

Support HB 122: Raise the Age of Juvenile Court Jurisdiction

Testimony to the House Committee on Juvenile Justice and Family Issues

When teenagers make mistakes, Texas should hold them accountable in a way that reduces crime, saves money, keeps the youth safe, and helps them turn their lives around to become productive citizens. Currently in Texas, 17-year-olds cannot vote, serve on a jury, or buy cigarettes, alcohol, or lottery tickets. Seventeen-year-olds cannot get married, join the military, or get a tattoo without their parents' permission. However, as high school juniors and seniors, 17-year-olds are considered adults in the justice system. No matter how minor their mistake, they end up in adult courtrooms, adult jails and prisons, and after all is said and done, with an adult criminal record.

Sending 17-year-olds to the adult justice system is unsafe for youth and leads to worse outcomes

Adult confinement is unsafe for children under 18. Youth confined in adult jails are more vulnerable to assault, isolation, and suicide. According to the Bureau of Justice statistics, between 2009 and 2011, youth were victims in 3.5 percent of all cases of inmate-on-inmate sexual assault in local jails,¹ though they represented less than 1 percent of the total jail population.² Spending time in jail can be mentally and emotionally taxing for young people, and **youth held in adult jails are 36 times more likely than youth held in juvenile facilities to commit suicide.**³ Adult jails are also ill-designed to meet youths' educational and programming needs. A study of conditions for youth in Texas jails found that 46 percent of jails do not have formal educational programming for youth, and just 4 of the 50 jails surveyed provided confined youth with more than 10 hours of educational programming weekly.⁴ This is problematic given that most justice-involved 17-year-olds still need to complete their high school education.⁵

Texans Care for Children is a statewide, non-profit, non-partisan, multi-issue children's policy organization. We drive policy change to improve the lives of Texas children today for a stronger Texas tomorrow. We envision a Texas in which all children grow up to be healthy, safe, successful, and on a path to fulfill their promise.

Criminal record for youthful mistakes follow 17-year-olds through adulthood

Youth who are convicted in the adult system are left with criminal records that can keep them from getting jobs, housing, and a college education. In the juvenile justice system, youth benefit from confidentiality and sealed records, which keeps future employers and others from holding their teenage mistakes against them.

Increased recidivism for youth in the adult system

The U.S. Department of Justice Office of Juvenile Justice Delinquency and Prevention (OJJDP) reported that the lesser rehabilitative focus of the adult system, along with the stigma of an adult conviction and the increased possibility that youth in the adult system will learn criminal behavior from adults, all contribute to increased recidivism rates for youth prosecuted in adult courtrooms.⁶ If Texas raises the age of juvenile jurisdiction, most 17-year-olds adjudicated as delinquent would be placed on probation in their communities. Juvenile probation departments offer a range of programs specifically designed to meet the needs of high school-aged youth. These officers often have smaller caseloads than adult probation workers, and they emphasize rehabilitation, accountability, and educational and vocational training.⁷

Sending 17-year-olds to the adult criminal justice system is costly for taxpayers

With new standards in place to reduce sexual assault in lock-ups, 17-year-olds must be kept “sight and sound separated” from other adults. County jails across Texas are looking at costly construction to retro-fit their jails in order to meet these standards, and those counties that can make it work without construction have acknowledged the high cost of separate staffing to keep 17-year-olds safe. In fact, Dallas County has acknowledged spending an additional \$80,000 per week to ensure the safety of 17-year-olds in their jail.

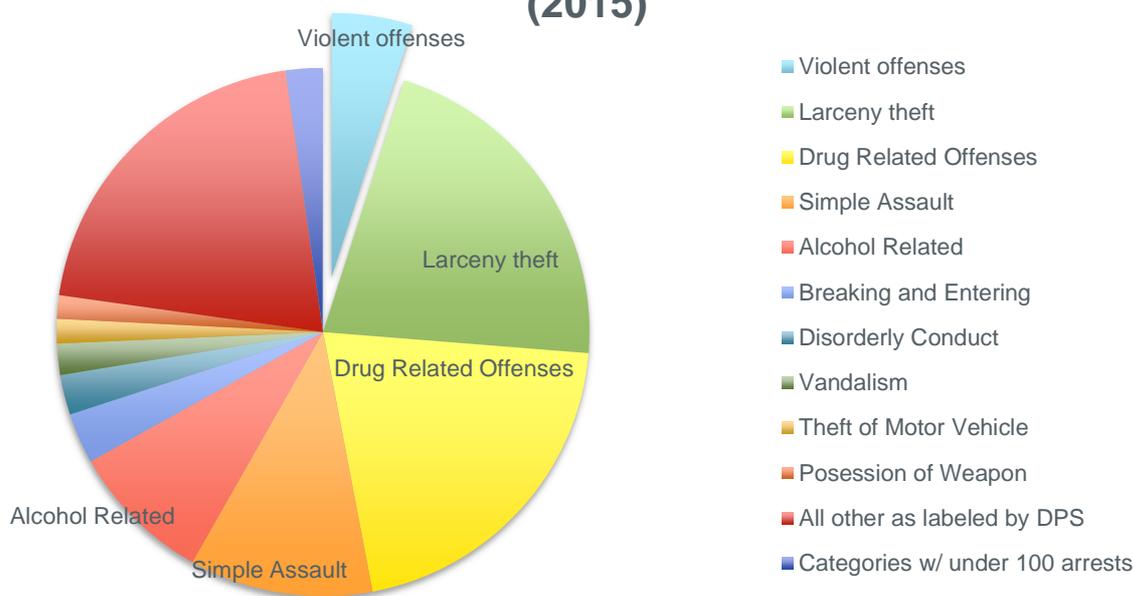
Because youth who go through the adult system have higher recidivism rates, they are more likely to end up in a costly cycle of involvement with the justice system, leading to long term costs to taxpayers.

Justice-involved 17-year-olds have typically committed low-level offenses

The vast majority of 17-year-olds arrested in Texas are charged with minor non-violent crimes such as marijuana possession, theft, and crimes related to alcohol.⁸

In 2015, just five percent of all 17-year-old arrests were for violent crimes.⁹ Under the current proposed legislation, judges could certify a 17-year-old as an adult for the most serious crimes if deemed necessary – just as judges can do today with juveniles.

Arrests of 17-year-olds in Texas (2015)



Source: Texas Department of Public Safety. Crime in Texas.

The time to Raise the Age is NOW

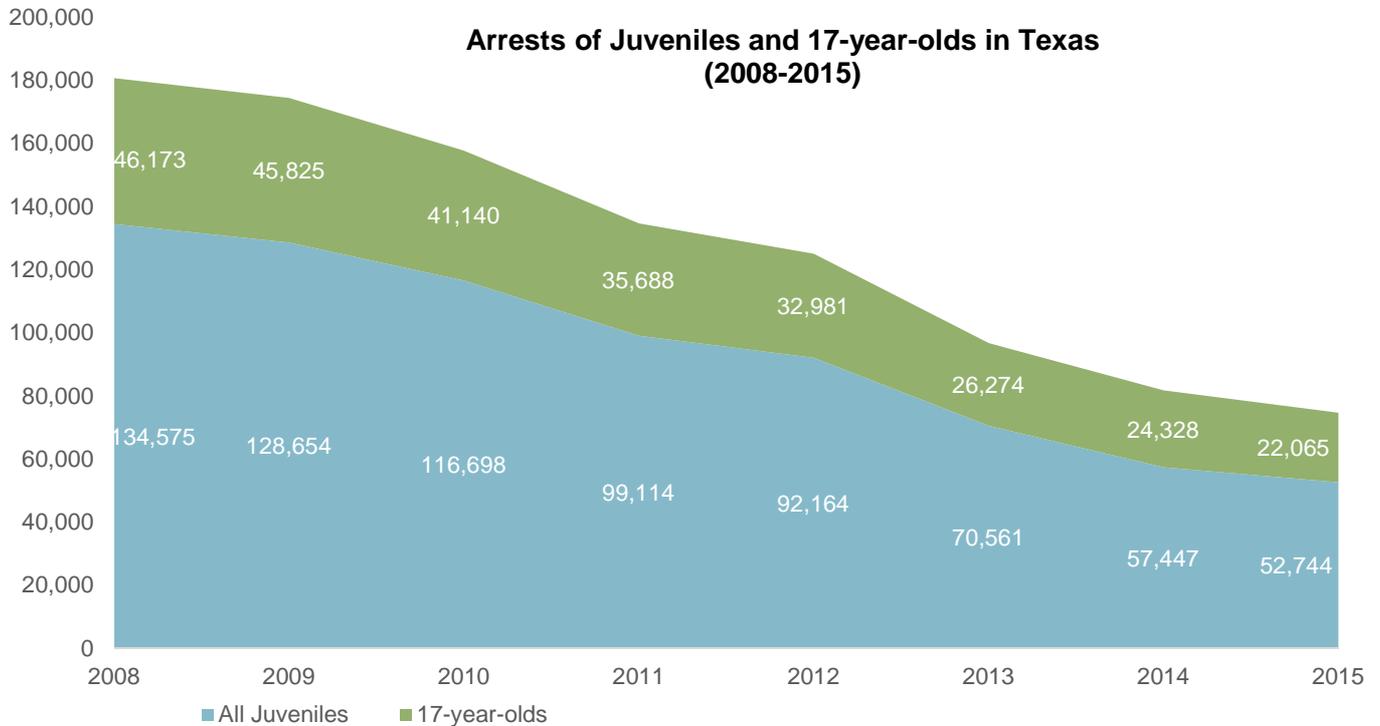
With our sheriffs and counties looking at new construction and high costs to keep 17-year-olds safe, the time is now to provide them relief and prevent our counties from spending millions of dollars on unnecessary construction. If the Legislature delays the change, our counties will have to spend millions of taxpayer dollars that do not need to be spent.

Juvenile crime is on the decline

In talking with stakeholders from other states who have recently raised the age, their number one recommendation is to make the change while juvenile crime is on the decline to minimize the impact on the system. In doing so, adding 17-year-olds into the system will only bring numbers in the juvenile system back to the levels they had been at a few years earlier.

Crime rates for 17-year-olds have declined in recent years across the country and in Texas. Even as the overall population of Texas increases, the number of arrests of juveniles and 17-year-olds has fallen by more than half. Between 2008 and 2015, the number of juveniles arrested in Texas dropped by 60 percent from 134,575 to 52,744 arrests. In the same time period, arrests of 17-year-olds dropped by more than 24,000 from 46,173 to only 22,065 in 2015. As system pressures ease, now is the time for Texas to make the policy change and do right by youth and our communities by moving 17-year-olds into the juvenile system.

As is displayed below, looking at the combined arrests of all juveniles and 17-year-olds in 2015, the number of arrests was much less than the number of arrests of juveniles in 2012 and nearly equal to the number of arrests in 2013.



Thank you for your time and commitment to Texas children and families. If you have any questions please feel free to contact me at 512.473.2274 or lrse@txchildren.org.

1 Beck, A.J., Rantala, R.R., and Rexroat, J. (2014). *Sexual Victimization Reported by Adult Correctional Authorities, 2009 – 11*. Washington D.C.: US Department of Justice, Bureau of Justice Statistics.

2 Minton, T.D. (2012). *Jail Inmates at Midyear 2011 – Statistical Tables*. Washington D.C.: US Department of Justice, Bureau of Justice Statistics.

3 Campaign for Youth Justice (2007). *Jailing Juveniles; The dangers of incarcerating youth in adult jails in America*. Available at http://www.campaignforyouthjustice.org/documents/CFYJNR_JailingJuveniles.pdf

4 Deitch, M., Galbraith, A.L., and Pollock, J. (2012). *Conditions for Certified Juveniles in County Jails*. Austin: The University of Texas.

5 *Ibid.*

6 Redding, R.E. (2010). *Juvenile Transfer Laws: An Effective Deterrent to Delinquency?* Office of Juvenile Justice Delinquency, US Department of Justice.

7 Deitch, M. et. al. (2012). *Seventeen, Going on Eighteen: An Operational and Fiscal Analysis of a Proposal to Raise the Age of Juvenile Jurisdiction in Texas*.

8 Analysis based on data from: Texas Department of Public Safety (2014). *Crime in Texas 2013*. Texas Department of Public Safety. In the FBI's Uniform Crime Reporting program, "Violent crimes" include murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. See http://www2.fbi.gov/ucr/cius2009/offenses/violent_crime/

9 Analysis based on data from: Texas Department of Public Safety. *Crime in Texas 2013*. Texas Department of Public Safety (2014), and Texas Department of Public Safety. *Crime in Texas 2012*. Texas Department of Public Safety (2013).