

LONE STAR JUSTICE ALLIANCE

Dear Members of the Review Board:

Thank you for the opportunity to submit comments on the Draft Texas Medicaid Peer Specialist Services Medical Policy. Peer support services are a critical component of comprehensive care and can increase the likelihood of improved outcomes among vulnerable populations involved with the criminal and juvenile justice systems.

The Lone Star Justice Alliance (LSJA) supports the expansion of peer support services as proposed by the Draft Texas Medicaid Peer Specialist Services Medical Policy under review. We are providing these comments to encourage the expansion of the benefits to emerging adults aged 17 to 21.

Emerging adults (ages 17-24) are at particularly high risk for the development of serious mental health conditions (SMHCs). Seventy-five percent of serious mental health conditions, such as schizophrenia, develop by the age of 24. Each year, roughly 20% of 18-25 year olds meet criteria for a current mental health diagnosis. In addition, SMHCs are commonly accompanied by co-morbid health conditions, such as attention-deficit/hyperactivity disorder (ADHD) and substance use disorders.

DEFINITIONS

Emerging Adulthood: The phase of development between adolescence and adulthood, which encompasses the transition from a child who is dependent on parents or guardians for supervision and guidance, as well as emotional and financial support, into a fully mature, independent adult who engages as a productive and healthy member of society.

Similar terminology: “Young adults,” “Transition Age Youth”

Source: Harvard Kennedy School
www.hks.harvard.edu/youngadulthoodjustice

Recent advances in neurobiology and psychology research demonstrate that adolescent brain development continues into the mid-twenties, making emerging adults cognitively and emotionally different than older adults in their capacity to regulate their behavior.¹ Like juveniles, emerging adults are also especially susceptible to behavior change, and individualized, community-based interventions structured to address their unique needs can set them on the right path.²

Without appropriate intervention, emerging adults are likely to deteriorate, resulting in a worsening of emotional and behavioral problems and an increased likelihood of making contact with law enforcement. Emerging adults, ages 17-24, are overrepresented population in the adult criminal justice system in Texas, posing

Emerging adults make up only 11% of Texans, yet they account for nearly 30% of arrests.

U.S. Department of Justice,
Bureau of Justice Statistics (2014)

challenges to appropriate service delivery for this age group. In 2012, emerging adults made up 10% of the U.S. population but comprised 29% of arrests,³ and 21% of people admitted into adult prisons across the country.⁴ Emerging adults of color are disproportionately incarcerated compared to their white counterparts; in 2012, the rate of incarceration either in state or federal prison, was more than 9 times greater for black males ages 18-19 than for white males of the same age, and nearly 3 times the rate for Hispanic men of the same age.⁵ In the same year, black males ages 20-24

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U.S. Department of Justice,
Bureau of Justice Statistics (2014)

were incarcerated at a rate almost 7 times greater than for whites of the same age, and nearly 2.5 times the rate for Hispanic men of the same age.⁶

Research has demonstrated that institutional confinement grounded in purely punitive principles has little effect on, and may even increase the likelihood of recidivism among emerging adults.⁷ Currently, over 75% of justice-involved emerging adults recidivate, the highest short-term recidivism rate of any age group,⁸ emerging adults sentenced to a term of probation are revoked at a rate three times higher than older adults.⁹

The vast majority of emerging adults who make contact with the criminal justice system can be better served in their communities, where services are cheaper and lead to better outcomes.¹⁰ For this reason, **the intervention model of choice for emerging adults is individualized treatment in the least restrictive community-based setting.**¹¹ Importantly, peer support services have been shown to significantly improve the effectiveness of these interventions.

Emerging peer providers are uniquely qualified to engage and support emerging adult clients because of their experience in facing similar challenges and their capacity to display authentic empathy and validation. Peer support is vital for emerging adults with serious mental health conditions, many of whom have lost hope for a fully engaged life. The very presence of their peers demonstrates to emerging adult clients that they can be productive and fulfilled members of society. When peers are included in treatment teams, emerging adult clients are more engaged and satisfied with their treatment, and begin to take greater control of their lives. Through peer support, emerging adult clients learn that their difficult experiences do not lack meaning, but instead instill within them higher levels of empathy and a greater capacity to help others in need.

Texas communities, however, often lack appropriately access to peer support services that divert emerging adults away from the deeper ends of the criminal justice system and into intensive multi-disciplinary services and supports structured to address their unique needs and the factors that contributed to their system involvement. **Given the overrepresentation of emerging adults in the criminal justice system, peer support services may be a cost-effective enhancement to treatment programs that can keep emerging adults in their communities while reducing recidivism.**

EMERGING ADULTS ARE DIFFERENT, MAKING THEM ESPECIALLY AMENABLE TO PEER SUPPORTS ON THEIR TREATMENT TEAM

Over the last 15 years, research has demonstrated that the brains of emerging adults and older adults are distinctly different in three areas, making them developmentally vulnerable to criminal behavior¹²:

Limited self-regulation, or the ability to control one's emotions and behavior in the moment in order to achieve longer-term gains.¹³ Self-regulation skills are especially weak for adolescents when the situation requires them to suppress a response to an emotional cue¹⁴;

Sensitivity to immediate rewards and peer influence and less consideration of potential costs.¹⁵ This age group inherently values peer approval above many other rewards, and their consequent fear of rejection influences their choices.¹⁶ Simply the presence of peers can influence behavior, accounting for the high rate of emerging adults committing crimes in groups.¹⁷

Narrow ability to make decisions requiring future orientation, including the ability to appreciate long-term consequences, postpone immediate gratification, and resist influences like emotion and peers.¹⁸

Studies suggest that these areas are associated with biological immaturity of the brain and with an imbalance of two developing brain systems. The brain system that influences pleasure-seeking and emotional reactivity develops more rapidly than the brain system that supports self-control, meaning emerging adults develop an accelerator long before they can steer and brake.¹⁹ The ability to self-regulate, to develop a greater sense of autonomy, and to appreciate long-term consequences develops as individuals enter full adulthood, making emerging adults distinctly different from older adults.

Based upon this research, the U.S. Supreme Court held in three seminal cases that adolescents have diminished culpability and an increased likelihood of being positively rehabilitated,²⁰ underscoring the importance of making intervention decisions for this population using the best evidence available about what works in justice system responses.²¹

WHAT DO EMERGING ADULTS NEED?

Emerging adults have other distinct needs that can increase their risk of criminal justice involvement. In addition to brain development, emerging adults' involvement with the justice system is also intricately tied to their health outcomes: the majority has at least one diagnosable mental health disorder and is more likely than other age groups to have substance use or co-occurring disorders.²² They have also been victims of violent crime and have experienced emotional and physical trauma at a higher rate than any other population.²³

Compounding these health and developmental factors, justice-involved emerging adults face significant challenges, such as chronic unemployment,²⁴ homelessness and housing security,²⁵ involvement with the child protection and foster care systems,²⁶ and lack basic academic and work readiness skills,²⁷ which also further increase their risk for justice system-involvement.²⁸ In the public health field, these challenges are referred to as the social determinants of health and are also known as criminogenic risk factors in the criminology field. These areas impact all age groups, but are particularly challenging for justice-involved emerging adults. The multitude of needs among this age group span several social systems, suggesting the need for an integrated approach to service delivery that includes a strong peer support component to prevent future justice system involvement.

According to the state's Department of State Health Services, in 2015, only 31% of people with a mental health diagnosis who qualify for public mental health services received treatment from the public behavior health system.²⁹ This rate suggests a vast majority of Texans with mental health needs are not receiving community-based treatment, and research shows emerging adults are more likely than their younger counterparts to access and use mental health services. Of the total number of individuals receiving outpatient mental health services, 13% were teens, aged 12-17, and 10% were emerging adults.³⁰ Among those receiving inpatient or residential care, the gap was even greater: 38% of individuals accessing these services were teens and 18% were emerging adults.³¹

Adult community mental health services have historically not been effective for, or appealing to, emerging adults. In addition, adult service providers are often not trained in adolescent development and are thus unprepared for the relatively immature psychosocial development of the transition age youth (TAY) population. Adult services were designed to rehabilitate functioning rather than teach skills for the first time. Adult-oriented programs typically do not provide preparation for the job search process (e.g., resume development, interview practice), career planning, or postsecondary education, all of which are desired by young adults generally. Additionally, transition-age youth perceive their needs and

circumstances as different from those of older adults, and typically do not want to be in programs with middle-aged and older adults. In comparison to other adults, emerging adults generally:

- Do not see “recovery” as a process, but instead as a short-term goal, with an emphasis on returning to school or work directly;
- Take much bigger “risks” toward their search to define their identity, in part because the part of the brain that manages impulse control (e.g., the frontal lobe) is still developing;
- Have not developed or are at an early stage of developing resilience and confidence;
- Experience a heightened level of shame, stigma, and the concern that friends will learn about their diagnosis and avoid them. The stigma of being identified as a “mental patient” is another reason emerging adults do not engage in treatment or ask for other available supports. For example, emerging adults diagnosed with SMHCs are less likely to inform their post-secondary education program or their employer of their disability and need for accommodations when compared to young adults with other types of disabilities.

Researchers predict that a 10% increase in per-capita spending on public services could improve a county’s national health ranking by one to seven spots in just four years.³² by increasing the capacity, and therefore the accessibility, of services.

THE UNMET NEEDS OF EMERGING ADULTS CONTRIBUTE TO JUSTICE INVOLVEMENT

Transitioning from an adolescent to an adult worker, parent, spouse, or household leader is a key to desistance from criminal activity.³³ The transition into adulthood is marked by several outcomes that are typically lacking in the justice-involved emerging adult population. These markers of instability correspond with distinct needs that contribute to emerging adults’ high recidivism rates, including:

- **Education:** Justice-involved emerging adults tend to have low education levels (less than two-thirds has their high school diploma) and deficient literacy skills; many qualify for special education services, yet few existing educational programs structured to help individuals recover high school credits or earn a GED attract emerging adults.³⁴
- **Employment:** The general population of emerging adults has difficulty finding work because most have little or no job experience or vocational skill.³⁵ This is especially acute for justice-involved emerging adults, who often have less education and a public criminal record, limiting their earning power and their likelihood of establishing successful, conventional lifestyles.³⁶
- **Behavioral health:** Almost 60 percent of people age 24 and younger show symptoms of drug abuse or dependence when they enter prison—the highest of any age bracket.³⁷ According to the Substance Abuse and Mental Health Services Administration (SAMHSA), without appropriate evaluation and effective treatment services, individuals with a behavioral health diagnosis are likely to deteriorate, resulting in a worsening of emotional and behavioral problems and an increased likelihood of making contact with law enforcement.
- **Social environment:** Research shows that instability in a young person’s social environment increased the likelihood of their involvement with the justice system.³⁸ For example, emerging adults are disproportionately represented as victims of crime. People aged 18-20 and 21-24 experience rates of violent victimization of 33.9 and 26.9 per 100,000 respectively, which is much higher than for the total population (14.9 per 100,000).³⁹

The punitive approach to the adult criminal justice system is not currently equipped to meet these needs effectively. Justice involvement impedes the ability of emerging adults to complete their education, reducing their average lifetime earnings by nearly half of earnings of individuals who earned an associate degree and almost two-thirds less than those with a bachelor's degree.⁴⁰ Compared to the general population, people who served time in prison will earn 10-30% less than their non-incarcerated counterparts, and will have a 30 percent reduction in wage growth.⁴¹ As a result they, their families and their communities will have fewer resources over a period of decades.⁴² Therefore, the needs of emerging adults are a result of the systemic depletion of resources needed to promote prosocial roles and resiliency that lead to desistance and improve public safety.

Moreover, the existing punitive approach of sanctioning individuals for an incident of misbehavior has not proven to increase public safety. **Research shows that increased criminal sanctions do not reduce recidivism, especially for emerging adults.**⁴³ A large longitudinal study of emerging adults convicted of a violent offense age 14–25 found no difference in recidivism rates among comparable youth from imprisonment instead of probation, or from longer terms of imprisonment.⁴⁴

On the other hand, changes in a young person's social environment and community-based services following release both strongly correlated with drops in recidivism and improved health outcomes.^{45,46} For these reasons, diverting emerging adults away from the deeper ends of the criminal justice system and into community-based services and interventions should integrate the health and social service systems, relying upon a strong peer support model, that will interact with emerging adults before and after their involvement with the justice system to address the multitude of individual and systemic factors that increase criminogenic risk.

Community-based partnerships relying upon a peer support structure: Several community programs exist that provide intensive peer support to these emerging adults. These programs have demonstrated success at improving the outcomes of their participants and reducing public safety risks.

- **Roca, Inc.**, a nonprofit organization in Massachusetts that works with high-risk young adults age 17–24, developed an intervention model that involves two years of intensive street outreach, educational programming, pre-vocational training, cognitive-behavioral and life skills training, and employment support.⁴⁷ The program involves another two years of less intensive, supportive follow-up.⁴⁸ In FY15, Roca served over 650 high-risk young men; 93 percent were not rearrested in that year, and 92 percent had been employed for at least 90 days.⁴⁹
- **UTEC**, also in Massachusetts, employs a similar approach and developed several in-house social enterprises (e.g., a mattress recycling service, food services, woodworking). UTEC established contracts with local hotels and colleges to create employment opportunities for participants in a supportive setting. The social enterprises incentivize positive behavior. Participants that do not comply with program requirements are placed on temporary restrictions from the social enterprise opportunities. In FY17, UTEC served 136 emerging adults ages 17-25; 90 percent of young adults served were not arrested during the year.⁵⁰

RECOMMENDATION: EXPAND ELIGIBILITY CRITERIA TO ALL EMERGING ADULTS

Implementation of the emerging adult peer role can have a multi-dimensional set of benefits for society. It is clear that emerging adult clients benefit greatly from engaging with near age peers who are further along

in their recovery. Emerging adult peers can share similar and recent experiences of vocational and social disruption. The sense of mutuality, closeness, and trust between peer and client directly generates hope and confidence. Emerging adult clients begin to see that their painful experiences have meaning, enhancing their capacity to be empathetic and help others. A peer's very presence within an agency or program setting demonstrates to clients that they can re-engage in desired vocational and social pursuits in a relatively short period of time and without waiting for "full recovery."

For this reason, the Lone Star Justice Alliance strongly encourages the expansion of peer support services to include this vulnerable age group.

Thank you for the opportunity to present these comments.

Best wishes,

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- ⁴³ Huizinga, David and Kimberly L. Henry, "The Effect of Arrest and Justice System Sanctions on Subsequent Behavior: Findings from Longitudinal and Other Studies," *The Long View of Crime: A Synthesis of Longitudinal Research* (2008): 220, 250, noting that in a meta-study of longitudinal deterrence research, "the observation that increased sanctions also have little effect or result in increased subsequent delinquency," see: https://link.springer.com/chapter/10.1007%2F978-0-387-71165-2_7.
- ⁴⁴ Loughran, Thomas A., Brame, R., Fagan, J., Piquero, Al., Mulvey, E., Schubert, C. "Studying Deterrence Among High-Risk Adolescents." Office of Juvenile Justice and Delinquency Prevention (2015): 6, see: <https://www.ojjdp.gov/pubs/248617.pdf>.
- ⁴⁵ Gary Sweeten et al., "Age & The Explanation of Crime, Revisited," *Journal OF Youth And Adolescents* 42(6): 921, 931 (2013), <https://www.ncbi.nlm.nih.gov/pubmed/23412690>; see also ⁴⁵ Loughran, Thomas A., Brame, R., Fagan, J., Piquero, Al., Mulvey, E., Schubert, C. "Studying Deterrence Among High-Risk Adolescents." Office of Juvenile Justice and Delinquency Prevention (2015): 6, <https://www.ojjdp.gov/pubs/248617.pdf>.
- ⁴⁶ *Ibid.*, 5.
- ⁴⁷ Zeira, Yotam and Molly Baldwin. "Pioneers in Young Adult Justice: 10 Initiatives and Programs Improving Criminal Justice for Young Adults," (Feb 2016): 2, see: <http://rocainc.org/wp-content/uploads/2017/01/Pioneers-in-Young-Adult-Justice-Roca.pdf>.
- ⁴⁸ Roca, Inc., "Our Intervention Model," (accessed April 24, 2018), <http://rocainc.org/work/our-intervention-model/>
- ⁴⁹ Zeira, Yotam and Molly Baldwin. "Pioneers in Young Adult Justice: 10 Initiatives and Programs Improving Criminal Justice for Young

Adults,” *Supra* note 71 at 2.

⁵⁰ UTEC. “Fiscal Year 2017 Outcomes & Impact Report.” (2017): 2; <https://files.acrobat.com/a/preview/42045143-7232-47a8-a367-a613afda353b>