



ISSUE

Justice involvement bodes negatively on youth mental health. Too often, 10-, 11-, and 12-year-olds are placed in juvenile correctional facilities and 17-year-olds in the adult criminal justice system. Youth of color are disproportionately represented in these systems. While there are several strategies to address this issue, Texas should focus on diverting youth from the justice system whenever possible. This can in part be accomplished by raising the age of juvenile and criminal jurisdiction and connecting these youth to community supports/services.

RECOMMENDATIONS

- **Raise the automatic age of adult criminal jurisdiction from 17 to 18.** This will provide youth with age-appropriate mental health services in the juvenile system while still allowing judges the discretion to transfer the most serious offenders to the adult system on a case-by-case basis.
- **Raise the age of eligibility of juvenile jurisdiction from 10 to 13.** This will prevent 10-, 11-, and 12-year-old children from inappropriately being sent to juvenile correctional facilities, which is a common entry point into an adult criminal justice system that bodes negatively on mental wellness.

BACKGROUND

The adult criminal justice system negatively impacts mental health. Exposure to solitary confinement, physical/sexual violence, and abuse all lead to lifelong trauma. One study found that 90 percent of justice-involved youth reported having experienced trauma, with over 55 percent being exposed to trauma six or more times and 30 percent meeting criteria for post-traumatic stress disorder.¹ Youth in prisons are five times more likely to be at risk of sexual assault in adult vs. youth facilities.² This data indicates how kids in the system with mental health diagnoses often have their conditions exacerbated during confinement.³ According to the Texas Juvenile Justice Department, over 45 percent of committed youth on probation have a mental health concern, and over 60 percent within state facilities have a moderate to severe mental health condition.⁴ These numbers reflect how youth mental health issues can be created or worsened by justice involvement. Further, 29 percent of boys and 43 percent of girls on probation had experienced four or more adverse childhood experiences (ACEs). Within state facilities, four or more ACEs had been experienced by 53 percent of boys and 86 percent of girls.⁵ This data illustrates the trauma youth often experience, highlighting the need to divert them away from justice involvement whenever appropriate and instead providing community supports. Disproportionality also exists within the Texas juvenile justice system. In 2015, about 46 percent of youth were classified as Hispanic, 34 percent as Black/African American, and 20 percent as White.⁶

Texas's policies should incorporate how brain development has an impact on youth justice involvement. Studies show that the parts of the average 17-year-old brain responsible for decision-making are not fully developed.⁷ This impacts youths' abilities to reflect, take all options into account, contemplate risks and consequences, and respond with social intelligence.⁸ The average 17-year-old is more reliant on negative emotions such as impulsive and aggressive behavior.⁹ For youth ages 10-12, this is the age when they experience greater peer pressure and feel lots of sadness or depression.^{10,11} These facts indicate that a child has the ability to cognitively grow and improve their decision-making capabilities. Texas therefore should prioritize providing these youth with mental health supports/services as an alternative to inappropriately placing them in facilities that foster/exacerbate any mental health issues.

Children under age 12 in Texas who break the law can be placed in probation correctional facilities, which are common avenues for later involvement into a criminal justice system that increases the likelihood of experiencing trauma and exacerbating mental health conditions.^{12,13} In 2019, 10- and 11-year-olds represented 9.1 percent of juvenile probation referrals.¹⁴ To alter the trajectory of the lives of these children, Texas should focus on alternatives to justice involvement when appropriate.

SUMMARY

Raising the age of adult criminal jurisdiction to 18 and the age of juvenile jurisdiction to 13 would redirect youth towards treatments for any mental health issues, rather than exacerbating conditions by placing them in the adult system/juvenile correctional facilities. This change will help Texas decriminalize youth mental health.

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