Support Positive Development Among Younger Youth Who Enter the Juvenile Justice System by Keeping Them Out of Secure Facilities

**Texas’ Middle School-Aged Youth Can Be Confined in Secure Facilities Under Current Law**

The lower age of juvenile jurisdiction in Texas is 10 years old,\(^1\) meaning any child aged 10 or older is eligible for confinement in a secure juvenile correctional facility. Given the high barb-wired fences, recycled jumpsuits, steel beds, steel toilets, deadbolt doors, and cement walls and floors, these facilities are indeed “no place for kids.”\(^2\)

Despite this inappropriate setting for young children, over 600 kids between the ages of 10 and 13 were confined in a local or state secure juvenile correctional facility, post-adjudication, in the last three years.\(^3\) This population is small in comparison to the overall number of youth who are confined within the system, as approximately 2,300 older youth (teenagers 14 to 17) were committed to state secure facilities between 2012 and 2014, alone.\(^4\) However, because of the tender age of these youngest system-involved children, placement in harsh secure environments warrants serious consideration as policy-makers move forward in reforming the State’s juvenile justice system.

The table below illustrates the number of secure facilities that currently house youth aged 13 and under, post-adjudication, and the minimum behavior that qualifies them for placement in such a facility.

| Secure Juvenile Facilities That House Youth Aged 13 and Under, Post-Adjudication |
|---|---|---|
| Number of Facilities Across the State | Local Secure Facilities\(^5\) | State Secure Facilities\(^6\) |
| Capacity of Facilities * | Between 10 and 144 beds | Between 100 and 320 beds |
| Conduct Eligible for Confinement in a Facility | Class B Misdemeanor to Felony | Felony Only |
|  | *Example:* a “scuffle” resulting in a minor injury | *Example:* a “scuffle” resulting in injury to an intervening teacher |

*The number of beds within a facility differs by facility and county size.*

**Placement in a Secure Facility Is Detrimental to Early Adolescents’ Development**

Youth undergo a developmental process as they grow – physically, cognitively, socially, and emotionally. An understanding of these stages of development is necessary to make informed decisions regarding the best course of action to address youth misbehavior. For instance, during early adolescence (approximately 11 to 13 years of age), youth begin to have a greater interest in privacy, they begin to test rules and limits, and they have a tendency to revert to “childish” behavior in times of high stress.\(^5\) But in secure confinement, these youth have limited privacy and are subject to strict rules and regulations.
Because the inherent nature of secure facilities runs contrary to the needs of youth in this developmental stage, confined 10 to 13 year olds are in a constant state of strain. Consequently, the stress of these environments can exacerbate early adolescents’ tendency to revert to “childish” behavior and can significantly delay their development. By allowing younger youth to be confined in secure settings when they are found “guilty” of delinquent conduct, Texas law supports a practice that runs contrary to positive youth development.

**THE MAJORITY OF EARLY ADOLESCENTS CONFINED IN SECURE FACILITIES HAVE SIGNIFICANT UNMET NEEDS**

Much like their teenage peers, younger youth who enter the juvenile justice system are struggling with issues that pre-date their system involvement (e.g., substance abuse, family fragmentation, academic failure). According to the Texas Juvenile Justice Department, of the 325 youth (ages 14 and under) who are currently confined in a state secure facility, more than half (52%) have a moderate to high need for substance abuse treatment, 44% were previously involved with child protective services; and 86% are not reading at their grade level. But a secure facility is not a place where these needs can be easily met. In fact, research demonstrates that youth are better served in their communities than in confinement, and that confinement increases their likelihood of recidivism.

These facts and research demonstrate that early adolescents are a unique population, worthy of special consideration by policy-makers. While the natural inclination is to punish a “kid behaving badly,” more often than not the State is confining a kid that has gone without a hug, without love, and without someone that cares.

**KEY FINDINGS**

- Between 2012 and 2014, 628 youth between the ages of 10 and 13 were confined in secure facilities in Texas. 500 of these youth were confined in local secure juvenile correctional facilities, and 128 were confined in state secure juvenile correctional facilities.

- The majority of youth (ages 10 to 13) who are formally referred to the system engage in nonviolent and misdemeanor-level behavior. Between 2012 and 2014, 69% of youth (ages 10 to 13) who came into contact with the juvenile system were referred for misdemeanor and nonviolent behavior (e.g., child only offenses and violation of probation).

- Placing youth in secure confinement at such a young age is counterproductive to their positive development. As youth undergo their developmental process, they experience significant change (e.g., physically, cognitively, socially, emotionally, morally, and intellectually) that could be stymied by their exposure to and placement in a juvenile correctional facility. Placement in a secure facility is in and of itself a traumatizing experience.

- Research has demonstrated that serving youth in their communities and close to home is more effective than confinement, and it decreases a youth’s likelihood to recidivate. According to the Council of State Governments, youth confined in a state secure facility – as opposed to being supervised in the community – are 21% more likely to be re-arrested and three times more likely to commit a felony when recidivating.

These findings carry significant implications for what happens to youth when they are confined: It makes them behave worse.
• **Serving younger youth in their community is a more cost-effective alternative to confinement.** The matrix below illustrates the costs to the State (per day) to treat a youth in the community or via confinement.\(^\text{15}\) Community supervision is 66 times cheaper than state-secure confinement, and it is 5 times cheaper than local-level secure confinement.

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<tbody>
<tr>
<td>State Secure Facility</td>
<td>$437.11</td>
</tr>
<tr>
<td>Local Secure Facility</td>
<td>$35.97</td>
</tr>
<tr>
<td>Community Supervision</td>
<td>$6.67</td>
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**COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT CSHB 2931 BY REPRESENTATIVE WU**

• **CSHB 2931 limits the secure confinement of youth aged 13 and under in local secure juvenile correctional facilities, post-adjudication.** If a juvenile judge finds, with a validated risk and needs assessment, that a youth of this age is of high risk to public safety and in high need of services that are not available within the community, only then can that youth be placed in a secure local juvenile correctional facility.

• **CSHB 2931 prohibits the secure confinement of youth aged 13 and under in state secure juvenile correctional facilities, post-adjudication.** CSHB 2931 will bring the State’s juvenile justice system into compliance with best practices for youth by preventing the traumatic exposure to prison-like settings and acknowledging that adolescent development must be factored in when implementing behavioral correction strategies.

• **CSHB 2931 promotes a “smart-on-crime” approach to delinquency by requiring the juvenile justice system to use effective alternatives to incarceration (e.g., community supervision and programming).** By prohibiting the use of post-adjudication secure confinement for youth aged 13 and under, CSHB 2931 will better ensure the best outcomes for youth and the State.
Citations

3. Texas Criminal Justice Coalition’s analysis of data provided by the Texas Juvenile Justice Department for 2012-2014.
4. Ibid.
5. Texas Juvenile Justice Department, “Juvenile Facility Registry,” http://www.tjjd.texas.gov/publications/other/searchfacilityregistryresults.aspx?SelectedFacilityType=o5MkhJSWp2E=&SelectedSortBy=laExhobORj5ZHimppFKN0Q==&Includeinactive=bZl7qeN3ljY=
11. Texas Criminal Justice Coalition’s analysis of data provided by the Texas Juvenile Justice Department, 2012-2014.
12. Ibid.
14. CSG, “Closer to Home.”