

# *seventeen*

## **IN THE ADULT JUSTICE SYSTEM**

**OCTOBER  
2019**



**Profiles of People Directly Impacted  
by Texas' Failure to RAISE THE AGE**

**TEXAS CRIMINAL JUSTICE COALITION**

# seventeen

## IN THE ADULT JUSTICE SYSTEM

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I was arrested at 17 for unauthorized use of a motor vehicle. I sat in the Harris County jail for seven days before I was able to make bond. This experience was very eye-opening. I was the youngest person in my pod, housed with grown men who had charges far more severe than I did and who had far more experience with the criminal justice system than I did.

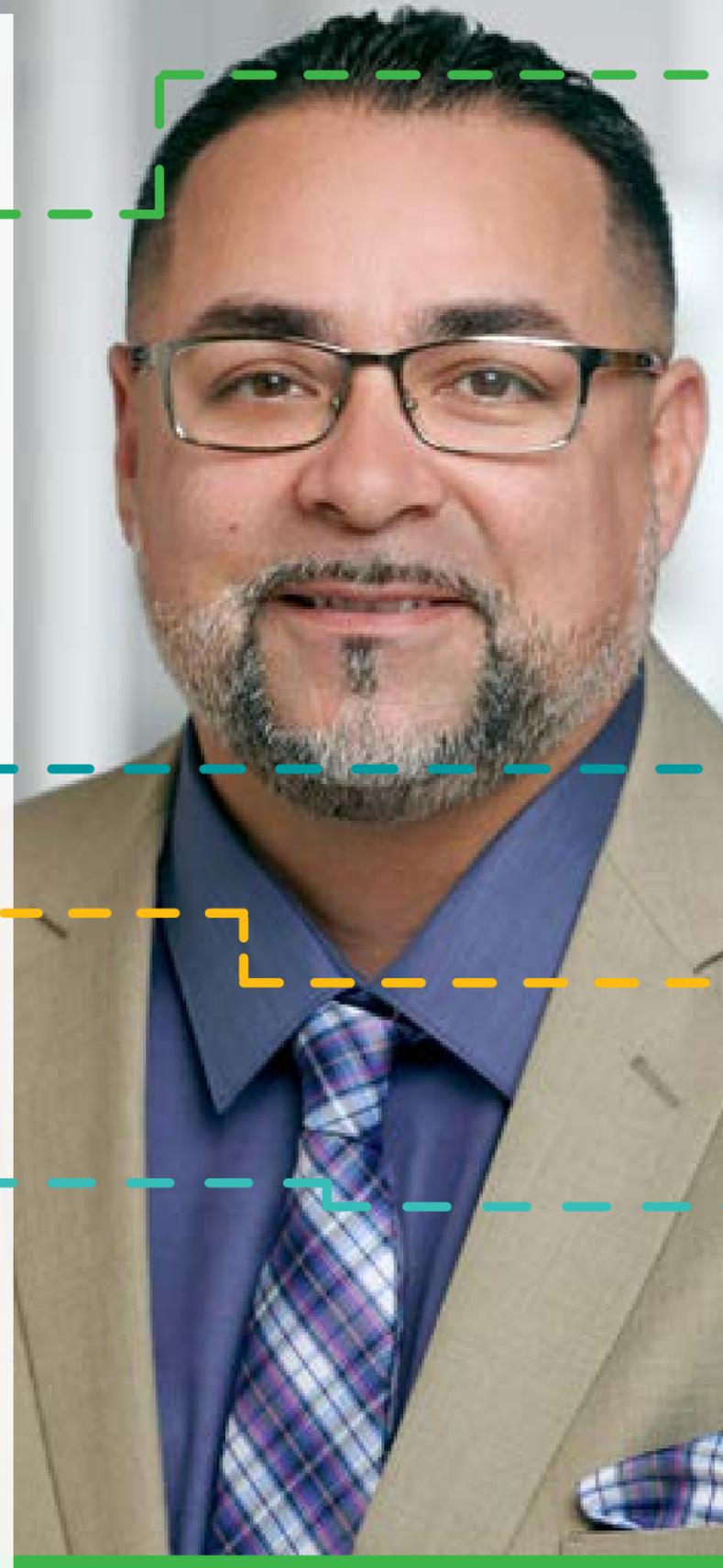
I was told by other men I was housed with to avoid the guards because they were not there to help me and could actually cause more harm to me than any man I was housed with. This proved to be true, as I soon saw three guards assaulting a man in the hallway outside our pod. Rather than restrain him with care, they punched, kicked, and kned him until they were ready to place him in handcuffs.

I was overjoyed to be released after a week. Driving home, I could only think of how grateful I was to be leaving the Harris County jail, and 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.**

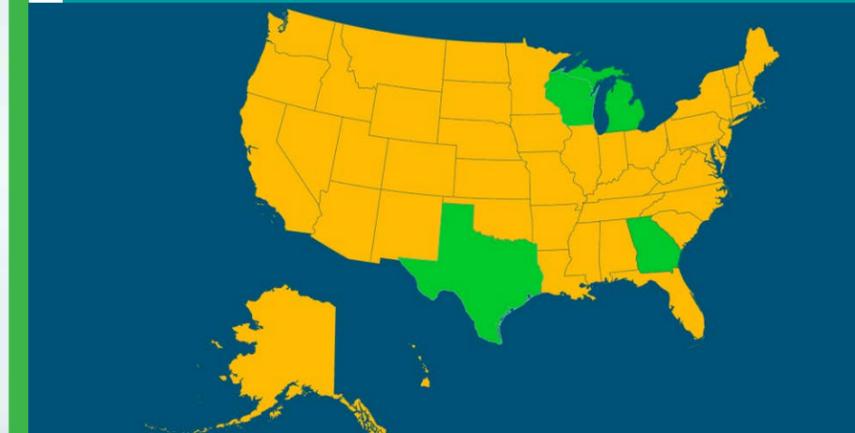
I often think back and wonder how things could have been different for me had I still been considered a juvenile at 17, rather than an adult. During my time on juvenile probation, my parents were more involved in the services being provided, and my probation officers were in constant communication with my parents. After testing positive for certain substances on a urine analysis, I was ordered to complete a 30-day inpatient substance abuse treatment program, which was exactly what I needed. Unfortunately, these services ceased once I completed my juvenile probation term.

**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**



→ 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, the others being Georgia, Michigan, and Wisconsin.



→ **Texas prisons saw a 50 percent uptick in major use-of-force incidents** between 2008 and 2017. The exposure to and experience of violence in adult prisons are commonly reported by kids as one of the most terrifying realities of confinement.<sup>1</sup>

→ **"RAISING THE AGE"** 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.

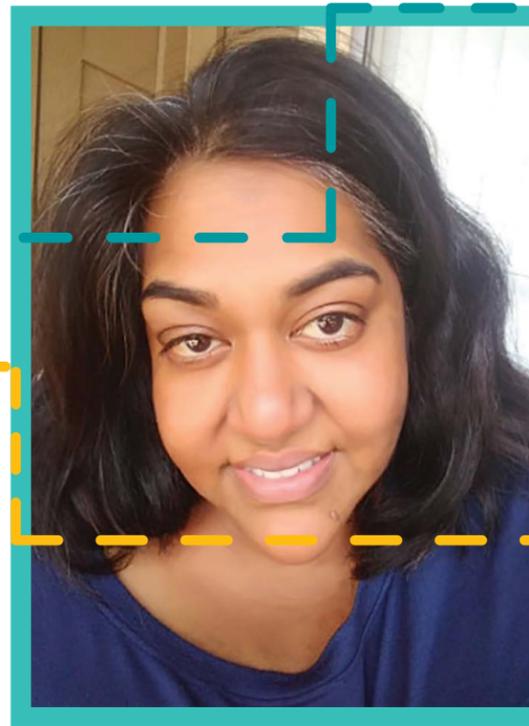
→ A young person on probation in the youth justice system is much more likely to receive **needed rehabilitative services** than a young person on felony probation in the adult system. Furthermore, the youth system's ability to respond to probation violations by requiring participation in community-based services, unlike the adult system, reduces a young person's likelihood of further intersection with the adult system.

My dad passed away when I was 16 and I started going out to nightclubs using a fake ID. I was hanging out with the wrong crowd and, at 17, I was convicted of credit card abuse. As a result, I have a felony on my record that has affected me for years and years. When I was arrested, the police did not call my parents because I was technically an adult, and I was too scared to call them. It was a really tough time for me. I was in county jail by myself, no cellmate. Nobody would talk to me. I read the entire Bible, and that is what got me through. I was appointed an attorney but there were people in jail for four months waiting to go to court. Knowing I could be there for months and months, I decided to call my mom. I ended up staying in jail for 30 days.

**When I was 16, I wanted to be a politician. As a young person, I used to ask myself, "what can I do to make changes in the world?" My arrest and resulting felony record made me believe that it would be impossible for me to change the world for the better.** As soon as I got arrested, I asked if it would affect my chances of one day working in law enforcement. I figured, just like that, things that I wanted to do in my life were never going to happen. **It set the tone for me to feel that I would have to settle for whatever I could do with a felony on my record.**

I ended up getting 10 years' probation. I had to pay around \$125 a month for 10 years. It was very scary; the whole thing was intimidating. I always felt that they might arrest me if I was short on my fees. One time, right after I had just had my baby, my probation officer told me that if I did not have my fees I was going to be arrested. He told me that my probation fees were more important than my rent.

I was a really good kid, and it honestly was the death of my dad that altered my path. My mother could not handle my dad's death, and she started drinking and left me to do whatever I wanted. It hit me that nobody cared if I went to school and got good grades or not. I didn't understand the consequences of my actions. As smart as I was in books, I was stupid about life. I was a smart kid, a nerdy kid, a kid that was supposed to do something with her life, but things fell apart.



**RHONDA**

→ 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. Unfortunately, 17-year-olds in Texas do not benefit from these protections. Their record follows them for life, creating barriers to education, housing, and employment. **"This is an economic death sentence."** – State Representative Byron Cook on the floor of the House of Representatives during Texas' 2017 legislative session, in support of raising the age of criminal responsibility to 18.<sup>2</sup>

→ The federal Prison Rape Elimination Act (PREA, which went into effect in 2003) defines a "youthful offender" as anyone under the age of 18. The legislation has created specific rules for confinement regarding this population. For a correctional facility to be PREA compliant, youth must be separated by "sight and sound" from the adult prison population. This can lead to **17-year-olds being held in solitary confinement** for up to 23 hours a day.<sup>3</sup> This isolation, while intended to protect young people, breeds unique threats to their mental and physical health.<sup>4</sup> Additionally, sending 17-year-olds to adult jails is costly (due to PREA mandates) and subjects sheriffs to liability for failing to comply. Keeping as many kids as possible out of adult jails will prevent Texas sheriffs from having to retrofit their facilities at tremendous expense or face lawsuits for non-compliance. Dallas County alone has reported having to spend more than \$4 million per year to separate 17-year-olds from adults.<sup>5</sup>

→ In Texas, the age of adulthood is typically 18; at that age, Texans are able to vote, join the military, and buy a lottery ticket. Yet kids in Texas are charged as an adult for any criminal offense committed at age 17. The resulting criminal record can create **lifetime barriers to education, employment, military service, and housing for kids** who have been charged as adults.

**JUVENILE PROBATION -VS- ADULT PROBATION**

<ul style="list-style-type: none"> <li>● Community-based, rehabilitative services that can require the young person's family to participate.</li> <li>● If the young person violates probation, the judge can require treatment or other rehabilitative services.</li> <li>● Upon successful completion of probation, the court can seal the young person's record. No one will have access to the records, besides law enforcement (who must petition the juvenile court).</li> </ul>	<ul style="list-style-type: none"> <li>● Limited rehabilitative services, and parents are not included in the process.</li> <li>● If the young person violates probation and is revoked, they will be sent straight to an adult jail or prison.</li> <li>● If the young person completes probation, their record will likely follow them for life. Even if the court grants an order of non-disclosure, the record will still be visible to law enforcement and military.</li> </ul>
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I was arrested during my senior year of high school at the age of 17. My charge was misdemeanor theft—I had tried to steal something from a Dillard's department store. The night I had to spend in the WilCo county jail was one of the worst experiences of my life. The psych ward was right behind me, and I could hear a person screaming about hallucinations they were having that someone was in their cell trying to get them. No one was helping this person, and I couldn't do anything. I was just a kid, and I didn't belong there—I should've been at home.

**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.** The cost of navigating the adult criminal justice system is extreme, and money really is what can buy you your freedom. Because my parents were so disappointed in me, they wouldn't help me with the costs, so I had to figure out how to pay all the fees myself.

For almost nine months following my arrest, I was in a really dark emotional place. My grades suffered, my relationships with friends and family suffered, and I couldn't really explain this to my parents because they were so disappointed in my being arrested in the first place.

I was in the process of applying to Baylor University and the application asked if I had been arrested or had a criminal case pending. I knew that checking that box "yes" meant I was basically making my application decision for myself. Austin Community College is a great school, but if I hadn't been arrested, I wouldn't have felt held back so much.

Eventually, I was able to get the record expunged—so, technically, the arrest never happened. Part of me was so grateful to get it expunged because I wanted so badly to bury it, but I also know that I'm not the only person who has been impacted like this. **I'm willing to share my story here because I want people to really see how detrimental it is to treat 17-year-olds as adults in the criminal justice system.**

**NICKY**



I made the best of my situation, but if my attention hadn't been divided between school and navigating the justice system, my GPA would have been better, my mental health would have been better, I wouldn't have been depressed, and I would've completed high school more successfully. Nothing about the experience helped me—I've overcome in spite of it all, without ever being offered any supports or services, and I feel like I went through some really serious obstacles that just weren't necessary.

**It could just be your kid or the kid next door that this happens to. Regardless of partisanship, 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. The juvenile justice system is created to give kids a second chance. When you're charged as an adult when you're still a kid, there is no second chance.**

➔ Theft is the most common offense for which both 16- and 17-year-olds are arrested in Texas. Despite the fact that these age groups 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!<sup>6</sup>

➔ Kids can face unique challenges in successfully meeting the same probation requirements expected of adults. While certain conditions are intended to help people become more successful – like employment and education requirements, community service, and rehabilitative conditions – they may actually **overwhelm a young defendant and pose barriers to success.** Also problematic, Texas charges substantial fines and fees to probationers, in addition to expensive drug screens; when combined, these costs often add up to thousands of dollars.

It was tough growing up. I saw my uncles and my mom go to jail. My mom was living on the streets and under a bridge for a while. There was a lot of gang violence around me, and one time our house got shot up on Christmas Eve. I've seen a lot, and it was a bad experience. Very emotional.

I was arrested at 17 for possession of a controlled substance and entered the adult system. I signed for eight years' probation, but then my probation was revoked because I was caught in possession of marijuana. **I was revoked leaving the courthouse that day—I had been on probation for less than 12 hours.** I ended up being incarcerated for seven-and-a-half years.

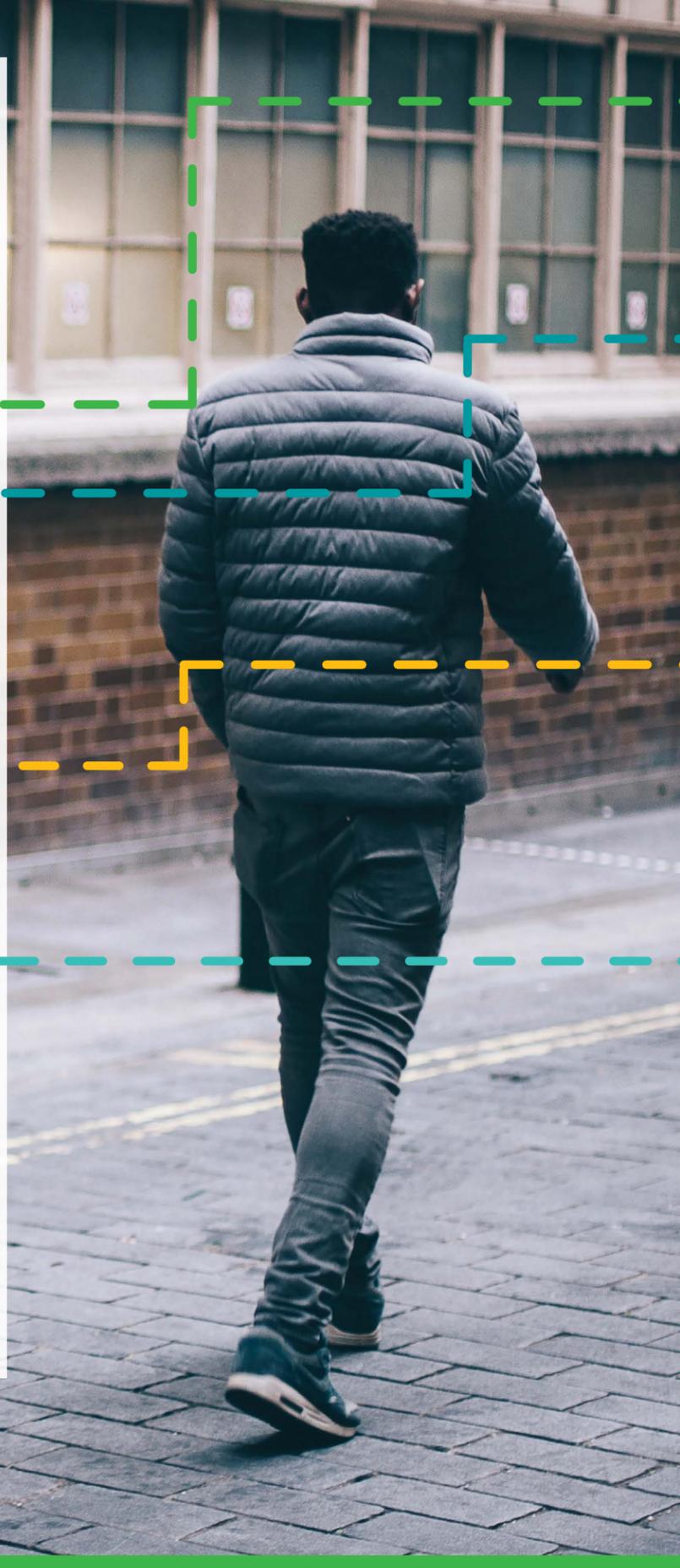
While incarcerated, my little brother was born. I wanted to call home but they wouldn't let me. I got upset and ended up getting gassed. They put me in solitary for 30 days. It was so depressing. When you're young you want to interact with people, but I couldn't see anybody. I felt like I was losing my mind at one time. I feel like those cells will play mind games on anyone after being in solitary for so long.

Things would've been a lot better for me if I could've stayed in the juvenile justice system. They have a lot of programs in the juvenile system, and they actually try to help you in there. You have to go to classes and get an education. They teach you how to keep your composure and you have counselors inside the dorm.

When I got out of prison, I got a job at a car dealership, but it was hard to find a place to live. A lot of places wouldn't rent to me because of my felony record. These days, I'm just trying to get my life together and focus on my future.

**I feel like I came out of the adult system worse than I went in. Kids are still kids, and they have a better chance in the youth system.**

**LEON**



→ Of the 20,000 17-year-olds arrested in Texas in 2017, more than 95 percent were arrested for **nonviolent and misdemeanor offenses**, many of which were drug-related.<sup>7</sup> Possession of marijuana represented 19.3 percent of bookings for 17-year-olds in 2017.<sup>8</sup>

→ Seventeen-year-olds placed on adult probation in Texas are **far more likely to be revoked and sent to prison or jail** than any other age group. As of 2016, felony probation outcomes showed that 42 percent of 17-year-olds had already had their probation revoked by the end of the second year. Of all probation terminations among young adults in 2016, 82 percent were revocations.<sup>9</sup>

→ Experts agree that solitary confinement is an overly harsh practice for youth and can be extremely detrimental to their development. Leon's experiences surrounding his confinement are not uncommon: the effects of solitary confinement have been injurious and long-term, leading some to **depression, self-harm, psychosis, or even suicide**.<sup>10</sup>

→ Since early 2018, the Texas Juvenile Justice Department (TJJD, the youth corrections system) has significantly expanded trauma-informed care and evidence-based practices in childhood health and well-being that promote the rehabilitation of young people.<sup>11</sup> Also positive, the population being detained in Texas' five secure juvenile facilities has decreased to 768 kids—a 25 percent decline since January 2018. And since November 2018, violent incidents, use of physical force incidents, and use of mechanical restrains have all demonstrably dropped.<sup>12</sup> 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**.

I was arrested at 17 for forgery. A buddy of mine was stealing checks and I was cashing them for him. I was placed on probation, but I quickly picked up a new theft case and was sentenced to 10 years with a minimum 75-day stay in the Texas Department of Criminal Justice's "Youthful Offender Program" in Huntsville. That program is actually in an adult prison, just separated from the general population.

I am from a poor, Latino family. We didn't have any resources for an attorney to fight for me and provide me with good representation. I had to wait 45 days in county jail for them to finally take me to Huntsville, and I was assaulted a couple of times during that waiting period. The night we got called to "catch the chain" (as it's called), we were all placed in a holding cell. I saw four or five guys give another guy a vicious beating with such ferocity. It was brutal, and a traumatic thing to witness. Only when I was taken to Huntsville did my 75-day sentence start. I did my 75 days of punishment—there was no rehabilitation—and then I was released on parole.

After a traumatic experience being incarcerated, I had to go finish high school as a convicted felon. I was a good student, and I worked hard. I was eventually recruited to play college soccer but I needed permission from my probation officer to travel. Trying to navigate adult probation as a kid was horrific. It's so easy to just get caught up in the system.

I ended up at Notre Dame, then transferred to Clemson where I met my wife. After graduating from college, I couldn't find an apartment to rent because I had a criminal record. **I'm about to apply for a job as an assistant coach, and these old scars are guaranteed to resurface. I hope to God that the person on the other end is understanding and doesn't hold it against me. I'm still having to answer for things I did at 17. These are things that never go away, this scar that I don't think ever heals. At every turn, I have to relive it.** It causes me to feel like I'm not good enough. There is a lot of pain, a lot of guilt, a lot of thinking about what could have been done differently. If I didn't have the emotional and mental support of people like my wife, I don't know where I'd be right now.

Luckily, I've got a wife, two kids, and my real estate license, but it's been so hard. I was just a kid, and it was a brutal and traumatic experience that still impacts me to this day. I was young and my offenses were petty; I never should have been incarcerated. There has to be a better approach than "lock 'em up and throw away the key."

# DANIEL



→ **No evidence** exists to prove that detaining kids in adult prisons is beneficial, yet 17-year-olds are routinely housed in adult facilities.<sup>13</sup>

→ Placing kids in adult prisons and jails is unsafe. The National Prison Rape Elimination Commission reports that **kids are the population most at risk for sexual abuse**,<sup>14</sup> and a federal study shows that two-thirds of kids in adult prisons have reported being sexually abused.<sup>15</sup>

→ According to an evaluation of the "Youthful Offender Program" (now officially called the "COURAGE program") in 2011, **kids housed in Texas' adult prisons are not provided with adequate vocational and recreational opportunities**.<sup>16</sup> Moreover, in 2018, Dominique Mitchell, a former supervisor of the program, reported a culture of covering up abuse. Speaking with the *Dallas Morning News*, she stated that officers in the unit cursed at the teenagers and abused their power by withholding meals and showers. She also stated that kids were kept in solitary confinement, citing an especially egregious instance of a teen who was confined to his cell for two years without any services. According to Ms. Mitchell, staff are threatened to not report these incidents.<sup>17</sup> **"I can vividly tell you that, while good in theory, the program is largely ineffective in practice."** – Don Chimas, incarcerated in the "Youthful Offender Program," sentenced at age 17.<sup>18</sup>

→ Unnecessary incarceration threatens public safety. According to a study by University of Michigan economics professor Michael Mueller-Smith, **incarcerating people who have committed only low-level offenses can actually increase the chances that they will commit future, more serious crimes**.<sup>19</sup> Additionally, the Centers for Disease Control and Prevention found that transferring kids to the adult justice system is "counterproductive to reducing violence and enhancing public safety."<sup>20</sup>

I was arrested at 17 for possession of less than two ounces of marijuana. I was given six months' probation. It was the first time I had been in trouble, and I thought it would be like the movies where I would have options. But it wasn't like the movies; nobody explained anything to me or asked me anything, and everything went into a downward spiral.

When they put me on probation in Burnet County, Texas, I told them that I lived in Friona, which is in Parmer County. They said they would transfer my probation but to still send my probation fees to Burnet County. I reported to probation in Friona but was told they didn't have any paperwork on me. Every month I kept sending my fees to Burnet County and reporting in Friona, but every month Friona would still not have paperwork on me. And the probation officer from Friona was not sending any paperwork saying I was reporting to Burnet County, so Burnet County put out a warrant for my arrest. It felt like I wasn't a person to any of them—I was just a number and a paycheck.

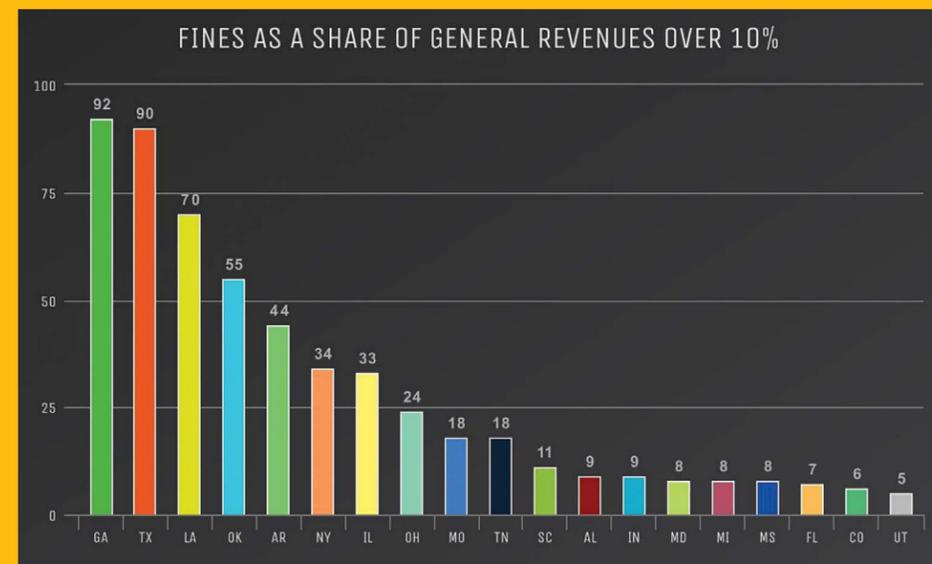
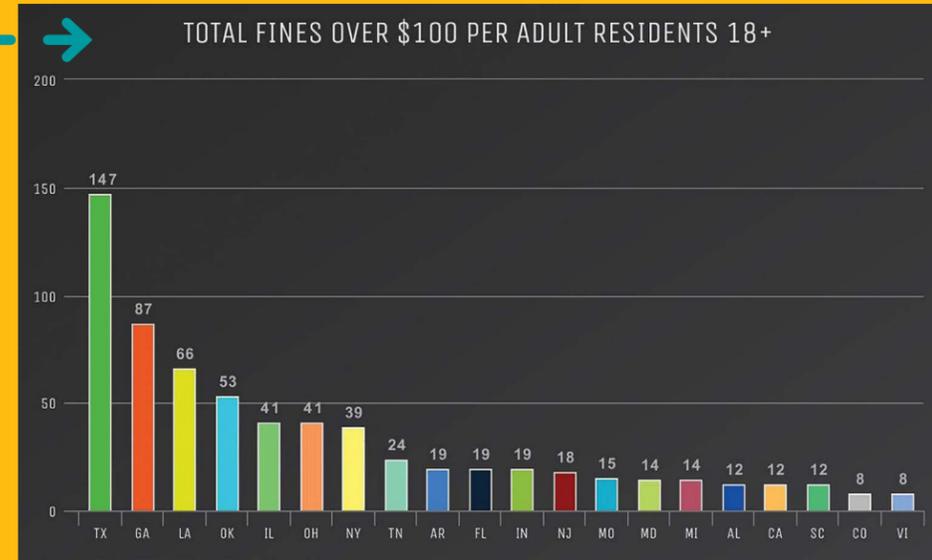
When the cops came to arrest me because of the warrant, they saw through the window that I had weed in my living room. I was then arrested on the warrant and (again) for possession of marijuana. I was sentenced to five years' probation and had to go to a SAFFP [substance abuse felony punishment] treatment facility in the adult system.

If I had been treated like a kid, instead of an adult, it would have actually forced my absentee dad to become a part of my life, or he would have had to find my mom. Or, it would have allowed me to be put into the foster system so that maybe they could have found a foster family that would've actually cared about me.

**Someone would have helped me.**

When comparing the frequency of arrests between 17-year-olds and other age groups, 17-year-olds more closely resemble their younger peers than other age groups. The top three offenses that lead to arrest for both 16- and 17-year-olds are theft, assault, and drug possession.<sup>22</sup> **Sixteen-year-olds who are placed on juvenile probation in Texas may serve out their probation in the youth justice system until they are 21 years old**, and this probation is funded at a higher rate than adult probation.<sup>23</sup> This higher funding rate allows the youth system to focus more on rehabilitation through access to community-based, rehabilitative services (e.g., counseling, education, treatment, parental involvement, etc.). These rehabilitative services, along with sealed juvenile court records, are more likely to **reduce recidivism** than the adult system's more punitive approach.

**ROY**



**Many local budgets depend on people paying fines, which creates a perverse incentive to keep fining people:** with that funding, local jurisdictions can pay for needed items. A 2019 analysis of local government fine revenue found 90 cities and towns in Texas where fines made up greater than 10 percent of the local government's total general revenue, including 39 jurisdictions where fines made up greater than 20 percent of that revenue and 10 jurisdictions where fines made up greater than 50 percent of the revenue. This analysis additionally found that Texas had the highest total rate of fines over \$100 per adult resident of any state in the U.S., at 147 fines per adult resident (nearly twice the rate of the next closest state).<sup>21</sup>

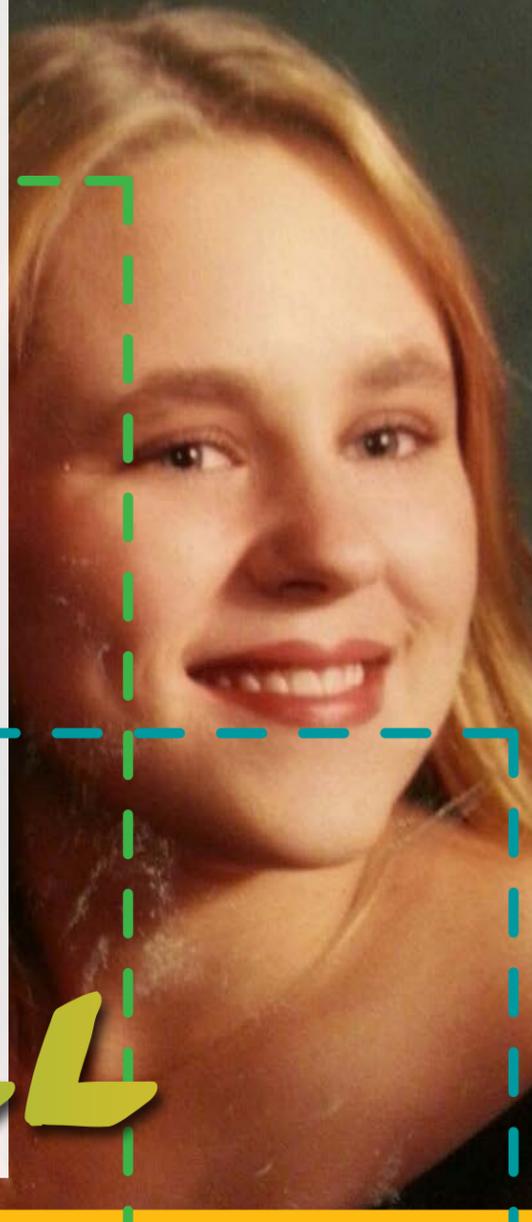
I was arrested at 17 for delivery of under one ounce of marijuana in a drug-free school zone. I spent 30 days in county jail waiting for a bond and wasn't able to participate in my high school graduation. I was eventually given five years' probation.

I was revoked three years into my probation for another possession of marijuana charge. Once revoked, I was sentenced to 180 days in state jail.

While incarcerated, I witnessed a lot of violence, and I've never felt like less of a human. Not everyone who makes mistakes as a teenager should have to pay for it for the remainder of their life. **When you place a child in an environment with adults and make them fend for themselves, it changes a person's soul.**

Being marked by the judicial system makes life even harder. I think a lot of people give up because they're judged by their past by everyone—employers, leasing agents. How am I supposed to change my surroundings when society doesn't allow me to change my employment or housing?

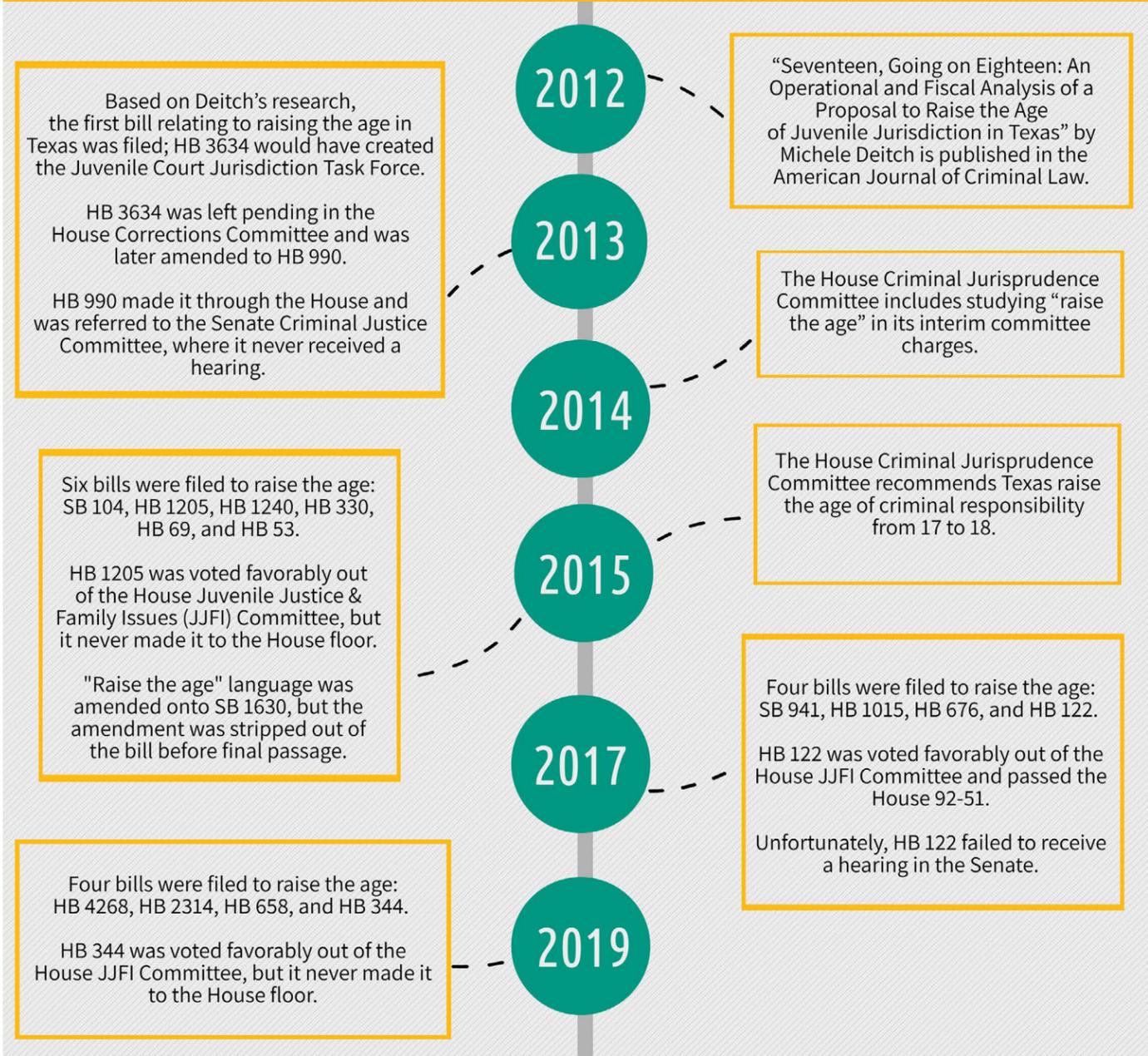
**JILL**



For low-risk individuals, being detained prior to trial for **even three days** can have drastic consequences, including an increased likelihood of committing new crimes as a result of the stress that incarceration places on employment, housing, and family connections.<sup>24</sup> Yet, because of their young age, **17-year-olds are ineligible for certain rehabilitative interventions** that serve as an alternative to pretrial detention. 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.<sup>25</sup> 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.

The exposure to abuse and violence is one of the most detrimental effects that kids experience while incarcerated. From sexual assault to physical violence to solitary confinement during such a vulnerable time of life, the abuses are widespread and can leave lasting trauma. Sadly, kids in adult prisons are at **five times higher risk of sexual assault** in adult facilities than in youth facilities.<sup>26</sup>

## 🕒 Texas "Raise the Age" Timeline 🕒



I was arrested at 17 for drug possession and it drastically impacted my life. I had a court-appointed attorney who told me what my sentence was going to be. I didn't understand the law, and she told me I needed to take what they were offering. The day I met her was the same day I got sentenced.

**To be honest, it was very scary. I was scared of my shadow, and I was in a really dark place. I wasn't offered any support or services in jail or on release; when I got out, they gave me release papers and sent me on my way.**

Having a felony made it really hard to find a job, and it led to me going to the streets. **I was 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. This was the time that I fell into full-blown addiction. I basically gave up on life.**

As a child, my mother was on drugs, which caused me to be born with a birth defect, and my biological father was in jail. I ended up in foster care, where I was abused by my foster family. I suffered a lot of abuse and neglect my whole childhood. I was eventually adopted, but when I was arrested, my adoptive mother told my attorney that I no longer had a place to live. My whole life changed when I was arrested.

My life now is much better. I'm married and pursuing my dreams of being a drug counselor. I want to positively impact others' lives and share my story. I've given my life to God, and He's guided me every step of the way. **I work with youth and have seen so many kids who have a felony on their record. They all ask me the same question: "How do you expect me to have a chance at life with this felony?" There need to be more resources and support for kids.**

# JAMES



→ The American Bar Association has said "lawyers in public defender programs are being asked to carry outlandish, excessive workloads that prevent them from adequately representing their clients and making a mockery of the constitutional right to counsel recognized by the United States Supreme Court."<sup>27</sup> As of 2007, the Bureau of Justice Statistics estimated that 73 percent of local public defenders exceeded the maximum recommended caseload,<sup>28</sup> and more recent studies in Louisiana<sup>29</sup> and Missouri<sup>30</sup> mirror the Bureau's findings. Such excessive caseloads can result in **exorbitant trial delays and people being unnecessarily detained pretrial**,<sup>31</sup> as well as limited time for attorneys to meet with their clients.

→ Reports show that approximately **90 percent of justice system-involved kids have experienced trauma**, with over 55 percent reporting having been exposed to trauma six or more times.<sup>32</sup> Additionally, many kids in confinement suffer from developmental, mental, and physical and/or social disabilities. The abuses experienced during confinement only exacerbate these issues, leaving kids with even more barriers to success.<sup>33</sup>

→ **Peer support services** are an integral part of the success of many people leaving prison and jail. Peer support specialists can provide a positive, one-on-one connection with people to help **connect them with resources and solutions** for moving forward safely and productively after release.<sup>34</sup>

→ **"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.<sup>35</sup> 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 on a case-by-case basis.<sup>36</sup>

My daughter Natalie was having a lot of issues—runaway issues, mental health issues, and cutting school. I tried to get help from the juvenile system, but they couldn't help because she was 17 and therefore considered an adult. My hands were completely tied, and I had no help at all.

Natalie was eventually arrested for drug possession, but she wasn't offered any support or services while she was incarcerated. 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.

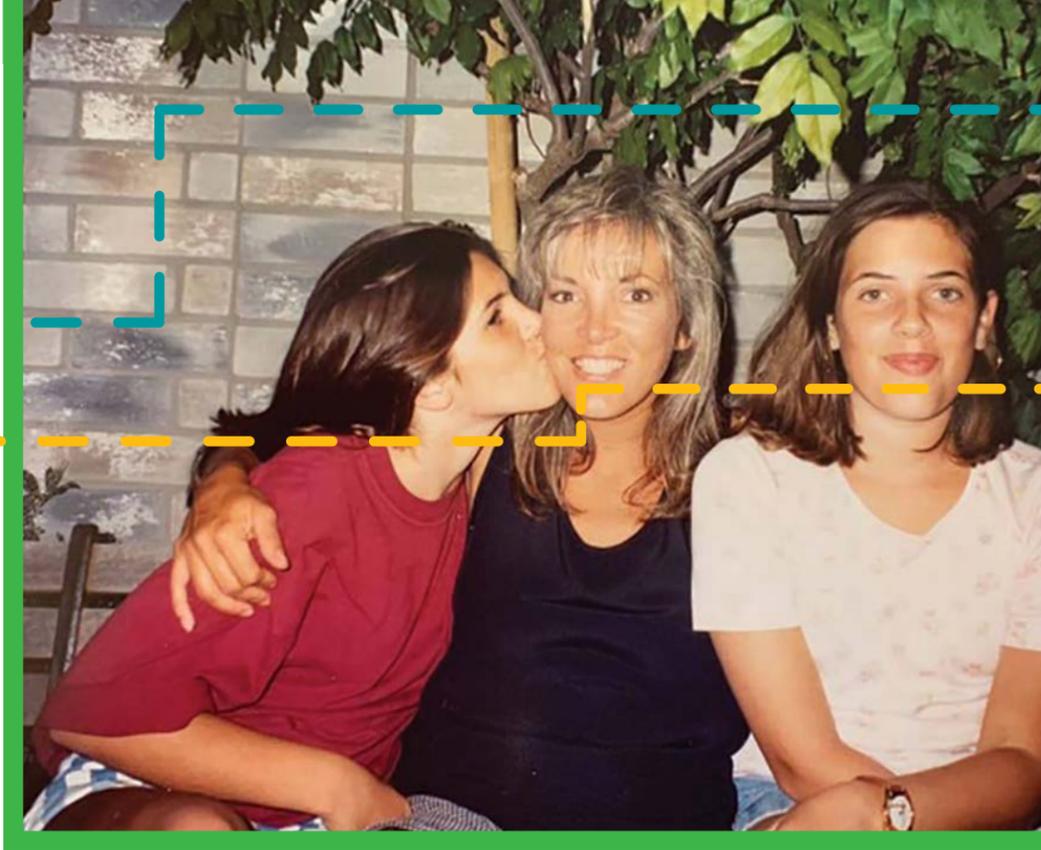
**Natalie passed away in November of last year from a drug overdose.**

**It's so upsetting how many times "raise the age" has been presented to the Texas Senate, yet every time the Senate has more important things to do.** It all boils down to money—the cost of keeping 17-year-olds in the juvenile system is more expensive because that system provides more services.

But what is more important than our youth? The generations coming after us are facing enough challenges with social media and the prevalence of drugs. Throwing 17-year-olds into adult jails continues to stunt their growth and development, and we can do better as a society.

**LINDA**

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.**<sup>41</sup> In Texas, the cost to implement raising 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 \$89.9 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.<sup>42</sup>



→ When 17-year-olds are arrested in Texas, no one is required to inform their parents of the arrest, and their **parents do not have a right to be involved in the court process.** Treating kids as kids would help keep their parents involved.

→ 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. **The adult system is focused on punishment** and deterrence while the primary focus of the youth system is to rehabilitate and treat young people. Kids are offered access to education, as well as more age-appropriate options in probation that are geared toward reintegrating them into society.<sup>37</sup> Also important, keeping kids in the youth (vs. adult) system lowers their likelihood of re-offending by 34 percent.<sup>38</sup>

→ 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<sup>39</sup>—creating capacity and opportunity to raise the age. 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.<sup>40</sup> Furthermore, 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.

**It was like hitting a brick wall when you have your whole life ahead of you. I committed a crime, and I know I should pay for that, but it was like throwing a piece of meat into a den of lions.**

As a kid in an adult prison, you are tested and possibly taken advantage of. If you don't want to be taken advantage of, you have to fight.

At 17, I was arrested for aggravated assault with a deadly weapon—a bat. I was interrogated for seven hours and wasn't able to call my mom until the next morning. I had a court-appointed attorney, and the first time I met him, while chewing on his glasses, he told me that the prosecutor was offering me 60 years. My mom broke down like I had died. She called my dad and my aunts, and together they were able to hire an attorney to represent me. He was able to negotiate a 15-year sentence.

**I served every day of my sentence. I remember being in solitary confinement one time, and I found out that I had been denied parole. I had the blade in my hand. I didn't do it, but there were definitely times like that when I would have suicidal thoughts.**

I was incarcerated from 17 to 32. Coming out, I couldn't really find work with my record. Being released at 32, it was like I was 17 again. They gave me my birth certificate, social security card, and \$50 when I was released. I had no job skills, I'd never had a real job, and I had this felony record. It felt like there was no attempt to rehabilitate me. I was just railroaded by the system.

The state doesn't treat 17-year-olds as adults in any other context; they can't vote, can't sign a contract, can't buy alcohol or cigarettes. Yet the state puts kids in adult prisons that are designed for adults. **Why have the juvenile system but not allow 17-year-olds to benefit from it?**

# JEREMIAH



→ Kids housed in adult (vs. juvenile) facilities are **five times more likely** to become victims of sexual assault, and they are also 50 percent more likely than their adult counterparts to be attacked with a weapon.<sup>43</sup>

→ Kids are **36 times more likely** to commit suicide in an adult jail than in a juvenile detention facility.<sup>44</sup> According to Texas Appleseed, there were 30 attempted suicides by 17-year-olds in adult prisons in 2017, where only 30 17-year-olds were housed.<sup>45</sup>

→ The brain—and in particular the prefrontal cortex (PFC)—continues to develop well into a person's twenties, with the PFC being the final structure to develop.<sup>46</sup> Studies suggest that due to the development and composition of the brain, **kids are particularly susceptible to substance abuse and addiction**, putting them at greater risk for a drug-related arrest.<sup>47</sup> Neuroscientists have identified the PFC as most responsible for reasoning, self-control, and executive functioning. Experts often reference youthful delinquency as behavior uniquely associated with the challenges of impulsivity and self-control that adolescents experience during development, in a trend known as the age-crime curve.<sup>48</sup> **Research shows that, given adequate resources and community-based supports, most kids can be expected to "age out" of criminal behavior.**<sup>49</sup>

I'm the CEO of Houston reVision, an organization that works to break the cycle of isolation among the most profoundly disconnected youth, most of whom are caught up in the juvenile justice system. But for years, I have been going into the adult prison where most youth under 18 are held in Texas. I have gotten to know more than 200 young people who were sentenced to adult prison, and most of these kids were 17 at the time that I met them.



**We have a juvenile justice system (through our counties and through the state) that can accommodate the needs of all of these kids. Even for those that might require long-term confinement, we have a juvenile justice system built to handle that. The adult criminal justice system is not as equipped to provide these kids with the services they need. The juvenile system works, and we can use it for 17-year-olds just as well as we can for 16-year-olds.**

Most 17-year-olds are juniors in high school. Juniors in high school have potential. They may have made some bad decisions, but they are young enough that they can course correct and move forward in a positive way. Giving them an adult conviction derails that potential and saddles them with a lifetime of even more difficulty.

I think it's easy for people to conjure a picture in their mind of what a young person in an adult prison looks like and what they've done. Knowing a lot of the 17-year-olds, I can tell you from experience that they are no different than 16-year-olds and 17-year-olds in high schools all over Texas. They are the same.

There are some kids in the system who've committed serious violent offenses, but most of them have not. These kids have engaged in youthful behaviors and made a mistake—often just one—and they're facing lifelong consequences because of it. People just don't think about these kids like that. They think of them as juvenile delinquents, but that is a construct; it's not actually the way these kids are. These kids are full of potential and deserving of a second chance.

# CHARLES

↑ 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 SOCIAL RESPONSIBILITY.

**RAISE THE AGE, TEXAS!**

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