



# Raising the Age of Juvenile Court Jurisdiction in Texas

by Derek Cohen, Ph.D.

Deputy Director

Haley Holik

Policy Analyst

## Key Points

- The Texas juvenile justice system treats 17-year-olds as adults.
- Texas is 1 of 6 states that consider 17-year-olds as adults.
- Raising the age of the juvenile court jurisdiction would lead to better results for juvenile offenders, thereby enhancing public safety.
- Juveniles 14 and older who commit felonies may still be transferred to adult criminal court.

## Executive Summary

Texas currently prosecutes 17-year-old offenders in the adult criminal court and houses them in adult correctional facilities. Evidence has shown, however, that the juvenile justice system is the most effective venue to punish youthful offenders. Youth processed through the adult criminal justice system regularly exhibit higher recidivism rates compared to similarly situated youth placed in the juvenile system. Raising the age of the juvenile court jurisdiction in Texas from 16 to 17 would, by default, place 17-year-olds in the juvenile justice system, improving public safety by lowering re-offending rates among these youth ([MacIver Institute](#)).

“Raising the age” would not mitigate punishment for youthful offenders nor would it limit judicial discretion. Juveniles aged 14 and older who commit felonies may still be transferred to adult criminal court under the process known as “certification.” Placing 17-year-olds in the juvenile justice system would ensure they are punished in the most appropriate venue, providing better protection to youth while producing better results for Texans.

Implementing “raise the age” reform in Texas would require up-front costs. While violent, high-risk offenders should be placed in the adult system, the juvenile system provides the most effective tools to punish and rehabilitate most youthful offenders, thereby improving public safety for Texans.

## The Origin of the Juvenile Justice System

In today’s criminal justice system, juveniles are treated differently than adults. Parents are involved in the court process. The child’s mental maturity is taken into consideration. After receiving a sentence, children are more likely than adults to receive services that will rehabilitate them. It has become normalized in our society that this is always the case, but it was not always so in the United States.

One hundred years ago the country was still in the early stages of creating separate courts and separate policies for juveniles who were accused of crimes. For much of the 19th century, most juveniles were held with adults in jails, sent to the same courts and judges, and placed with adult offenders in prisons.

*Blackstone’s Commentaries on the Laws of England* distinguished between children and adults. Blackstone argued that children under the age of seven were incapable of forming the will necessary to truly commit a criminal act. Once the age of 14 was reached though, the mental capacity existed to form the necessary will to act. In between the ages of 7 and 14, he believed that there should be a presumption of incapacity, but that proof of the child’s mental abilities could change that determination and bring the child to bear the full weight of the criminal justice system. However, this was merely one thought and did not establish a separate system for juveniles, nor was it a common belief in the United States.

In 1825, the New York House of Refuge was founded. Finding the combination of adults and juveniles to be dangerous and overly harsh, the foundation was designed to house poor and

*continued*

homeless youth who were on a path toward delinquency, hopefully avoiding youth being introduced into the adult system entirely. This development was a far cry from an entirely separate criminal justice system for a specific age group, but it was an early sign of the perception that juveniles are a group that deserves significant interventions aimed at rehabilitation.

There were other simultaneous changes occurring in the criminal justice system that coalesced with changes urged by juvenile reformers. Probation and bail became alternatives to incarceration for low-level offenses. While this practice emerged in patchwork form—perhaps most historically attributed to the “Father of Probation” John Augustus, a member of an abstinence society that provided bail while attempting to rehabilitate habitual drunks—the first juvenile court is often credited with first formalizing the process.

The first official juvenile court, an entirely separate system, was established in Chicago, Ill., in 1899. Although there were many advocates for the juvenile court system who were motivated to find a more humane treatment of juveniles, that was not the only motivation for creating a separate system. It is also theorized that the creation of a juvenile system was to reduce the number of judges utilizing alternative punishments in order to avoid sentencing youth to incarceration, which would place them in shared cells with adult criminals ([Grossman](#)).

Other motives aside, the juvenile system began considering alternatives to incarceration for young offenders who had committed lower offenses. Families could petition the court and suggest potential changes in the child’s life. One family offered to send their 11-year-old son to live with his grandmother for a time, to avoid detention. While these alternatives were makeshift, many preferred them to sentencing youth so young with more practiced older criminals.

Once introduced, juvenile courts spread quickly. Within 25 years of their creation, juvenile court systems had been set up in most of the states. In fact, by 1925, there were juvenile courts in all states but two and every jurisdiction eventually followed suit (Juvenile Law Center; Louisiana Office of Juvenile Justice).

Although adoption of the juvenile court system was becoming widespread in the 20th century, the systems were not all the same. Notably, many states had differing rules regarding the jurisdiction of these courts. Juvenile courts were to have original jurisdiction over cases involving juveniles, but the

definition of a juvenile varied by state. In Illinois, the state that started the juvenile court system, the maximum age for juvenile jurisdiction was originally set in 1899 at 15, meaning that 16-year-olds were treated as adults immediately. Only a few years later, the court adjusted that parameter, allowing jurisdiction up to age 17 for male offenders and 18 for female offenders. That was ruled unconstitutional and equalized to 17 for both sexes in 1972 ([Illinois Juvenile Justice Commission](#)). The state gradually raised the age of juvenile jurisdiction up to age 18 in 2009 by allowing 17-year-olds who were being charged with misdemeanors to go through the juvenile court, and then allowing juveniles who were charged with felonies to do the same in 2013.

Other states experienced similar changes in the age of juvenile jurisdiction over time. Georgia began its “Children’s Court” in 1908, giving it jurisdiction over juveniles under the age of 16, but allowing a transfer to adult courts if the child was older than 10 years of age. The creation of this system was not universal, but instead the adoption could be recommended to counties by two grand juries and the counties could then elect whether or not to adopt the system. This method of adoption was challenged in 1915 under the Georgia Constitution and overturned as having a lack of uniformity. This was shortly remedied by the Georgia legislative body, and a statewide juvenile court system was implemented with similar age parameters. In 1950, the state again made a change, giving the court jurisdiction to all juveniles under the age of 17 ([Walker](#)). This is still the law of the state today; 17-year-olds are considered adults by the criminal courts of Georgia.

Although the process has been belabored, today in most juvenile jurisdiction covers children up to the age of 18. After South Carolina, Louisiana, and New York recently changed their laws, six states—Georgia, Michigan, Missouri, North Carolina, Texas, and Wisconsin—still treat youth under the age of 18 as adult offenders. While New York still automatically places 16- and 17-year-olds accused of a violent felony in the adult criminal justice system, those accused of a misdemeanor are placed in the juvenile system. Texas extends its juvenile jurisdiction to the age of 16, meaning all 17-year-olds are prosecuted as adults. North Carolina has set its juvenile jurisdiction to the age of 15, leaving 16- and 17-year-olds in the adult system.

## Juveniles in Texas

Until 1856, Texas punished any offender age 7 and older as an adult. In 1856, the age of criminal responsibility was

raised to 9, and those under 13 could not be convicted if it were proven that they did not understand the consequences of their action. Additionally, that year the Texas Legislature prohibited death penalties for youth under the age of 17. Shortly thereafter, and before the creation of juvenile courts anywhere in the country, the Legislature passed a bill authorizing the separation of juveniles from adults in correctional facilities. However, no funding was provided for this initiative until 1887 ([Joint Interim Committee on the Family Code](#)).

Juvenile courts were created by statute in 1907, but were not used statewide until 1918 when transfer to a juvenile court was required. At this point the ages of youths were not consistent, as male juvenile offenders from 9 to 17 were transferred while female juvenile offenders from 9 to 18 were transferred. Juvenile court jurisdiction was further addressed in 1967 with an updated form of the then-controlling statute, Tex. Rev. Civ. Stat. Ann. 2338-1 §3. The update included the differentiation between genders at the 17-18 mark, but also stated that juvenile courts were to have exclusive jurisdiction for juveniles under the age of 15. There continued to be a disparity between the genders until 1973, when the court in [Ex Parte Matthews](#) determined that the provision violated the equal protection clause of the Constitution and used legislative intent to excise the 17-18 distinction. The decision left some confusion, with a frequent understanding that the maximum age of juvenile jurisdiction was 14, regardless of gender. This misunderstanding was removed after [Ex Parte Tullios](#), which determined that the legislative intent of the 1967 changes was to include the males under age 17. The court determined that the intent could be maintained without the unconstitutional disparity between genders by lowering the age for females to the equivalent. A later court decision ([Ex Parte Trahan](#)) upheld this decision, declaring the age to be universally under 17. Today, the Texas Juvenile Code statutorily defines child as anyone between the ages of 10 and 17 ([Texas Family Code Chapter 51](#)).

## Differences between the Adult and Juvenile Court Systems

The differences between the two systems in Texas are apparent as soon as an arrest takes place. Once a child is taken into custody, law enforcement is required to notify the parents, as well as the child's school ([Texas Family Code Chapter 52; Attorney General of Texas](#)). This notification is not required when an individual is 17 or older. Juveniles are entitled to a detention hearing before a judge within one working day of arrest, a shorter period than the two working days allotted

for an adult ([Texas Family Code Chapter 54](#)). This hearing is very different for a juvenile, compared to hearings scheduled for adults. At this hearing, a judge determines through several factors whether the juvenile is a threat to society, and whether guardians are in place that will ensure that the youth will return for a court date. If the judge finds that it is safe and reasonable to do so, the juvenile will be released into the custody of a guardian until the date of the trial. If not, another hearing is set within ten business days—two weeks—to review the factors again and determine whether continued custody by the state is still necessary. This compares to the adult version, which simply informs the accused of the charges, states the rights available to them, and sets bail—a financial incentive for the accused to reappear.

Another feature of the juvenile justice system is the option to have a certification hearing. A prosecutor can begin the certification process if a juvenile is 14 or older and requires certain findings from the judge. The judge must determine that there is probable cause to believe that the juvenile committed the crimes alleged. Once that is determined, the judge is also required to assess the nature of the crime and the background and circumstances of the juvenile in question. The judge can determine whether to certify the juvenile as an adult—waiving the jurisdiction of the juvenile court—and transfer the case to an adult criminal court, if probable cause exists and either the nature of the crime and/or the background of the child indicate that the safety of the public requires certification. Once juveniles are certified, they are diverted to an adult criminal court.

These distinctions show that the juvenile system provides greater protections or special circumstances for most youth. Such protections are provided because juveniles are seen as immature and unready for the criminal court system. However, this immaturity is both a benefit and a detriment. There are some common expectations in the adult criminal system that do not apply to juveniles, as the state is acting as a parental figure for them, using the doctrine of *parens patriae* to make decisions about their “best interest.”

For example, the common expression “do the crime, do the time” does not apply in many juvenile cases. There are two types of sentences that a juvenile can receive which are not a consideration in criminal court. A juvenile can receive indeterminate or determinate sentences through the juvenile court. An indeterminate sentence does not provide a specific term of years for detainment. Instead Texas Juvenile Justice Department (TJJD) itself devises a minimum length of stay,

and the youth will remain until that time has passed or until they have made progress in rehabilitation. TJJD has the ability to hold a juvenile offender who has not made progress until their 19th birthday. Juveniles sentenced in this way do not know when they will be released specifically, which is intended to incentivize them to cooperate with programming. Indeterminate sentences are given to most youth who are sentenced to TJJD. This means that because of their youth, they could serve a much longer sentence than an adult would for a comparable crime.

Determinate sentences are significantly different. When developing a determinate sentence, the judge or jury determines a set number of years that the juvenile will serve, with the maximum being 40. The juvenile will begin serving this term in TJJD, and upon reaching 19, the juvenile will be assessed for evidence of risk and rehabilitation. If there is a determination of significant progress and little risk to the communities, the juvenile may be released to serve the remainder of the sentence as an adult parolee. If the determination is not favorable, the juvenile is transferred to an adult prison to finish the sentence (TJJD 2017).

### The Cost of Raising the Age of Juvenile Jurisdiction in Texas

In 2015, an effort was made to raise the age of criminal responsibility in Texas, with four house bills and one senate bill being filed.<sup>a</sup> By sine die, no bill had advanced to the floor of its respective chamber. One common criticism of legislation was in the expected costs to state and local governments in implementation.

Texas' Legislative Budget Board (LBB) has evaluated HB 1205, estimating the legislation would cost the state \$169,415,289 over a 5-year timeframe, with an average yearly cost of \$42,353,822 (HB 1205 Fiscal Note). The question was again studied by the LBB in the 2017 Staff Reports, estimating a \$63.8 million cost to the state with significant ongoing cost beyond that time horizon (LBB 2017). These estimates do not take into account the expected burden on local governments, with both reports anticipating those costs to be significant. In both estimates, there are significant challenges with how the LBB determines the state's costs. This paper discusses these below.

#### Direct Cost to the State (Secure Confinement)

The House Research Organization (HRO) identified that

<sup>a</sup> HB 53, HB 330, HB 1205, HB 1240, & SB 104.

the Texas Department of Criminal Justice (TDCJ) held 46 17-year-old inmates as of August 31, 2016 (HRO). Yet in 2016 there were 381 admissions to TDCJ prisons and state jails of individuals who were 17 at the time of offense. Looking only at those who were 17 at the time of arriving at TDCJ, there were 155 in 2015. The explanation for these varying figures is that many, if not most, of those incarcerated for an offense that occurred at the age of 17 are revocations from probation. In 2016, more than 8,000 17-year-olds were placed on adult probation, and approximately 42 percent will be revoked within just two years.

The reality of this failure is reflected in data from TDCJ's Community Justice Assistance Division which shows that adult probation is particularly ineffective for 17-year-olds (TDCJ 2016). Some 49 percent of those 17 and younger placed on adult probation are terminated within two years, and 85.5 percent of those terminations are revocations. That means just more than 42 percent are revoked within two years. With each older cohort, success rates increase. For example, among those 41 to 50 placed on adult probation, only 29.5 percent were terminated within two years, and of the terminations just 59.5 percent were revocations, with the remainder largely consisting of early terminations, expiration of the probation term, or death.

The adult probation system is actually even more ineffective with 17-year-olds than the 42 percent figure would suggest, since some 26.4 percent of 17-year-olds on adult probation are on "indirect supervision" (TDCJ 2016). While the most recent TDCJ statistical reports no longer break down this category, a previous report indicates the majority are either in local jails or are absconders (TDCJ 2006). Absconding is less common in juvenile probation, perhaps due to lower caseloads and supervision strategies that involve parents and guardians. For example, in 2015, there were 415 absconders out of more than 21,000 Texas juvenile probationers, which amounts to 1.9 percent (TJJD 2014).

To the extent the majority of TDCJ admissions of individuals who were 17 at the time of offense consist of probation revocations, there is reason to expect that many of these individuals placed on juvenile probation will not be placed in a state juvenile residential facility. First, some 82 percent of juveniles placed on probation successfully complete their supervision (TJJD 2014a). The remainder are not all revoked to a juvenile facility, as some are transferred to the adult system for a new offense committed once they are an adult. Perhaps most significantly, just 2 percent of all juveniles

ending their term of supervision in 2014 were committed to TDCJ ([TJJD 2014a](#)).

Unfortunately, the fiscal note to HB 122 (HB 122 Fiscal Note) does not break down probation revocations versus direct sentences, which is a key blind spot that likely leads the fiscal note to significantly overstate the costs of raising the age. The above data calls into question the LBB's assumption in the fiscal note to HB 122 that most of the 381 individuals who were 17 at the time of their offense who are now admitted to TDCJ would come to TJJD. Specifically, the LBB projects that "60 percent or 227 of these individuals will receive services in juvenile state residential facilities, 82 individuals would be certified as an adult, and 72 individuals would be supervised by juvenile probation departments." When considering that only 2 percent of juvenile probation terms conclude with commitment to TJJD, it is reasonable to expect that there will be considerably fewer TJJD admissions among the 17-year-old population due to the much higher success rates of juvenile probation.

This effect will be amplified over the long term because the duration of adult probation is about twice as long as juvenile probation. Instead of two years in most cases when a juvenile would be subject to state incarceration for technical violations and misdemeanors that could not lead to state incarceration when not on probation, adult felony probation typically lasts four years. That means in the third and fourth years after Texas raises the age, there will be people no longer on juvenile probation who would have previously still been on adult probation and thus still have been subject to revocation.

The LBB's methodology also does not separate fixed costs of the proposed legislation from the marginal costs the state would face if sufficient capacity already exists to house some or all of the new placements of 17-year-olds in the juvenile system. Instead, the fiscal note for HB 122 simply assumes that each of the 227 additional placements to TJJD secure facilities would cost some \$441 per day. However, the LBB as noted above also reports that TJJD is operating at just slightly above half of its total capacity. The closest estimate that one can generate for these marginal expenses would be to analyze how the uniform system costs respond to fluctuations in population. This may seem counterintuitive, as reductions in the secure population beget increases in the per-capita uniform cost. As denominator in the LBB's calculation decreases while numerator still contains much of the system's fixed costs, the per-day cost per inmate will increase.

To disentangle the fixed costs, we have calculated the elasticity in the uniform cost per day in both secure juvenile and adult confinement. To do so, we contrasted the uniform costs estimates for both systems for both secure and adult sanctions. The question this method answers is—holding all else equal—how does the change in population alter the uniform cost in each group? This question is addressed using the two most recent uniform cost reports: 2013 and 2015 ([LBB 2013](#); [LBB 2015](#)). Further, the cost per day for juvenile incarceration was calculated using a weighted average to include the additional cost of assessment and orientation housing.

Only juvenile secure confinement produced a measurable estimate: \$0.42 per inmate per day. Adult secure confinement produced a \$0.01 estimate, and both adult and juvenile probation produced an undetectable estimate, likely because of the relatively higher caseloads and lower cost per day. As the focus of this analysis is estimating the direct cost to the state for incarcerating an additional cohort of juveniles, the \$0.42 estimate is central.

In sum, the precise difference in state incarceration costs associated with bringing 17-year-olds presumptively into the juvenile system cannot be determined. However, several findings are clear. First, the LBB's methodology for calculating the cost fails to distinguish between direct sentences and probation revocations. Second, it does not account for the widely different success rates of adult and juvenile probation and the impact of that on revocations. Also, it does not differentiate between fixed and marginal costs. The cumulative effect of these three missing elements in the LBB's calculations means that the cost of moving 17-year-olds from the adult to the juvenile system will be significantly less than the LBB's estimate.

### Estimated Local Cost

While shifting 46 incarcerated 17-year-olds from TDCJ to TJJD makes for a relatively innocuous fiscal burden, the same cannot be said for the local impact on jails and on juvenile probation. No fiscal estimate was calculated for the effect on local jails, as shifting the 17-year-old cohort would not alter the government entity responsible for youths' incarceration. Some structural changes could be expected in some counties and not in others. Further, uniform data pertaining to cost and population of the 17-year-old cohort is not readily available.

The larger cost driver is juvenile probation. While only a fraction of the cost per day of juvenile incarceration, struc-

tural differences such as lower caseloads, therapeutic orientation, and a lower economy of scale produce a cost per day roughly five times greater than adult probation. Further, since juvenile probation is administered at the local level, it is impossible to generate a similar elasticity estimate as there is no accounting for changes assumed to remain constant with the state secure population.

According to HRO's research, 8,066 youth were placed on adult probation for crimes committed while the offender was 17. The LBB's most recent uniform cost estimate for juvenile probation is \$14.52 per youth per day. Currently, this cost is shared between local and state government, contributing \$7.85 and \$6.67 per youth per day, respectively. For the purposes of this calculation the cost per day of adult probation (\$3.20) is deducted for each youth, for a total local cost of \$4.65 per youth per day.

Assuming the 8,066 youth in the eligible cohort were similarly placed on juvenile probation and at least 365 days of supervision, the total shared cost would annualize to \$33,335,164.80 to raise the age of criminal responsibility. This burden is the sum total of the local contribution of \$13,690,018.50 and the state contribution of \$19,637,080.30, assuming a similar funding structure. Absent a similar funding structure and in a model similar to adult probation, local governments would bear the full burden of \$33,335,164.80, with the state saving \$19,637,080.30.

There are several caveats to this that could result in actual net costs being lower. First, as noted above, there is insufficient data to separate the fixed versus marginal costs. The juvenile probation population in Texas has fallen in recent years without a proportionate decline in funding. In 1999, the state annual combined county and state budget for juvenile probation was \$271 million, with about \$96 million of that coming from the state (TJPC) at a time when there were about 5,000 more youths adjudicated to probation. Appropriations for juvenile probation in 2016 were approximately \$156 million (TJJD 2016). Even after adjusting for inflation, this represents a \$15 million increase for many fewer youths being supervised. There are likely many jurisdictions where there are some juvenile probation caseloads that are below the target 12 or 13 to 1 recommended ratio. Therefore, adding one 17-year-old would not in actuality add a marginal cost commensurate with what the "paper cost" appears to be. The same applies to local juvenile facilities that are under capacity.

Second, state and county governments are not legally required to fund juvenile probation at a 13 to 1 caseload level. It is possible that low-risk juvenile offenders could be on somewhat larger caseloads without a negative effect on outcomes. Additionally, in other states that have raised the age, more of the lowest-level youth offenders have subsequently been diverted from juvenile probation altogether (JPI). Given that HB 122 would not go into effect until the following biennium, there is time to further research these questions.

Finally, county jails, which are paid for 100 percent by county taxpayers, will achieve savings from not having 17-year-olds on hand. Given the federal requirement imposed by the Prison Rape Elimination Act to not only provide sight and sound separation of 17-year-olds, but also provide age-appropriate programming including school instruction, it is evident that the cost of locking up 17-year-olds in county jails is higher than for other inmates. In lesser populated counties, there would not be an economy of scale given that they may only have a few 17-year-olds in jail at a given time. However, there is insufficient data to assess the precise costs attributable to 17-year-olds in county jails.

## Conclusion

There are many significant differences between the juvenile and adult corrections systems, which can lead to divergent outcomes and costs. Evaluating the fiscal impact of raising the age involves making numerous assumptions about the behavior of offenders, probation officers, prosecutors, judges, parole boards, and other actors. Additionally, there are many gaps in data, particularly when it comes to local costs. For these reasons, the fiscal impact of raising the age cannot be precisely calculated. However, it is clear that the relative efficacy of juvenile probation as compared with adult probation will be the primary driver in not only determining the long-term costs of raising the age but perhaps more importantly its implications for public safety. ★

**References:**

- Attorney General of Texas. 2016. [2016 Juvenile Justice Handbook](#). Office of the Attorney General.
- [Ex Parte Matthews](#), 488 S.W.2d 434 (Tex. Crim. App. 1973).
- [Ex Parte Trahan](#), 591 S.W.2d 837 (Tex. Crim. App. 1980).
- [Ex Parte Tullos](#), 541 S.W.2d 167 (Tex. Crim. App. 1976).
- Garcia, Sheriff Adrian, Sheriffs Christopher Kirk and Lupe Valez. 2014. "[Sending 17-year-olds to Adult Jails Costly to Teens and Taxpayers](#)," *Dallas Morning News*, May 2014.
- [Governor Rick Perry to the Honorable Eric H. Holder, Jr](#), Attorney General, U.S. Department of Justice, March 28, 2014, Texas Correctional Employees Council.
- Grossman, Ron. 2014. "[Chicago Ushers in New Era in 1899 with Nation's First Juvenile Court](#)." *Chicago Tribune*, June 8.
- [HB 122 Fiscal Note](#). 2017. House Committee Report. Legislative Budget Board. 85th Texas Legislature (R) (March).
- HB 1205 Fiscal Note. 2015. House Committee Report. Legislative Budget Board. 84th Texas Legislature (R) (April).
- HRO (House Research Organization). 2016. [Should Texas Raise the Age of Adult Criminal Responsibility?](#) House Research Organization, Texas House of Representatives.
- Illinois Juvenile Justice Commission. 2013. [Raising the Age of Juvenile Court Jurisdiction: The Future of 17-year-olds in Illinois' Justice System](#). Department of Human Services, State of Illinois.
- Joint Interim Committee on the Family Code. 1994. [A Comprehensive Review of the Texas Family Code: Final Report to the 74th Texas Legislature](#). Texas Legislative Council.
- JPI (Justice Policy Institute). 2017. [Raising the Age: Shifting to a Safer and More Effective Juvenile Justice System](#). Justice Policy Institute.
- Juvenile Law Center. 2017. "[Youth in the Justice System: An Overview](#)." Accessed March 28, 2017.
- LBB (Legislative Budget Board) 2013. [Criminal and Juvenile Justice Uniform Cost Report - Fiscal Years 2010 to 2012](#). Legislative Budget Board.
- LBB. 2015. [Criminal and Juvenile Justice Uniform Cost Report - Fiscal Years 2013 and 2014](#). Legislative Budget Board.
- LBB. 2015a. [Statewide Criminal and Juvenile Justice Recidivism and Revocation Rates](#). Legislative Budget Board.
- LBB. 2017. Legislative Budget Board Staff Reports. Legislative Budget Board.
- LBB. 2017a. Adult and Juvenile Correctional Populations: Monthly Report (January 2017). Legislative Budget Board.
- Louisiana Office of Juvenile Justice. 2017. "[U.S. History \[of Juvenile Courts\]](#)." Accessed March 28, 2017.
- MacIver Institute and Texas Public Policy Foundation. 2013. [Mandatory Sentencing 17 year-olds in Adult Court: Is There a Better Alternative for Wisconsin's Youth and Taxpayers?](#) MacIver Institute and Texas Public Policy Foundation.
- Office of Juvenile Justice and Delinquency Prevention. 1981. [An Assessment of the National Incidence of Juvenile Suicide in Adult Jails, Lockups, and Juvenile Detention Centers](#). U.S. Department of Justice.
- Schiraldi, Vincent and Jason Zeidenberg. 1997. [The Risks Juveniles Face When They are Incarcerated with Adults](#). Justice Policy Institute.

*continued*

Texas Family Code. [Chapter 51: General Provisions](#).

Texas Family Code. [Chapter 52: Proceedings Before and Including Referral to Court](#).

Texas Family Code. [Chapter 54: Judicial Proceedings](#).

TDCJ (Texas Department of Criminal Justice). 2006. [Statistical Report Fiscal Year 2006](#). Texas Department of Criminal Justice.

TDCJ (Texas Department of Criminal Justice). 2016. [Report to the Governor and Legislative Budget Board on the Monitoring of Community Supervision Diversion Funds](#). Texas Department of Criminal Justice.

TJJJ (Texas Juvenile Justice Department). 2014. [TJJJ Strategic Plan 2015-2019](#). Texas Juvenile Justice Department.

TJJJ. 2014a. [Community Juvenile Justice Appropriations, Riders and Special Diversion Programs](#). Texas Juvenile Justice Department.

TJJJ. 2016. [Legislative Appropriations Request](#). Texas Juvenile Justice Department.

TJJJ. 2017. [“How Offenders Move Through TJJJ.”](#) Accessed March 28, 2017.

TJPC (Texas Juvenile Probation Commission). 1999. [Annual Report Fiscal Year 1999](#). Texas Juvenile Probation Commission.

Walker, Sandra Maria. 1982. [Historical Georgia: The Study of the Juvenile Court System \(1908-1982\)](#). Atlanta University.

## About the Authors



**Derek Cohen, Ph.D.**, is the deputy director in the Center for Effective Justice at the Texas Public Policy Foundation and the Right on Crime campaign. Prior to joining the Foundation, Cohen was a research associate with University of Cincinnati's Institute of Crime Science. He also taught classes in statistics, research methods, criminal procedure, and corrections.

Cohen graduated with a B.S. in criminal justice from Bowling Green State University and an M.S. in criminal justice from the University of Cincinnati, where he is currently completing his Ph.D. dissertation on the long-term costs and outcomes associated with correctional programming. His academic work can be found in *Policing: An International Journal of Police Strategies & Management*, the forthcoming *Encyclopedia of Theoretical Criminology*, and *The Oxford Handbook on Police and Policing*. He currently has scholarly articles under review. He has presented several papers to the American Society of Criminology, the Academy of Criminal Justice Sciences, and the American Evaluation Association on the implementation and outcomes of various criminal justice policy issues.



**Haley Holik** is an attorney on staff with Texas Public Policy Foundation. Holik holds a B.A. in Communications from Moody Bible Institute and earned her J.D. from Regent University School of Law. While a student, she hosted an on-campus radio show dedicated to politics and world events. She served as a clerk for the American Center for Law and Justice during law school, and was a legislative intern for Rep. Randy Forbes. Holik participated in the Civil Practice Clinic at Regent as a student-practitioner, advocating on behalf of clients in need of civil legal services. As a staff member of *Regent University Law Review*, her note concerning compelled speech and First Amendment violations was chosen for publication.

### **About the Texas Public Policy Foundation**

The Texas Public Policy Foundation is a 501(c)3 nonprofit, nonpartisan research institute. The Foundation's mission is to promote and defend liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public policy debate with academically sound research and outreach.

Funded by thousands of individuals, foundations, and corporations, the Foundation does not accept government funds or contributions to influence the outcomes of its research.

The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.

