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## Five Offenses That Can Land Kids (But Not Adults) In Jail

Truancy, running away from home, and 'incurrigibility' can lead to kids getting locked up

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Supporters of the U.S. criminal justice system often justify locking people up in jails and prisons by saying that this promotes public safety. Given how many prisoners are serving **extraordinarily long sentences for non-violent offenses**, this line of reasoning is questionable to begin with. But what about people who are detained for something that's not even a crime? Across the country, thousands of children are removed from their homes and confined in juvenile facilities for offenses that would not be considered criminal if committed by an adult. A new report from the Texas Public Policy Foundation, "Kids Doing Time for What's Not a Crime," explores the nationwide phenomenon of "status offenses" and the long-term effects this treatment can have on already vulnerable young people.

"The reason they're not crimes for adults is that they typically don't impact public safety," explains Mark Levin, one of the authors of the report. "It illustrates the need to take a more rehabilitative approach that can avoid confinement." Levin says that confinement is ineffective, costly, and provides no tools to either young people or their families to resolve the issues that may have led to their police involvement. The term "confinement" describes young people taken from their homes and placed, by court order, in residential juvenile facilities. Children who have only committed a status offense without committing an actual crime are supposed to be protected from this type of treatment by federal law. But in 2010, about 76,000 young people were adjudicated (found guilty) of status offenses, and 8 percent of them were placed in a residential facility. About 40,000 more were placed on probation, with another 30,000 given community service or another type of "restitution" – and if those youths violate their court orders, they can then be committed as well.

According to the report's data analysis, about 10,000 children in the United States are currently confined over the course of a year just for status offenses. That's a dramatic reduction from the way things were a few years ago, but according to the authors of the report, it's still way too many kids. So how are they getting swept up in the system? Here are the five most common status offenses:

### 1. Truancy

Truancy, or skipping school, was one of the earliest official status offenses. "There are so many better ways to make sure kids get back in school" than sending them into the juvenile system, Levin says. He describes a case where a student hadn't shown up to school by second hour, so a truant officer went to his home to find out what was going on. The boy didn't have any clothing to wear, "so they brought him clothes," explains Levin. "The underlying goal is to figure out the issue with the family that's causing the child to be truant or run away."

In Texas, truancy is considered a criminal offense. Students who miss school can accumulate fines and even be **charged as adults and incarcerated**.

## 2. Running Away

Young people who are committed or detained for status offenses often come from homes with "deeply conflicted family relationships," or may have special emotional, mental or educational needs. If a child runs away, it's likely that some type of intervention is needed, but that type of support is most effective when it comes from the community, not from the courts or the cops.

Even if there is instability or conflict in the home environment, the report emphasizes, child welfare laws have historically prioritized keeping children with their families rather than taking them away, except in cases of abuse or neglect. According to the report, "many in-home interventions, which cost a fraction of confinement...have been proven to strengthen a family's capacity to care for and discipline their child," such as family therapy.

## 3. Incurability

Far more vague than the other common status offenses, "incurability" essentially describes a disobedient or defiant youth. "Incurability is something that goes back a long way," Levin says. "It's almost a term you don't hear much anymore." He says that sometimes these complaints come from parents themselves, and other times from schools. However, extremely broad criminal offenses like "criminal mischief" and "disorderly conduct" exist in virtually every state, covering any behavior that was actually violent or disruptive. Children confined for "incurability" alone presumably haven't come close to that level of misbehavior. "Anything that would really present a danger would be covered under other laws that are crimes," adds Levin.

## 4 and 5. Underage drinking and Curfew Violation

The last two most common status offenses are fairly self-explanatory – as are the reasons why young people shouldn't be sent through the juvenile system for committing them. "Putting them into the criminal system can cause these youths, who are not violent, to come under negative influences," says Levin. Again, he emphasizes community-based support to address this behavior, like treatment programs for youth who may have substance abuse problems.

The significant reduction of status offenses over the past 10-15 years, as well as juvenile crimes and juvenile referrals in general, is a sign of progress. Still, Levin emphasizes that detaining or committing a child for non-criminal behavior remains a fairly common occurrence, one more likely to affect children who are already in vulnerable situations. From when a child misbehaves to the moment they are committed to a juvenile facility, the report concludes, "there are numerous opportunities to address the behavior using an approach other than confinement." With disgraceful numbers of Americans locked up for non-violent offenses, it seems in the

country's best interest to keep kids out of the system, especially when they haven't even committed a crime.

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