

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/closing-the-courthouse-door-to-kids-who-misbehave>

Public Facing Advocacy Writing

Every day in this country, [kids are arrested and locked up](#) for behaviors like running away and skipping school (also referred to as status offenses).

Unless their family has been personally affected, most people outside the youth justice field don't even know this happens. When it does come up among people who speak with me about my work at Vera, their first question is usually some variation of "We really do this to kids in America?"

The majority of these so-called offenses are behaviors that most of us recall as being typical of adolescence, which is also corroborated by research: this period of development in kids' lives is a time of exploratory, risk-taking behavior, often marked by being impulsive and susceptible to peer pressure. Given time, most kids simply grow out of it. And in the instances where a kid's misbehavior may be symptomatic of underlying issues that need closer attention, what is required is guidance, support, or services to address their needs—not punishment.

However, when faced with a youth whose behavior does not conform to expectations, adults too often turn to the justice system to step in, especially when they feel ill-equipped (or unwilling) to step in themselves. Meanwhile, justice system players, like police officers and judges, respond with the tools and options they have at their disposal, which are often options intended to protect public safety, not meet kids' needs. So it's not surprising to see judges sentencing kids to confinement for being unruly, law enforcement being called on to discipline teens fighting in school, and police officers bringing runaway youth to detention facilities because they're concerned about the kids' safety.

And when it comes to kids who are already underserved and subject to harsh biases and discipline—including girls, kids in poor communities, kids of color, and lesbian, gay, bisexual, transgender, and gender non-conforming (LGBT/GNC) kids—this blunt approach criminalizes them for acts that pose little or no risk to public safety, perpetuating the notion that they are unworthy of support and help. It also allows the justice system to unwittingly become the default response for systemic gaps in our social safety net, for which it was neither designed nor equipped.

All of this comes at an enormous fiscal and social cost. Processing status offense cases in court is both inefficient and expensive, particularly for kids or families who require immediate help. When these cases do result in confinement, the costs can be upwards of hundreds of thousands of dollars annually. Meanwhile, this approach isolates kids from their support networks and potentially exposes them to a range of harmful experiences.

With support from the John D. and Catherine T. MacArthur Foundation, the Office of Juvenile Justice and Delinquency Prevention, and others, Vera's Center on Youth Justice has worked since 2002 in states and localities to find alternatives for these cases. Through this work, we have synthesized the lessons we have learned and identified key recommendations to propel the decriminalization of status offenses, which are highlighted in our new report [Just Kids: When Misbehaving is a Crime](#). At the heart of these recommendations is a simple premise: kids should be treated like kids. Together, the recommendations serve as a blueprint for how jurisdictions can nurture communities and create child-serving systems that believe in the promise of all kids and help them grow into healthy adulthood.

With calls to end mass incarceration and juvenile confinement at a heightened pitch nationwide, the idea that kids who have not committed crimes are coming into the justice system at all is unfair, ineffective, and costly. The good news is that we know what to do to fix the problem. Now's the time to start.

SPECIAL REPORT (CHAPTERED)

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