



Juvenile Justice



The Issue

Juvenile offenders are particularly impressionable and have the most years ahead of them. This raises the stakes for both success and failure when it comes to future public safety and taxpayer costs. Sentencing youth to ineffective, inappropriate programs and facilities could place a one-time nonviolent offender on a path of persistent wrongdoing; essentially making the youth a lifetime siphon of resources rather than contributor.

One of the simplest reforms for ensuring juvenile offenders are placed in the most appropriate setting would be to raise the age of the jurisdiction of the juvenile court from 16 to 17 years of age for misdemeanants and give adult courts the discretion to transfer certain 17 year-old nonviolent felony offenders. These individuals are likely to have committed a minor infraction that would warrant probation; juvenile probation is much better situated to engage parents, who have no right to participate in the adult system, to strengthen the family's capacity to provide structure and discipline. Moreover, juvenile probation typically works with the youth's school to ensure the youth is attending school and exhibiting appropriate behavior. Further, prosecutors can continue to ask that the court certify any youth to stand trial as an adult if charged with a violent or sex offense, and even some drug and property offenses.

Adjudicated youth are more likely to find gainful employment in their adult lives if they are not dogged by a persistent criminal record. Many youth who do run afoul of the law and complete their punishment still carry a record with no understanding of how to seal it. By erecting statutory provisions that mandate the automatic sealing of juvenile records after 1) an established period of time has passed, 2) no subsequent offenses were committed, and 3) the initial offense was nonviolent, these young adults are better positioned to contribute to the workforce. These records would not be expunged and still available to law enforcement authorities to assist in arrest and charging decisions.

It costs some \$366.88 per youth per day to house youth in state lockups operated by the Texas Juvenile Justice Department (TJJD), the agency that was created in 2011 with the merger of the Texas Juvenile Probation Commission and Texas Youth Commission (TYC). However, the growing per-youth cost partly stems successful efforts to reduce the population in these facilities from about 5,000 in 2005 to 1,300 today, which has led to a drop in total costs of 25%. As fewer kids are being committed to TJJD facilities, the statewide system inherently becomes less efficient as economies of scale are lost. However, as these trends continue, more facility closures may be possible, thereby representing wholesale reductions in system costs.

The Facts

- There were 141,734 juvenile arrests in Texas in 2005. In 2012, there were only 92,164 juvenile arrests. Arrests of juveniles for murder and manslaughter with a culpable mental state greater than negligence fell from 54 to 27.
- Largely due to a two-thirds drop in the number of youths in TJJD lockups, the TJJD facilities budget for 2014-15 is \$319 million, less than the \$427 million appropriated to TYC in 2006-07.
- In a recent study, youth who had their records sealed were nearly twice as likely to be employed after two years as those who had not. These youth were also less likely to abuse substances.

Recommendations

- Raise the jurisdiction of the juvenile court to cover 17 year-old misdemeanants. This will increase public safety due to the lower recidivism rates in the juvenile system and save taxpayer dollars. These savings will compound over time as fewer youth return to the criminal justice system in their adult years.
- Empower adult criminal court judges with the authority to transfer 17 year-old nonviolent felons to the juvenile court. This will allow courts to examine each case in light of factors such as the maturity of the 17 year-old, prior record (if any), and assessed risk level, all of which will help the court determine whether the more intensive rehabilitative programming and smaller caseloads in the juvenile system would benefit that offender.
- Pass statutory provisions that automatically seal the records of nonviolent youth offenders under established criteria. Doing so will lower the burden that formal proceedings place on the court, establish a uniform standard for the sealing of records, and prevent minor youthful indiscretions from hampering future prospects of employment.
- Expand use of specialized caseloads with specially trained supervision officers for medium to high-risk mentally ill youths on juvenile probation and parole, in light of evidence that such programs as the Front End Diversionary Initiative (FEDI) substantially reduce recidivism and revocations.

Resources

Incentivizing Stronger Probation in the Texas Budget by Marc Levin, Texas Public Policy Foundation (Mar. 2013).

Public Safety and Cost Control Solutions for Texas County Jails by Marc Levin, Texas Public Policy Foundation (Mar. 2012).

