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Recommendations for Next Steps in Texas Juvenile Justice Reform

Overview: State juvenile justice facilities are unsafe because their size and remote location make it impossible to staff them at the level and with the necessary treatment professionals to rehabilitate youth. The solution to these problems ultimately requires restructuring of the system by closing the large, remote state-run facilities and moving youth and resources closer to their home communities.

This document recommends steps Texas needs to take immediately to ensure that youth and staff are safe and over time to ensure that local probation departments have the necessary resources and professionals to keep young people in their own communities. It is imperative that TJJD, legislators, the Governor, system stakeholders, and advocates collaborate to identify specific policy solutions that will move the Texas juvenile justice system forward and hold youth accountable in a way that improves youth outcomes, increases public safety, and uses tax dollars efficiently.

While we believe these steps are necessary, we also recognize the need for input and discussion from diverse stakeholders on next steps as well as the best way to implement reform. We see this document as a starting point for robust discussion and planning on how the juvenile justice system in Texas can best serve youth.

Background and Analysis: Texas has made significant progress toward reforming its juvenile justice system since the 2007 sexual abuse scandals. However, while facility closure has been a consistent feature of that progress, it appears to have stalled after the 2013 closure of the Corsicana facility. Yet, recently published research,[1] as well as the most recent attention focused on problems in the Gainesville and Mart facilities, show that the use of large, remotely located facilities is both inconsistent with best practice and harmful to youth. Recent media reports have raised problems that include:

- Inappropriate or abusive sexual relationships between staff and youth;
- Physical abuse of youth by staff;
- Staff paying youth with drugs and cash to assault one another;
- Sexual abuse of youth by a staff psychologist who was allowed to resign rather than being charged and now works with adult inmates;
- Staffing shortages leading to problems related to unattended youth;
- Staffing shortages leading to cancelled or truncated treatment sessions, lack of consistent access to programming and an overall lack of structure, which in turn lead to youth misbehavior;
- Youth-on-youth and youth-on-staff aggression.

None of the problems that have been raised publicly in recent months are new problems. The 2007 scandals initially centered around sexual abuse but subsequently led to revelations related to punitive use of force and solitary-type programs (the "AMP" and "BMP" programs, which were discontinued in response to the threat of a lawsuit), and inadequate health and mental health care. In 2012, concerns related to safety, particularly focused on the Giddings facility, erupted into the spotlight.

Each crisis seems to bring a change in leadership and a new commitment to "fix" the problems, resulting in frequent turnovers in leadership (the recently hired Executive Director, Camille Cain, is the fifth since the 2007 crisis, not including the two temporary terms served by Jay Kimbrough at Governor Perry's request) and a long line of experts (the Moss Group, Juvenile Justice Associates, LLP and the Georgetown Center for Juvenile Justice Reform, among others) hired to diagnose problems and prescribe solutions. Each time these efforts fall short of the expectation that the facilities will become what they are intended and constitutionally required to be: safe environments where youth receive treatment and rehabilitation.

These failures are not failures of leadership, except to the extent that agency officials fail to acknowledge dangerous conditions when they exist or attempt to cover up problems (which has been the case several times since 2007). They instead highlight the systemic problems posed by a model that continues to use large facilities located in remote areas of the state.

Unfortunately, too often the response has been to blame or punish youth for the systemic failures they have no control over. Following the 2007 scandals, the

[1] See The Council of State Governments Justice Center, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (2015).

agency attempted an emergency rule change that would have allowed increased use of pepper spray on youth, a response that resulted in a lawsuit. In 2012, after restructuring "behavior modification" programs that left youth in locked cells for 23 hours a day with no access to education or other services, the agency revived this punitive model by creating the "Phoenix" program. A year later, the Phoenix program itself was at the center of a scandal when several guards were fired and investigated for having engaged in a fight club with youth in the program -- clearly at odds with the "rehabilitative" focus of a program intended to address youth aggression. Most recently, in the last two years, the agency increased the percentage of determinate sentence youth who are transferred to TDCJ facilities in an effort to reduce youth aggression, a method that the agency cites as a "deterrent" that is particularly at odds with research-based practice.[2]

None of these responses worked because they fundamentally miss the point: the facilities are unsafe because their size and remote location make it impossible to staff them at the level and with the treatment professionals needed to rehabilitate the youth who are committed to them. **The problem is not that the youth are inadequately punished. The idea that if they are just treated harshly enough they will change their behavior is flawed - this "tough" approach has been repeatedly disproven by experts.**[3] In fact, justice-involved youth have high levels of past trauma, and these approaches simply re-traumatize them.[4] The system's focus must be on addressing their past trauma in order to put them on a path to success.

The problem is that a group of young people with intense behavioral problems - who have committed felonies - are being sent to poorly-staffed facilities where they cannot be kept safe from other youth and staff. **Not only is meaningful treatment and rehabilitation impossible in a poorly-staffed, unsafe facility, staff often resort to using tactics to maintain control that are more likely to exacerbate behavioral problems instead of rehabilitate.** Some examples:

- **Use of Force:** data provided by TJJD to Texas Appleseed show that between January and October 31, 2017, 452 youth in TJJD facilities were subjected to pepper (OC) spray, 589 were subjected to mechanical restraints, and 1,032 were subjected to a physical restraint. Keeping in mind the daily population of just over 1,000 youth, the data show the equivalent of almost half the total population subjected to OC spray and more than half subjected to mechanical restraints at

[2] James C. Howell et al., *Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know* (2013); Robert Hahn et al., *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System* (2007)

[3] *See* The Council of State Governments Justice Center, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (2014); Mark W. Lipsey et al., *Improving the Effectiveness of Juvenile Justice Programs* (2010).

[4] *See* National Conference of State Legislatures*, Principles of Effective Juvenile Justice Policy* (Jan. 2018), available at http://www.ncsl.org/Portals/1/HTML_LargeReports/Principles_JJ.htm (accessed Jan. 25, 2018) (citing Abram, K. et al., *Posttraumatic stress disorder and trauma in youth in juvenile detention* (National Center for Mental Health and Juvenile Justice: OJJDP Juvenile Justice Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (2013).

least once during the first ten months of 2017. Further, data showing the total number of times OC spray was used indicate that many youth were subjected to OC spray more than once: OC spray was used more than 1,100 times during CY 2017.

- **Use of Security:** data provided by TJJD to Texas Appleseed show that between January and October 31, 2017, 1,998 youth were referred to security (also known as "seclusion" or "solitary confinement") more than 18,500 times. More than 1,700 of these security admissions were "not related to a violation" (in other words, a youth self-referred, which is often done when a youth fears for his or her safety), and more than 300 of these self-referrals resulted in a stay of more than 48 hours. These numbers do not include the more than 100 youth referred to the Redirect program and close to 70 youth referred to Phoenix.

- **Dorms on Restriction/Lockdown**: data provided by TJJD to Texas Appleseed show that campus disruptions frequently lead to multiple youth in a dorm or entire dorms (sometimes entire campuses) being placed on restrictions or lockdown. Appleseed also asked for the number of hours youth received education in the dorms during lockdown and was told that youth do not ever receive education in the dorms during lockdown (contrary to previous practice). Keeping youth on lockdown for multiple days (this appears to be the case at Evins in particular) without any programming increases the odds that they will engage in misbehavior, and results in missed and disrupted education or programming.

It is hard to imagine *any* productive treatment or rehabilitation being carried out in a setting that makes such frequent use of these methods of control.[5] A high turnover rate and consistent understaffing play a large role in the frequent use of force, overuse of security, and dorm and campus lockdowns. And none of this eliminates the risk of harm to youth: each quarter for the last two fiscal years, TJJD has reported around 30 serious injuries to youth, with a total of more than 120 serious injuries in FY 2016.[6]

Staff turnover and difficulty adequately staffing these facilities are endemic to these facilities. TJJD, and even before the merger, TYC, consistently has had one of the highest overall turnover rates among state agencies. However, these overall turnover rates - while high - only tell part of the story. When you look at turnover by type of job within the agency, you better understand the problems associated with staffing the facilities not just with front line staff, who are critically important, but with the professionals who are needed to ensure a rehabilitative environment. For example, while JCOs had the highest turnover rate among TJJD staff in 2017 at almost 43 percent, teacher's aides had a more than 36 percent turnover rate, closely followed by

[5] In fact, these control methods are likely to exacerbate and trigger counter-productive behavioral responses to past trauma.

[6] TJJD, *TJJD Agency Report Card* 1 (January 19, 2017); TJJD, *TJJD Agency Report Card 1* (August 25, 2017).

health specialists at just under 36 percent.[7] Case managers had a turnover rate of more than 20 percent, with 28 case managers leaving their positions in 2017.[8]

Some facilities appear to have a harder time than others keeping professional staff. For example, in FY 2016, though the overall turnover rate for the mental health staff was just over 19 percent, Mart -- the facility set aside to treat youth with significant mental health problems - had a turnover rate of more than 41 percent for its mental health staff.[9] Mart's education staff also had a high turnover rate in FY 2016 at almost 37 percent, though Evins' educator turnover was the highest at almost 48 percent.[10] Giddings and Evins had the highest turnover rates for case managers, at 52 percent and just under 72 percent, respectively.[11] Variations in turnover by facility are mirrored for JCOs, with Gainesville having the highest turnover rate for JCOs in FY 2016 at more than 60 percent, and Mart following in second place at almost 43 percent.[12]

While some of these turnover rates improved in 2017, others worsened. In FY 2017, TJJD reported that though Gainesville had a relatively low turnover rate for case managers in 2016, by 2017 the facility had a more than 33 percent turnover for case managers.[13] And though it did not have any turnover in its mental health staff in 2016, it had a 109 percent turnover rate in 2017.[14] Across all five facilities at the end of FY 2017, TJJD showed 116 JCO positions vacant, along with 25 case manager, 12 mental health, and 19 educator positions.[15]

The solution to these problems ultimately requires a continuation of the restructuring of the system by closing the large state secure facilities and moving youth and resources closer to their home communities. There are both immediate steps that need to be taken to ensure that youth and staff are safe in the short-term and longer-term planning that needs to take place so that local probation departments have the necessary resources and professionals to keep young people in their own communities.

Since reforms began in 2007 and were strengthened in 2011 with the creation of TJJD and a statutory outline of the purposes and goals of the Texas juvenile justice system, not only has the number of youth in state secure facilities decreased, the number of youth involved in every step of the juvenile justice system has decreased dramatically. While some communities still lack adequate programming to successfully keep some

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[7] Texas State Auditor, *An Annual Report on Classified Employee Turnover for Fiscal Year 2017* 23 (reporting that TJJD was one of fourteen state agencies with a turnover rate exceeding 17 percent in FY 2017, having the fifth highest turnover rate of all state agencies, with 11 classification series having a turnover exceeding 17 percent).
[8] Id.
[9] TJJD, *TJJD Agency Report Card 4* (August 25, 2017).
[10] Id.
[11] Id.
[12] Id.
[13] Id.
[14] Id.
[15] Id.

kids closer to home, they have all had substantially more kids under their care in this decade. By closing state secure facilities and reinvesting the savings in county run probation departments to create a continuum of care for youth, we will ensure our kids are safe, use taxpayer money more effectively, and improve public safety.

With continued legislative and stakeholder support to raise the age of juvenile court jurisdiction, it is important that all planning to continue juvenile justice reform incorporate plans to include 17-year-olds in the juvenile justice system. In Texas, the age of adulthood is typically 18; yet, juveniles in Texas are charged as an adults for any criminal offense committed at age 17.

TJJD and the Texas juvenile justice system can handle the change - combining the number of arrests of 17- year-olds in CY 2016 to the number of youth referred to the juvenile justice system in CY 2011, the juvenile justice system would still only be the size it was in 2011 after the state closed three facilities because of declining populations.

Recommendations: We suggest the following actions in an effort to continue the reforms initiated in 2011 with a focus on moving away from the use of secure facilities and towards community-based alternatives.

Take Immediate Action

To promote youth safety in state facilities and to begin moving even more toward the use of community-based alternatives, there are a number of steps TJJD should take before the next legislative session.

o Immediately identify mechanisms to move youth from state secure facilities to safer settings and immediately begin moving youth.

- Each campus should independently review how to reduce the youth population within that facility. Possible approaches include:
    - Moving youth with serious or moderate mental health needs (approximately 35 percent of youth are prescribed psychotropics, and approximately 30 percent of youth committed have a moderate or high MH treatment need) who can be safely treated in a different setting to a treatment setting or community placement;
    - Reviewing case files and risk and needs assessments to determine who can safely be released early. The average length of stay for indeterminate youth (which fluctuates from 15 - 18 months each quarter) is inconsistent with research which shows that staying in a juvenile facility longer than 6 months is counter-productive;
    - Reviewing case files to determine who could be moved to a contract facility, working with placement specialists from outside the JJ system like those who assisted with the process when Corsicana was closed;
    - Reviewing case files of youth who did not have an out-of-home placement prior to commitment (approximately 35 percent of those committed) to determine whether their needs could be met in another more appropriate setting;
    - Reviewing the files for the youth who were re-committed as a result of a technical parole violation (these appear to be around 60 percent of those 10 to 15 youth who are re-committed for a parole violation each month) to determine whether they could be released with supports to address the reasons for the violation; and
    - Evaluating the waitlists for youth to begin programming. As youth are moved out of facilities, wait times for youth to begin programming should decrease; however the agency must look for opportunities for youth remaining in the facilities to begin programming immediately so that waiting does not lengthen how long they must stay in the facility before being released.

o Prevent any youth currently in state secure facilities from being moved into the adult corrections facilities.

- **Moving youth out of TJJD facilities and into the adult system is not an acceptable method of reducing the TJJD population**; youth should not be blamed for systemic maltreatment and safety failures that contribute to ongoing behavioral problems. Research and data show that this is counter-productive, resulting in high recidivism, and harm to youth.
    - TDCJ data obtained by Texas Appleseed show that youth aged 21 and under who are housed in a TDCJ facility have an extraordinarily high rate of suicide attempts. **In FY 2017, 275 youth aged 21 and under attempted suicide in a TDCJ facility, and three were successful.** This represents 16 percent of all suicide attempts, and almost 9 percent of the successful suicides despite the fact that these young people only represent about 3 percent of the total TDCJ population.
    - TDCJ data do not support an assumption that these facilities are better able to manage behavior for young offenders. Data show that while there are just under 5,000 offenders aged 21 and under housed in TDCJ facilities, they account for close to 35,000 guilty findings in a disciplinary offense, and are responsible for 14 percent of serious offender-on-offender assaults and 11 percent of serious staff assaults.

o Establish evaluation criteria and benchmark standards to ensure the provision of safe, therapeutic and rehabilitative facilities for confined youth to be used until all facilities are closed.

- Compile and review reports from consultants hired by TJJD since 2007 (the Moss Group and others) to find commonality among recommendations and prioritize steps that can be taken to implement these recommendations.
- Engage the OIO's office as a partner in developing short reports that use the benchmarks developed to evaluate safety on a regular basis, and determine how the agency will respond quickly to hot-spots or problems identified by the reports.
- **Use data more effectively** - TJJD's "report cards" are one example of a dashboard-type method of using data to indicate where problems might be developing. However, reports like these should not simply be used to "report out," they should be used on a daily basis to identify problem spots and anticipate needs before problems arise. Other data that indicate problems with conditions - like use of force and security referral data - should be reviewed on a regular basis to inform decisions around staffing and provision of technical support.

o Make sure all counties use a validated risk and needs assessment on youth.

Risk and needs assessments can be valuable tools in determining appropriate programming and placement needs for youth. In fact, juvenile probation departments are required by law to use risk and needs assessment tools that have been validated,

however 50-55 departments in Texas are still using the RANA, a tool that has not been validated.

- TJJD should identify funding opportunities -including public or private grant funding- to transition all counties to a validated tool this year.
    - In 2017, TJJD unsuccessfully requested funding from the legislature to transition all departments to a validated tool, and are currently supporting a handful of probation departments to transition with regionalization funding.

Create a Plan for Facility Closure

o Develop a timeline to close the remaining five state secure facilities and keep youth closer to their home communities.

- During the transition, no facilities should be closed unless the average number of youth in each remaining facility would be fewer than 150, with a goal of soon getting to 100 or fewer youth in each facility.
- Decisions regarding which facilities to close first should follow a data-driven analysis of each facility's unique challenges related to appropriate staffing including turnover and the availability of skilled treatment professionals.
- Evaluate how the existing TJJD halfway houses could be part of a new system of smaller, rehabilitative facilities.
- Identify gaps in services that prohibit probation departments from keeping youth closer to home and address them through regionalization planning.
- As part of the planning process, TJJD and other stakeholders should examine performance measures and benchmarks-including positive youth outcomes- for the agency and county probation departments to ensure that research-based practices are prioritized and that implementation is successful.
- TJJD's role should move toward oversight, provision of technical assistance, program evaluation, and monitoring of state funding provided to counties - and away from running large facilities.
- **If** it is determined the state should maintain operation of any facilities, it should move toward a model of smaller facilities closer to urban centers. Possible approaches could include:
    - Allowing only determinate sentence offenders to be committed to state secure facilities. Today, there are just under 300 determinate sentence offenders in TJJD facilities.
    - A model for determinate sentence offenders could anticipate a need for 300-400 beds, assuming Raise the Age is part of the planning process.
        - In the short-term (i.e. FY 2020 - 23), a system serving determinate sentence offenders could rely on the 150 halfway house beds and keeping open but reducing beds at 3 remaining facilities, with the number of beds at each kept below 100. Based on turnover and staffing levels, reducing beds below 100 should allow for appropriate staffing, addressing both safety and treatment needs.

        - In the longer-term (with a goal of legislation in the 2021 session that initiates planning for a start date of FY 2024), planning should include complete closure of the remaining three facilities and a structure that would allow all of these youth to be kept closer to their home communities.
- As facilities are closed, **all** of the state funds from closure should be passed on to juvenile probation departments to allow them to meet the needs of the youth they would now be required to serve.
    - Moving all funds to counties should sufficiently allow for the increased population and needs of youth, even after raising the age.
    - Funding to counties should include performance measures, or incentives, for utilizing and appropriately implementing research-based practices.
    - The shift in funding from facilities to juvenile probation should be included in the planning process, so that the shift is made in a way that plans for and prioritizes reform priorities and best practices.
    - Planning and funding models should address problems identified in *Closer to Home* around county probation departments' struggle to appropriately implement best practices.
- When planning for facility closure and moving more youth closer to home, it is imperative that planning for services and supports for 17 year olds be included in the discussion and final plans.

o Identify alternatives for commitment to state facilities to keep youth from being committed to state facilities in the future.

- Evaluate the regionalization diversion program to determine why it has not reduced commitments to state facilities and develop a more effective model to divert youth at risk of commitment.
- Develop policy recommendations to further limit who can be committed to the state and who can receive a determinate sentence.

Create Capacity at the Local Level to Keep Kids Closer to Home

In developing a plan and timeline to close state facilities, it is critical to make sure juvenile probation departments have the capacity and resources to hold kids accountable and provide rehabilitative services to the youth who today would be committed to the state.

Before considering the most costly way of creating capacity – building new facilities and new beds – stakeholders and legislative leaders should first look to implement best practices and right-size the front end of the system to better utilize current capacity and taxpayer dollars. Much of the needed capacity already exists, though reinvesting the savings from closing state facilities will be critical.

o Make recommendations for a funding model that recognizes gaps in services and differences in funding at the local level, and incentivizes research-based practices and positive youth outcomes.

- Develop recommendations to ensure that the state budget incentivizes counties to appropriately use their validated risk and needs assessment and best practices to determine programming and placements for youth and ensure that state funds do not pay for inappropriate placements or programs.
    - Research has shown that youth identified through a validated risk and needs assessment as being low risk to reoffend and/or in low need of services should not be detained, placed in confinement, or provided services. These approaches do not decrease their likelihood to reoffend and may actually increase it. In most cases, medium-risk youth can be better served on community supervision than in confinement, and in many instances, intensive community supervision has proven effective for high-risk youth.[16]
    - Data provided by TJJD to Texans Care for Children show that, in CY 2016, 32.5% of youth who participated in programming under community supervision (probation or deferred prosecution) were low risk to reoffend and in low need of services. During the same time period, 11% of youth placed in secure facilities were low risk to reoffend. Following research-based practices,keeping youth out of unnecessary programming, and eliminating inappropriate placements in secure facilities will free up resources and staff time for youth with higher needs, at higher risk of reoffending, and who would have previously been committed to state facilities.

- **Analyze data to determine what bed space and staffing resources can be made available if best practices are used to determine when youth are detained, receive programming or are placed in confinement.**

- **Identify gaps in services that prohibit probation departments from keeping youth closer to home and address them through regionalization planning.**

    - Analyze treatment needs of youth receiving services far from their homes to determine what, if any, new programming is needed in communities and local facilities to best serve youth closer to home and develop a plan and provide necessary funding to bring in appropriate programs and staff to meet the needs of the youth and community.
    - Revisit regionalization planning to determine where there are treatment gaps in regions and work to develop creative ways to address these gaps.
        - For example, shared mental health and other treatment professionals who travel regionally could be hired to provide community-based services or services in local facilities.

[16] *See* The Council of State Governments Justice Center, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (2014).

        - In 2015 and 2016, county probation departments and probation regions developed inventories and identified gaps in services in their communities. With feedback from probation chiefs, these inventories should be updated and regions should identify opportunities and costs to address all gaps.
    - Explore the possibility of small regional facilities or community placements for youth with particular treatment needs (substance abuse, sex offender, mental health, etc.).
    - Identify opportunities for probation departments to better coordinate care for youth receiving services through Local Mental Health Authorities and Child Protective Services.
    - When identifying gaps in services, stakeholders should also consider gaps in services that would exist for 17 year olds when raise the age legislation is implemented.

o Identify opportunities to keep more youth out of the juvenile justice system.

If fewer youth enter the juvenile justice system, more resources can be made available to justice involved youth. System stakeholders should come together and identify how youth who do not belong in the system become justice involved and develop policy recommendations to keep youth out of the system altogether. For example:

- At least 28% of referrals to juvenile probation departments are for behavior that occurred at school or a school-related event. Policy recommendations to keep more youth in school and out of from the juvenile justice system altogether, such as:
    - Identifying alternatives to arresting youth for school misbehavior, and
    - Improving access to mental health care and supports to students with disabilities.
- In the last legislative session, the legislature passed HB 1204 to divert 10- and 11-year-olds who commit low-level misdemeanors from the juvenile justice system, however much more could be done to keep youth who are younger than 14 out of the juvenile justice system altogether.
- A number of youth become justice involved for offenses that adults can not be charged with. Stakeholders should identify alternatives to keeping youth who commit status offenses, like running away from home, For example, decriminalize status offenses such as running away from home out of the juvenile justice system.

Develop Standards of Care

o Establish standards of care for youth with mental health diagnoses and youth with intellectual and developmental disabilities, including how the needs of these youth will be addressed in smaller specialized facilities.

- According to the Hogg Foundation, about 70% of youth in the juvenile justice system have a diagnosable mental health condition with 30% requiring

immediate and significant treatment. This compares to 20% of youth in the general population with a diagnosable condition. Despite the clear need for mental health and substance use services, many pre- and post-adjudication facilities do not offer appropriate programs for youth:
    - Texas has 49 pre-adjudication facilities operating at the county level. Only 19 of these facilities offer programs for youth with mental health conditions, and only 15 provide programs for youth with substance use conditions.
    - Texas has 36 post-adjudication facilities operating at the county level. Only 27 of these facilities offer programs for youth with mental health conditions, and only 31 provide programs for youth with substance use conditions.
- According to TJJD data, about 30% of TJJD youth require special education services. By comparison, less than 10% of youth in Texas public schools receive these services.

o The Office of the Independent Ombudsman's role and authority in monitoring counties and any facility holding a youth should be identical to those it currently holds for state facilities and operations.

Consider Raising the Age of Juvenile Jurisdiction in Planning

If the goals of juvenile justice reform are to ensure the safety of Texas youth who are system involved, improve outcomes of our youth, improve public safety and use tax dollars efficiently, raising the age of juvenile court jurisdiction should be a part of reform planning.

As has been well documented:

- **17-year-olds fare better in the juvenile justice system.** 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.[17]
- **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.[18]

[17] 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).
[18] Bureau of Justice Statistics, *Sexual Victimization in Prisons and Jails Reported by Inmates 2011-12,* 23 (2013).

    - **Suicide Risk**: Kids in adult facilities are 36 times more likely to commit suicide than those in juvenile facilities.[19]
    - **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.
- **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. 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 non-compliance with PREA.

o Consider Raise the Age in all planning discussions: As opportunities are identified to keep more youth in their communities, timelines for facility closures are being created and necessary resources for the front end of the juvenile justice system are identified, it is critical to include raising the age in any long term planning.

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[19] The Campaign for Youth Justice, *Jailing Juveniles: The Dangers of Incarcerating Youth in Adult Jails in America* 10 (2007).