



Raise the Age: Keep Kids Out of Adult Jails and Prisons

When 17-year-olds are arrested in Texas, they are treated as adults and no one is required to inform their parents of the arrest. 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, juveniles in Texas are charged as an adult for any criminal offense committed at age 17. At that point, their parents do not have a right to be involved in the court process.

The majority of 17-year-olds are arrested for nonviolent and misdemeanor offenses. 95% of 17-year-olds who were arrested in 2015 were arrested for nonviolent and misdemeanor offenses.¹

Sending 17-year-olds to adult jails is costly and subjects sheriffs to liability. To ensure the safety of young inmates in adult correctional facilities, the federal Prison Rape Elimination Act (PREA) requires 17-year-olds to be separated from adults.² 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 liability for noncompliance with PREA.³

Raising the age of criminal responsibility would start kids off in the juvenile system, but allow judges to transfer those with the most violent offenses to the adult system if appropriate. This change to law would leave in place the certification process by which prosecutors can charge kids (aged 14 and up) with adult crimes.

17-year-olds fare better in the juvenile justice system. According to the Centers for Disease Control and Prevention, kids who are transferred from the juvenile court system to the adult criminal justice system are approximately 34% more likely to be re-arrested for violent or other crimes than kids kept in the juvenile court system.⁴

After entering the adult system, 17-year-olds are subjected to a lifetime of collateral consequences. An adult criminal record creates barriers to getting an education, gaining employment, securing housing, and joining the military.

In the adult system, 17-year-olds are also subjected to dangerous conditions.

- **Physical & Sexual Violence:** Kids held in adult facilities face a high risk of sexual assault. A federal study found that, of juveniles who reported sexual victimization by other inmates, two-thirds were victimized more than once.⁵
- **Suicide Risk:** Kids in adult facilities are 36 times more likely to commit suicide than those in juvenile facilities.⁶
- **Solitary Confinement:** Due to “sight and sound separation” requirements under PREA, kids in adult facilities can spend up to 23 hours per day in solitary confinement, which can lead to physical and psychological harm.

“Raise the Age” works in other states. Texas is 1 of only 5 states to send all 17-year-olds accused of a crime to the adult criminal justice system, making Texas out of step with best practices. 45 other states benefit from rehabilitating kids, providing them with the opportunities they need to avoid further interactions with the justice system.

Continued on reverse.

“Raise the Age” would cost less than estimated by the Legislative Budget Board. According to a cost estimate by the Texas Public Policy Foundation, the total cost of raising the age of criminal responsibility in Texas would be \$33.3 million per year across all levels of government. An estimate by the Legislative Budget Board, which anticipates a \$63.8 million cost to the state and does not take into account the expected burden on local governments, is constrained to a uniform cost report that includes costs not germane to every policy proposal.⁷

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Citations

¹ Texas Department of Public Safety, *Texas Crime Report for 2015*, Chapter 9, p. 78, 80, <http://www.dps.texas.gov/crimereports/15/citCh9.pdf>.

² Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. § 115.14 (2003).

³ Sheriffs Adrian Garcia, Christopher Kirk, and Lupe Valdez, “Sending 17-Year-Olds to Adult Jails Costly to Teens and Taxpayers,” *Dallas Morning News*, May 19, 2014, <http://www.dallasnews.com/opinion/latest-columns/20140519-sending-17-year-olds-to-adult-jails-costly-to-teens-and-taxpayers.ece>.

⁴ Centers for Disease Control and Prevention, *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services*, MMWR 56, No. RR-9 (2007), <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.

⁵ Bureau of Justice Statistics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12, 2013*, p. 23, <http://www.bjs.gov/content/pub/pdf/svpjri1112.pdf>.

⁶ The Campaign for Youth Justice, *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America*, 2007, p. 10, http://www.campaignforyouthjustice.org/documents/CFYJNR_JailingJuveniles.pdf.

⁷ Texas Public Policy Foundation, *Cost Estimate for Raising the Age of Criminal Responsibility in Texas*, memo included and formal publication pending; exact cost to local governments would total \$33,342,216.60 per year.