

Study supports call to keep minors out of adult courts and prisons

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AUSTIN—Although the criminal justice system in Texas treats 17-year-olds as adults rather than juveniles, their arrest rate—and types of crimes for which they are arrested—more closely resembles 16-year-olds than adults, a new study revealed.

Criminal justice reform advocates insisted the data supports their call to raise the age of juvenile jurisdiction.

The study by the [Raise the Age Coalition](#) examined arrests, bookings and case outcomes for 17-year-olds in Texas from 2012 to 2015 and compared similar data for 16-year-olds.

The study showed the No. 1 offense leading to arrest for both age groups was theft—20.2 percent for offenders age 16 and 20.8 percent for offenders age 17.

Other top offenses were drug possession—12.5 percent for 16-year-olds and 19.1 percent for 17-year-olds—and misdemeanor assault—13.7 percent for 16-year-olds and 10.8 percent for 17-year-olds. Most drug arrests were for possession of marijuana.

Statewide, the arrests of 17-year-olds in 2015 totaled 22,656—somewhat more than 17,867 for 16-year-olds but significantly less than 30,617 for 18-year-olds.

Similar offenses, different consequences

Although their actions are similar, the outcomes for 16- and 17-year-old offenders are dramatically different, advocates insisted.

“Because 17-year-olds are treated as adults, should they be out with the youth group and get into some mischief and are picked up by the police, their parents do not have the right to be notified,” said Kathryn Freeman, director of public policy for the [Texas Baptist Christian Life Commission](#).

“This is true even if they live at home and their parents must bail them out or hire lawyers.

“A 17-year-old cannot vote, buy a lottery ticket, join the military, decide on medical treatment or get married without parental consent. Yet, in Texas, parents have no rights to intervene in the court process.

“Our strong organizational commitment to family and respect for parents’ rightful role to provide guidance in their child’s life leads us to support ‘raise the age.’”

Retribution or rehabilitation?

The Raise the Age study also showed a steady decline in the arrest rates both for 16- and 17-year-olds between 2013 and 2015, but the decrease was steeper among the younger group—a 26 percent drop compared to 17 percent. Advocates attributed the greater decrease among 16-year-olds to the juvenile justice system’s focus on research-based rehabilitative practices.

“Giving 17-year-olds access to the rehabilitative services offered by the juvenile system is a win-win,” said Lindsey Linder, policy attorney with the [Texas Criminal Justice Coalition](#). “It offers these 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.”

Texas is one of only seven states where 17-year-old offenders are treated as

adults, and the number continues to decrease. New York Gov. Andrew Cuomo [signed a law](#) April 10 diverting most cases involving 16- and 17-year-old defendants to family court and prohibiting nonviolent offenders under age 18 from being housed in adult jails and prisons.

The House Juvenile Justice and Family Issues Committee recently approved [HB 122](#) by Rep. Harold Dutton, D-Houston, which would raise the age of criminal responsibility.

“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,” said Marc Levin, policy director for [Right on Crime](#).