history, including the facts and circumstances of the underlying offense, past criminal history, institutional adjustment, program team reports, psychological and psychiatric reports where relevant, and the results of community investigations. Minn. R. 2940.1800.

Expungement

- Expungement of a criminal record is considered "an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of (1) sealing the record; and (2) burdening the court and public authorities to issue, enforce, and monitor an expungement order." Minn. Stat. Ann. § 609A.03 (West 2017). Victims can attend expungement hearings.

Employment

- An individual should not be disqualified from public employment; or pursuing, practicing, or engaging in an occupation that requires a license, solely because of a prior conviction unless the underlying crime or crimes relate to the position of employment or the occupation requiring a license. Minn. Stat. Ann. § 364.03 (West 2013).
- Public or private employers are not permitted to inquire into, consider, or require disclosure of an applicant's criminal record or criminal history until the applicant has been selected for an interview by the employer or, if there is not an interview, before a conditional offer of employment is made to the applicant. Minn. Stat. Ann. § 364.021 (West 2014).

Other Systems Serving Emerging Adults

Minnesota has many services outside of the justice system targeting emerging adults. Like other states in the region, both foster care and public education services can extend until the age of 21. Minnesota has also attempted to address the mental and behavioral health needs of its residents. Between 2010 and 2016, the number of injuries for self-directed violence, including suicidal ideation, were highest among 15-19 and 20-24-year-olds.[292] As recently as 2014, the highest rate of hospital discharges for mental disorders was among 15-24-year-olds in the state.[293] All diagnoses except schizophrenia peaked at ages 15 to 24.[294] The rate of mental illness was higher among youth ages 18 to 25 at 22.6% and the rate of serious mental illness was higher among 18- to 25-year-olds at 5.5% in 2014. In 2015, the rate of mental distress was higher among those ages 18 to 24 years old. That year, the Minnesota legislature invested $47 million in new spending for mental health services to support suicide prevention.[295] The mental health services listed below are examples of resources specifically for young adults.

CURRENT POLICIES OR SERVICES TARGETED AT EMERGING ADULTS	
Child Welfare	**Extended foster care:** Minnesota allows youth in the child welfare system to continue to receive child welfare services up to age 21 so long as they meet one of the federal categories for eligibility (in school or a vocational training program, working at least 80 hours per month, or unable to do these activities due to a medical condition). MINN. STAT. ANN. § 260C.451(3) (West 2017).
Education or Workforce Development	• Protection: Public school through 21 until: (1) the first September 1 after the pupil's 21st birthday; (2) the pupil's completion of the graduation requirements; (3) the pupil's withdrawal with no subsequent enrollment within 21 calendar days; or (4) the end of the school year. MINN. STAT. ANN. § 120A.20 (West 2020). • Special instruction and services for children with a disability must be provided from birth until July 1 after the child with a disability becomes 21 years old. MINN. STAT. ANN. § 125A.03 (West 2015). • Ujamaa Place[296] serves Black men ages 18 to 30 in St. Paul who lack a GED, have mental health issues, and/or are homeless. Program participants are assigned a coach and take classes on life skills as well as GED classes. Graduates of the program will have stable housing, increased educational attainment, consistent employment, financial and emotional connection to family and children, and no criminal activity or gang involvement. • Minnesota Youth Build Program[297] serves 16-24-year-olds by providing basic academic skills, leadership, building trades, etc.
Housing	None identified.

Behavioral or Mental Health	Fairview Health has a Young Adult Mental Health Unit[298] to provide intensive in-patient treatment to individuals between ages 18 and 25. Unless the patient refuses, the treatment will include parents and guardians during and after treatment. Essentia Health[299] in Duluth offers intensive outpatient therapy for 18-25-year-olds. University of Minnesota[300] Amplatz Children's Hospital in Minneapolis provides a wide range of health-care services to young adults between the ages of 13 and 24. Hazelden Betty Ford[301] in Plymouth offers inpatient and outpatient treatment to young people 12-25-year-olds struggling with addiction, drug abuse, and substance abuse.
Violence Prevention	None identified.

OHIO

Ohio has by far the largest incarcerated population in the Great Lakes region, with a prison population of more than 50,000. Over the last decade, the state has engaged in substantial juvenile and criminal justice reform efforts, but while the reforms on the juvenile side have been held up as a national model, Ohio has struggled to bring about meaningful change in the adult system. Further, while the state's child welfare and mental health systems have rolled out programs and supports targeted at emerging adults, there are no criminal justice measures aimed at that age group specifically. Ohio therefore has many areas that are ripe for potential reform, ranging from expansions of its existing juvenile programs, to challenging the application of the death penalty to young people over age 18.

Snapshot of Emerging Adults in Ohio

Although Ohio's Department of Rehabilitation and Correction makes many data reports publicly available,[302] the comprehensive data needed to analyze many potential criminal justice reform measures do not exist. In fact, the Ohio Criminal Sentencing Commission recently called for the development of a shared criminal justice data repository, as it was unable to answer basic questions with existing data, such as how many people statewide were sentenced to a particular felony.[303]

Nonetheless, even with existing data, the importance of focusing on the emerging adult population is apparent:

- **Emerging adults are overrepresented among prison admissions, although to a lesser degree than in the past.** Young people ages 18 to 24 make up just over 9% of Ohio's population,[304] yet approximately 18% of prison admissions in 2018. Notably, that percentage has decreased substantially over the last two decades. In 2000, more than 33% of prison admissions were emerging adults.[305]
- **Emerging adults are also overrepresented in arrests.** In 2016, young adults ages 20-24 were the single largest category of arrests, making up 18% of total arrests. Almost half of all arrests that year were of young people between the ages of 15 and 29.[306]
- **Emerging adults represent a disproportionate share of both victims and perpetrators of violent crime.** Data from 2009 on arrests for property and violent crimes in Ohio shows that crime rates for these offenses peak at age 18, and that 43% of people arrested for violent crimes were between the ages of 16 and 24.[307] People under age 25 are also the most frequent *victims* of violent crime.[308]
- **Emerging adults released from prison are more likely to reoffend than other age groups.** Recidivism rates for people under age 25 at the time of release (which does not include everyone under that age at the time of *offense*) are higher than for other age groups.[309]

Jurisdictional Boundaries Between Juvenile and Adult Criminal Court

Ohio's juvenile court has jurisdiction over young people charged with offenses committed before their 18th birthdays, and the state has several different mechanisms for transferring youth under 18 to adult criminal court. Ohio also has a juvenile blended sentencing scheme, in which the juvenile court can impose a suspended adult sentence on "serious youthful offenders," as well as "extended age" jurisdiction that allows juvenile offenders to stay within the jurisdiction of the juvenile court until age 21. The combination of these two features potentially lays the groundwork for expansion of the juvenile system to include older youth and young adults. In fact, some advocates have called for modification of the "serious youthful offender" program to expand its use as an alternative to transfer, noting that, as of 2010, only 24 (or 8%) of the youth sentenced through that program had had the adult portion of their sentence invoked (meaning that the other 92% had successfully completed their juvenile disposition).[310]

Ohio is notable in that it has been a national leader in juvenile justice reform, successfully reducing its population of incarcerated children down from 2,500 in 1992 to fewer than 500 in 2015. The centerpiece of these reforms is "RECLAIM Ohio," an initiative that incentivizes courts to serve youth locally, and other programs designed to shift funding from correctional facilities to community-based programs and supports. For more information on Ohio's youth deincarceration efforts, review the Juvenile Justice Coalition's 2015 report.[311]

JUVENILE COURT JURISDICTION

Standard Juvenile Jurisdiction

The juvenile court has jurisdiction over anyone under 18 years of age who is alleged to be a juvenile traffic offender, delinquent, unruly, abused, neglected, or a dependent child. Ohio Rev. Code Ann. §§ 2151.02(C)(1), 2151.011(B)(6) (West 2017).

The juvenile court can retain jurisdiction until age 21 over a person adjudicated to be an "unruly child" before the age of 18. Ohio Rev. Code Ann. § 2151.011(B)(6) (West 2017).

TRANSFER MECHANISMS FROM JUVENILE TO ADULT COURT

Mandatory Transfer

Ohio law requires transfer to adult criminal court in several situations:

1. The child is charged with a "category one" offense and either:

a. Was 16 or older at the time of the offense; or

b. Was 14 or 15 at the time of the offense and previously adjudicated delinquent and placed in custody for a category one or category two offense.

2. The child is charged with a "category two" offense, other than kidnapping, was 16 or older at the time of the offense, and either:

a. Was previously adjudicated delinquent and placed in custody for a category one or category two offense; and/or

b. Is alleged to have displayed, brandished, or used a firearm to facilitate the commission of the act charged.

Ohio Rev. Code Ann. §§ 2152.10(A), 2152.12(A)(1)(a), (b) (West 2016).

"Category one" offenses include aggravated murder, murder, or attempted murder. Ohio Rev. Code Ann. § 2152.02(AA) (West 2017).

"Category two" offenses include, among other things, voluntary manslaughter, kidnapping, rape, aggravated arson, aggravated robbery, aggravated burglary, and felony murder. Ohio Rev. Code Ann. § 2152.02(BB) (West 2017).

Ohio law includes a provision allowing cases initially subject to mandatory transfer to be returned to juvenile court if, following a conviction or guilty plea, the court determines that neither mandatory nor discretionary transfer would have been appropriate for the offenses of conviction. See Ohio Rev. Code Ann. § 2152.121(B)(1), (2) (West 2012).

Discretionary Transfer

A child alleged to have committed a felony at age 14 or older is eligible for discretionary transfer. Ohio Rev. Code Ann. § 2152.10 (West).

Once an adult/always an adult	A child previously tried and convicted as an adult is no longer considered a child and must be transferred to adult criminal court, unless a serious youthful offender dispositional sentence is imposed and the adult portion of the sentence is not invoked. Ohio Rev. Code Ann. §§ 2152.10(A)(3), 2152.12(A)(2), 2152.02(C)(5) (West 2016).

BLENDED SENTENCING

Serious Youthful Offender (SYO) Designation	Ohio has a "Serious Youthful Offender" (SYO) statute that allows – or in some cases requires – the juvenile court to impose a blended sentence (referred to as a "serious youthful offender dispositional sentence") on a youth who was under age 18 at the time of the offense. Ohio Rev. Code Ann. § 2152.13 (West 2011). **Process:** In almost all situations, an SYO disposition is available only if the prosecutor initiates the process by charging the youth as an SYO, requesting an SYO sentence in the complaint, or filing a notice of intent to seek an SYO sentence. Ohio Rev. Code Ann. § 2152.13(A) (West 2011). Once a prosecutor initiates the SYO process, a youth is entitled to an array of adult due process protections not typically available in juvenile court, including bail, an open and speedy trial, and a trial by jury. Ohio Rev. Code Ann. § 2152.13(C) (West 2011). **Eligibility:** Once a youth is charged as an SYO and adjudicated delinquent, imposition of an SYO dispositional sentence is either mandatory or discretionary, depending on the youth's age, offense, and previous justice involvement. The situations in which SYO disposition is mandatory or discretionary are outlined in Ohio Rev. Code Ann. § 2152.11 (West). **Disposition:** For mandatory SYO designations, after the youth is adjudicated, the juvenile court must impose a traditional juvenile disposition and a suspended adult sentence (the adult sentence is stayed pending successful completion of the juvenile disposition). Ohio Rev. Code Ann. § 2152.13(D)(1) (West 2011). When SYO status is discretionary, the juvenile court has the option of imposing a suspended adult sentence in addition to a traditional juvenile disposition if the court makes a finding that the juvenile system alone is inadequate to satisfy the purpose of the juvenile court. Ohio Rev. Code Ann. § 2152.13(D)(2) (West 2011).

Criminal Justice Procedures Impacting Emerging Adults

Currently, Ohio does not appear to have any criminal justice programs, processes, or initiatives targeted at emerging adults specifically. Ohio has, however, been engaged in several more general criminal justice reforms, including its bipartisan 2011 "Justice Reinvestment Initiative," aimed at reducing the size of the incarcerated population and developing more effective, less costly alternatives.[312] But while these efforts have helped the state quell the growth of its justice system, Ohio has not seen the decreases in prison populations that other states have achieved.[313] Since 2008, Ohio's total prison population has remained above 50,000 (behind only California, Texas, Florida, and Georgia), and its imprisonment rate for adults is the highest in the Great Lakes region.[314]

PROGRAMS OR PRACTICES TARGETED AT EMERGING ADULTS

Pretrial & Trial Processes	None identified.
Sentencing & Correctional Programs	None identified.
Parole, Expungement, and other Postconviction Processes	None identified.

OTHER NOTABLE FEATURES OF OHIO'S CRIMINAL JUSTICE SYSTEM

Sentencing:

- The death penalty is available as a penalty for aggravated murder for anyone age 18 or older, and Ohio continues to execute individuals who were under age 21 at the time of their offenses. Ohio Rev. Code Ann. § 2929.02-2929.04 (West). See also Appendix A. In fact, Ohio is one of just four states responsible for more than three-quarters of the executions of offenders between the ages of 18 and 21 over the last two decades.[315] To date, there do not appear to have been any legal challenges to the application of the death penalty to emerging adults in Ohio.

- Ohio also imposes mandatory minimum sentences for a wide array of offenses, including drug offenses and many other felonies. See Ohio Rev. Code Ann. § 2929.14 (West 2019) (outlining overall mandatory sentencing schemes for classes of felonies); see also, e.g., *id.* § 2925.03 (West 2019) (establishing mandatory sentence for drug trafficking). In fact, the state has not yet passed legislation amending its statute requiring life without parole for certain homicides, including for juveniles, to comply with Supreme Court precedent. See Ohio Rev. Code Ann. § 2929.03(e) (West 2017). See also Appendix A. There have been some legal challenges in Ohio to the application of other mandatory aspects of sentences to juveniles, relying upon *Graham* and *Miller*, which so far have not been successful. See *State v. Anderson*, 87 N.E.3d 1203 (Ohio 2017) (upholding mandatory firearm enhancements applied to juvenile offender); see also *In re N.S.*, No. 2016 CA 0005 (Ohio Ct. App. Jan. 17, 2017) (rejecting challenge to mandatory aspects of a SYO sentence).

Records/Expungement: Ohio permits many convictions – including many felonies – to be expunged after completion of the sentence and any probation required, payment of all restitution and other costs, and time lapse of a certain period. Ohio Rev. Code Ann. § 2953.32 (West 2019).

Other Systems Serving Emerging Adults

Ohio is notable in the developmentally appropriate approach the state took to extending child welfare services to young adults ages 18 to 21. Although such services are by definition voluntary in all states, as young people age 18 or older cannot be required to remain in the custody of the state (absent appropriate due process protection), Ohio has taken particular care to ensure that its extended foster care system truly feels like a separate, voluntary program that can help provide customized supports to young people, rather than simply an extension of the mandated child welfare services youth receive prior to age 18. For example, the state permits young people to receive supports in a wide variety of living arrangements, including college dorms and their own apartments. This approach is consistent with developmental research on emerging adults, which shows that they need autonomy and the ability to make their own decisions, while also still needing support, guidance, and a safety net.

CURRENT POLICIES OR SERVICES TARGETED AT EMERGING ADULTS

Child Welfare	Since 2018, Ohio has allowed any young person who was in the foster care system at age 18 and meets one of the federal categories for eligibility (in school or a vocational training program, working at least 80 hours per month, or unable to do these activities due to a disability) to continue to receive child welfare services up to age 21. Ohio Rev. Code Ann. § 5101.1411 (West 2019). Unlike many states, Ohio's program is not simply an extension of foster care; it is a new, voluntary program – called "Bridges" – that is tailored to young adults.[316] Bridges[317] offers a range of voluntary supportive services individualized to the youth's needs, including rent support, financial aid for college, assistance with job searching, and health services.
Education & Workforce Development	Ohio has compulsory education up to age 18 (unless the student has graduated or in other limited situations), and students who have not graduated can continue to go to public school until age 22. Ohio Rev. Code Ann. § 3313.64 (West 2017). Ohio has a workforce development program targeted at young people ages 14 to 24 – the Comprehensive Case Management and Employment Program[318] (CCMEP) – which blends funding from the Workforce Innovation and Opportunity Act (WIOA) and Temporary Assistance for Needy Families (TANF) to offer individualized employment services such as paid work experiences, supportive services like child care and transportation assistance, and mentoring.
Housing	The Coalition on Homelessness and Housing in Ohio[319] (COHHIO) has a Youth Housing Initiative targeted at homeless or at-risk youth ages 16 to 24. Lighthouse Youth & Family Services[320] in Cincinnati has been identified as a national model for providing services for youth at risk of homelessness. Specifically, its "Safe and Supported" program for LGBTQ young people is part of HUD's national initiative[321] to end LGBTQ homelessness.
Behavioral or Mental Health	Ohio's Department of Mental Health and Addiction Services[322] maintains a list of resources and supports targeted at teens and young adults between the ages of 14 and 25. The state began receiving funding for High Fidelity Wraparound[323] implementation – a form of behavioral health services targeted at youth and young adults ages 14 to 21 – in 2013.[324]
Violence Prevention	Ohio currently has legislation pending to raise the minimum age to purchase a firearm to age 21, and to increase the penalty for illegally providing firearms to an underage person.[325] The state already limited concealed handgun ownership to those age 21 and over. Ohio Rev. Code Ann. § 2923.125 (West 2018).

Since 2008, Ohio's total prison population has remained above 50,000 (behind only California, Texas, Florida, and Georgia), and its imprisonment rate for adults is the highest in the Great Lakes region.

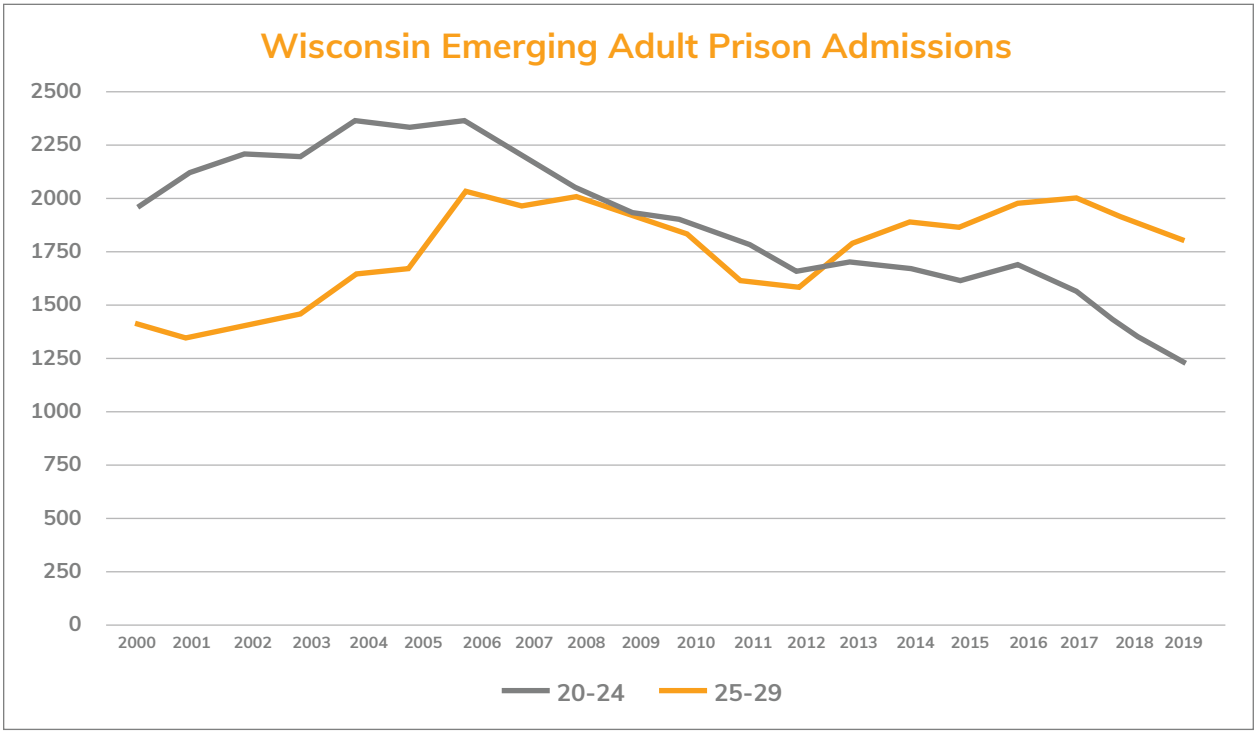
WISCONSIN

Wisconsin has some of the most comprehensive data available in the region on justice-involved emerging adults. This data shows a steady increase in the state's overall prison population, but a decline in emerging adult prison admissions, which is particularly compelling given juvenile jurisdiction ends after age 16. Wisconsin is the only state in the Great Lakes region that has not expanded Medicaid under the Affordable Care Act or raised the age of juvenile court jurisdiction to 18. The rates of suicide and untreated mental illness among children and adults are among some of the highest in the region.

Snapshot of Emerging Adults in Wisconsin

The Wisconsin Department of Corrections tracks and publishes a wide array of data on the state's prison population, and it maintains a robust data dashboard with information about all prison admissions. That data reveals some key features of the incarcerated emerging adult population:

- **The overall size of the criminal justice system in Wisconsin has been expanding.** From 2000 to 2016, the daily prison population in Wisconsin increased by 13.5%,[326] and the number of prison admissions has been gradually increasing since 2012 (following a period of steady decline from 2006 to 2012).[327] Meanwhile, the incarcerated juvenile justice population in the state has declined by almost 80%, from 819 in 2002 to 169 in 2018.[328]
- **The overrepresentation of emerging adults among prison admissions has declined over time.** As in all states, emerging adults are substantially overrepresented in Wisconsin's criminal justice system. In 2016, young people ages 20-24 made up 7% of the state population,[329] but accounted for almost 18% of prison admissions.[330] Over time, that overrepresentation has been decreasing, as the number of prison admissions among the older age categories has increased. In 2016, adults ages 25-29 overtook young people ages 20-24 as the largest category of admissions.[331]



Data from Wisconsin Department of Corrections Admissions to Prison Dashboard, https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx

- **Racial disparities in incarceration rates are highest for emerging adults.** In 2018, almost 37% of the people admitted to prison in Wisconsin were Black,[332] compared with 6.4% of the overall state population.[333] For emerging adults, that disparity is even worse; in 2018, *52% of people admitted to prison at age 24 or under were Black*,[334] compared with only 8.6% of the overall population in that age range.[335] Emerging adults are the only age group in which Black inmates are not only overrepresented, they actually outnumber white inmates.[336]
- **Approximately half of emerging adults admitted to prison committed a violent offense.** Of the approximately 1,500 young people age 24 or younger admitted to prison in 2019, about half were convicted of some sort of violent offense, ranging from simple assault to homicide offenses.[337] This represents a larger share than among offenders overall; among all age ranges, approximately 42% of people admitted to prison in 2019 committed a violent offense.[338]
- **Emerging adults have higher recidivism rates than older adults.** An analysis of data for inmates released in 2010 found that around half of offenders age 24 and younger at the time of their offense were reincarcerated within 3 years, compared with 37% among offenders overall.[339]

For additional information about the state's incarcerated emerging adults, visit the Wisconsin Department of Corrections prison admissions data dashboard, or see its 2017 report "Prison Admissions: 2000-2016."

Jurisdictional Boundaries Between Juvenile and Adult Criminal Court

Wisconsin is one of just three states that has not yet raised its age of juvenile court jurisdiction to age 18; 17-year-olds charged with criminal acts are treated as adults. There have been bills introduced in recent years to raise the age, and Governor Tony Evers recently called for the state to do so.[340] Wisconsin also has a "Serious Juvenile Offender" designation for youth who are adjudicated delinquent for committing one of a list of serious felonies, which permits juvenile court jurisdiction to extend through age 24. Wisconsin has both discretionary transfer and statutory exclusions to juvenile court jurisdiction.[341] The number of youth transferred to adult criminal court has declined in recent years, from 377 in 2005 to 105 in 2016.[342]

Although Wisconsin's juvenile system has moved toward a more community-based, developmentally appropriate system,[343] it also has major challenges. Appalling conditions of confinement at its one statewide secure placement – Lincoln Hills School – have prompted several lawsuits and investigations, and the facility is currently subject to a consent decree and outside monitoring. In 2017, the legislature voted to close the facility, and efforts to develop smaller, community-based alternatives are ongoing. While the overall size of the juvenile justice system has been declining, racial disparities have worsened in recent years.[344]

Wisconsin is the only state in the Great Lakes region that has not expanded Medicaid under the Affordable Care Act or raised the age of juvenile court jurisdiction to 18.

JUVENILE COURT JURISDICTION

Standard Juvenile Court Jurisdiction

Wisconsin's juvenile court has jurisdiction over investigating and prosecuting alleged delinquent acts committed by children ages 10 to 16. Wis. Stat. Ann. § 938.02 (West 2019).

Wisconsin law treats 17-year-olds as adults for the purpose of criminal prosecution. The statute defines an "adult" as a person who is 18 years of age or older, except when the person as alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age. Wis. Stat. Ann. § 938.02(1) (West 2019).

Serious Juvenile Offenders

Juvenile court jurisdiction can extend up through age 24 if the juvenile (age 10-16) is found delinquent for committing an act that would be a Class A felony and designated a "Serious Juvenile Offender" ("SJO"). Wis. Stat. Ann. § 938.355 (West 2019).

TRANSFER MECHANISMS

Discretionary Transfer

Wisconsin permits discretionary transfer for any youth age 15 or older charged with a violation of state criminal law, and for youth age 14 or older charged with commission of one of the following: felony murder; second-degree assault; sexual assault; taking hostages; kidnapping; armed robbery; armed burglary; manufactured, distributed, or delivered controlled substances; or commission of an act at bequest of a gang. Wis. Stat. Ann. § 938.18 (West 2018).

Mandatory Transfer

The criminal court has original jurisdiction over any youth age 10 or over who is charged with:

- intentional or reckless homicide; or
- assault or battery against an employee, officer, inmate, etc., while in a secured facility (plus having a prior delinquency adjudication)

Wis. Stat. Ann. § 938.183 (West 2016).

There are mechanisms for excluded offenses to be returned to juvenile court. Under Wisconsin's reverse waiver statute, a juvenile can be returned to juvenile court if they prove by a preponderance of the evidence that: 1) they could not receive adequate treatment in criminal justice system; 2) transferring would not depreciate the seriousness of the offense; and 3) retaining jurisdiction is not necessary to deter that or other juveniles. Wis. Stat. Ann. §§ 970.032, 971.31 (West 2009).

Once an adult/always an adult

A youth who has been previously tried and sentenced as an adult is considered an adult for any future prosecutions. Wis. Stat. Ann. § 938.183(1)(b), (c) (West 2016).

BLENDED SENTENCING

Criminal Court Blended Sentencing

Under a blended sentencing provision, the criminal court also has jurisdiction to impose juvenile dispositions and adjudicate a juvenile delinquent, if the juvenile demonstrates by clear and convincing evidence that "it would be in the best interests of the juvenile and of the public." Wis. Stat. Ann. § 938.183(1m), (2-3) (West 2016).

Criminal Justice Procedures Impacting Emerging Adults

Wisconsin's criminal justice system has two programs specifically targeted at emerging adults – a correctional facility for youthful offenders, and an expungement statute for youth who were under age 25 at the time of their offense. The state also has largely discretionary sentencing and parole processes, perhaps allowing room for age and developmental characteristics to be taken into consideration in individual cases.

CURRENT PROGRAMS OR PRACTICES TARGETED AT EMERGING ADULTS

Pretrial & Trial Processes	None identified.
Sentencing & Correctional Programs	Wisconsin has one correctional facility specifically for young adults – the Racine Youthful Offender Correctional Facility. In 2019, it housed approximately 450 young people – down from a population of almost 1,700 in 2016. Thirty-seven percent of facility residents have been diagnosed with a mental illness. For more information about the facility and its population, see the Department of Corrections Institutional Fact Sheet and its 2017 report "Prison Admissions: 2000-2016."[345]
Parole, Expungement, and other Postconviction Processes	Wisconsin has a special expungement provision for young adults. For youth who were under the age of 25 at the time of the commission of the offense, the maximum period of imprisonment for which is 6 years or less, the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines the youth will benefit and society will not be harmed. Wis. Stat. Ann. § 973.015(1m)(a)(1) (West 2016). Certain felonies are not entitled to expungement. Wis. Stat. Ann. § 973.015(1m)(a)(3) (West 2016).

OTHER NOTABLE FEATURES OF WISCONSIN'S CRIMINAL JUSTICE SYSTEM

Sentencing: Wisconsin has no mandatory minimum sentences for drug crimes, and relatively few for firearm offenses. However, it mandates life sentences for intentional homicides, and permits life without parole to be imposed regardless of age at the time of the offense. Because life without parole was a discretionary sentence even prior to the Supreme Court's decision in *Miller v. Alabama*, Wisconsin has not enacted any new sentencing legislation in the wake of that decision. The state does not permit the death penalty. See Appendix A.

Parole: For many offenses, inmates are presumptively eligible for parole after serving 25% of their sentence, or 6 months, whichever is longer. Wis. Stat. Ann. § 304.06 (West 2014). Age at the time of the offense is not explicitly a factor for consideration in parole eligibility. Wis. Code § PAC 1.05.

Records: Wisconsin has some limited protections against employment discrimination due to a record, see Wis. Stat. Ann. § 111.335 (West 2018), which could help avoid barriers other states have experienced in creating specialized programs for emerging adults that might involve hiring people who have themselves been involved in the justice system (for example, credible messenger programs).

Other Systems Serving Emerging Adults

Wisconsin offers some targeted supports to emerging adults outside of the criminal justice system, but in somewhat more limited ways than in some of the other states in the region. For instance, the state has extended foster care services beyond age 18, but only to youth in school, as opposed to offering services to any young person who meets the broader federal criteria. The state also has higher rates of untreated mental illness among youth and young adults than other states in the region.

CURRENT POLICIES OR SERVICES TARGETED AT EMERGING ADULTS

Child Welfare	**Extended foster care:** Wisconsin allows youth in the child welfare system to remain in care beyond age 18 for the purpose of providing stability while the young person finishes secondary school. Young people still in high school or vocational school can remain in care until graduating or turning 19, whichever is sooner. If the youth has an IEP, they can remain in care until age 21. Wis. Stat. Ann. § 48.366 (West 2016). **Other supports:** Wisconsin offers a number of services to young adults ages 18 to 21 who have aged out of the child welfare system, including transition services, housing costs (including rent and utilities), and funding for post-secondary education. For more details on these supports, see the Wisconsin Department of Children and Families Independent Living Program Manual.[346]
Education or Workforce Development	The Wisconsin Constitution guarantees a free, public education to students through age 20, and education is compulsory through age 18. See Wis. Const. Art. X § 3.
Housing	There do not appear to be any statewide housing efforts targeted at this population, but there are some transitional housing programs for emerging adults available in certain areas through local social service agencies, such as the Pathfinders Supportive Housing[347] program for at-risk and homeless youth ages 18-25, and a Transitional Living Program[348] for homeless youth ages 16-21.
Behavioral or Mental Health	Wisconsin is the only state in the Great Lakes region that has not expanded Medicaid under the Affordable Care Act.[349] Although overall insurance coverage rates are on par with the rest of the region (and above the national average),[350] Wisconsin has relatively high rates of untreated mental illness and suicide among both children and adults.[351] There are two county-specific behavioral health programs for young adults in the state: Wraparound Milwaukee,[352] which coordinates care for youth up to age 21 with serious behavioral, emotional, and mental health needs in Milwaukee County; and Children Come First,[353] which provides similar care to youth up to age 19 in Dane County.
Violence Prevention	In spring of 2019, the City of Milwaukee announced a violence prevention initiative[354] modeled after "Cure Violence,"[355] a violence prevention model that takes a public health approach. Although not targeted at emerging adults specifically, the Cure Violence approach seeks to reach the highest risk individuals, which the data tells us are often emerging adults.

CONCLUSION

Emerging adulthood is a time of both challenge and opportunity, and in many ways the same can be said for the current justice reform landscape. The United States continues to lead the world in incarceration, and the brunt of our punitive approach to criminal justice falls on young people of color – particularly Black emerging adults. Although the juvenile justice system has (at least in theory) embraced principles of adolescent development and has seen a dramatic decline in rates of arrests and placement, young people over the age of 18 have largely been left out of these reforms. Far too many of our nation's young people spend their early adult years in correctional settings that isolate them from their communities and limit their ability to develop skills for adulthood. Unsurprisingly, this counterproductive approach is harmful both to the young people and to the public more generally, as these emerging adults return to their communities haunted by criminal records and ill-equipped to succeed as adults.

Yet, despite these challenges, there is also much reason to be optimistic about the possibility for reform. The shift toward a developmentally appropriate approach to juvenile justice has laid the groundwork for expanding that conversation to include young adults. Many jurisdictions around the country are rethinking their approaches to criminal justice for emerging adults and trying out new policies and programs that can serve as national models. And, outside of the justice system, our education, health care, child welfare, and other systems have a growing array of services and supports targeted as this age group in particular. By drawing upon these resources, learning from the experiences of advocates around the country, and continuing this cross-disciplinary conversation, the states in the Great Lakes region have the opportunity to move toward a more developmentally appropriate approach to justice for emerging adults.

ENDNOTES

1 Joshua Rovner, *Declines in Youth Commitments and Facilities in the 21st Century*, The Sentencing Project, 1-4 (2015), https://www.sentencingproject.org/wp-content/uploads/2016/02/Youth-Commitments-and-Facilities.pdf.

2 *Roper v. Simmons*, 543 U.S. 551, 574 (2005).

3 See, e.g., The Nat'l Academies of Sciences, Engineering, and Medicine et al., The Promise of Adolescence: Realizing Opportunity for All Youth 336-39 (2019).

4 Adult incarceration rates declined by less than 5% from 1999 to 2015, and emerging adults continue to represent a substantially disproportionate share of the incarcerated population. See The Sentencing Project, *U.S. Prison Population Trends 1999-2015: Modest Reductions with Significant Variation* 1 (2017), https://www.sentencingproject.org/wp-content/uploads/2016/02/US-Prison-Population-Trends-1999-2015.pdf; U.S. Dep't of Justice, Bureau of Justice Statistics, Prisoners in 2012: Trends in Admissions and Releases, 1991-2012 37 (revised 2014), https://www.bjs.gov/content/pub/pdf/p12tar9112.pdf (demonstrating that young adults ages 18-24 made up approximately 21% of prison admissions in 2012). The share of arrests represented by emerging adults has slightly declined over time; in 2005, 29% of arrests were 18 to 24-year-olds, whereas in 2017 emerging adults made up 23% of all arrests. FBI Uniform Crime Reporting Program, *Crime in the United States 2005*, https://ucr.fbi.gov/crime-in-the-u.s/2005 (follow "Table 38" hyperlink under "Quick Finds") (last visited Sept. 12, 2019); FBI Criminal Justice Information Services Division, 2017 Crime in the United States, Table 38, https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/tables/table-38. Incarceration rates for young men of color with little schooling has dramatically increased over the last two decades. Vincent Schiraldi et al., *Community-Based Responses to Justice-Involved Young Adults* (New Thinking in Community Corrections Ser. No. 1, 6 2015), https://www.ncjrs.gov/pdffiles1/nij/248900.pdf.

5 Jeffrey Jensen Arnett, *Emerging Adulthood: A Theory of Development from the Late Teens through the Twenties*, 55 Am. Psychologist 469, 469 (2000).

6 Jeffrey Jensen Arnett, Emerging Adulthood: The Winding Road from the Late Teens Through the Twenties 8 (2nd ed. 2015).

7 Laurence Steinberg, Age of Opportunity: Lessons from the New Science of Adolescence 46-48, 59-64 (First Mariner Books ed. 2015).

8 Bret Stetka, *Extended Adolescence: When 25 Is the New 18*, Scientific American (Sept. 19, 2017), https://www.scientificamerican.com/article/extended-adolescence-when-25-is-the-new-181/. *See also* Lucy Wallis, *Is 25 the New Cut-off Point for Adulthood?*, BBC News (Sept. 23, 2013), https://www.bbc.com/news/magazine-24173194; Metthew Mientka, *Adulthood Extended to Age 25 by Childhood Psychologists in UK*, Health Living (Sept. 24, 2013), https://www.medicaldaily.com/adulthood-extended-age-25-child-psychologists-uk-257835.

9 See, e.g., Inst. of Med. & Nat'l Research Council, Investing in the Health and Well-Being of Young Adults 1-2 (2015).

10 *Miller v. Alabama*, 567 U.S. 460, 471-72 (2012) (quoting *Roper*, *supra* note 2, at 569); *see also Graham v. Florida*, 560 U.S. 48, 82 (2010) (striking down life without parole sentences for juveniles convicted of nonhomicide offenses); *Montgomery v. Louisiana*, 136. S. Ct. 718, 733-34 (2016) (holding *Miller* retroactive on collateral review); *J.D.B. v. North Carolina*, 564 U.S. 261, 272 (2011) (recognizing that children "'are more vulnerable or susceptible to . . . outside pressures' than adults" and adopting a "reasonable child" standard for determining the scope of the *Miranda* protections (quoting *Roper*, *supra* note 2, at 569)).

11 See, e.g., Catherine Lebel & Christian Beaulieu, *Longitudinal Development of Human Brain Wiring Continues from Childhood into Adulthood*, 31 J. Neuroscience 10937, 10943 (2011); Adolf Pfefferbaum et al., *Variation in Longitudinal Trajectories of Regional Brain Volumes of Healthy Men and Women (Ages 10 to 85 Years) Measured with Atlas-Based Parcellation of MRI*, 65 NeuroImage 176, 176-193 (2013).

12 Nico U. F. Dosenbach et al., *Prediction of Individual Brain Maturity Using fMRI*, 329 Sci. 1358, 1358-59 (2010).

13 See, e.g., Elizabeth Cauffman & Laurence Steinberg, *Emerging Findings from Research on Adolescent Development and Juvenile Justice*, 7 Victims & Offenders 428, 431-32 (2012); Vincent Schiraldi et al., *supra* note 4, at 3-4.

14 Laurence Steinberg, *Cognitive and Affective Development in Adolescence*, 9 Trends in Cognitive Sciences 69, 72-73 (2005).

15 Alexandra O. Cohen et al., *When is an Adolescent an Adult? Assessing Cognitive Control in Emotional and Non-Emotional Contexts*, 27 Psychol. Sci. 549, 549-562 (2016); Laurence Steinberg, et al, *Are Adolescents Less*

Mature Than Adults? Minors' Access to Abortion, the Juvenile Death Penalty, and the Alleged APA "Flip-Flop," 64 Am. Psychol., 583, 583-594 (2009); Marc D. Rudolph et al., *At Risk of Being Risky: The Relationship Between "Brain Age" Under Emotional States and Risk Preference*, 24 Developmental Cognitive Neuroscience, 93, 93-94 (2017).

16 Melissa S. Caulum, *Postadolescent Brain Development: A Disconnect Between Neuroscience, Emerging Adults, and the Corrections System*, 2007 Wis. L. Rev. 729, 731-32 (2007); *see also* Andrew Michaels, *A Decent Proposal: Exempting Eighteen- to Twenty-Year-Olds From the Death Penalty*, 40 N.Y.U. Rev. L. & Soc. Change 139, 163 (2016) (citing to research that found antisocial peer pressure was a highly significant predictor of reckless behavior in emerging adults age 18 to 25); Alexander Weingard et al., *Effects of Anonymous Peer Observation on Adolescents' Preference for Immediate Rewards*, 17 Dev. Sci. 71 (2014).

17 Margo Gardner & Laurence Steinberg, *Peer Influence on Risk Taking, Risk Preference, and Risky Decision Making in Adolescence and Adulthood: An Experimental Study*, 41 Dev. Psychol. 625, 632, 634 (2005).

18 Laurence Steinberg, *A Social Neuroscience Perspective on Adolescent Risk-Taking*, 28 Developmental Rev. 78, 90-91 (2008).

19 Arnett, *supra* note 5, at 474-75.

20 Elizabeth S. Scott et al., *Young Adulthood as a Transitional Legal Category: Science, Social Change, and Justice Policy*, 85 Fordham L. Rev. 641, 645-46 (2016).

21 Scott, et al., *supra* note 20, at 645; Bianca E. Bersani & Elaine Eggleston Doherty, *Desistance from Offending in the Twenty-first Century*, 1 Annual Rev. Of Criminology 311, 313 (2018).

22 National Institute of Justice, *From Juvenile Delinquency to Young Adult Offending*, Mar. 10, 2014, https://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx (summarizing studies on desistance and persistence among offenders); *see also* Bersani & Doherty, *supra* note 21, at 313-15; Alex R. Piquero, et al., *Criminal Career Patterns*, *in* From Juvenile Delinquency to Adult Crime: Criminal Careers, Justice Policy, and Prevention 14-46 (Rolf Loeber & David P. Farrington, eds. 2012).

23 Arnett, *supra* note 6, at 9.

24 U.S. Dep't of Labor, Bureau of Labor Statistics, Employment and Unemployment Among Youth Summary (2019), https://www.bls.gov/news.release/youth.nr0.htm; U.S. Dep't of Labor, Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, Unemployment Rate, data retrieved Aug. 7, 2020 (overall unemployment rate). *See also* Inst. of Med. & Nat'l Research Council, *supra* note 9, at 3.

25 Centers for Disease Control and Prevention, Sexually Transmitted Disease Surveillance 2017: STDs in Adolescents and Young Adults (2017), https://www.cdc.gov/std/stats17/adolescents.htm.

26 Loyola University Chicago, Center for Criminal Justice Research, Policy & Practice, Emerging Adults and the Criminal Justice System: Specialized Policies, Practices & Programs 3 (2017), https://www.luc.edu/media/lucedu/criminaljustice/pdfs/National%20Scan%20of%20Emerging%20Adults%20Policy,%20Practice%20and%20Programs.pdf.

27 Nat'l Inst. Mental Health, Suicide Statistics, *Figure 8: Past Year Prevalence of Suicide Attempts Among U.S. Adults* (2017), https://www.nimh.nih.gov/health/statistics/suicide.shtml (last visited July 30, 2020).

28 Steinberg, *supra* note 7, at 14; *see also* Dep't of Health & Human Servs., Key Substance Use & Mental Health Indicators in the United States: Results from the 2016 National Survey on Drug Use & Health 1-3 (2017), https://www.samhsa.gov/data/sites/default/files/NSDUH-FFR1-2016/NSDUH-FFR1-2016.pdf.

29 Steinberg, *supra* note 7, at 37-38.

30 Jake New, *Feeling Unsafe*, Inside Higher Ed (Nov. 17, 2016), https://www.insidehighered.com/news/2016/11/17/nsse-survey-finds-lack-support-unsafe-feelings-among-minority-students.

31 Karen L. Fingerman, *Millenials and Their Parents: Implications of the New Young Adulthood for Midlife Adults*, 1 Innovation in Aging 1, 2 (2017) (citing studies showing that "parents provide approximately 10% of their income to young adult children," and that "over a third of the financial costs of parenting occur after children are age 18"), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5954613/pdf/igx026.pdf.

32 Patient Protection & Affordable Care Act, Pub. L. No. 111-148, sec. 2714(a), 124 Stat. 119, 132 (2010); *see also* Centers for Medicare & Medicaid Servs., Young Adults and the Affordable Care Act: Protecting Young Adults and Eliminating Burdens on Families and Businesses, https://www.cms.gov/CCIIO/Resources/Files/adult_child_fact_sheet.html (last visited July 30, 2020).

33 *Publication 501 (2019): Dependents, Standard Deduction, and Filing Information (2018), Table 5: Overview of the Rules for Claiming a Dependent*, Internal Revenue Service, https://www.irs.gov/publications/p501#en_US_2018_publink1000196863 (last visited July 30, 2020).

34 Clare Ryan, *The Law of Emerging Adults*, 97 Wash. U. Law. Rev. 1131, 1148-50 (2020).

35 20 U.S.C. § 1412(a) (defining parameters of special education entitlements).

36 42 C.F.R. § 441.50 (establishing eligibility for EPSDT coverage); *see also* Amy Peykoff Hardin & Jesse M. Hackell, *Age Limit of Pediatrics*, 140 Pediatrics 1, 1-2 (Sept. 2017) (describing the changes in coverage at age 21).

37 *See* Social Security Administration, *What You Need To Know About Your Supplemental Security Income (SSI) When You Turn 18* 1 (2019), https://www.ssa.gov/pubs/EN-05-11005.pdf.

38 *See, e.g.*, Colorado, *Children's Home and Community-Based Services Waiver (CHCBS)*, https://www.colorado.gov/pacific/hcpf/childrens-home-and-community-based-services-waiver-chcbs (last visited July 30, 2020). For a full searchable index of Medicaid waivers, see Medicaid.gov, *State Waivers List*, https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/index.html (last visited July 30, 2020).

39 Even states that fully participate in Extended Foster Care, allowing eligible youth to remain in care past age 18, end those services by age 21.

40 M.H. Morton, et al., Missed Opportunities: Youth Homelessness in America. National estimates 1 (2017), http://voiceofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin-Hall-2017.pdf.

41 Arnett, *supra* note 6, at 25.

42 Arnett, *supra* note 6, at 25.

43 Arnett, *supra* note 6, at 25.

44 David A. Wolfe et al., *Abuse and Trauma*, *in* Behavioral and Emotional Disorders in Adolescents: Nature, Assessment, and Treatment 642, 643-60 (David A. Wolfe & Eric J. Mash eds., 2006).

45 Nat'l Academies, *supra* note 3, at 117-26.

46 Nat'l Academies, *supra* note 3, at 131.

47 Elan C. Hope, et al., *Emerging Into Adulthood in the Face of Racial Discrimination: Physiological, Psychological, and Sociopolitical Consequences for African American Youth*, 1 Translational Issues in Psychological Sci. 342, 343 (2015), https://www.apa.org/pubs/journals/features/tps-tps0000041.pdf.

48 Merrill L. Jones & Renee V. Galliher, *Daily Racial Microaggressions and Ethnic Identification Among Native American Young Adults*, 21 Cultural Diversity & Ethnic Minority Psychol 1, 7 (2015).

49 Hope, et al., *supra* note 47, at 343-44.

50 Hope, et al., *supra* note 47, at 344-45.

51 Anna Almendrala, *Native American Youth Suicide Rates Are at Crisis Levels*, Huff. Post (Oct. 2, 2015), https://www.huffpost.com/entry/native-american-youth-suicide-rates-are-at-crisis-levels_n_560c3084e4b0768127005591. *See also* Centers for Disease Control & Prevention, *Racial and Gender Disparities in Suicide Among Young Adults Aged 18-24: United States, 2009-2013* 1 (2015), https://www.cdc.gov/nchs/data/hestat/suicide/racial_and_gender_2009_2013.pdf.

52 Loyola, *supra* note 26, at 3.

53 Laurence Steinberg, *The Case for Delayed Adulthood*, N.Y. Times (Sept. 19, 2014), https://www.nytimes.com/2014/09/21/opinion/sunday/the-case-for-delayed-adulthood.html. *See also* Steinberg, *supra* note 7, at 18-45.

54 Nat'l Academies, *supra* note 3, at 32, 91-94.

55 Jim Casey Youth Opportunities Initiative, The Adolescent Brain: New Research and Its Implications for Young People Transitioning From Foster Care 22 (2011), http://www.aecf.org/m/resourcedoc/AECF-theAdolescentBrain-2011.pdf; Barbara Ganzel & Sarah Moore, *Life and the Adolescent Brain*, Translational Neuroscience (April 25, 2013), https://www.bctr.cornell.edu/life-and-the-adolescent-brain/.

56 Charlyn Harper Browne, Youth Thrive: Advancing Healthy Adolescent Development and Well-Being 24-25 (2014), https://cssp.org/wp-content/uploads/2018/09/Youth-Thrive_Advancing-Healthy-Adolescent-Development-and-Well-Being.pdf.

57 For example, the federal Youth Corrections Act, passed in 1950, created special protections for "young offenders" under age 22 and "young adult offenders" ages 22 to 26. The Act was repealed in 1984. United States Sentencing Commission, Youthful Offenders in the Federal System 3 (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20170525_youthful-offenders.pdf.

58 The Sentencing Project, *Trends in U.S. Corrections* 1-2 (updated 2019), https://sentencingproject.org/wp-content/uploads/2016/01/Trends-in-US-Corrections.pdf.

59 U.S. Dep't of Justice, Bureau of Justice Statistics, Prisoners in 2017 1 (2019), https://www.bjs.gov/content/pub/pdf/p17.pdf.

60 U.S. Dep't of Justice, Bureau of Justice Statistics, Correctional Populations in the United States, 2016 1-2 (2018), https://www.bjs.gov/content/pub/pdf/cpus16.pdf.

61 See, e.g., Committee on Causes & Consequences of High Rates of Incarceration, The Growth of Incarceration in the United States: Exploring Causes and Consequences (2014).

62 Nazgol Ghandnoosh, *U.S. Prison Population Trends: Massive Buildup and Modest Decline*, The Sentencing Project 1 (2019), https://www.sentencingproject.org/publications/u-s-prison-population-trends-massive-build-up-and-modest-decline/.

63 Office of Juvenile Justice & Delinquency Prevention, *The Number of Juveniles in Residential Placement Reached a New Low in 2015* (2017), https://www.ojjdp.gov/ojstatbb/snapshots/DataSnapshot_CJRP2015.pdf.

64 U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States: April 1, 2010 to July 1, 2018, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=PEP_2018_PEPASR6H&prodType=table; FBI Criminal Justice Information Services Division, *2017 Crime in the United States, Table 38*, https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/tables/table-38.

65 U.S. Dep't of Justice, Bureau of Justice Statistics, Prisoners in 2012 37 (2014), https://www.bjs.gov/content/pub/pdf/p12tar9112.pdf.

66 See, e.g., Emma Pierson, et al., *A large-scale analysis of racial disparities in police stops across the United States*, 4 Nature Human Behav. 736-45 (2020), https://www.nature.com/articles/s41562-020-0858-1.pdf ("[P]olice stops and search decisions suffer from persistent racial bias[.]"); M. Marit Rehavi & Sonja B. Starr, *Racial Disparity in Federal Criminal Sentences*, 4 J. of Political Econ. 1320, 1350 (2014) ("[M]ore than half of the black-white sentence disparity. . . can be explained by initial charge decisions, particularly the prosecutors' decision to file charges that carry 'mandatory minimum' sentences[.]"); *Pena-Rodriguez v. Colorado*, 137 S. Ct. 855, 868 (2017) (noting that racial bias in the jury system, "if left unaddressed, would risk systemic injury to the administration of justice").

67 Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, The Sentencing Project 3 (2016), https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/.

68 Nellis, *supra* note 67, at 3.

69 The Sentencing Project, *Race & Justice News: Native Americans in the Justice System* (2016), https://www.sentencingproject.org/news/race-justice-news-native-americans-in-the-justice-system/.

70 James Dehaven, *Report: Native Americans Make Up Disproportionate Share of Rising Montana Prison Population*, The Missoulian (Mar. 5, 2016), https://missoulian.com/news/state-and-regional/report-native-americans-make-up-disproportionate-share-of-rising-montana-prison-population/article_187a3e01-899e-510a-8909-739af074df02.html.

71 Nellis, *supra* note 67, at 3.

72 Nellis, *supra* note 67, at 8.

73 Selen Siringil Perker, et al., *Emerging Adult Justice in Illinois: Towards an Age-Appropriate Approach* 7 (2019), https://justicelab.columbia.edu/sites/default/files/content/EAJ%20in%20Illinois%20Report%20Final.pdf.

74 See *infra* notes 333-335.

75 Laurence Steinberg, et al., *Reentry of Young Offenders from the Justice System: A Developmental Perspective*, 2 Youth Violence and Juvenile Justice 21, 25-26 (2004), https://www.researchgate.net/publication/41192568_Reentry_of_Young_Offenders_from_the_Justice_System_A_Developmental_Perspective.

76 Steinberg, et al., *supra* note 75, at 25-26.

77 Nancy Wolff & Jing Shi, *Contextualization of Physical and Sexual Assault in Male Prisons: Incidents and Their Aftermath*, 15 J. Correctional Health Care 58 (2009), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2811042/.

78 *See* American Civil Liberties Union, Briefing Paper: The Dangerous Overuse of Solitary Confinement in the United States 2 (2014), https://www.aclu.org/sites/default/files/field_document/stop_solitary_briefing_paper_updated_august_2014.pdf; Delia Fuhrman et al., *Adolescence as a Sensitive Period of Brain Development*, 19 Trends in Cognitive Sci. 558, 559 (2015). *See also* Elizabeth S. Barnert, et al., *How Does Incarcerating Young People Affect Their Adult Health Outcomes?*, Pediatrics (Feb. 2017), https://pediatrics.aappublications.org/content/pediatrics/139/2/e20162624.full.pdf; Juveniles for Justice, Broken Bridges: How Juvenile Placements Cut Off Youth from Communities and Successful Futures 8-10 (2018), https://jlc.org/sites/default/files/attachments/2018-12/2018BrokenBridges-FINAL-WEB_0.pdf.

79 Fuhrman et al., *supra* note 78, at 561.

80 Steinberg et al., *supra* note 75 at 29.

81 U.S. Dep't of Justice, Bureau of Justice Statistics, 2018 Update on Prisoner Recidivism: A 9-Year Follow-Up Period (2005-2014) 7 (2018), https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf.

82 Wis. Dep't of Corrections, Reincarceration Rates (2015), https://doc.wi.gov/DataResearch/InteractiveDashboards/ReincarcerationRates.pdf.

83 *Alcohol Laws by State*, Fed. Trade Comm'n, Consumer Information (2013), https://www.consumer.ftc.gov/articles/0388-alcohol-laws-state. *See also* Mary Pat Treuthart, *Lowering the Bar: Rethinking Underage Drinking*, 9 N.Y.U. J. Legis. & Pub. Pol'y 303, 304 (2006) (describing the history of the minimum drinking age in the United States).

84 Further Consolidated Appropriations Act, 2020, Pub. L. No. 116- 94, § 603, 133 Stat. 2534, 3123 (2019), amending 21 U.S.C. § 387f(d).

85 Campaign for Tobacco-Free Kids, *States and Localities that Have Raised the Minimum Legal Sale Age for Tobacco Products to 21* (2019), https://www.tobaccofreekids.org/assets/content/what_we_do/state_local_issues/sales_21/states_localities_MLSA_21.pdf; *Tobacco 21 Laws: Tracking Progress Toward Raising the Minimum Sales Age for All Tobacco Product to 21*, American Lung Association (July 18, 2019), https://www.lung.org/our-initiatives/tobacco/cessation-and-prevention/tobacco-21-laws.html (last visited Aug. 4, 2020).

86 Institute of Medicine of the Nat'l Academies of Sciences, Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products 3 (2015), https://www.nap.edu/read/18997/chapter/2.

87 Alexandra O. Cohen, et al., *When Does a Juvenile Become an Adult? Implications for Law and Policy*, 88 Temp. L. Rev. 769, 778 (2016).

88 49 C.F.R. § 391.11(b)(1).

89 *See Teen and Novice Drivers*, Governors Highway Safety Association, https://www.ghsa.org/state-laws/issues/teen%20and%20novice%20drivers.

90 N.J. Stat. Ann. § 39:3-13.2a.

91 *See, e.g., Can You Rent a Car Under 25 in the US and Canada?*, ENTERPRISE.COM, https://www.enterprise.com/en/help/faqs/car-rental-under-25.html (last visited Aug. 4, 2020); *Restrictions and Surcharges for Renters Under 25 Years of Age*, BUDGET.COM, https://www.budget.com/budgetWeb/html/en/common/agePopUp.html (last visited Aug. 4, 2020); *Under 25? We've Got You Covered*, HERTZ.COM, https://www.hertz.com/rentacar/misc/index.jsp?targetPage=Hertz_Renting_to_Drivers_Under_25.jsp (last visited Aug. 4, 2020).

92 *Minimum Age to Purchase & Possess*, Giffords Law Center, https://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/minimum-age/.

93 Credit Card Accountability Responsibility and Disclosure Act of 2009, P.L. 111-24, 111th Congress, Section 301.

94 42 C.F.R. § 441.50.

95 The Ctr. for Consumer Info. & Ins. Oversight, *Young Adults and the Affordable Care Act: Protecting Young Adults and Eliminating Burdens on Families and Businesses*, Centers for Medicare & Medicaid Services, https://www.cms.gov/CCIIO/Resources/Files/adult_child_fact_sheet.html (last visited Aug. 4, 2020).

96 20 U.S.C. § 1412(a)(1)(A).

97 Stephanie Aragon, *Free and Compulsory School Age Requirements* 3-6 (2015), https://www.ecs.org/clearinghouse/01/18/68/11868.pdf#targetText=22%20Although%20state%20statute%20in,of%204%20and%206%20years.

98 Juvenile Law Center, *National Extended Foster Care Review: 50- State Survey of Extended Foster Care Law & Policy* (2018), https://jlc.org/sites/default/files/attachments/2018-05/2018-NationalEFCReview-ExecSummary.pdf.

99 For example, studies have shown that recidivism rates are much higher for youth transferred to the adult criminal justice system than for their peers who remain in the juvenile justice system. See Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, 6-8 (2007), https://www.cdc.gov/mmwr/PDF/rr/rr5609.pdf.

100 Mich. Comp. Laws Ann. § 712A.2. See also Governor Whitmer Signs Bipartisan Bills to Raise the Age for Juvenile Offenders, Michigan.gov (2019), https://www.michigan.gov/whitmer/0,9309,7-387-90487-511513--,00.html (last visited Aug 7, 2020).

101 See Anne Teigen, *Juvenile Age of Jurisdiction and Transfer to Adult Court Laws*, National Conference of State Legislatures (2019), http://www.ncsl.org/research/civil-and-criminal-justice/juvenile-age-of-jurisdiction-and-transfer-to-adult-court-laws.aspx; John Kelly, *Michigan Raise the Age Law on Track to Pass, Leaving Three States with Juvenile Age Under 18*, The Chronicle of Social Change (June 4, 2019), https://chronicleofsocialchange.org/justice/michigan-set-to-raise-the-age-leaves-three-states-under-18/35340. Bills have been introduced in each of those states to raise the age to include 17-year-olds. See H.B. 440, General Assembly, Reg. Sess. 2019-2020 (Ga. 2019), http://www.legis.ga.gov/legislation/en-US/display/20192020/HB/440; Patrick Marley, *Gov. Evers Seeks to Raise the Age for Charging Teens as Adults and Delay Closure of Lincoln Hills*, Milwaukee J. Sentinel (Feb. 27, 2019), https://www.jsonline.com/story/news/politics/2019/02/27/tony-evers-seeks-raise-age-charging-teens-adults/2993467002/; Lauren McGaughy, *Juvenile Justice Committee Debates Raise the Age Bill*, Dallas News (Mar. 13, 2019), https://interactives.dallasnews.com/2019/texas-tracker/post/51/.

102 Abe Kenmore, *As New York Raises the Age, Youth Arrests Fall*, The Chronicle of Social Change (July 31, 2019), https://chronicleofsocialchange.org/featured/new-york-raises-age-youth-arrests-fall/36630.

103 Justice Policy Institute, Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System 6 (2017) http://www.justicepolicy.org/uploads/justicepolicy/documents/raisetheagesummary_final_3_6_16.pdf; see also Lael Chester & Vincent Schiraldi, Public Safety and Emerging Adults in Connecticut: Providing Effective and Developmentally Appropriate Responses for Youth Under Age 21 59 (2016), https://www.hks.harvard.edu/sites/default/files/centers/wiener/programs/pcj/files/public_safety_and_emerging_adults_in_connecticut.pdf.

104 Justice Policy Institute, Raising the Age, *supra* note 103, at 7.

105 Karen Vastine, et al., Report on Act 201 Implementation Plan Report & Recommendations I (2019), https://legislature.vermont.gov/assets/Legislative-Reports/20191101-Vermont-RTA-DCF-Report-Final.pdf.

106 N.Y. A. 5871, 2019-2020 Reg. Sess. (N.Y. 2019).

107 Devon McCourty & Jason McCourty, *NFL Players Back Juvenile Offenders Bill*, The Boston Herald (Nov. 14, 2019), https://www.bostonherald.com/2019/11/14/nfl-players-back-state-bill-supporting-young-offenders/.

108 Press Release, Fair & Just Prosecution, Prosecutors Urge Policymakers to Raise the Age of the Juvenile Justice System to 21 (June 27, 2019), https://fairandjustprosecution.org/wp-content/uploads/2019/06/MA-RTA-Release-FINAL.pdf.

109 H.B. 4581 100th Gen. Assemb. (Ill. 2017), http://ilga.gov/legislation/fulltext.asp?DocName=10000HB4581&GA=100&SessionId=91&DocTypeId=HB&LegID=109512&DocNum=4581&GAID=14&Session=&print=true.

110 See, e.g., U.S. Dep't of Justice, Office of Justice Programs, Young Offenders: What Happens and What Should Happen 2 (2014), https://www.ncjrs.gov/pdffiles1/nij/242653.pdf (recommending that policymakers "[c]onsider raising the minimum age for criminal court to 21 or 24"); James C. Howell, et al., *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*, National Criminal Justice Reference Service 24 (2013), https://www.ncjrs.gov/pdffiles1/nij/grants/242935.pdf (recommending a cost-benefit analysis of raising the minimum age of adult court to 21 or 24); Fair & Just Prosecution, Young Adults in the Justice System 7 (2019), https://fairandjustprosecution.org/wp-content/uploads/2019/01/FJP_Brief_YoungAdults.pdf.

111 *Young Adult Offender Program*, Mediation Center of the Southern Piedmont, https://mediationcsp.com/Offender-Program.html (last visited Aug. 4, 2020).

112 Ronald Dahl, *Transformative Justice*, Lone Star Justice Alliance, https://www.lonestarjusticealliance.org/transformative-justice.html (last visited Aug. 4, 2020).

113 Connie Hayek, Environmental Scan of Developmentally Appropriate Criminal Justice Responses to Justice-Involved Young Adults 6 (2016), https://www.ncjrs.gov/pdffiles1/nij/249902.pdf.

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

115 See e.g., *Young Adult Court*, Superior Court of California, County of San Francisco, https://www.sfsuperiorcourt.org/divisions/collaborative/yac (last visited Aug. 4, 2020); Tim Requarth, *A California Court for Young Adults Calls on Science*, N.Y. Times (Apr. 17, 2017), https://www.nytimes.com/2017/04/17/health/young-adult-court-san-francisco-california-neuroscience.html.

116 Jennifer Henderson-Frakes, et al., An Evaluation of San Francisco's Young Adult Court (YAC): Findings on Planning and Early Implementation 4-5 (2017), https://www.sfsuperiorcourt.org/sites/default/files/images/YAC%20Interim%20Report_05252017.pdf.

117 Henderson-Frakes, *supra* note 116, at 25-29.

118 ABA Resolution 111: Death Penalty Due Process Review Project Section of Civil Rights and Social Justice, Report to the House of Delegates at 1-3 (adopted 2018), https://www.americanbar.org/content/dam/aba/images/abanews/mym2018res/111.pdf.

119 See *State v. O'Dell*, 358 P.3d 359, 366-68 (Wash. 2015).

120 See *Cruz v. United States*, No. 3:11-cv-787, 2018 WL 1541898, at *18 (D. Conn. Mar. 29, 2018).

121 See, e.g., *United States v. Sierra*, 933 F.3d 95, 97 (2d Cir. 2019); *Wright v. United States*, 902 F.3d 868, 871-72 (8th Cir. 2018); *Doyle v. Stephens*, 535 Fed. App'x 391, 395-96 (5th Cir. 2013).

122 Cal. Penal Code § 3051 (held unconstitutional to the extent that it does not make youthful offender parole hearings available to all categories of youthful offenders), *invalidated by People v. Edwards*, 246 Cal. Rptr. 3d 40, 51, 53-54 (Cal. Ct. App. 2019) ("Equal protection requires that [Defendants], like those whose controlling offense is first degree murder punishable by 25 years to life, be afforded a youthful offender parole hearing during the 25th year of their incarceration"); see *also* S.B. No. 394, 2017-2018 Reg. Sess. (Cal. 2017), https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB394.

123 California Dep't of Corrections & Rehabilitation, *Youthful Offender Program Power Point Presentation* 2 (2017), https://www.courts.ca.gov/documents/BTB24-1A-00PPT.pdf; Cal Penal Code § 2905.

124 Miss. Code Ann. § 47-5-1401.

125 *Racine Youthful Offender Correctional Facility*, State of Wisconsin, Dep't of Corrections, https://doc.wi.gov/Pages/OffenderInformation/AdultInstitutions/RacineYouthfulOffenderCorrectionalFacility.aspx.

126 Cal Penal Code § 3051, *supra* note 122.

127 N.J. Stat. Ann. § 2C:52-5.

128 V.I. Code Tit. 5 § 3712(e).

129 Justice Policy Institute, Improving Approaches to Serving Young Adults in the Justice System 2 (2016), http://www.justicepolicy.org/uploads/justicepolicy/documents/jpi_young_adults_final.pdf.

130 Justice Policy Institute, Improving Approaches, *supra* note 129, at 12-13.

131 *Supporting Older Youth in Foster Care*, Nat'l Conference of State Legislatures (May 2, 2019), http://www.ncsl.org/research/human-services/supports-older-youth.aspx.

132 Elizabeth Barnett, et al., *Consolidated Court Proceedings for Crossover Youth* 1 (2018), https://cjjr.georgetown.edu/wp-content/uploads/2018/06/CYPM-Series-Bulletin-Conslidated-Court-Processing-for-Crossover-Youth-June-2018.pdf.

133 John Kelly, *States are Leaving Federal Money for Extended Foster Care on the Table*, The Chronicle of Social Change (June 25, 2019), https://chronicleofsocialchange.org/child-welfare-2/states-are-leaving-federal-money-for-extended-foster-care-on-the-table/35939; *see also* Juvenile Law Center, *supra* note 98.

134 As of this writing, three states—Indiana, California, and Virginia—permit young adults in the justice system to access extended foster care services absent independent child welfare involvement. Indiana uses a "collaborative care" model similar to voluntary placement agreements to extend services to justice-involved youth. See Ind. Code 31-28-5.8; Ind. Dep't Child Servs., Probation Services Manual, Ch. 2 § 24, Collaborative Care Practice Guidance Transferring Probation Youth, https://www.in.gov/dcs/files/Placements_Section_24_Collaborative_Care_and_Aging_Out.pdf. California permits eligible youth on probation to participate in the state's extended foster care program. See Ca. Wel. & Inst. §§ 450-52; *id.* §§ 607.2(b)(3) & (4); Ca. Dep't Soc. Servs., All County Letter No. 11-85, *Extension of Foster Care Beyond Age 18: Part Three (Probation)* (Dec. 15, 2011), https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-85.pdf. Virginia law authorizes the court to retain jurisdiction over any child until age 21—including children adjudicated delinquent—and policy guidance clarifies that youth released by the Department of Juvenile Justice between ages 18 and 21 can access the state's "Fostering Futures" extended foster care program if they were in foster care before entering the justice system. See Va. Stat. § 16.1-242; Va. Dep't Soc. Servs., Child & Family Servs. Manual, 14B: Fostering Futures Program for Young Adults 18 to 21, 14B.4.3 (2016), https://www.dss.virginia.gov/files/division/dfs/fc/intro_page/guidance_manuals/fc/07_2016/Section_14B_Fostering_Futures.pdf.

135 Under the Fostering Connections Act, states may elect to provide Title IV-E foster care payments to youth through age 21 who are (a) completing high school or an equivalent program; (b) enrolled in college, community college, a vocational program, or trade school; (c) participating in a job-readiness program or activity; (d) working at least 80 hours per month; or (e) unable to participate in any of these activities due to a medical or mental health condition. 42 U.S.C. § 675(8)(B).

136 Juvenile Law Center, *supra* note 98.

137 42 U.S.C. § 672(c)(2).

138 Fostering Connections Guidance, ACYF-CB-PI-10-11, Children's Bureau 9 (July 9, 2010), https://www.acf.hhs.gov/sites/default/files/cb/pi1011.pdf.

139 *John F. Chafee Foster Care Program for Successful Transition to Adulthood,* Congressional Research Serv. (Jan. 15, 2019), https://fas.org/sgp/crs/misc/IF11070.pdf; 42 U.S.C. § 677(a)(4) & (b)(3)(A)(i).

140 42 U.S.C. § 677(a)(4) & (b)(3)(A)(ii); *see also* Jenny Pokempner, *Leveraging the FFPSA for Older Youth: Improving Transitions*, Am. Bar Ass'n (Jan. 15, 2019), https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2019/winter2019-leveraging-the-ffpsa-for-older-youth-improving-transitions/.

141 42 U.S.C. § 677(i)(3). See *also* Pokempner, *supra* note 140.

142 *Supporting Older Youth in Foster Care*, *supra* note 131 (follow "Higher Education" tab). Pennsylvania passed a tuition waiver bill on July 28, 2019. See Juvenile Law Center, *The Fostering Independence Through Education Waiver*, https://jlc.org/sites/default/files/attachments/2019-07/Factsheet-2019PA-TuitionWaiverProgram_0.pdf.

143 Press Release, U.S. Dep't of Housing & Urban Development, HUD Launches Initiative to Prevent and End Homelessness Among Young People Aging Out of Foster Care: 'FYI' Initiative to Offer Housing Vouchers to At-risk Young People Facing Homelessness (July 26, 2019), https://www.hud.gov/press/press_releases_media_advisories/HUD_No_19_111.

144 42 U.S.C. § 1396a(a)(10)(A)(i)(IX).

145 SUPPORT for Patients and Communities Act, Pub. L. No. 115-271, § 1001, 132 Stat. 2894 (2018).

146 Garet Fryar, et al., Supporting Young People Transitioning from Foster Care: Findings from a National Survey 7-8 (2017), https://www.childtrends.org/wp-content/uploads/2017/11/SYPTFC-Findings-from-a-National-Survey-11.29.17.pdf.

147 Kendall Torpey, *Nebraska's B21 Program: Extended Foster Care that Honors Youth Voice*, Juvenile Law Center: Doing Extended Care Right (July 21, 2018), https://jlc.org/news/nebraskas-b2i-program-extended-foster-care-honors-youth-voice.

148 See Sheldon Danziger & David Ratner, *Labor Market Outcomes and the Transition to Adulthood*, 20 The Future of Children 133, 133, 140, 148 (2010).

149 See, e.g., The Aspen Institute, *What Does it Take to Re-Engage Disconnected Youth?* (Oct. 23, 2014), The Aspen Institute: Social Capital, https://www.aspeninstitute.org/blog-posts/what-does-it-take-to-reengage-disconnected-youth/; Annie E. Casey Foundation, *KIDS COUNT Indicator Brief: Reducing the Number of Disconnected Youth* (2009), http://www.aecf.org/m/resourcedoc/AECF-KCDisconnected_youth-2009.pdf.

150 20 U.S.C. § 1412(a).

151 20 U.S.C. § 1414(d)(1)(A)(i)(VIII); 20 U.S.C. § 1401(34); 34 C.F.R. § 300.320(b).

152 34 C.F.R. § 300.43. For more information on different possible transition services, see *Transition to Adulthood*, Ctr. for Parent Info. & Resources (Jun. 21, 2017), http://www.parentcenterhub.org/repository/transitionadult/. For a toolkit to help foster youth and their advocates actively engage in the transition planning process, visit Juvenile Law Ctr., et al., *Developing an IEP Transition Plan: A Toolkit to Help Pennsylvania Youth in Foster Care and the Juvenile Justice System Prepare for IEP Meetings* (2016), http://www.jlc.org/resources/publications/developing-iep-transition-plan.

153 Strengthening Career and Technical Education for the 21st Century Act, Pub. L. No. 115-224, 132 Stat. 1563 (2018).

154 Workforce Innovation and Opportunity Act (WIOA), Pub. L. No. 113-128, sec. 419, § 110(d), 128 Stat. 1425 (2014); 34 C.F.R. § 361.48(a). For a summary of all the youth programs under WIOA, see, *Workforce Innovation and Opportunity Act: WIOA Youth Program*, U.S. Dep't. of Labor (2016), https://youth.workforcegps.org/resources/2017/08/29/08/48/-/media/12427A6A89F04395BA948ADF345B37E7.ashx.

155 WIOA, *supra* note 154, at sec. 419, § 110(d)(1), sec. 422, § 113(a)-(b); 34 C.F.R. § 361.48(a).

156 Elissa Nadworny, *Congress Considers Making College More Accessible to People in Prison*, NPR: Special Series, Changing Face of College (Apr. 20, 2019), https://www.npr.org/2019/04/20/713874091/congress-considers-making-college-more-accessible-to-people-in-prison; Restoring Education and Learning Act of 2019, S. 1074, 116th Cong. (1st Sess. 2019), https://www.congress.gov/bill/116th-congress/senate-bill/1074/text.

157 Juvenile Law Ctr., *Improving Access to Career Pathways for Philadelphia's Child Welfare and Juvenile Justice System Involved Youth* 10 (2017), https://jlc.org/sites/default/files/publication_pdfs/Juvenile%20Law%20Center%20Career%20Pathways%20Report_final.pdf.

158 *The Choice is Yours*, JEVS Human Servs., https://www.jevshumanservices.org/program/the-choice-is-yours/ (last visited Sept. 17, 2019).

159 The Council of State Gov'ts Justice Center, *Reducing Recidivism and Improving Other Outcomes for Young Adults in the Juvenile and Adult Criminal Justice Systems* 6 (2015), https://csgjusticecenter.org/wp-content/uploads/2015/11/Transitional-Age-Brief.pdf; Sarah B. Berson, *Beyond the Sentence: Understanding Collateral Consequences*, 272 National Institute of Justice J. 1, 24-28 (2013), https://www.ncjrs.gov/pdffiles1/nij/241924.pdf; see also *National Inventory of Collateral Consequences of Conviction*, The Council of State Gov'ts. Justice Center, https://niccc.csgjusticecenter.org/.

160 Dep't of Health & Human Servs., *supra* note 28, at 1-3; see also Nat'l Academies, *supra* note 3, at 221-31.

161 Inst. of Med. & Nat'l Research Council, *supra* note 9, at 4-5, 63, 206-10.

162 Inst. of Med. & Nat'l Research Council, *supra* note 9, at 280.

163 Jennifer M. Cadigan et al., *Young Adult Mental Health: A Prospective Examination of Service Utilization, Perceived Unmet Service Needs, Attitudes, and Barriers to Service Use*, 20 Prev. Sci. 366 (2019).

164 See, e.g., Inst. of Med. & Nat'l Research Council, *supra* note 9, at 282-88.

165 Inst. of Med. & Nat'l Research Council, *supra* note 9, at 279.

166 Nat'l Academies, *supra* note 3, at 213-16.

167 Hardin & Hackell, *supra* note 36, at 1-2.

168 Am. Acad. of Pediatrics, et al., *Clinical Report—Supporting the Health Care Transition from Adolescence to Adulthood in the Medical Home*, 128 Pediatrics 182 (2011), https://pediatrics.aappublications.org/content/pediatrics/128/1/182.full.pdf.

169 The Council of State Gov'ts, *supra* note 159, at 7-8.

170 *Healthy Transitions: Improving Life Trajectories for Youth and Young Adults with Serious Mental Disorders Program*, Substance Abuse & Mental Health Servs. Admin. (2018), https://www.samhsa.gov/grants/grant-announcements/sm-18-010.

171 Inst. of Med. & Nat'l Research Council, *supra* note 9, at 246-49.

172 Elayne Weiss, *Housing Access for People with Criminal Records* 26 (2017), https://nlihc.org/sites/default/files/AG-2017/2017AG_Ch06-S06_Housing-Access-Criminal-Records.pdf.

173 U.S. Dep't of Labor, Bureau of Labor Statistics, Independence for Young Millennials: Moving Out and Boomeranging Back (2014), https://www.bls.gov/opub/mlr/2014/article/independence-for-young-millennials-moving-out-and-boomeranging-back.htm.

174 Jonathan Vespa, The Changing Economics and Demographics of Young Adulthood: 1975-2016 1-2 (2017), https://www.census.gov/content/dam/Census/library/publications/2017/demo/p20-579.pdf.

175 M.H. Morton et al., *supra* note 40, at 2-3.

176 Weiss, *supra* note 172, at 21.

177 Andrew Aurand, et al., *The Gap: A Shortage of Affordable Homes* 2 (2017), https://nlihc.org/sites/default/files/Gap-Report_2017.pdf.

178 U.S. Dep't of Hous. & Urban Dev., Notice PIH 2019-20 (HA), Tenant Protection Vouchers for Foster Youth to Independence Initiative (July 26, 2019), https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2019-20.pdf. For more information, see HUD's fact sheet on the program, https://www.hud.gov/sites/dfiles/PIH/documents/One_Pager_Overview_of_FYI_Notice.pdf, and the official HUD announcement, https://www.hudexchange.info/news/hud-announces-foster-youth-to-independence-fyi-initiative-and-upcoming-webinar/.

179 *Family Unification Program (FUP)*, U.S. Dep't of Hous. & Urban Dev., https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/family.

180 *Transitional Living Program Fact Sheet*, U.S. Dep't of Health & Human Servs., Family & Youth Servs. Bureau, https://www.acf.hhs.gov/fysb/resource/tlp-fact-sheet.

181 *Supportive Housing Program*, HUD Exchange: Resources and Assistance to Support HUD's Community Partners, https://www.hudexchange.info/programs/shp/.

182 See, e.g., Young Adult Program, Project HOME, https://projecthome.org/our-work/teen-youth-programs/young-adult-program.

183 See, e.g., U.S. Dep't of Hous. & Urban Dev., *Community-Wide Prevention of LGBTQ Youth Homelessness* (2015), https://files.hudexchange.info/resources/documents/LGBTQ-Youth-Homelessness-Prevention-Initiative-Overview.pdf; U.S. Dep't of Hous. & Urban Dev., *Ending Youth Homelessness, Guidebook Series: Promising Program Models*, https://files.hudexchange.info/resources/documents/Ending-Youth-Homelessness-Promising-Program-Models.pdf.

184 Justice Policy Institute, *Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense* 1 (2010), http://www.justicepolicy.org/images/upload/10-07_REP_HealingInvisibleWounds_JJ-PS.pdf.

185 U.S. Dep't of Justice, Bureau of Justice Statistics, *Criminal Victimization, 2017* 9 (2018), https://www.bjs.gov/content/pub/pdf/cv17.pdf.

186 Bianca E. Bersani, et al., *Thinking About Emerging Adults and Violent Crime* 3 (2019), https://justicelab.columbia.edu/sites/default/files/content/EAJLC_YouthViolentCrime_final.pdf.

187 Bersani, et al., *supra* note 186, at 4, 8-10.

188 Justice Policy Institute, Improving Approaches, *supra* note 129, at 15.

189 See, e.g., The Model: Treating Violence as Infectious Disease, Cure Violence, http://cureviolence.org/the-model/ (last visited Sept. 18, 2019); Kristian Olson & Nicholas Diamond, *A Public Health Approach to Gun Violence*, Harvard Med. Sch. News (Mar. 15, 2018), https://hms.harvard.edu/news/public-health-approach-gun-violence; Philip J. Cook, *Expanding the Public Health Approach to Gun Violence Prevention*, 169 Annals of Internal Medicine 723 (2018), https://annals.org/aim/fullarticle/2711393/expanding-public-health-approach-gun-violence-prevention.

190 I. India Thusi & Robert L. Carter, Transforming the System, 48-50 (2016), http://transformingthesystem.org/pdfs/Transforming-The-System-CJReport.pdf. *See also* Nat'l Ctr. for Mental Health Promotion & Youth Violence Prevention, *National Center Brief: An Introduction to Restorative Justice* 5-6 (2009), http://www.promoteprevent.org/sites/www.promoteprevent.org/files/resources/restorative_justice_0.pdf; Martha Frias-Armenta, et al., *Restorative Justice: A Model of School Violence Prevention*, 6 Science J. Educ. 39, 41 (2018).

191 See Michael D. Resnick, *Healthy Youth Development: Getting our Priorities Right*, 183 Med. J. of Australia 398, 398 (2005) (describing the National Longitudinal Study on Adolescent Health's survey data revealing "the importance of feeling a strong sense of connectedness: to parents, to family, to other pro-social, supportive adults, as well as the protective effects of feeling connected to school, and experiencing a sense of spirituality—a sense of connectedness to a creative life force in the universe"); *see also* Browne, *supra* note 56, at 21-24 (describing the research on the importance of supportive relationships and social connectedness).

192 Jim Casey Youth Opportunities Initiative, *supra* note 55, at 1.

193 The Annie E. Casey Foundation, Juvenile Detention Facility Assessment 2014 Update: A Guide to Juvenile Detention Reform 127-30 (2014), https://www.aecf.org/m/resourcedoc/aecf-juvenile detentionfacilityassessment-2014.pdf.

194 Development Servs. Group, Inc., Office of Juvenile Justice & Delinquency Prevention, *Literature Review: Family Engagement in Juvenile Justice* 1-2 (2018), https://www.ojjdp.gov/mpg/litreviews/Family-Engagement-in-Juvenile-Justice.pdf.

195 See *Credible Messenger Justice Center*, NYC Probation, https://www1.nyc.gov/site/probation/about/credible-messenger-justice-center.page (last visited July 30, 2020); *Credible Messenger Programs*, Credible Messenger Justice Center, https://cmjcenter.org/credible-messenger-programs/ (last visited July 30, 2020) (describing New York's programs); *Credible Messenger Initiative*, Dept. of Youth Rehabilitation Services, https://dyrs.dc.gov/page/credible-messenger-initiative (last visited July 30, 2020) (describing Washington, D.C.'s program); *A Transforming Approach To Justice*, Credible Messenger Justice Center, https://cmjcenter.org/approach/ (last visited July 30, 2020) (describing the credible messenger approach).

196 Justice Audit Initiative, Criminal Justice Data Guide 2 (2018), https://www.luc.edu/media/lucedu/criminaljustice/pdfs/Illinois%20Criminal%20Justice%20Data%20Guide.pdf.

197 Loyola University Chicago, Center for Criminal Justice Research, Policy & Practice, Issue Brief: Emerging Adults & the Illinois Criminal Justice System 1 (2019) https://www.luc.edu/media/lucedu/ccj/pdfs/Emerging%20Adults%20Issue%20Brief%20-%20Final.docx.pdf; *see also* Kanako Ishida, Young Adults in Conflict with the Law: Opportunities for Diversion 4 (2015) https://jjustice.org/wp-content/uploads/Young-Adults-in-Conflict-with-the-Law-Opportunities-for-Diversion.pdf.

198 Loyola, *supra* note 197, at 2.

199 Ishida, *supra* note 197, at 4.

200 Perker et al., *supra* note 73, at 7. *See also* Ishida, *supra* note 197, at 6 ("In Cook County, [B]lack 18 – 21 year olds were 3.44 times more likely to be arrested than white (RRI=3.44), and they were 3.59 times more likely to be arrested statewide (RRI-3.59).")

201 Perker et al., *supra* note 73, at 7.

202 Loyola, *supra* note 197, at 4.

203 Loyola, *supra* note 197, at 5.

204 Perker et al., *supra* note 73, at 1.

205 Perker et al., *supra* note 73, at 1.

206 Pub. Act 99-258, 2016 Ill. Laws 11130 (eff. Jan. 1, 2016) (amending 705 ILCS 405/5-130(1)(a) (West 2014)) http://www.ilga.gov/legislation/publicacts/99/PDF/099-0258.pdf; Bryant Jackson-Green, *New Law Ends Automatic Transfer of Some Juveniles to Adult Court*, Illinois Policy (Aug. 4, 2015), https://www.illinoispolicy.org/illinois-poised-to-update-juvenile-transfer-policy/.

207 Circuit Court of Cook County, Restorative Justice Community Court arrives in North Lawndale (July 20, 2017), http://www.cookcountycourt.org/MEDIA/ViewPressRelease/tabid/338/ArticleId/2564/Restorative-Justice-Community-Court-arrives-in-North-Lawndale.aspx.

208 Gaynor Hall, *Restorative Justice Court works to change lives in North Lawndale*, WGN (Feb. 22, 2019), https://wgntv.com/2019/02/20/restorative-justice-court-works-to-change-lives-in-north-lawndale/.

209 Peter Nickeas, *Men try to understand Chicago's violence from a safe place—jail*, Chicago Tribune (Nov. 24, 2016), https://www.chicagotribune.com/news/ct-chicago-violence-jail-program-20161123-story.html.

210 Dan Petrella, *Gov. J.B. Pritzker signs law creating parole review for young offenders with lengthy sentences*, Chicago Tribune (Apr. 1, 2019), https://www.chicagotribune.com/politics/ct-met-jb-pritzker-parole-reform-20190401-story.html.

211 730 Ill. Comp. Stat. Ann. §§ 5/3-3-1 et seq. *See also* State of Illinois Prisoner Review Board, *Mission Statement*, https://www2.illinois.gov/sites/prb/Pages/default.aspx (last visited Aug. 17, 2020).

212 Ill. Prisoner Review Board, 41st Annual Report (2017), https://www2.illinois.gov/sites/prb/Documents/prb17anlrpt.pdf.

213 Thresholds, *Youth & Young Adult Services: Residential & Transitional Living*, https://www.thresholds.org/programs-services/youth-young-adult-services/residential-and-transitional-living-young-adult-program/ (last visited Aug. 9, 2020).

214 360 Youth Services, *Housing*, https://www.360youthservices.org/housing/ (last visited Aug. 9, 2020).

215 Ill. Dep't Human Servs., Homeless Youth Services, https://www.dhs.state.il.us/page.aspx?item=30369 (last visited Aug. 9, 2020).

216 Thresholds, *Advocacy: Healthy Minds Healthy Lives Coalition*, https://www.thresholds.org/advocacy/healthy-minds-healthy-lives-coalition/ (last visited Aug. 9, 2020).

217 Healthy Minds Health Lives Coalition, Support SB1633/HB2572: Children/Young Adult Mental Health Crisis Act, http://namiba.org/wp-content/uploads/2019/03/Children-and-Young-Adult-MH-Crisis-Act-Fact-Sheet.pdf (last visited Aug. 9, 2020); Pub. Act 101-0461, 2019 Ill. Laws 4633 https://www.ilga.gov/legislation/publicacts/101/101-0461.htm; Thresholds, *Governor Signs Children & Young Adult Mental Health Crisis Act* (Aug. 26, 2019), http://www.thresholds.org/governor-signs-children-young-adult-mental-health-crisis-act/.

218 Thresholds, *supra* note 217.

219 City of Chicago & Mayor Rahm Emanuel, National Forum on Youth Violence Prevention (2015), https://www.ccachicago.org/wp-content/uploads/2015/08/Youth-Violence-Prevention-Plan-FINAL.pdf.

220 Cure Violence Global, *Who We Are*, https://cvg.org/who-we-are/ (last visited Aug. 9, 2020).

221 Wesley G. Skogan et al., Evaluation of CeaseFire-Chicago (2009), https://www.ncjrs.gov/pdffiles1/nij/grants/227181.pdf.

222 Readi Chicago, https://www.heartlandalliance.org/readi/ (last visited Aug. 11, 2020); Chicago CRED, https://www.chicagocred.org/ (last visited Aug. 11, 2020).

223 H.B. 1465, 100th Gen. Assemb. (Ill. 2019), http://www.ilga.gov/legislation/billstatus.asp?DocNum=1465&GAID=14&GA=100&DocTypeID=HB&LegID=101955&SessionID=91.

224 *See supra* note 134.

225 See House Enrolled Act No. 1006, Pub. L. No. 198, 121st Gen. Assemb., 1st Reg. Sess. (Ind. 2019) (signed into law May 2, 2019).

226 See Prison Policy Initiative, Indiana Profile https://www.prisonpolicy.org/profiles/IN.html (last visited Aug. 6, 2020).

227 *Id.*

228 *Id.*

229 *Id.*

230 *Id.*

231 Ind. Dep't of Correction, 2018 Adult Recidivism Rates, https://www.in.gov/idoc/files/2018%20Adult%20Recidivism%20Summary.pdf. These rates are broken down by county as well. See Ind. Dep't of Correction, 2018 Recidivism Report, https://www.in.gov/idoc/files/2018_Adult_Recidivism_CountyofCommit.pdf.

232 See, e.g., Ind. Dep't of Correction, *Division of Data Science and Analytics*, https://www.in.gov/idoc/2376.htm (select "Total Population Reports" or "Offender Population Statistical Reports"; then select desired month) (last visited Aug. 9, 2020).

233 See Mark Soler, Dana Shoenberg & Marc Schindler, *Juvenile Justice: Lessons for a New Era*, 16 Geo. J. on Poverty L. & Pol'y 483, 491 (2009).

234 S.B. 362, 121st Gen. Assemb., 2nd Reg. Sess. (Ind. 2020).

235 Tara Dhanraj, *Six Cities Join NLC Policy Academy on Young Adults and the Justice System*, CitiesSpeak (May 25, 2018), https://citiesspeak.org/2018/05/25/six-cities-join-nlc-policy-academy-on-young-adults-and-the-justice-system/.

236 See Indianapolis Criminal Justice Reform Task Force, Recommendations 9 (2016), *available at* https://citybase-cms-prod.s3.amazonaws.com/ed1d914010e7410abd2aa78a97696031.pdf.

237 *Id.* at 17.

238 See, e.g., *Schuler v. State*, 112 N.E.3d 180 (Ind. 2018) (affirming life without parole and 65-year consecutive sentences for 18-year-old defendant); *Krempetz. v. State*, 872 N.E.2d 605 (Ind. 2007) (affirming consecutive life without parole, 45-year term, and 22-year term sentences for 18-year-old defendant).

239 Ind. Dep't of Child Servs., *Child Welfare Policy Manual* Ch. 11, § 2 (2020), https://www.in.gov/dcs/files/Child_Welfare_Policy_Manual.pdf (last visited Aug. 8, 2020).

240 EmployIndy, *Young Adult Initiatives*, https://employindy.org/strategic-initiatives/young-adult-initiatives/ (last visited Aug. 7, 2020).

241 Cmty. Alliance of the Far East Side, *Youth Programs*, https://www.cafeindy.org/youth-programs (last visited Aug. 7, 2020).

242 Job Ready Indy, *Badges*, https://www.jobreadyindy.org/badges.html (last visited Aug. 7, 2020).

243 Blue River Housing Services Inc., *Housing Services: Stepping Stone Apartments*, http://www.brsinc.org/index.php/blue-river-services-programs/blue-river-services-housing (last visited Aug. 7, 2020).

244 Peyton Manning Children's Hospital, *Mental Health*, http://www.peytonmanningch.org/mental-health (last visited Aug. 7, 2020).

245 Mich. Comp. Laws Ann. § 762.11(1) (West 2015).

246 Laina G. Stebbins, *Whitmer signs bipartisan 'Raise the Age' juvenile justice bills into law*, Mich. Advance (Oct. 31, 2019), https://www.michiganadvance.com/2019/10/31/whitmer-signs-bipartisan-raise-the-age-juvenile-justice-bills-into-law.

247 Michigan Joint Task Force on Jail and Pretrial Incarceration, Report and Recommendations (2020), https://courts.michigan.gov/News-Events/Documents/final/Jails%20Task%20Force%20Final%20Report%20and%20Recommendations.pdf.

248 Dave Boucher, *'Purpose of jail has gotten muddled': Michigan lawmakers propose changes to justice system*, Detroit Free Press (July 22, 2020), https://www.freep.com/story/news/politics/2020/07/22/michigan-justice-reform-bills/5485255002.

249 Angie Jackson, *Michigan criminal record expungement bills a closer step to Senate vote*, Detroit Free Press (June 26, 2020), https://www.freep.com/story/news/local/michigan/2020/06/26/michigan-expungement-bills-senate/3253719001.

250 See Michigan State Police, *Michigan Incident Crime Reporting* http://www.micrstats.state.mi.us/MICR/Disclaimer.aspx (last visited Aug. 7, 2020).

251 Michigan State Police, *Statistics & Reports*, https://www.michigan.gov/msp/0,4643,7-123-1586_3501_4621--,00.html (select desired year; then select "Statewide Arrests") (last visited Aug. 9, 2020).

252 Michigan State Police, Michigan's Crime at a Glance (2017), https://www.michigan.gov/documents/msp/Annual_Crime_At_A_Glance_627315_7.pdf.

253 In 2018, there were 236,488 total arrests and 53,684 arrests of emerging adults between ages 18 and 24. Michigan State Police, Statewide Arrest Totals (2018), https://www.michigan.gov/documents/msp/b_Statewide_Arrests_661289_7.pdf.

254 Census data for 2018 show a state population of 9,995,915 and 961,804 Michigan residents between ages 18 and 24. U.S. Census Bureau, American Community Survey, Table S0101 (2018).

255 In 2010, there were 282,037 total arrests and 91,189 arrests of emerging adults between ages 18 and 24. Michigan State Police, Statewide Arrest Totals (2010), https://www.michigan.gov/documents/msp/2010_Annual_StatewideArrests_358704_7.pdf.

256 Census data for 2010 show Michigan residents between ages 18 and 24 made up 9.8% of the state population. U.S. Census Bureau, American Community Survey, Table S0101 (2010).

257 In 2008, there were 97,077 total emerging adult arrests. 27,878 were Black emerging adults and 65,937 were white. Michigan State Police, Statewide Arrest Totals (2008) https://www.michigan.gov/documents/msp/Annual_StatewideArrests_308512_7.pdf.

258 Census data for 2018 show 147,109 non-Hispanic, Black emerging adults between ages 18 and 24. U.S. Census Bureau, *State Population by Characteristics: 2010-2019*, https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-detail.html (select dataset entitled "Age, Sex, Race, and Hispanic Origin – 6 race groups"; then total numbers for Michigan non-Hispanic, Black emerging adults) (last visited Aug. 9, 2020).

259 In 2018 there were 21,355 arrests of Black emerging adults ages 18 to 24. Michigan State Police, Statewide Arrest Totals (2018), https://www.michigan.gov/documents/msp/b_Statewide_Arrests_661289_7.pdf.

260 Census data for 2018 show 663,143 non-Hispanic, white emerging adults between ages 18 and 24. U.S. Census Bureau, *State Population by Characteristics: 2010-2019*, https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-detail.html (select dataset entitled "Age, Sex, Race, and Hispanic Origin – 6 race groups"; then total numbers for Michigan non-Hispanic, white emerging adults) (last visited Aug. 17, 2020).

261 In 2018 there were 29,763 arrests of white emerging adults ages 18 to 24. Michigan State Police, Statewide Arrest Totals (2018), https://www.michigan.gov/documents/msp/b_Statewide_Arrests_661289_7.pdf.

262 Governor Whitmer Signs Bipartisan Bills to Raise the Age for Juvenile Offenders, Michigan.gov (2019), https://www.michigan.gov/whitmer/0,9309,7-387-90487-511513--,00.html (last visited Aug 7, 2020).

263 Elisse Ramey, *Michigan's 'Raise the Age' law effective in 2021, not retroactive*, ABC 12 (Oct. 31, 2019), https://www.abc12.com/content/news/Michigans-Raise-the-Age-law-effective-in-2021-not-retroactive-564187811.html. *See also* 2019 Mich. Pub. Act Nos. 97-114, *available at* https://www.legislature.mi.gov/documents/2019-2020/publicacttable/pdf/2019-PAT.pdf.

264 Ramey, *supra* note 263. *See also* Mich. Comp. Laws Ann. § 712A.2 (West 2018).

265 Mich. Comp. Laws Ann. § 762.11 (West 2015). A bill raising the minimum age of eligibility for youthful trainee status from 17 to 18 passed the Senate in 2019. S.B. 92, 2019-2020 Reg. Sess. (Mich. 2019).

266 Mich. Comp. Laws Ann. § 762.13(6) (West 2020).

267 Young Adult Diversion Court, *History of YADC*, https://yadckalamazoo.weebly.com/about-yadc.html. (last visited Aug. 7, 2020).

268 *Id.*

269 Death Penalty Info. Ctr., *Michigan*, https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/michigan (last visited Aug. 17, 2020).

270 Fostering Success Michigan, http://fosteringsuccessmichigan.com (last visited Aug. 7, 2020).

271 See Elizabeth Brass, Fostering Success Michigan: Developmental Evaluation 2012-2014 (2015), http://fosteringsuccessmichigan.com/uploads/misc/FSM_Eval_Report_2015.pdf.

272 See Bit C. Henderson & Andi Egbert, Young Adults in Minnesota: A Demographic & Economic Profile 2, 5, 11 (2015), https://mn.gov/bms-stat/assets/young-adults-in-mn-profile-popnotes-june2015.pdf.

273 Minn. Dep't of Health, *Hospital Treated Violence*, https://midas.web.health.state.mn.us/violence/index.cfm (select all quarters; "State of Minnesota"; "interpersonal violence"; then combine "type of care", "outcome", and "gender") (last visited Aug. 9, 2020).

274 Minn. Dep't of Public Safety: Bureau of Criminal Apprehension, *Criminal Justice Data Reporting*, https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Pages/uniform-crime-reports.aspx (last visited Aug. 7, 2020).

275 Census data for 2018 show a state population of 5,611,179 and 499,903 Minnesota residents between ages 18 and 24. U.S. Census Bureau, American Community Survey, Table S0101 (2018).

276 Census data for 2018 show 147,109 non-Hispanic, Black emerging adults between ages 18 and 24. U.S. Census Bureau, *State Population by Characteristics: 2010-2019*, https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-detail.html (select dataset entitled "Age, Sex, Race, and Hispanic Origin – 6 race groups"; then total numbers for Minnesota non-Hispanic, Black emerging adults) (last visited Aug. 9, 2020).

277 Census data for 2018 show 366,317 non-Hispanic, white emerging adults between ages 18 and 24. U.S. Census Bureau, *State Population by Characteristics: 2010-2019*, https://www.census.gov/data/tables/time-series/demo/popest/2010s-state-detail.html (select dataset entitled "Age, Sex, Race, and Hispanic Origin – 6 race groups"; then total numbers for Minnesota non-Hispanic, white emerging adults) (last visited Aug. 9, 2020).

278 Minn. Dep't of Public Safety: Bureau of Criminal Apprehension, Minnesota Uniform Crime Report 28 (2018), https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Documents/2018-Minnesota-Uniform-Crime-Report.pdf.

279 *Id.*

280 Minn. Dep't of Public Safety: Bureau of Criminal Apprehension, Minnesota Uniform Crime Report 29 (2017), https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Documents/2017-Minnesota-Uniform-Crime-Report.pdf.

281 Minn. Dep't of Public Safety: Bureau of Criminal Apprehension, Minnesota Uniform Crime Report 28-29 (2016), https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Documents/2016-Minnesota-Uniform-Crime-Report.pdf.

282 Minn. Dep't of Public Safety: Bureau of Criminal Apprehension, Minnesota Uniform Crime Report 81 (2018), https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Documents/2018-Minnesota-Uniform-Crime-Report.pdf.

283 *Id.* at 85.

284 Minn. Juvenile Justice Advisory Comm., 2017 Annual Report to Governor Mark Dayton and the Minnesota State Legislature 5 (2017), https://dps.mn.gov/entity/jjac/publications/Documents/JJAC%20Annual%20Report%202017.pdf.

285 *Id.* at 11.

286 Note that certain EJJ provisions in Section 260B.130 were found unconstitutional per *In re Welfare of T.C.J.*, 689 N.W.2d 787 (Minn. Ct. App. 2004) and *State v. Garcia*, 683 N.W.2d 294 (Minn. 2004).

287 Ilya Somin, *Minnesota adopts law curbing asset forfeiture abuse*, Wash. Post (May 10, 2014), https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/05/10/minnesota-adopts-law-curbing-asset-forfeiture-abuse/?noredirect=on.

288 Minn. Sentencing Guidelines Comm'n, *Adopted Modifications to the Sentencing Guidelines and Commentary* (2016), https://mn.gov/msgc-stat/documents/2016%20Guidelines/August%202016%20Adopted%20Modifications.pdf.

289 Minn. Stat. Ann. § 299A.707.

290 Death Penalty Info. Ctr., *Minnesota*, https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/minnesota (last visited Aug. 17, 2020).

291 Minn. Dep't of Public Safety: Bureau of Criminal Apprehension, *Predatory Offender Search* https://por.state.mn.us/OffenderSearch.aspx (last visited Aug. 7, 2020).

292 Minn. Dep't of Health, *Hospital Treated Violence*, https://midas.web.health.state.mn.us/violence/index.cfm (select quarter; "State of Minnesota"; "self-directed violence"; then combine type of care, outcome, and gender) (last visited Aug. 7, 2020).

293 Minn. Dep't of Health, Mental Health in Minnesota 5 (2017), https://www.health.state.mn.us/communities/injury/pubs/documents/9.12.2017MentalHealthDataBrief.pdf.

294 *Id.*

295 Minn. Dep't of Health, Mental Health in Minnesota 8 (2017), https://www.health.state.mn.us/communities/injury/pubs/documents/9.12.2017MentalHealthDataBrief.pdf.

296 Ujamaa Place, http://www.ujamaaplace.org/about.html (last visited Aug. 7, 2020).

297 Minn. Employment & Econ. Dev., *Youth Build Program*, https://mn.gov/deed/programs-services/office-youth-development/youth-programs/youthbuild.jsp (last visited Aug. 7, 2020).

298 Fairview Health Servs., *Young Adult Mental Health Services*, https://www.fairview.org/overarching-care/behavioral-health-services/young-adult-mental-health-services (select Intensive Outpatient – Young Adult) (last visited Aug. 7, 2020).

299 Essentia Health, *Mental Health (Intensive Outpatient)*, https://www.essentiahealth.org/services/behavioral-mental-health-services/intensive-outpatient (last visited Aug. 7, 2020).

300 Minn. Recovery Connection, *Univ. of Minn. Behavioral Health Servs.*, https://minnesotarecovery.org/resources/u-of-m-behavioral-health-services (last visited Aug. 7, 2020).

301 Hazelden Betty Ford Foundation, *Alcohol & Drug Rehab for Teens & Young Adults in Plymouth, MN*, https://www.hazeldenbettyford.org/locations/plymouth (last visited Aug. 7, 2020).

302 See Ohio Dep't of Rehabilitation & Correction, ODRC Reports, https://drc.ohio.gov/reports.

303 See The Data Disconnect: Adult Criminal Justice Data in Ohio (2019), http://www.supremecourt.ohio.gov/Boards/Sentencing/resources/general/dataBrief.pdf.

304 United States Census Bureau, American Community Survey, Table S0101 (2018).

305 Ohio Dep't of Rehabilitation & Correction, Annual Commitment Reports, Calendar Years 2000-2018, *available at* https://drc.ohio.gov/reports/commitment.

306 Justice & Public Safety Systems, *Prison Population Hovers around 50,000 in Recent Years*, (2018), https://www.lsc.ohio.gov/documents/reference/current/ohiofacts/2018/JusticeandPublicSafetySystems.pdf (analyzing FBI arrest data).

307 Ohio Dep't of Public Safety, Office of Criminal Justice Servs., Ohio Criminal Justice Statistics 32 https://www.ocjs.ohio.gov/links/ocjs_Statistics.pdf.

308 *Id.* at 16.

309 Ohio Dep't of Rehabilitation & Correction, 2018 Recidivism Update, Table 7, https://drc.ohio.gov/reports/recidivism.

310 Children's Law Ctr., Inc., Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System (2012), https://static1.squarespace.com/static/571f750f4c2f858e510aa661/t/57d97b37d2b8578c2ccbe572/1473870660296/Falling-Through-The-Cracks-A-New-Look-at-Ohio-Youth-in-the-Adult-Criminal-Justice-System-May-2012.pdf.

311 Juvenile Justice Coalition, Bring Youth Home: Building on Ohio's Deincarceration Leadership (2015), http://jjohio.org/wp-content/uploads/2015/11/Bring-Youth-Home-Report-11.25.15.pdf. Despite these reforms for youth processed through the juvenile system, many young people are not able to benefit from them, as they are transferred to the adult system, often via the state's mandatory transfer provisions. In 2017, the Ohio Supreme Court upheld a state constitutional challenge to the state's mandatory transfer scheme. After initially agreeing that the mandatory transfer provisions violate children's due process protections, as they fail to allow for the individualized consideration of age and other characteristics required under *Roper*, *Graham*, and *Miller*, the Supreme Court granted reconsideration of that decision and concluded it had failed to consider the General Assembly's exclusive authority to define courts' jurisdiction. *See State v. Aalim*, 83 N.E.3d 883 (Ohio 2017).

312 Nat'l Conference of State Legislatures, *Justice Reinvestment: Ohio*, https://www.ncsl.org/research/civil-and-criminal-justice/justice-reinvestment-in-ohio.aspx (last visited Aug. 10, 2020).

313 See, e.g., Marty Schladen, *Ohio's prison population grows despite justice reform, studies find*, The Columbus Dispatch (Mar. 28, 2019), https://www.dispatch.com/news/20190328/ohios-prison-population-grows-despite-justice-reform-studies-find; Alliance for Safety and Justice, Building on Ohio's Sentencing Changes to Keep Prison Populations in Check (2019), https://allianceforsafetyandjustice.org/wp-content/uploads/2019/03/OhioReport-Booklet-FINAL_PREVIEW-PAGES.pdf; Frederick Butcher & Krystel Tossone, Impact of House Bill 86 & Sentencing-Related Legislation on the Incarcerated Population in Ohio (2018), https://case.edu/socialwork/begun/sites/case.edu.begun/files/2018-09/OCSC-Impact-of-House-Bill-86-7-2018_0.pdf.

314 The Sentencing Project, State-by-State Data, https://www.sentencingproject.org/the-facts/#map?dataset-option=SIR (using data from U.S. Dep't of Justice, Bureau of Justice Statistics 2017).

315 Brian Eschels, *Data & the Death Penalty*, 40 The Harbinger 147, 152 (2016), https://socialchangenyu.com/wp-content/uploads/2016/06/eschels-compliment-piece_clean-copy_6-14-16.pdf.

316 John Kelly, *Bridges, Ohio's Extended Foster Care Program, Is Underway*, The Chronicle of Social Change (Feb. 7, 2018), https://imprintnews.org/child-welfare-2/ohio-extended-foster-care-underway/29793.

317 Ohio.gov, Bridges: About, http://bridgestosuccess.jfs.ohio.gov/about/support-services/ (last visited Aug. 10, 2020).

318 Ohio Dep't of Job & Family Servs., Fact Sheet: Comprehensive Case Management & Employment Program (CCMEP), http://jfs.ohio.gov/factsheets/CCMEP-fact-sheet.stm.

319 Coalition on Homelessness & Housing in Ohio, Youth Initiative, https://cohhio.org/member-services/youth-initiative/ (last visited Aug. 10, 2020).

320 Lighthouse Youth & Family Services, https://www.lys.org/ (last visited Aug. 10, 2020).

321 U.S. Dep't of Housing & Urban Development, et al., Ending Youth Homelessness Guidebook Series: Promising Program Models 13 https://files.hudexchange.info/resources/documents/Ending-Youth-Homelessness-Promising-Program-Models.pdf.

322 Ohio Dep't of Mental Health & Addiction Servs., Teens & Young Adults, https://mha.ohio.gov/Families-Children-and-Adults/For-Teens-and-Young-Adults (last visited Aug. 10, 2020).

323 IHBT Ohio & Resiliency Ohio, Wraparound Ohio, https://www.wraparoundohio.org.

324 Ohio Family & Children First, ENGAGE Implementation Grant, https://www.fcf.ohio.gov/Initiatives/ENGAGE (last visited Aug. 10, 2020).

325 S.B. No. 182, 133rd Gen. Assemb., 2019-20, https://www.legislature.ohio.gov/legislation/legislation-committee-documents?id=GA133-SB-182; *see also* Susan Tebben, *Bipartisan Ohio Bill Seeks to Raise Age to Own Firearms to 21*, Ohio Capital Journal (Jan. 24, 2020), https://bgindependentmedia.org/bipartisan-ohio-bill-seeks-to-raise-age-to-own-firearms-to-21/.

326 Wis. Dep't of Corrections, Wisconsin Prison Point-in-Time Populations: 2000-2016, https://doc.wi.gov/DataResearch/InteractiveDashboards/DAIPointInTimeExecSum2000to2016.pdf.

327 Wis. Dep't of Corrections, DAI: Admissions to Prison Dashboard, https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx (last visited Aug. 10 2020). There was a very slight decrease in prison admissions in 2018, from 9,455 in 2017 to 9,244 in 2018.

328 Wis. Dep't of Corrections, Juvenile Corrections Population Data 1 (2018), https://doc.wi.gov/DataResearch/DataAndReports/DJC/DJCPopulationReport.pdf.

329 U.S. Census Bureau, American Community Survey, Table S0101 (2016).

330 Wis. Dep't of Corrections, Prison Admissions: 2000-2016 8 (2017), https://doc.wi.gov/DataResearch/InteractiveDashboards/DAIAdmissions2000to2016.pdf.

331 *Id.*

332 According to DOC data for 2018, 3,458 of 9,377 admissions were Black. Wis. Dep't of Corrections, DAI: Admissions to Prison Dashboard, https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx (last visited Aug. 10 2020).

333 Census data for 2018 show that 370,632 Wisconsin residents identify as Black, with an overall state population of 5,813,568. See U.S. Census Bureau, American Community Survey, Table DP05 (2018).

334 According to DOC data for 2018, 918 out of 1747 admissions for those in the 19 and under and 20-24 age ranges in 2018 were Black. Wis. Dep't of Corrections, DAI: Admissions to Prison Dashboard, https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx (last visited Aug. 10, 2020).

335 Census data for 2018 show that there are 98,808 Black Wisconsin residents ages 10 to 24, compared with an overall population in that same age range of 1,148,141. See U.S. Census Bureau, American Community Survey, Table DP05 (2018) (spreadsheet with specific calculations and details of data available upon request). Those age ranges were selected to be comparable to the Wisconsin DOC data, which have age categories of "20-24" and "19 and under"; there could be youth as young as age 10 included in the Wisconsin DOC data. See Wis. Dep't of Corrections, DAI: Admissions to Prison Dashboard, https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx (last visited Aug. 10, 2020).

336 According to Wisconsin DOC data, in 2019, 646 of the people admitted to prison at age 24 and under were white and 758 were Black. Wis. Dep't of Corrections, DAI: Admissions to Prison Dashboard, https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx (last visited Aug. 10, 2020).

337 Wisconsin DOC data for 2019 show 1509 total prison admissions in the under 19 and 20-24 age ranges, 787 of which are designated "violent" offenses. Wis. Dep't of Corrections, DAI: Admissions to Prison Dashboard, https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx (last visited Aug. 11, 2020); see also Wis. Dep't of Corrections, Wis. DOC Offense Categorization 2 & n. 1 https://doc.wi.gov/DataResearch/InteractiveDashboards/WisconsinDOCOffenseCategorization.pdf (defining "violent offense").

338 In 2019, there were 9,128 total prison admissions for all age ranges, of which 3,820 were "violent offenses." Wis. Dep't of Corrections, DAI: Admissions to Prison Dashboard, https://doc.wi.gov/Pages/DataResearch/PrisonAdmissions.aspx (last visited Aug. 11, 2020).

339 Wis. Dep't of Corrections, Reincarceration Rates 2 (2015), https://doc.wi.gov/DataResearch/InteractiveDashboards/ReincarcerationRates.pdf.

340 Marley, *supra* note 101.

341 For an in-depth analysis of Wisconsin's juvenile justice system, see Kids Forward, The Complex Maze of the Juvenile Justice System in Wisconsin and its Impact on Youth of Color (2018), http://kidsforward.org/assets/The-Complex-Maze-of-the-Juvenile-Justice-System.pdf.

342 Juvenile Justice Geography, Policy, Practice & Statistics, *available at* http://www.jjgps.org/jurisdictional-boundaries/wisconsin#transfer-trends. Developed by the National Center for Juvenile Justice (NCJJ), with funding from the John D. and Catherine T. MacArthur Foundation.

343 Wis. Council on Children & Families, Continuing Trends in Juvenile Justice in Wisconsin (2015), http://kidsforward.net/assets/juvenile-justice-report_10-15-15.pdf.

344 Kids Forward, *supra* note 341, at 4.

345 Wis. Dep't of Corrections, Racine Youthful Offender Correctional Facility (2019), https://doc.wi.gov/DataResearch/DataAndReports/RYOCFInstitutionalFactSheet.pdf; Wis. Dep't of Corrections, Prison Admissions: 2000-2016 4 (2017), https://doc.wi.gov/DataResearch/InteractiveDashboards/DAIAdmissions2000to2016.pdf.

346 Wis. Dep't of Children & Families, Independent Living Program Eligibility (2019), https://dcf.wisconsin.gov/files/cwportal/il/pdf/il-eligibility.pdf.

347 Pathfinders, Our Services, http://pathfindersmke.org/services/supportive-housing (last visited Aug. 11, 2020).

348 Lutheran Soc. Servs. Of Wis. & Upper Mich., Housing Programs, https://www.lsswis.org/LSS/Programs-Services/Housing-Homelessness/Teen-Runaway-Homlessness-Programs/Welcome-Home-Transitional-Living-Programs (last visited Aug. 11, 2020).

349 Henry J. Kaiser Family Foundation, *Status of State Medicaid Expansion Decisions: Interactive Map* (2020), https://www.kff.org/medicaid/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map/.

350 Henry J. Kaiser Foundation, *Uninsured Rates for the Nonelderly by Age* (2018), https://www.kff.org/uninsured/state-indicator/rate-by-age/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Adults%2019-64%22,%22sort%22:%22desc%22%7D.

351 Wis. Council on Children & Families, Meeting the Mental Health Needs of Wisconsin's Children (2016), http://kidsforward.net/assets/2_-Mental_Health_Needs_Children.pdf; Mental Health America, Prevention and Early Intervention B4Stage4: The State of Mental Health in America (2016), http://www.mentalhealthamerica.net/sites/default/files/2016%20MH%20in%20America%20FINAL.pdf.

352 Wis. Dep't of Health Servs., Wraparound Milwaukee, https://www.dhs.wisconsin.gov/medicaid/wam.htm (last visited Aug. 11, 2020).

353 Wis. Dep't of Health Servs., Children Come First, https://www.dhs.wisconsin.gov/medicaid/ccf.htm (last visited Aug. 11, 2020).

354 *Office of Violence Prevention teams up with hospitals to combat gun violence in Milwaukee*, Fox6 News (Apr. 4, 2019), https://fox6now.com/2019/04/04/office-of-violence-prevention-teams-up-with-hospitals-to-combat-gun-violence-in-milwaukee/.

355 Cure Violence Global, http://cureviolence.org/ (last visited Aug. 11, 2020).

APPENDIX A: Great Lakes Region State Comparison Charts

JUVENILE COURT JURISDICTIONAL BOUNDARIES

		Jurisdictional Limits for Purposes of Adjudication/Prosecution		Jurisdictional Limits for Purposes of Disposition/Sentence	
STATE	**AGE RANGE***	**MANDATORY TRANSFER**	**DISCRETIONARY TRANSFER**	**EXTENDED AGE IN JUVENILE SYSTEM**	**BLENDED SENTENCING OPTIONS****
Illinois	Under 18	Juvenile court has no jurisdiction over youth age 16 or older charged with certain serious offenses. 705 Ill. Comp. Stat. Ann. § 405/5-130 (West 2016).	The juvenile judge has discretion to transfer a youth who is at least 13 years old who has committed any crime to adult court if there is probable cause to believe allegations and it is not in best interest of the public to proceed in juvenile court. 705 Ill. Comp. Stat. Ann. § 405/5-805 (West 2016). There is a rebuttable presumption that youth are unfit to be dealt with in juvenile court if the youth is at least 15- years-old, has committed a forcible felony, has a previous adjudication or conviction for a forcible felony, the act was committed in furtherance of criminal activity by an organized gang, and the judge believes there is probable cause to believe the allegations are true. 705 Ill. Comp. Stat. Ann. § 405/5-805 (West 2016).	Juvenile court commitments can extend until a youth reaches age 21. 705 Ill. Comp. Stat. Ann. § 405/5-750 (West 2014). Youth designated a "Habitual Juvenile Offender" or a "Violent Juvenile Offender" must be committed through the juvenile system until they reach age 21. 705 Ill. Comp. Stat. Ann. §§ 405/5-815, 405/5-820 (West 2014).	In any case involving a youth age 13 or older alleged to have committed an offense that would be a felony if committed by an adult, the prosecutor may petition the juvenile judge to designate the proceeding an "extended jurisdiction juvenile proceeding." Proceedings so designated have different procedures, including the right to trial by jury. If the youth is found guilty, the juvenile court must impose both a juvenile sentence and an adult criminal sentence. The adult sentence is stayed unless the youth violates the provisions of the juvenile sentence. 705 Ill. Comp. Stat. Ann. § 405/5-810 (West 2016).

JUVENILE COURT JURISDICTIONAL BOUNDARIES

		Jurisdictional Limits for Purposes of Adjudication/Prosecution		Jurisdictional Limits for Purposes of Disposition/Sentence	
STATE	**AGE RANGE***	**MANDATORY TRANSFER**	**DISCRETIONARY TRANSFER**	**EXTENDED AGE IN JUVENILE SYSTEM**	**BLENDED SENTENCING OPTIONS****
Indiana	Under 18	Juvenile court has no jurisdiction over youth age 16 or older charged with certain serious offenses. Ind. Code Ann. § 31-30-1-4 (West 2016). The juvenile court must waive jurisdiction over a case in which a juvenile of any age is charged with a felony and has previously been convicted of a felony or a non-traffic misdemeanor. Ind. Code Ann. § 31-30-3-6 (West).	The juvenile court can waive its jurisdiction for youth at least 14 years of age charged with certain felonies, youth at least 16 years of age charged with felony violation of controlled substances, youth at least 12 years of age charged with murder, and youth at least 16 years of age charged with involuntary manslaughter or reckless homicide as a Level 5 felony. Ind. Code Ann. §§ 31-30-3-2, 31-30-3-3, 31-30-3-4, 31-30-3-5 (West).	Juvenile court jurisdiction over a delinquent child can continue until the child turns 21. Ind. Code Ann. § 31-30-2-1 (West 2016).	Juvenile judges can order juveniles that have been adjudicated delinquent to the custody of the Department of Corrections which handles adults and juveniles. Ind. Code Ann. §§ 31-37-19-9; 31-37-19-10 (West 2014). Criminal court can impose an adult criminal sentence or suspend the criminal sentence and order the offender into the custody of the Indiana Department of Corrections but placed in the juvenile facility of the division of youth services pending successful participation and completion. Ind. Code Ann. § 31-30-4-2 (West 2014).

JUVENILE COURT JURISDICTIONAL BOUNDARIES

		Jurisdictional Limits for Purposes of Adjudication/Prosecution		Jurisdictional Limits for Purposes of Disposition/Sentence	
STATE	**AGE RANGE***	**MANDATORY TRANSFER**	**DISCRETIONARY TRANSFER**	**EXTENDED AGE IN JUVENILE SYSTEM**	**BLENDED SENTENCING OPTIONS****
Michigan	Under 18 (beginning in 2021)	If a youth has previously been tried in adult criminal court, the juvenile court must waive jurisdiction if the youth is alleged to have committed an offense that would be a felony if committed by an adult. Mich. Comp. Laws Ann. § 712A.4(5) (West).	The juvenile court can waive jurisdiction over any youth age 14 or older accused of committing an act that would be a felony if committed by an adult, if the court determines that waiver is in the best interests of the youth and the public. Mich. Comp. Laws Ann. § 712A.4 (West). If a youth between the ages of 14 and 17 is alleged to have committed a "specified juvenile violation" – offenses that include weapons charges and other more serious offenses – the prosecutor may bring the charges in adult criminal court. Mich. Comp. Laws Ann. §§ 764.1f; 712A.2(a)(1) (West).	The juvenile court can retain jurisdiction over youth until age 21. Mich. Comp. Laws Ann. §§ 712A.2, 712A.2a (West 2015).	Both the prosecutor and the juvenile court have the ability, under certain circumstances, to designate a case as "a case in which the juvenile is to be tried in the same manner as an adult" – meaning that standard criminal due process protections are used in juvenile court and an adult sentence may be imposed. Mich. Comp. Laws Ann. § 712A.2d(1), (2) (West). If a case is so designated, then the juvenile court may impose a juvenile disposition or, if "the best interests of the public would be served," an adult sentence. The court may also order a juvenile disposition and delay imposition of the adult sentence, placing the juvenile on probation during the period of the juvenile disposition. Mich. Comp. Laws Ann. § 712A.18(1)(m). For youth tried in adult criminal court, adult sentences are imposed for most offenses. For some offenses, the criminal court can impose a juvenile sentence if it finds that "the best interests of the public would be served" by a juvenile commitment, taking into account a number of specified factors. Mich. Comp. Laws Ann. § 769.1 (West).

JUVENILE COURT JURISDICTIONAL BOUNDARIES

		Jurisdictional Limits for Purposes of Adjudication/Prosecution		Jurisdictional Limits for Purposes of Disposition/Sentence	
STATE	**AGE RANGE***	**MANDATORY TRANSFER**	**DISCRETIONARY TRANSFER**	**EXTENDED AGE IN JUVENILE SYSTEM**	**BLENDED SENTENCING OPTIONS****
Minnesota	At least 10; younger than 18	The definition of "delinquent" does not include a child at least 16 years of age charged with first-degree murder. MINN. STAT. ANN. § 260B.007 (West 2015). The juvenile court must certify a case to adult court in any case where the prosecutor shows the child accused of a felony was previously certified and then convicted of either the offense that caused the certification or a lesser included offense that constituted a felony. MINN. STAT. ANN. § 260B.125 (West 2011).	The juvenile court can certify a case to adult court when a child age 14 or over is charged with an offense that would be a felony if committed by an adult. MINN. STAT. § 260B.125 (West 2011). There is a presumption that a trial in adult court is more appropriate for a 16- or 17-year-old who is accused of an offense that would result in presumptive commitment to prison (generally violent or other repeated serious offenses) or any felony committed while using firearm. The child has the burden to rebut the presumption with clear and convincing evidence that retaining the case in juvenile court serves public safety. MINN. STAT. § 260B.125 (West 2011).	Standard juvenile court jurisdiction can extend until a youth's 19th birthday if the court determines it is in the best interest of the youth. Juvenile court jurisdiction over youth designated "extended jurisdiction juveniles" and over youth who abscond or fail to appear in court can continue until the youth turns 21. MINN. STAT. § 260B.193(5) (West).	Children between 14 and 17 years old who commit felony-level offenses and are subject to adult certification, but who the prosecutor or court believe would be more aptly treated by the juvenile court, are designated extended jurisdiction juveniles ("EJJ"). Conviction for the offense results in both a juvenile court sentence and a stayed adult court sentence. MINN. STAT. § 260B.130 (West 2010).

JUVENILE COURT JURISDICTIONAL BOUNDARIES

		Jurisdictional Limits for Purposes of Adjudication/Prosecution		Jurisdictional Limits for Purposes of Disposition/Sentence	
STATE	**AGE RANGE***	**MANDATORY TRANSFER**	**DISCRETIONARY TRANSFER**	**EXTENDED AGE IN JUVENILE SYSTEM**	**BLENDED SENTENCING OPTIONS****
Ohio	Under 18	Juvenile court has no jurisdiction over youth age 16 or older charged with certain serious offenses or youth ages 14/15 at the time of the offense and previously adjudicated delinquent for a serious offense. Ohio Rev. Code §§ 2152.10(A); 2152.12(A)(1)(a), (b) (West 2016). A child previously tried and convicted as an adult is no longer considered a child and must be transferred to adult criminal court, unless a serious youthful offender dispositional sentence is imposed and the adult portion of the sentence is not invoked. Ohio Rev. Code Ann. §§ 2152.10(A)(3), 2152.12(A)(2), 2152.02(C)(5) (West 2016).	A child alleged to have committed a felony at age 14 or older is eligible for discretionary transfer. Ohio Rev. Code Ann. § 2152.10 (West).	The juvenile court can retain jurisdiction until age 21 over a person adjudicated to be an "unruly child" before the age of 18. Ohio Rev. Code Ann. § 2151.011(B)(6) (West 2017).	The "Serious Youthful Offender" (SYO) statute allows – or in some cases requires – the juvenile court to impose a blended sentence (referred to as a "serious youthful offender dispositional sentence") on a youth who was under age 18 at the time of the offense. Ohio Rev. Code Ann. § 2152.13 (West 2011).

JUVENILE COURT JURISDICTIONAL BOUNDARIES

		Jurisdictional Limits for Purposes of Adjudication/Prosecution		Jurisdictional Limits for Purposes of Disposition/Sentence	
STATE	**AGE RANGE***	**MANDATORY TRANSFER**	**DISCRETIONARY TRANSFER**	**EXTENDED AGE IN JUVENILE SYSTEM**	**BLENDED SENTENCING OPTIONS****
Wisconsin	10 to 16	Juvenile court has no jurisdiction over youth age 10 or older charged with intentional or reckless homicide or any youth age 10 or older with a prior delinquency adjudication charged with assault or battery against an officer, employee, or inmate while in a secured facility. Wis. Stat. Ann. § 938.183 (West 2016). A youth who has been previously tried and sentenced as an adult is considered an adult for any future prosecutions. Wis. Stat. Ann. § 938.183(1)(b), (c) (West 2016).	Wisconsin permits discretionary transfer for any youth age 15 or older charged with a violation of state criminal law, and for any youth age 14 or older charged with commission of one of the following: felony murder; second-degree assault; sexual assault; taking hostages; kidnapping; armed robbery; armed burglary; manufactured, distributed, or delivered controlled substances; or commission of an act at bequest of a gang. Wis. Stat. Ann. § 938.18 (West 2018).	Juvenile court jurisdiction can extend up through age 24 if the youth was adjudicated delinquent for committing an act that would be a Class A felony and was designated a "Serious Juvenile Offender" ("SJO"). Wis. Stat. Ann. § 938.355 (West 2019).	Under a blended sentencing provision, the criminal court also has jurisdiction to impose juvenile dispositions and adjudicate a juvenile delinquent, if the juvenile demonstrates by clear and convincing evidence that "it would be in the best interests of the juvenile and of the public." Wis. Stat. Ann. § 938.183(1m)(2)-(3) (West 2016).

* These age ranges are inclusive of the ages listed. For example, a range from 13 to 17 means juvenile court jurisdiction continues until the youth's 18th birthday.

** This does not include provisions permitting criminal courts to impose juvenile dispositions when a youth is acquitted of the charges permitting or necessitating prosecution in adult criminal court.

MANDATORY MINIMUM SENTENCING SCHEMES				
STATE	**GUN OFFENSES**	**HOMICIDE OFFENSES**	**OTHER SERIOUS OFFENSES**	**DRUG OFFENSES**
Illinois	Mandatory minimum sentences range from none to 12 years depending on the offender's conduct. 720 Ill. Comp. Stat. Ann. §§ 5/24-1.1, et seq., 730 Ill. Comp. Stat. Ann. §§ 5/5-4.5-35, et seq. (West)	Illinois mandates 20 years to life for first-degree murder and 4 to 20 years for second-degree murder. 730 Ill. Comp. Stat. Ann. §§ 5/5-4.5-20; 5/5-8-1; 5/5-4.5-30; 5/5-4.5-40 (West)	Mandatory minimum sentences for offenses such as aggravated assault, kidnapping, armed robbery, and aggravated arson range from none to 6 years. Some of these offenses carry an additional 15 to 25 years if the offender is armed with a firearm, discharges a firearm, or discharges causing great bodily harm. 730 Ill. Comp. Stat. Ann. §§ 5/5-4.5-20 et seq. (West 2020)	Mandatory minimum sentences range from 6 to 15 years depending on the quantity and type of drugs. 720 Ill. Comp. Stat. Ann. §§ 570/401, et seq. (West)
Indiana	Minimum sentences range between 180 days and 3 years depending on various factors such as the offender's conduct, whether the firearm was used to commit murder, and the offender's conviction record. Ind. Code Ann. §§ 35-47-4-1, et seq.; 35-47-2-1, et seq.; 35-50-3-2, et seq.; 35-50-2-1 (West)	Minimum sentence of 45 years for murder with the advisory sentence being 55. Ind. Code § 35-50-2-3. The minimum sentences for voluntary and involuntary manslaughter are 10 years and one year, respectively. Ind. Code Ann. §§ 35-42-1-3; 35-42-1-4; 35-50-2-1 (West)	Minimum sentences range between six months and 20 years depending on the offender's conduct and whether there is serious bodily injury or death. Ind. Code Ann. §§ 35-42-2-1, et seq.; 35-42-5-1; 35-50-2-1 (West)	Minimum sentences range from six months to ten years depending on the quantity and type of drugs. Ind. Code Ann. §§ 35-48-4-1 et seq.; 35-50-2-1 (West)
Michigan	No minimums	No minimums	No minimums	No minimums
Minnesota	Minimum sentences range between 3 to 5 years depending on the offender's conduct. Minn. Stat. Ann. § 609.11. (West 2019)	Minnesota mandates life imprisonment for first-degree murder. Minn. Stat. Ann. §§ 609.106; 609.11 (West)	Minimum sentences range between six months and 5 years depending on the offender's conduct. Minn. Stat. Ann. §§ 609.582; 609.11 (West)	Minimum sentences range between 1 year and just over 7 years depending on the type and quantity of the substance. Minn. Stat. Ann. §§ 152.021; 152.022; 609.11 (West)
Ohio	Minimum sentence ranges from no minimum to 11 years depending on the offender's conduct. Ohio Rev. Code Ann. § 2929.13 (West)	Life or death sentences for aggravated murder or 15 years to life for murder. Ohio Rev. Code Ann. § 2929.02 (West)	Minimum sentence ranges from no minimum to 11 years depending on the offender's conduct. Ohio Rev. Code Ann. § 2929.13 (West)	Minimum sentence ranges from no minimum to 11 years in prison depending on the quantity and type of drugs. Ohio Rev. Code Ann. §§ 2925.02, et. seq.; 2925.11; 2929.13 (West)

MANDATORY MINIMUM SENTENCING SCHEMES

STATE	GUN OFFENSES	HOMICIDE OFFENSES	OTHER SERIOUS OFFENSES	DRUG OFFENSES
Wisconsin	A repeat firearm violation can result in a sentence of at least 4 years. Wis. Stat. Ann. § 939.6195 (West 2018).	First-degree intentional homicide carries a sentence of life imprisonment. Wis. Stat. Ann. §§ 939.50; 940.01 (West).	Mandatory minimum for certain child sex offenses can be as high as 25 years depending on the age of the child, the age of the offender, and the offender's conduct. Wis. Stat. Ann. §§ 939.16; 948.02; 948.025 (West). Repeat offenders of serious violent crimes must be sentenced to at least five years. Wis. Stat. Ann. § 939.619 (West 2018). Repeat felony violations carry a mandatory minimum of between 18 months and 5 years depending on the class of felony. Wis. Stat. Ann. § 973.12 (West 2018)	No minimums

DEATH PENALTY

Illinois	No. Following a 10-year moratorium, Illinois became the 16th state to abolish the death penalty in 2011. The state has had 21 exonerations from death row; the second highest for any state. Death Penalty Info. Ctr., Illinois, https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/illinois (last visited Aug. 17, 2020).
Indiana	Yes. The state can seek a death sentence for a variety of offenses including felony murder. Ind. Code. Ann. § 35-50-2-9 (West 2016).
Michigan	No. Michigan abolished the death penalty in 1847 for all crimes except treason, and later abolished capital punishment entirely in 1962. Death Penalty Info. Ctr., Michigan, https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/michigan (last visited Aug. 17, 2020).
Minnesota	No. The state legislature eliminated the death penalty in 1911. Death Penalty Info. Ctr., Minnesota, https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/minnesota (last visited Aug. 17, 2020).
Ohio	Yes. The state can impose the death penalty for certain murder offenses, including felony murder. Ohio Rev. Code Ann. §§ 2929.02-2929.04 (West).
Wisconsin	No. In 1853, Wisconsin became the first state to abolish the death penalty for all crimes. Death Penalty Info. Ctr., Wisconsin, https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/wisconsin (last visited Aug. 17, 2020).

CHILD WELFARE SYSTEM

Illinois	Youth in Illinois can continue to receive child welfare services through age 21. The Department of Children & Family Services must provide or authorize services with the goal of assisting youth to achieve sustainable self-sufficiency and independence. Youth receive a case manager who helps them design an agreement identifying what services must be provided and how the youth can increase skills to become self-sufficient. 20 Ill. Comp. Stat. Ann. § 505/5 (n-1) (West 2019).
Indiana	Indiana allows older youth between the ages of 18 and 21 to continue receiving services so long as the individual is employed, attending school or a vocational program, participating in a program or activity to promote employment, or unable to do any of these activities due to a medical condition. Ind. Code Ann. § 31-28-5.8-5 (West 2019). Indiana also offers extended foster care to youth involved in the juvenile justice system. Ind. Dep't of Child Servs., Child Welfare Policy Manual Ch. 11, § 2 (2020), https://www.in.gov/dcs/files/Child_Welfare_Policy_Manual.pdf.
Michigan	Michigan allows youth in the child welfare system at age 18 to continue to receive child welfare services up to age 21 so long as they meet one of the federal categories for eligibility (in school or a vocational training program, working at least 80 hours per month, or unable to do these activities due to a medical condition). Mich. Comp. Laws Ann. §§ 400.647, 400.649 (West 2011).
Minnesota	Minnesota allows youth in the child welfare system at age 18 to continue to receive child welfare services up to age 21 so long as they meet one of the federal categories for eligibility (in school or a vocational training program, working at least 80 hours per month, or unable to do these activities due to a medical condition). Minn. Stat. Ann. § 260C.451(3) (West 2017).
Ohio	Since 2018, Ohio has allowed any young person who was in the foster care system at age 18 and meets one of the federal categories for eligibility (in school or a vocational training program, working at least 80 hours per month, or unable to do these activities due to a disability) to continue to receive child welfare services up to age 21. Ohio Rev. Code Ann. § 5101.1411 (West 2019).
Wisconsin	Wisconsin allows youth in the child welfare system to remain in care beyond age 18 for the purpose of providing stability while the young person finishes secondary school. Young people still in high school or vocational school can remain in care until graduating or turning 19, whichever is sooner. If the youth has an IEP, they can remain in care until age 21. Wis. Stat. Ann. §48.366 (West 2016).

YOUTHFUL OFFENDER PROGRAMS FOR EMERGING ADULTS

STATE	STATUTORY YOUTHFUL OFFENDER PROVISIONS	SUMMARY OF STATUTORY PROVISIONS	EXAMPLES OF NON-STATUTORY YOUTHFUL OFFENDER PROGRAMS OR COURTS
Illinois	First Time Weapon Offender Program 730 Ill. Comp. Stat. Ann. § 5/5-6-3.6 (West 2018)	A court, with consent from the defendant and prosecutor, can sentence an individual under the age of 21 charged with an unlawful use of weapons offense or aggravated unlawful use of a weapon offense to a First Time Weapon Offender Program. Completion of the program will result in a discharge and dismissal of the underlying offense.	The Restorative Justice Community Court, a pilot project of the Cook County Circuit Court, opened in North Lawndale, Illinois in 2017 to serve 18-26-year-olds charged with nonviolent felonies and misdemeanors. Defendants are required to take accountability for their actions and then work with victims or the community to create an agreement focused on restitution, community service and/or letters of apology. Sheriff's Anti-Violence Effort (SAVE) serves incarcerated emerging adults. Individuals between 18 and 24 live in an open-dorm setting away from the general population and participate in class or therapy between 6 and 8 hours a day. All participants are currently awaiting trial or sentencing for felonies. While this program cannot be ordered by the court, participants can receive "program credit" which a judge can consider during sentencing.
Indiana	Boot camp Program Ind. Code §§ 11-14-1-5, 11-14-2-5 (West 2011)	Judges have discretion to order youth under the age of 21 to spend part of their incarceration sentence in a boot camp program. The final decision rests with the Department of Correction to accept youth into the program and spots are typically reserved for youth under age 21 accused of sex offenses or with intense medical needs	The Marion County Diversion Program is a partnership among Marion County, the National League of Cities, the National Association of Counties, and the National Conference of State Legislatures to work toward reducing the use of jails for young adults. The county participated in the Intergovernmental Policy Academy in 2018 to develop a 12-month plan to align policies at the city, county and state levels to reduce the number of young adults in jails.

YOUTHFUL OFFENDER PROGRAMS FOR EMERGING ADULTS

STATE	STATUTORY YOUTHFUL OFFENDER PROVISIONS	SUMMARY OF STATUTORY PROVISIONS	EXAMPLES OF NON-STATUTORY YOUTHFUL OFFENDER PROGRAMS OR COURTS
Michigan	Holmes Youthful Trainee Act Mich. Comp. Laws Ann. §§ 762.11-762.16 (West 2015)	The HYTA allows individuals between 17 and 24 years of age who have pleaded guilty to a criminal offense, to receive no more than two years in prison and have their cases processed without a conviction if they satisfy the conditions imposed by a judge. Mich. Comp. Laws Ann. §§ 762.11-762.16 (West 2015). Although a guilty plea is required, the court does not enter a judgment of conviction and state police records become closed to the public, but still open to courts, law enforcement, and family agencies. Prosecutor's consent is required if the offense was committed on or after the youth's 21st birthday, but before their 24th birthday	Kalamazoo County has created a Young Adult Diversion Court for young adults on probation between the ages of 17 and 20 who have been sentenced to minor offenses such as possession of marijuana, possession of alcohol, retail fraud, and malicious destruction of property. Probation officers or sentencing judges can refer youth to this court who are struggling with probation requirements to receive more support and intensive case management. Graduates of the program are discharged from probation and have their charge dismissed.
Minnesota	None identified	N/A	None identified
Ohio	None identified	N/A	None identified
Wisconsin	None identified	N/A	Wisconsin has one correctional facility specifically for young adults – the Racine Youthful Offender Correctional Facility. As of 2016, it housed almost 1,700 young people, 37% of whom had been diagnosed with a mental illness and was essentially at capacity.

APPENDIX B:
Examples Of Youthful Offender Statutes For Emerging Adults Outside Of The Great Lakes Region

YOUTHFUL OFFENDER STATUTES FOR EMERGING ADULTS OUTSIDE OF THE GREAT LAKES REGION

STATE	YOUTHFUL OFFENDER PROVISION	SUMMARY OF PROVISIONS
Alabama	Ala. Code §§ 15-19-1, et seq. (West)	Applies to youth charged with a crime before the age of 21. Statements, confessions, or admissions made by youthful offenders during the investigation cannot be used as evidence against them; however, these statements can be used during sentencing. Fingerprints and other records cannot be open to the public unless the youth is a sex offender and a disposition does not disqualify the youthful offender from public office or public employment. The maximum incarceration time, even for certain felonies, is reduced to 3 years under this statute.
California	Cal. Penal Code Ann. §§ 3051, 3051.1 (West 2020)	Allows parole consideration for youth who were 25 years or younger at the time of their crimes and sentenced to a long determinate sentence or life imprisonment.
Colorado	Colo. Rev. Stat. Ann. §§ 18-1.3-407, 18-1.3-407.5 (West 2017)	Allows for sentencing of young adults 24-years-old or younger between two and six years for certain felony convictions.
Florida	Fla. Stat. Ann. §§ 958.011 through 958.15 (West)	Applies to youth under the age of 21 at the time of sentencing who have been adjudicated guilty or plead no contest to a felony.
Georgia	Ga. Code Ann. §§ 42-7-2 (West)	Applies to youthful offenders between ages 17 and 25-years-old at the time of conviction whom the Department believes have the "potential and desire for rehabilitation." Youth receive treatment through training schools, hospitals, farms, and other vocational training facilities.
New Jersey	N.J. Stat. Ann. §§ 52:17B-183, 52:17b-186 (West)	Youth up to age 26 are eligible to be placed in correctional facilities for youth, and young people who commit certain drug offenses before age 21 are eligible for expungement. "Young adult offender" is defined as a person between ages 18 and 30 who has been convicted of a crime other than enumerated serious offenses.
New York	N.Y. Crim. Proc. Law §§ 720.10, et seq. (McKinney 2006)	Youth at least 16 and under 19 at the time of their offense are generally eligible for youthful offender status if they have no prior felony convictions and have never been tried as a youthful offender before. A youthful offender record is not considered a criminal record and is kept confidential.

YOUTHFUL OFFENDER STATUTES FOR EMERGING ADULTS OUTSIDE OF THE GREAT LAKES REGION

STATE	YOUTHFUL OFFENDER PROVISION	SUMMARY OF PROVISIONS
South Carolina	S.C. Code Ann. § 24-19-10 (2016)	This statute generally applies to youth up to 25 years of age at the time of their conviction. "Youthful offender" is defined as youth between 17 and 25 convicted of a non-violent misdemeanor, certain youth under 17, and youth between 17 and 21 convicted of second-degree burglary.
U.S. Virgin Islands	V.I. Code Ann. tit. 5, § 3712	Youthful offenders are placed in minimum security institutions such as training schools, hospitals, farms, and other vocational training facilities. Segregation of the youthful offenders within these facilities is based on their needs for treatment.
Vermont	Vt. Stat. Ann. tit. 33, §§ 5280, 5281, 5287 (West)	Allows for probation for any offense committed by a youth prior to reaching age 21, the individual has no prior conviction, and expungement after 5 years. Expungement is conditional upon compliance with probation terms and a lack of subsequent convictions carrying a sentence of more than 6 months imprisonment.
Virginia	Va. Code Ann. § 19.2-311 (West)	Allows youthful offender status to youth who were at least 12 but not yet 22 at the time of their offense. Successful discharge from probation allows all records from the criminal court to be expunged and all records from the family court to be sealed. Convicted youth who committed an offense other than certain serious offenses before turning 21 are eligible for "indeterminate sentencing." The judge must consider the youth "capable of returning to society as a productive citizen following a reasonable amount of rehabilitation."

www.JLC.org

Juvenile Law Center @JuvLaw1975