

## POLICY BRIEF

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### **Kids who do not commit crimes should not be locked up with kids who do – or even worse, with adults who do!**

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Of the approximately 88,000 juvenile arrests in Wisconsin in 2009, a substantial percentage (as much as 15%, or over 13,000) were for offenses that are not considered crimes when an adult engages in the same behavior. These offenses are often referred to as status offenses; they are only offenses because the individual has the status of a “juvenile.” The most common types of status offenses are things like running away from home, truancy, and curfew violations – things that are perfectly legal when an adult does them.

#### **How can someone who does not commit a crime be locked up anyway?**

Current state law allows youthful status offenders and other non-offenders to be held in secure confinement under a number of circumstances:

- A municipal court judge may request the circuit court to impose certain consequences (or sanctions) on a youth who does not comply with a municipal court order. One of the sanctions currently allowed is placement in a secure facility (primarily juvenile).
- A youth who runs away but has committed no other offense may be placed under an order of non-secure custody, and if they subsequently run away while under that order they may be held in a secure detention facility. This could include youth who are under the jurisdiction of the court for neglect or abuse (non-offenders).
- Seventeen-year-olds who may be issued a municipal citation for underage drinking and who subsequently fail to

pay a fine may actually be placed in an adult jail.

Through efforts of the Wisconsin Office of Justice Assistance and the Governor’s Juvenile Justice Commission working with local jurisdictions, over the past several years the number of youth held under these provisions has declined, but the practice still persists in some counties. In 2010, approximately 200 youth were held under one of these circumstances. That may not seem like a big number, but the goal should be to reduce it much farther, to zero if possible.

#### **Why is this a problem?**

The main reason current law is bad public policy is that it is inherently wrong to confine someone for something that represents no danger or harm to others. Confinement in a juvenile facility (or even worse, in an adult facility) should not be viewed as some form of “time out” to be imposed on youth.

Secondly, all available research suggests that placing lower-risk status offenders with higher risk offenders is much more likely to make the low-risk offender worse rather than improve their behavior. Placing low-risk, non-criminal youth in high-cost juvenile facilities with more sophisticated delinquent youth is not cost-effective.

Finally, these placements violate existing or anticipated (if the Valid Court Order exception is removed) federal regulations related to confinement of status and non-offending youth. Failure to comply with these requirements may very well result in Wisconsin not being in compliance as it

relates to the receipt of federal juvenile justice funding – funding that now is used to support the development of new, creative, and successful community-based programs.

### **What does work?**

Both research and anecdotal evidence from projects around the state demonstrate that placing these youth in secure custody is not as effective (and costs a lot more) as developing service-based alternatives to deal with the underlying issues behind the behavior(s). For example, a number of jurisdictions have stopped use of secure custody as part of their anti-truancy effort and are finding that earlier intervention, good case management, and working with other services gets better results and does not further isolate the youth from being successfully engaged in school.

Jurisdictions that have developed non-secure or even staff-secure options for chronic runaway youth have found that not confining these youth with delinquents results in better long-term. Any short-term gain by confining the youth is lost in the long run.

### **The Solution**

- Eliminate existing state law that permits a municipal judge to request a circuit court to impose a sanction of placement in secure confinement (juvenile or adult) for failure to comply with an order that court has issued.
- Eliminate existing state law that permits a court to place a youth who is under jurisdiction of the court for reasons other than delinquency in secure custody if they run away while under a non-secure custody order or for other failure to comply with an order.
- Support, through Youth Aids and other funding sources, the creation of proven preventive and interventions services that target these behaviors.