

REMARKS

OF

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AT THE

CATCHING UP WITH SCIENCE:
A FORUM ON TRANSITION-AGED YOUTH
IN THE CRIMINAL JUSTICE SYSTEM

ON

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Thank you very much, Jeremy. It's great to be back at John Jay College. As I've said before, this is where so many of the best ideas in criminal justice germinate. I'm grateful to Jeremy and his colleagues and to the City of New York for hosting this conference, and I'm very pleased to see so many practitioners here with an interest in re-thinking our approach to young adults in the justice system.

This is an issue of great interest and concern to me personally, and to the Office of Justice Programs generally. In fact, I want to take just a moment to introduce my policy advisor, Brent Cohen. Brent, would you stand up? Brent comes to OJP, by way of the White House Fellows Program, from the New York City Department of Probation, where he worked on both adult and juvenile criminal justice issues and helped implement the "Close to Home" legislation realigning the state's juvenile justice system.

One of Brent's primary responsibilities at OJP is to make sure that our policies and programs incorporate developmentally-appropriate responses to justice-involved young adults. Having someone with his experience and expertise at OJP is critical, because I think it's time we stop thinking in binary terms about our justice system – kids versus adults – and recognize that we have to deal with youth and young adults on a developmental continuum.

Of course, this begins by aligning our policies with the latest science. We've seen a remarkable shift in our discussion about the goals of our juvenile justice system, based on research in developmental psychology and neurobiology. Put simply, we've learned that young people have different cognitive equipment from adults and that it makes a profound difference not only in terms of predilections for delinquent behavior, but also in terms of one's capacity for individual reform.

In several important decisions over the last decade, the Supreme Court has drawn significant distinctions between juvenile and adult defendants that recognize important differences in development and behavior. The research on which those decisions were based shows that young people, even into their 20s, don't have the same capacity for impulse control as older adults and are more susceptible to negative peer influences.

In addition – and this is critical – we know from studies out of our Office of Juvenile Justice and Delinquency Prevention that youthful delinquent behavior does not naturally evolve into adult criminality. In fact, quite the opposite. The landmark Pathways to Desistance study followed more than 1,300 adjudicated youth for seven years and found that the vast majority of juveniles who offend – even those who commit serious crimes – grow out of antisocial activity as they enter adulthood.

By using developmentally-appropriate responses to hold young people accountable – reserving detention or incarceration only for the most serious cases and relying on evidence-based approaches – we have a better opportunity to reduce future criminal activity while helping to rebuild young lives.

Needless to say, this is an enormously positive development in juvenile justice reform because it means we now finally have a blueprint for doing what the juvenile justice system was always intended to do – change behavior and help our kids get on a healthy and productive path. Reforms built on this knowledge are underway in states and communities across the country, and my office is supporting some of these efforts.

There's no doubt we're making progress toward improving the way our justice and human service systems respond to youth. But as a nation, we haven't gone far enough. Even if we make the necessary adjustments in our responses to children and teens, we're still missing a large and important group – from a public safety standpoint, a very important group – young adults, or what you are calling transition-aged youth.

We've all been conditioned to think of the transition from childhood to adulthood in legal terms – as a fixed age that, curiously, changes depending on which state you live in. Whether that age is 16, 17, or 18, it's an arbitrary number, based on past cultural norms, not on science. Of course, we know that 18 – or 17 or 16 – is not a hard-stop for development. Far from it. Changes take place in different parts of the brain at different times, often going well beyond the so-called “age of majority.” So, for example, the area of the brain that controls pleasure-seeking typically develops earlier than the area responsible for governing impulse control and decision-making.

The result is that young adults are often over-motivated by reward-seeking behavior, more susceptible to peer pressure, and more prone to risk-taking and impulsive acts. And, as I mentioned earlier, this process of development goes on, in many cases, well into the 20s, at which point most young people who've committed crimes begin to age out of criminal behavior.

Two factors impede that natural aging-out process – trauma experienced at a young age and youthful incarceration, both of which can profoundly alter and delay brain development. This means that a response focused solely on punishment is misdirected.

It also means that we have a significant opportunity, even after the teenage years, to exert a positive influence and reduce future criminality. While the brain is always somewhat malleable to change and growth – after all, it's how we learn anything new even as we get older – the rapid brain development that occurs in the late teens and early twenties provides us with an opening to promote positive growth and significantly influence future behavior. Some have even likened this period of development to the very earliest years – zero to age three – in terms of importance.

The question is, how do we make sure we're not squandering this opportunity?

I believe the first step is to limit the contact that these young adults have with the system, particularly at the post-arrest stage. I understand that, here in New York City, the Department of Probation diverts nearly 40 percent of juvenile arrests from formal court processing, and that 90 percent successfully complete their period of diversion. That's a success rate we should try to emulate!

We're seeing innovations being taken with young adults in other pockets of the country. For example, Douglas County, Nebraska operates a young adult court with a dedicated judge and probation staff that works with 18 to 24 year-olds who've been charged with certain felonies. After they complete an intensive program, they can have their charges lowered from felonies to misdemeanors.

In San Francisco, the probation department has separate caseloads for young adults, and they have a charter school on-site in three locations so that probation clients can work towards their high school diploma while earning time off – and we know education is key to successful reintegration. San Francisco also received funding for a young adult court of its own.

So we're seeing a number of very positive steps being taken across the country to address the often overlooked needs of this group.

We also need to be consistent, from a scientific perspective, in the way we apply sanctions. For all the opportunity that this age group presents, they also present significant challenges to justice professionals. Young adults are disproportionately likely to be involved in violent acts, and disproportionately likely to be victims of violence. This is even more reason to embrace and act upon the science – because the stakes are so very high.

An adolescent or young adult who jumps a turnstyle or steals a smartphone may be acting from the same governing impulse as someone who commits a robbery or an assault. That doesn't mean the more violent crime doesn't deserve greater accountability – including possible detention – but if our goal is to deter future crime, then we have to consider whether our responses are facilitating the aging-out process or simply perpetuating a cycle of criminal behavior.

In short, we can't treat young adults who commit less serious crimes like youth, then turn around and treat young adults charged with more serious offenses as fully developed adults. We need tailored responses that reflect the needs of a population in the midst of major cognitive and emotional transition.

At least two statewide corrections systems are moving in this direction. Maine and Pennsylvania have both established special prison facilities for young adults that provide age-appropriate rehabilitation, including cognitive-behavioral therapy, life skills training, and education and job-training services.

Developing these responses is not an easy task. It requires individual assessments of risk. It requires justice practitioners – judges, prosecutors, law enforcement officials – willing to heed the lessons of science. And it requires a justice system that sees beyond punishment and offers the hope of redemption, because the lives of our young people and our collective public safety depend on it.

At the Office of Justice Programs, and throughout the Department of Justice and the Obama Administration, we're working toward these goals by creating and extending ladders of opportunity for our young people. Under the President's *My Brother's Keeper* initiative, agencies across the federal government are working together to give young men and women the advantages that many of them have never had. The Department of Justice, and my office in particular, is playing a central role – by supporting programs aimed at preventing violence, ensuring that young people are treated fairly by the justice system, connecting them with positive influences, and keeping them in school and out of the courts.

Much of the work we're doing to address young adults in the criminal justice system is in the spirit of *My Brother's Keeper*. It's all part of an effort to help justice-involved young people see that change – real, transformative change – is possible, and to help justice system professionals like all of you see that you can be the agents of that change.

We have an exciting opportunity before us – an opportunity to make a positive and lasting difference, both for our young people and for the safety of our communities. There's a great deal of work ahead of us to make that change happen, but I'm confident that we are already on the road to ensuring a justice system that is more effective, more developmentally-informed, and more fair.

I commend you all for your dedication and look forward to continuing our good work together.

Thank you.

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