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Texas Must Keep Youth out of Dangerous Adult Prisons and Jails

THE JUVENILE SYSTEM KEEPS KIDS SAFER AND IMPROVES REHABILITATION

Adult prisons are a dangerous place for youth, where they face an increased risk of sexual victimization and the development of negative social behaviors, including impulsiveness (which can lead to theft and an increased likelihood of violent recidivism) and impaired logical judgment (which can lead to more rule breaking).¹ Adult prisons in Texas do not have the resources or expertise to meet the specialized needs of youth in custody: Inadequate staffing qualifications, limited programming, insufficient oversight, and the use of solitary confinement as punishment work against the rehabilitative model of treatment proven to be most effective for troubled youth.

The juvenile justice system can successfully rehabilitate youth – even those with very serious offenses – while the adult system often leads youth to lives of antisocial behavior. Every alternative, including the potential use of determinate sentencing² where appropriate, should be used before certifying a youth to the adult criminal justice system.

KEY FACTS

- **Texas certifies too many youths as adults, short-circuiting the more-effective juvenile justice system.**
 - » Nearly 90 percent of the youth certified between 2005 and 2009 had never been committed to a juvenile state secure facility before their transfer to an adult criminal court.³
 - » Certifications in Texas have increased from 141 youths in 2001 to 173 youths in 2011.⁴ Although certifications are intended for extreme cases, certified youth do not differ significantly from youth with a determinate sentence, and many certified youth have had no prior violent criminal history.⁵
- **The adolescent brain is still developing, making adult facilities and programs inappropriate and ineffective.**
 - » Decisions to certify a youth often ignore research on the physiological differences between adults and adolescents, including the developmental stages of the teenage brain. Research on the developing adolescent brain shows that the brain is reorganizing between the ages of 14 and 25, a period of critical brain growth.⁶
- **The juvenile justice system can successfully rehabilitate even youth with very serious offenses.⁷**
 - » Adult prisons, by contrast, are dangerous places for youth, leading to an increased risk of sexual victimization, an increased likelihood of violent recidivism, and the development of negative social behaviors.⁸

SOLUTIONS

- Limit certifications of youth to the adult criminal justice system to only the most severe juvenile offenses.
- Where safety permits, restrict the use of administrative segregation of youth in adult facilities, and require specialized staff training for all jail and prison staff overseeing young inmates.

References on reverse.

References

¹ Centers for Disease Control “Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System” (2007), and “National Prison Rape Elimination Commission Report” (2009).

² Under a determinate sentence, a youth is placed in a state juvenile facility for the first part of his or her sentence and then, after an additional court hearing, may be transferred to adult parole or prison.

³ M. Deitch “Juveniles in the Adult Criminal Justice System in Texas” (2011).

⁴ TJPC “Statistical Report” (2001); Calendar year 2011 data provided by TJJJ (April 2012).

⁵ M. Deitch “Juveniles in the Adult Criminal Justice System in Texas” (2011).

⁶ “Adolescent Brain and Juvenile Justice: New Insights from Neuroscience, Genetics, and Addiction Science” (May 2012).

⁷ M. Deitch “Juveniles in the Adult Criminal Justice System in Texas” (2011).

⁸ Centers for Disease Control “Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System” (2007), and “National Prison Rape Elimination Commission Report” (2009).