



WHY THE CRIMINAL LEGAL SYSTEM SHOULD TREAT EMERGING ADULTS DIFFERENTLY

Because emerging adults have unique developmental characteristics that influence their criminal conduct, they require a different approach from the legal system.

In 2005, the U.S. Supreme Court's decision in *Roper v. Simmons* banned the death penalty for people under the age of 18 and initiated a set of rulings codifying the principle that children are "categorically less culpable" within the criminal legal system. At that time, the court also acknowledged, "**The qualities that distinguish juveniles from adults do not disappear when an individual turns 18.**" Transition to adulthood occurs gradually and is different for every person. Since *Roper*, a growing body of research has been developed around "emerging adults," people 18+ who have not yet fully developed.

Scientists have found that the brain continues to develop well into the 20s. As a result, the parts of the brain that govern judgement and impulse are among the last to form, so children and emerging adults respond with emotion more than adults at least until the age of 21. Emerging adults, like their younger peers, are prone to poor decision-making, impulsivity, peer influence, and risky behavior.

In many contexts, our laws already recognize the developmental characteristics of emerging adults. 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, education and training programs, and child welfare services.

Yet, Illinois's current approach to criminal sentencing of youth is counterproductive; lengthy sentences are not a driver of community safety or crime reduction. Additionally, incarceration has been shown to be detrimental to the psychological development of adolescents and emerging adults and may even prevent successful transition to adulthood (Juvenile Law Center). Prison isolates a young person from their family, limits opportunities to build positive relationships, prevents them from learning to live independently, and offers few meaningful educational opportunities. For many young people, it can also be traumatizing.

In addition to following the science, it is important to look at how we sentence young adults. A report from the Columbia Justice Lab found that in Illinois, emerging adults make up about a third of all arrests and almost 30 percent of the prison population, despite accounting for only 10 percent of the state's population. Restore Justice analyzed the current Illinois Department of Corrections (IDOC) population data. There are 1,216 people currently serving life and de facto life sentences for crimes that happened before they turned 21.

Available data suggests that racial disparities are even starker among the emerging adult population than the total prison population. In Illinois, 70 percent of people serving natural life sentences for crimes that occurred before they turned 21 are Black (Restore Justice analysis). Nationally, Black men between the ages of 18 and 24 (emerging adults) are 9.4 times more likely to be incarcerated than their white peers (Columbia Justice Lab).