



Reduce the Use of Incarceration for Status Offenses

Kentucky can stop locking up kids for things like skipping school and running away from home and reinvest the cost savings in evidence-based strategies – it's better for the youth and safer for the community.

What are status offenses?

- Status offenses are youth misbehavior that is not criminal. In Kentucky these acts include skipping or being late for school, running away from home, being beyond control of parents/guardians or school, possessing alcohol or purchasing tobacco.
- Kentucky detains youth charged with status offenses **at the second highest rate in the nation**, even though the most populous county in the state does not use this practice.¹
- Some 1,746 youth charged with status offenses were locked up in secure detention facilities in 2009, accounting for **nearly 20% of all youth incarcerated** in Kentucky.²

Why is this a problem?

- Children who are charged with status offenses do not belong in jail with youth who have committed serious acts. Evidence-based studies establish that the incarceration of such youth, alongside youth who have committed crimes, greatly increases the chance they, too, will commit crimes.³ The “scared straight” approach has been proven ineffective.⁴
- The Journal of Qualitative Criminology has found a youth offender’s crimes and incarceration cost \$1.7 million over his or her lifetime. In contrast, addressing the real problem with successful interventions like sustained broad-based therapy produces \$13 of benefits for every \$1 spent.⁵
- Community interventions using evidence-based models have proven successful at addressing the real reason for the child’s misbehavior.⁶

- Secure detention is the most expensive option available. Counties pay \$94 per day for each youth detained for a status offense and added to that is the cost for the Sheriff to transport the youth to the regional facilities.⁷
- Avoiding secure detention for youth who pose no threat to the community and are not helped by being locked up, would free up funds for counties to **reinvest in evidence-based models** and improve public safety.⁸
- Alternatives to detention currently exist and community members can work together with reinvested funds to increase the options available.⁹

What do we propose to solve the problem?

To bring Kentucky’s handling of youth charged with status offenses in line with evidence-based best practices, we recommend the following legislative changes to reduce use of secure detention and ensure appropriate steps are taken prior to filing charges:

- Set a time limit for court orders for these youth.
- Ensure judges have full information from the court designated worker and school to ensure interventions were attempted before a complaint was filed.
- Limit the use of detention before a child is found to have committed the act.
- After a child is found to have committed a status offense, the document prepared for the judge on the appropriateness of secure detention will include all available alternatives to detention and any special education needs of the child.

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- ¹ Data from the Office of Juvenile Justice and Delinquency Prevention obtained by personal correspondence, May 2010.
- ² State and county-level data obtained from the Kentucky Department of Juvenile Justice, November 2010.
- ³ Federal Advisory Committee on Juvenile Justice: 2008 Annual Report to the President and Congress. Available at http://www.facjj.org/annualreports/ed_08-FACJJ%20Annual%20Report%2008.pdf. Accessed December 2010.
- ⁴ Mears, D. (2007). "Towards rational and evidence-based crime policy." *Journal of Criminal Justice*, vol. 35, no. 6. Available at <http://www.sciencedirect.com/science/journal/00472352>. Accessed December 2010.
- ⁵ Holman, B., and Ziedenberg, J. (2006). *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*. Justice Policy Institute. Available at http://www.justicepolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf. Accessed December 2010.
- ⁶ Federal Advisory Committee on Juvenile Justice: 2008 Annual Report to the President and Congress. Available at http://www.facjj.org/annualreports/ed_08-FACJJ%20Annual%20Report%2008.pdf. Accessed April 2009.
- ⁷ Personal correspondence with the Kentucky Department of Juvenile Justice, November 2010.
- ⁸ Soler, M., Shoenberg, D., and Schindler, M. (2009). "Juvenile Justice: Lessons for a New Era." *Georgetown Journal on Poverty Law & Policy*, Vol. XVI.
- ⁹ Blueprint for Kentucky's Children (2010). *Reducing the Use of Incarceration for Status Offenses in Kentucky*. Available at <http://www.blueprintky.org>.