

# seventeen in the adult justice system

## QUICK FACTS

### What is "Raise the Age"?

In Texas, 17-year-olds who are arrested are **automatically** sent to the adult justice system, regardless of how minor the alleged offense might be. Texas is one of **only four states** left to treat these teens as adults for criminal justice purposes. "Raising the age" of criminal responsibility to 18 would start 17-year-olds off in the youth justice system but give judges the discretion to transfer kids with the most serious offenses to the adult system on a case-by-case basis.

### What's wrong with sending 17-year-olds to the adult justice system?

When young people are prosecuted in the adult justice system, they are **blocked from a wealth of age-appropriate services** that are offered exclusively in the youth justice system. Kids in the youth system are offered access to education, as well as more age-appropriate options in probation that are geared toward reintegrating them into society.

When 17-year-olds are in the adult system, no one is required to inform their parents of their arrest, and their **parents do not have a right to be involved** in the court process. A **criminal record follows 17-year-olds for life**, creating barriers to education, housing, and employment.

And ironically, because of their age, **17-year-olds are ineligible for certain rehabilitative interventions that serve as an alternative to incarceration in the adult system**. For example, the Sobering Center in Austin/Travis County is unable to divert 17-year-olds because a person must be at least 18 to consent to treatment. As such, a 17-year-old arrested for public intoxication in Austin/Travis County is booked into the adult jail, while an adult arrested for the same offense can be diverted to the Sobering Center for treatment.

Of all 17-year-olds arrested in Texas in 2017, more than 95 percent were arrested for nonviolent and misdemeanor offenses. Despite the fact that 16- and 17-year-olds tend to get in trouble for the same offenses, **17-year-olds are more likely to end up in an adult jail than 16-year-olds are to end up in juvenile detention—for the same offense!** This unnecessary incarceration **threatens public safety**: Incarcerating people who have committed only low-level offenses can actually increase the chances that they will commit future, more serious crimes.

Incarcerating 17-year-olds in adult facilities also **threatens their health and safety**. Alarming, kids in adult jails and prisons are **far more likely to be physically or sexually assaulted** and **36 times more likely to commit suicide** than kids in juvenile detention facilities. According to Texas Appleseed, there were 30 attempted suicides by 17-year-olds in Texas adult prisons in 2017, where only 30 17-year-olds were housed.



**"I was arrested at 17 for drug possession. I had been working to get into a naval school that would help me get into the Army, but after I got arrested, they said it was no longer possible. When I got out of jail, I wasn't even allowed to go back to high school."**

**-JAMES**

**“My daughter Natalie was having a lot of issues—runaway issues, mental health issues, cutting school. She was eventually arrested for drug possession at 17. Had Texas already raised the age to 18, I believe that, as a parent, I would have been able to keep her in school, and I could have managed everything better until she was 18. The juvenile justice system would have given Natalie more hands-on assistance, and would have provided me with more support.” -LINDA**

## **What are the benefits of keeping 17-year-olds in the youth justice system?**

**Better opportunities for future success:** Unlike adult criminal records, which are generally considered public information, juvenile records are confidential and may be shared only with entities specified in law. Further, young people in Texas have many opportunities to have their records sealed, in which case no one may access the records except with a court order. This aligns with the rehabilitative spirit of the youth justice system and allows kids the greatest possible future opportunities for success.

**Increased public safety:** Keeping kids in the youth (vs. adult) system has been shown to lower their likelihood of re-offending by 34 percent, likely because of their access to age-appropriate rehabilitative services.

**Better treatment of kids:** Since early 2018, TJJD has significantly expanded **trauma-informed care and evidence-based practices** in childhood health and well-being that promote the rehabilitation of young people. And since November 2018, violent incidents, use of physical force incidents, and use of mechanical restrains have all demonstrably dropped. Unfortunately, **17-year-olds in Texas, while still developmentally vulnerable and in need of these types of services, are unable to benefit from the rehabilitative reforms.** They should be kept in the youth system so their rights and well-being are better protected.

**Long-term cost savings:** In Texas, the cost to implement “raise the age” has been estimated at around \$60 million, but the long-term return on investment to the community has been projected at \$140 million. From lower re-arrest rates to a projected \$90 million net benefit for each cohort of 17-year-olds moved into the youth system from the adult system, **the overall, long-term benefits far outweigh the initial cost of shifting kids out of adult confinement.**

**NOTE:** Other states working to “raise the age” have encountered concerns that the youth justice system would be overwhelmed by taking on responsibility for 17-year-olds, and would see a dramatic rise in costs. However, **in state after state that has successfully raised the age, such dire predictions have never materialized.** In 2017, the Justice Policy Institute released a report examining the seven states that had raised the age over the previous decade; it revealed that **crime rates in those states continued to fall, and that each state was able to keep taxpayer costs in check.**



**in the adult system  
higher rates of sexual assault, depression, & suicide**



**in the juvenile system  
better access to rehabilitative wrap around services**

## Is there room for 17-year-olds in the youth justice system?

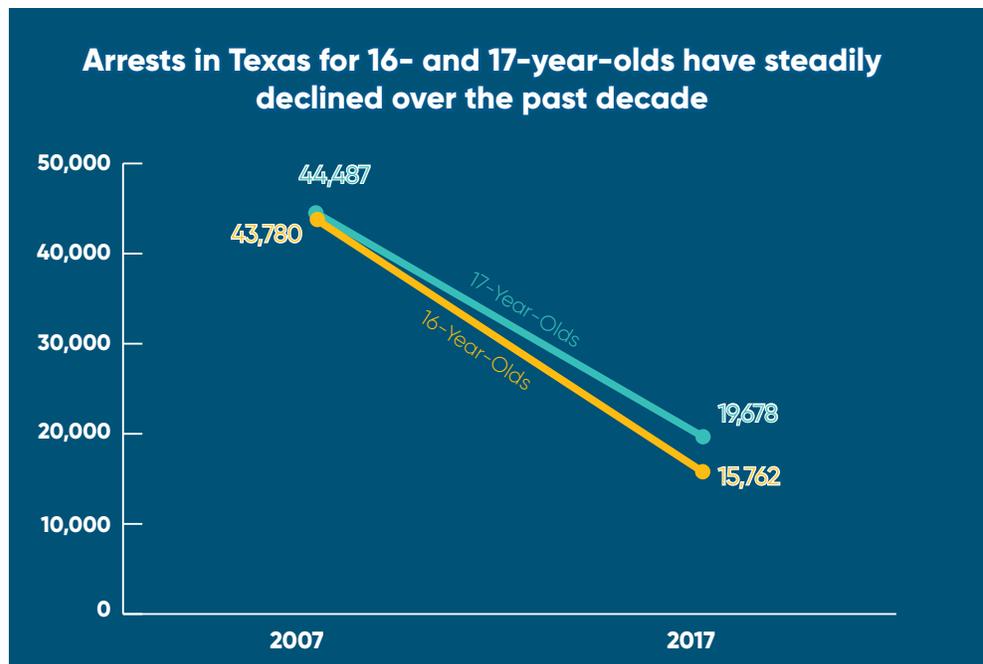
Arrests in Texas for both 16- and 17-year-olds have steadily declined since 2007—by 64 percent for 16-year-olds and 56 percent for 17-year-olds—creating capacity and opportunity to raise the age.

And given that funding has been shifting away from state secure facilities to juvenile probation, it has better positioned juvenile probation to absorb 17-year-olds.

**Furthermore, only 33 kids aged 17 or younger were actually incarcerated in a Texas prison or state jail as of August 2018—a small population that could be absorbed by the**

**youth system**, especially given that the number of kids incarcerated in secure juvenile facilities declined from 1,026 in December 2017 to 768 in August 2019.

The figure below shows state residential population projections for the Texas Juvenile Justice Department (TJJD, the youth corrections system), relative to its operating capacity, from fiscal years 2019 to 2024.



YEAR	YOUTH POPULATION PROJECTION	UNDER CAPACITY BY [#] OF YOUTH	SUPPORTABLE POPULATION INCREASE
2019	1,177	683	58%
2020	1,209	651	54%
2021	1,268	592	47%
2022	1,281	579	45%
2023	1,284	576	45%
2024	1,286	574	45%

**“I was arrested at 17 for unauthorized use of a motor vehicle. Leaving the Harris County jail, I made a promise to myself and to my loved ones that I would not return. However, as a kid with no idea how to address my substance use and mental health disorders, it was inevitable that I would be arrested again. Not three months later, I was arrested for substance abuse-related charges and sentenced to five years in Texas prison. I pray that Texas will one day realize that we must treat kids like kids, provide them with more opportunities for rehabilitation, help them address the root causes of their behavior, and stop believing that incarcerating kids is the solution.” -JOSÉ**

## Broad-based support for “Raise the Age” in Texas

“Raise the age” is an issue that is important to Texans from many different backgrounds and geographical areas. During a recent series of visioning sessions with directly-impacted kids and families from all across Texas, attendees collectively determined that **raising the age of juvenile jurisdiction was their top reform priority**. Additionally, a 2016 poll revealed that **86 percent of GOP primary voters favor starting 17-year-olds in the youth justice system** while giving judges the discretion to transfer them to the adult system.

Seventeen-year-olds are not just miniature adults. They are more vulnerable, less culpable, and highly amenable to rehabilitation. **Prosecuting 17-year-olds in the adult justice system is not only ineffective, it is harmful—to the kids who need positive and age-appropriate redirection, and to society.**

Expanding juvenile jurisdiction to include 17-year-olds promotes a youth justice system focused on **public safety, rehabilitation, fairness, and fiscal responsibility.**

## RAISE THE AGE, TEXAS!

**When informed that 95% of 17-year-olds are arrested for nonviolent offenses**

**86% of GOP  
Primary Voters**

**favor starting 17-year-olds in the juvenile justice system while giving a judge the discretion to move them to the adult system on a case-by-case basis.**

**“I was arrested during my senior year of high school at the age of 17 for a misdemeanor theft. In the months following my arrest, I missed quite a few days of school to accommodate court dates and probation requirements.**

**My GPA definitely suffered as a result. The financial impact was also huge—I spent more money at 17 on legal fees than I have so far in college tuition at Austin Community College. I believe everyone is working to create a better environment for their kids—but sending 17-year-olds to the adult justice system isn’t doing that.”**

**-NICKY**