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New Analysis of Texas Crime Data Suggests 17-Year-Olds Should Be Treated As Juveniles, Not Adults

Few Differences Found in Offenses Committed by 16- and 17-Year-Olds, but Disparate Treatment Leads to Worse Outcomes for 17-Year-Olds

AUSTIN, Texas – Seventeen-year-olds are automatically prosecuted as adults in the Texas criminal justice system. A new data analysis from a broad coalition of groups working to raise the age of criminal responsibility in Texas from 17 to 18 finds that 17-year-olds are arrested at a rate and for non-violent, low-level offenses that closely resemble those of 16-year-olds rather than older youth or adults.

Despite similar actions by 16- and 17-year-olds, the data analysis – [*Raise the Age: 17-Year-Olds in the Criminal Justice System*](#) – finds that the two age groups receive dramatically different treatment. This results in poor outcomes for 17-year-olds, particularly those confined in adult jails and prisons. Seventeen-year-olds who are locked up with adults experience higher rates of depression, suicide and physical and sexual victimization.

“Most 17-year-olds are still in high school,” says Brett Merfish, Staff Attorney with Texas Appleseed. “Arbitrarily funneling them into a system that locks parents out of the process and negatively affects their access to college, jobs, and housing just as they’re about to mature into adulthood simply makes no sense.”

The data presents a compelling case for treating 17-year-olds as juveniles within the criminal justice system. Texas is one of just seven states that automatically send 17-year-olds accused of a crime into the adult, rather than juvenile, criminal justice system.

“Research shows many of the programs most effective in reducing re-offending require parental involvement,” says Marc Levin, Policy Director of Right on Crime. “We are pleased that raise the age legislation has already passed out of committee in the House and are confident that this groundbreaking report will further persuade Texas lawmakers that this step must be taken to strengthen families and lower crime.”

[*Raise the Age*](#) examines arrests, jail bookings and case outcomes for Texas 17-year-olds from 2012-2015 – the last four years for which complete data were available. It finds a strong similarity in the types of offenses committed by 16- and 17-year-olds. The top five offenses leading to arrest for both age groups are:

- Age 16 – theft (20.2%), misdemeanor assault (13.7%), drug possession (12.5%), runaway (9.9%), curfew and loitering violations (5.6%)
- Age 17 – theft (20.8%), drug possession (19.1%), misdemeanor assault (10.8%), drunkenness (3.7%), liquor law violations (3.4%)

(more)

Among arrests for drug offenses, arrests for *possession* of marijuana were by far the most common among 17-year-olds statewide, representing 14.4% of all arrests of 17-year-olds and 75.5% of drug possession arrests.

The data analysis documents a steady decline in arrest rates for both age groups between 2013 and 2015. However, a steeper decrease in arrests for 16-year-olds (26% decrease in arrests compared to a 17% decline for 17-year-olds) suggests that the juvenile system's stronger focus on research-based rehabilitation practices would benefit 17-year-olds.

Lindsey Linder, Policy Attorney with the Texas Criminal Justice Coalition, said: "Giving 17-year-olds access to the rehabilitative services offered by the juvenile system is a win-win – it offers these young people the rehabilitative services and supports they need while boosting the odds that they'll avoid future system involvement. It is good for kids and good for public safety.

Overall, the *Raise the Age* report finds that 17-year-olds are far more similar to juveniles than adults in total number of arrests. In 2015, the total number of arrests for 17-year-olds was 22,656, slightly more than the 17,867 for 16-year-olds but far less than the number of arrests for 18-year-olds – 30,617.

In addition to analyzing statewide arrests, *Raise the Age* examines jail bookings for 17-year-olds in seven counties (Bell, Collin, Fort Bend, Jefferson, McLennan, Nueces and Tarrant). The highest booking rates were in Jefferson County (115 bookings per 1,000 17-year-olds) and Nueces County (73 bookings per 1,000 17-year-olds). The lowest booking rates were in Fort Bend and Collin counties with 23 and 25 bookings, respectively, per 1,000 17-year-olds.

Seventeen-year-olds who are Black were consistently over-represented in jail bookings across the seven counties. Although these Black youth made up just 10% of 17-year-olds in the sample counties, they accounted for 34% of jail bookings in 2015. The average length of jail stays for 17-year-olds who are Black (19.7 days) was more than twice that of their White peers (8.3 days).

The data analysis notes that the state's leadership in restructuring the juvenile system over the last ten years has put the system in a good position to accommodate 17-year-olds. Juvenile arrests have declined 61% since 2007, while per capita funding for juvenile probation programs has increased 68%.

"State leaders have made Texas a national model for 'smart on crime' juvenile justice reform," said Lauren Rose, Director of Youth Justice Policy at Texans Care for Children. "Those past juvenile justice reforms can help 17-year-olds get on the right track if they're arrested, but not if they're automatically sent to the adult justice system. Raising the age is the natural next step in reforming the Texas juvenile justice system."

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The Raise the Age coalition consists of various organizations working to raise the age of criminal responsibility in Texas from 17 to 18. They include Texans Care for Children, Texas Appleseed, Texas Public Policy Foundation, ACLU of Texas, and the Texas Criminal Justice Coalition. For more information on the effort, go to www.raisetheagetx.org.