



2012 Agenda

FAIR OPPORTUNITY FOR EVERY CHILD

FACT SHEET: Limit Incarceration of Youth for Misbehavior

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

Status offenses are youth misbehaviors that are 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. This is the case even when some parts of the state, including the most populous county (Jefferson), do not incarcerate youth for status offenses. Youth are typically locked up for violating a court order related to the status offense. Children who are incarcerated have no right to bail, so once locked up they can stay locked up even if they have not been proven guilty and even when they are not charged with a criminal act.

FACTS:

Secure detention – or incarceration – is the most expensive response to these misbehaviors. Counties pay \$94 per day for each youth detained for a status offense, in addition to the cost for the Sheriff to transport the youth to and from regional facilities. The state picks up the remainder of the total cost of detention, which averaged \$210 per day in FY 2011. Taxpayers of Kentucky spent nearly \$2 million to lock up youth for status offenses in 2010.

Alternatives to secure detention are more effective. Community interventions using evidence-based models have proven successful at addressing the real reason for a child's misbehavior. Some programs address problems without going to court. For example, in FY 2011 the Truancy Diversion Program (operating in 171 schools in 67 counties) handled 7,829 cases and was successful 97 percent of the time.

Secure detention pulls youth deeper into the juvenile and criminal justice system. Children who are charged with status offenses do not belong in jail with youth who have committed serious criminal offenses. Evidence based studies establish that this greatly increases the chance the children will commit crimes after their period of incarceration. The "scared straight" approach has been proven ineffective.

SOLUTIONS:

- Limit the use of incarceration for status offenses.
- Prior to bringing a youth to court for a status offense, ensure judges have full information from the court designated worker and school to ensure interventions were attempted.
- Set time limits for court orders for the youth's behavior.
- Include all available alternatives to detention and any special education needs of the child in documentation to be reviewed by the judge before addressing the violation of a valid court order.