

Texas Public Policy Foundation

# Criminal Justice

Legislator's Guide to the Issues 2017-18



## Juvenile Justice



### The Issue

Juvenile offenders are more impressionable than adult offenders, and have longer lives ahead of them. This raises the stakes for both success and failure for both future public safety and taxpayer costs when dealing with juveniles. 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 expand the limit of juvenile court jurisdiction from 16 to 17-year-olds for misdemeanants and give adult courts the discretion to transfer certain 17-year-old nonviolent felony offenders. Raising the age of juvenile jurisdiction would align Texas with the vast majority of other states in the country, who also set the cut-off age for juvenile jurisdiction at 17. These youths 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 or even be informed that their child was arrested at all, strengthening 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, if the situation warrants it, 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.

Youths in Texas may reach the juvenile justice system in unexpected ways. Until 2013, students could receive tickets for misbehavior in their schools, and failure to respond or an accumulation of tickets sometimes resulted in arrest warrants and jail time. Further, truancy was a criminal offense, and until 2015 had many of the same issues. Today students still receive punishments disproportionately in certain districts which place them at a higher risk of later becoming involved in the criminal justice system.

It costs some \$437.11 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). Although this cost has been growing steadily, it stems in great part from successful efforts to reduce the population in these facilities from about 5,000 in 2005 to 1,100 in 2013. As fewer kids are being committed to TJJD residential facilities, the statewide system inherently becomes less efficient as economies of scale are lost.

However, as these trends continue, closing down more facilities may be possible, thereby representing wholesale reductions in system costs. In fact, recently, a regionalization plan was enacted, in order to downsize the state facilities by up to 80% in the coming years, diverting youth to regional facilities and further shrinking costs, similar in some respects to the successful Missouri Model, which keeps juveniles in localized settings for therapeutic treatment.

### The Facts

- There were 141,734 juvenile arrests in Texas in 2005. In 2014, there were only 59,447 juvenile arrests. Arrests of juveniles for murder and manslaughter with a culpable mental state greater than negligence fell from 54 to 30.
- Largely due to a greater than two-thirds drop in the number of youths in TJJD lockups, the TJJD facilities budget for 2014-15 was \$319 million, less than the \$427 million appropriated to TYC in 2006-07.

*continued on back*

- As seen in the Missouri Model of juvenile justice, localized and regional treatment of juvenile offenders can reduce cost and the recidivism rates of juvenile offenders.
- The crimes committed by 17-year-old offenders are more in line in substance with the crimes committed by 15- and 16-year-olds, and 17-year-olds also see a reduction in recidivism rates when sent through the juvenile system.

## 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.
- Failing that, 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.
- 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

[\*The Texas Model, Juvenile Justice\*](#) by Dianna Muldrow and Derek Cohen, Texas Public Policy Foundation (Nov. 2015).

[\*Testimony before U.S. House Committee on Education and the Workforce\*](#) by Derek Cohen, Texas Public Policy Foundation (Oct. 2015).

[\*A Critical Look at Juvenile Offenders with Mental Illnesses: What We Know, What We Don't, and Where We Go from Here\*](#) by Jeanette Moll, Texas Public Policy Foundation (Jan. 2012).

