

# LEGISLATOR'S GUIDE

## to the Issues

### Juvenile Justice

#### The Issue

Juvenile offenders are more impressionable than adult offenders and have longer lives ahead of them. This raises the stakes for dealing with delinquent youth, as the success and failure of policies have a far-reaching effect on 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 wrongdoing.

It costs some \$441.92 per youth per day to house juveniles in state lockups operated by the Texas Juvenile Justice Department (TJJD). Although this cost has been growing steadily, it stems in large part from successful efforts to reduce the population in these facilities from more than 5,000 in 2005 to less than 900 in 2018. As fewer kids are committed to the remaining five state-run institutions, the statewide system becomes less efficient as economies of scale are lost.

In 2015, a regionalization plan was enacted with the goal of further downsizing the state lockups by diverting youth to regional facilities. This allows youth to remain closer to their families and communities while shrinking costs for taxpayers. Regional facilities are smaller, more manageable environments that benefit juveniles in need of structured rehabilitative programming. Regionalization keeps juveniles in local settings for therapeutic treatment and allows for more seamless reentry back into the community.

To further ensure juvenile offenders are placed in the appropriate setting, Texas could expand the limit of juvenile court jurisdiction from 16- to 17-year-olds. Raising the age of juvenile jurisdiction would align Texas with 46 other states in the country. Juvenile probation is better situated to engage parents, who have no right to participate in the adult system. Moreover, juvenile probation typically works with schools to monitor attendance and behavior. The overwhelming majority of 17-year-olds in Texas are convicted of nonviolent misdemeanors. Importantly, though, if Texas enacted this reform, prosecutors may still ask the court to certify a youth to stand trial as an adult in crimes that are violent or sexual in nature.

Research suggests school disciplinary issues are often a precursor to cycling in and out of the juvenile and criminal justice systems. This is why school discipline policies that correct misbehavior can yield positive long-term outcomes for youth while creating safer learning environments. Zero tolerance policies mandate a certain punishment—usually suspension or expulsion—for a category of misbehavior. These rigid policies undercut proportionality and common sense by disallowing educators to appropriately assess each situation. To maintain order in the classroom and secure safety, exclusionary punishment may be the appropriate sanction for serious offenders. However, unnecessarily removing children from the classroom can lead to poor outcomes for Texan youth.

#### The Facts

- A Texas-specific study suggests that youths sentenced to community punishment are less likely to reoffend compared to youths with similar risk factors and backgrounds sentenced to state-run facilities.
- As seen in Missouri, localized and regionalized treatment of juvenile offenders can reduce costs while lowering recidivism rates.
- The crimes committed by 17-year-old offenders are substantively similar to the crimes committed by 15- and 16-year-olds, and their recidivism rates are reduced when processed through the juvenile system.
- Research indicates zero tolerance policies neither improve safety nor resolve the underlying issues of misbehaving students. Such policies cost millions in taxpayer dollars through costly alternative programs for suspended students, while other costs compound the investment, including lost educational hours and lost wages for parents taking time off work to care for a suspended child.

#### Recommendations

- Regionalize the juvenile justice system by further diverting youths to community punishment and supervision, accounting for risk level of offenders to protect public safety. This will help create safer neighborhoods and produce better outcomes for Texas youth.
- Implement a community-based residential model to close more state youth facilities, thereby representing wholesale reductions in system costs. While public safety demands that dangerous, high-risk juveniles be incarcerated, facilities should be accessible to communities in order to foster family involvement and support systems.
- Raise the jurisdiction of the juvenile court to cover 17-year-old offenders, but maintain the process of certification, which allows transfer of juveniles to adult criminal court.
- Categorize all school disciplinary actions as discretionary offenses. This will prevent the unintended consequences of zero tolerance policies. While exclusionary discipline is a necessary practice to maintain classroom safety and productivity, each student should receive an individualized assessment.

#### Resources

[Raising the Age of Juvenile Court Jurisdiction in Texas](#) by Derek Cohen and Haley Holik, Texas Public Policy Foundation (April 2017).

[Texas' Regionalization of the Juvenile Justice System](#) by Dianna Muldrow, Texas Public Policy Foundation (Jan. 2017).

[School Discipline in Texas: Past, Present, and Future](#) by Dianna Muldrow, Texas Public Policy Foundation (Aug. 2016).

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

*[Expelling Zero-Tolerance: Reforming Texas School Discipline for Good](#)* by Jeanette Moll and Henry Joel Simmons, Texas Public Policy Foundation (Aug. 2012).

*[“Monthly Tracking of Juvenile Correctional Population Indicators,”](#)* Legislative Budget Board (June 2018).

*[Overview of Criminal and Juvenile Justice Correctional Population Projections, Recidivism Rates, and Cost Per Day,](#)* Legislative Budget Board (Feb. 2017).

