



Kids Doing Time for What's Not a Crime

Posted: Thursday, March 20, 2014 12:15 am

By MARC LEVIN

Few adults would be hard pressed to remember a time when they didn't bend the rules a little during their childhood. The decision to stay out past curfew, skip school, or get into an argument with your parents meant the loss of your allowance, being grounded for the weekend, or a parent-teacher conference.

But for kids today, the punishment for these behaviors can land you before a judge, facing time in a juvenile detention facility and in the pipeline of the U.S. criminal justice system.

The incarceration of youth for status offenses – behaviors that would not be considered criminal if committed by adults – is one of the major shortcomings of a juvenile justice system that has relied on one-size-fits-all solutions.

Today, an estimated 10,000 kids every year in the U.S. are placed in confinement for non-violent status offenses that pose no threat to public safety.

There's no denying that kids make mistakes but those mistakes should not irrevocably alter their future with a punishment that does not fit the crime. More states, including Texas, are adopting reforms that reduce their reliance on incarceration as the go-to response to addressing these behaviors in kids.

The need to reduce our nation's reliance on incarceration of status offenders is not a recent phenomenon. The nationwide effort to decriminalize status offenses accelerated forty years ago with the passage of the Juvenile Justice and Delinquency Prevention (JJDP) Act, which required states to reduce the number of incarcerated status offenders by 75% or risk the loss of federal funding.

The good news is that we're on the right track. The number of youth incarcerated for status offenses has decreased by more than 50% from 2001 to 2011, according to a [new report](#) by the Texas Public Policy Foundation.

But while the JJDP Act has been instrumental in reforming the juvenile justice system, an amendment to the law has allowed judges to once again criminalize status offenses under the valid court order exception, which gives judicial authority to confine youth in secure detention for violation of a court order.

Incarceration is the last place where many of these youth should be and ignores community-based solutions that are more cost effective and better equipped to address the underlying causes for status offenses. Many status offenders lack support networks, experienced traumatic childhoods or broken homes, or have mental health or special education needs.

The decision to incarcerate youth for these non-violent behaviors only increases the likelihood they will be rearrested, exposes kids to violence, and makes it more difficult for youth to finish school, get a job, or join the military.

Current juvenile justice policy risks turning today's status offenders into tomorrow's serious offenders. The fate of countless kids, families and communities relies on much-needed cost-effective and proven solutions that hold youth responsible for their behavior without throwing away their futures.

Marc Levin is the director of the Center for Effective Justice at the Texas Public Policy Foundation