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FACT SHEET 2015

HB 2793

## ***Prohibit the Secure Detention of Youth Referred to a Local Juvenile Probation Department Solely for Running Away***

### **RUNNING FOR SAFETY AND GETTING LOCKED DOWN**

When children run away from home—no matter the reason—they are liable for the offense of “runaway” in the juvenile justice system.<sup>1</sup> Because this statute is written so broadly, it is no surprise that runaway cases are so pervasive. Between 2001 and 2013, local juvenile probation departments received approximately 86,000 formal referrals for youth who ran away from home;<sup>2</sup> in 2013 alone, there were 3,185 referrals.<sup>3</sup> But youth who run away from home are not “offenders,” they are victims who are often escaping a hazardous home life.

According to the National Conference of State Legislatures, **46% of runaway and homeless youth report being physically abused, 38% report being emotionally abused, and 17% report being forced into unwanted sexual activity by a family or household member.**<sup>4</sup> When these youth arrive at their local juvenile probation department, they are traumatized and scared; all they want and need is a safe space, a warm bed, and a caring heart. Unfortunately, they are greeted by a uniformed intake officer and put in an 8 x 10 cell with concrete walls, a steel toilet, and a cold steel bed.

Currently, Texas law prohibits punishing youth who run away from home with a term of confinement in a secure facility, correctly recognizing that a locked facility is no place for this extremely vulnerable population.<sup>5</sup> **However—despite this prohibition—Texas law allows youth who run away to be detained in a secure facility as part of the intake process and while they await an adjudication hearing.** Pre-adjudication secure detention is allowed for up to 24 hours, and can be extended to 10 days or beyond in particular statutory circumstances.<sup>6</sup> Fortunately, the vast majority (86%) of youth referred for running away never saw the inside of a secure detention facility.<sup>7</sup> Others were not so lucky. Of the 12,437 runaway referrals detained by local juvenile probation departments between 2001 and 2013, 3,915 (31%) were exposed to the dangers of secure detention.

### **SECURE DETENTION IS AN INAPPROPRIATE APPROACH TO YOUTH WHO RUN AWAY, PUTTING THEM AT RISK WHILE INCREASING STATE COSTS**

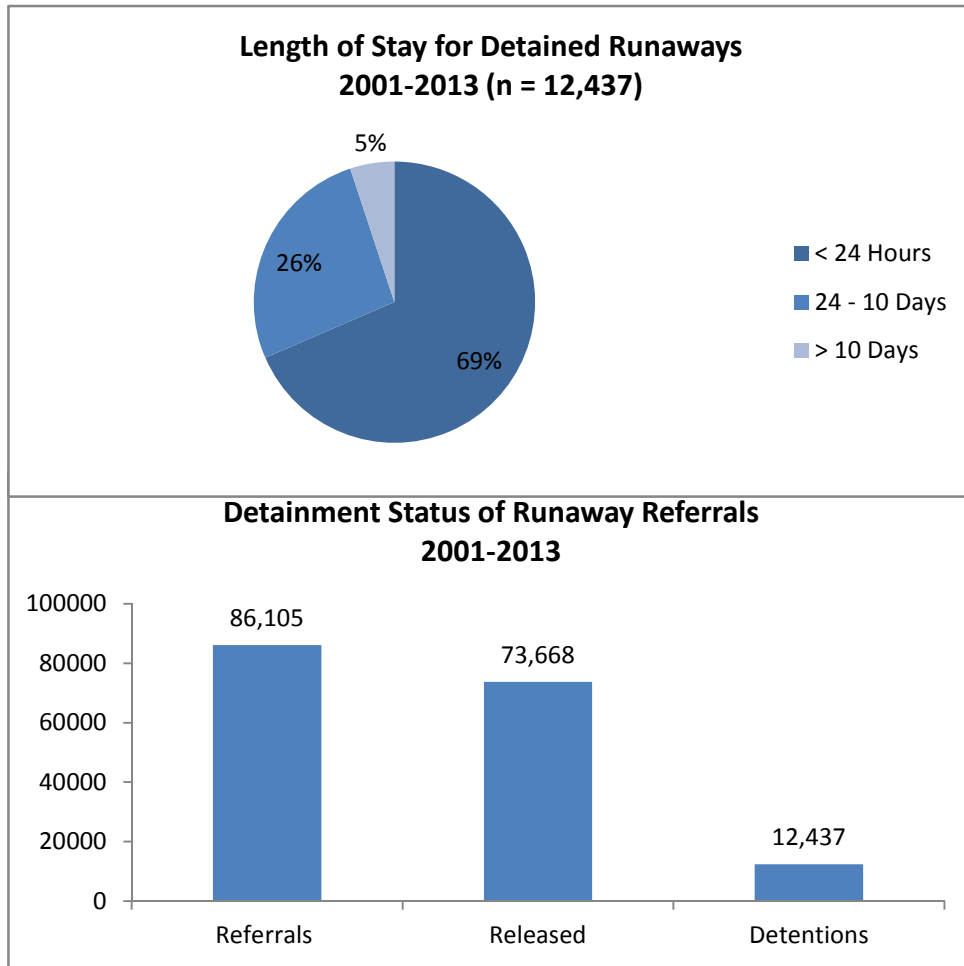
Unfortunately, **research demonstrates that even brief periods of time in a secure facility are counterproductive and dangerous for youth who run away.** These youth have “underlying personal, familial, community and systemic issues, as well as other unmet and unaddressed needs.”<sup>8</sup> Secure detention makes it difficult to meet runaway youths’ needs, as it interrupts their education and keeps them away from the community-based solutions that have been shown to be more effective.<sup>9</sup>

Further, a substantial body of research demonstrates that **secure detention of this population “may make it more likely that youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety.”**<sup>10</sup> When runaway youth are confined with youth who have committed much more serious offenses, they can learn criminal behaviors that make it more likely they will commit unlawful acts in the future.<sup>11</sup> In fact, a recent study found that **almost 20% of detained non-delinquent youth are placed in the same quarters with youth who have committed murder or manslaughter, and another 25% are placed with youth who have committed felonious sexual acts.**<sup>12</sup>

Aside from posing dangers to youth, secure detention is more expensive than the alternatives. These youth would be better served in non-secure facilities or community alternatives that address their needs while being more cost-effective for the State.<sup>13</sup>

**KEY FINDINGS**

- Between 2001 and 2013, approximately **86,000 formal referrals were made to Texas juvenile probation departments for youth who ran away from home.** Of these referrals, 12,437 resulted in detention:
  - » 8,523 (69%) of these detentions lasted less than 24 hours;
  - » **3,279 (26%)** of these detentions lasted **longer than 24 hours** but fewer than 10 days; and
  - » **636 (5%)** of these detentions lasted for a **period exceeding 10 days.**



» **It is a poor standard that we as a State allow even one of these young people in serious need to spend time in a secure facility.**

- **Youth who run away from home are often running from a hazardous home.**<sup>14</sup> According to the National Runaway Safeline:<sup>15</sup>
  - » **47%** of runaway youth reported **conflict between them and a parent/guardian** in the home;
  - » **50%** of runaway youth reported that **their parents told them to leave or knew they were leaving but did not care;**
  - » **34%** of runaway youth reported **sexual abuse before leaving home;** and
  - » **43%** of runaway youth reported **physical abuse before leaving home.**

- Research demonstrates that secure confinement is not an evidence-based practice for treating the underlying causes of child “offenses” such as running away, curfew violations, or truancy.<sup>16</sup>
- More than half (53.4%) of youth who were arrested for running away between 2001 and 2013 were female.<sup>17</sup> Researchers have found that adolescent females who run away report sexual onset within a year of running away, which exposes them to poor sexual health practices, sexually transmitted disease, and sexual victimization.<sup>18</sup>

### COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT HB 2793 BY REPRESENTATIVE HUBERTY

**HB 2793 will prohibit the secure detainment of youth who are referred to a juvenile probation department solely for running away from home.** Instead of secure detention, this bill provides that runaway youth may be detained in the juvenile processing offices and places of non-secure custody for up to 6 hours, and in non-secure correctional facilities for up to 24 hours. All of these non-secure facilities exist under current Texas law, and the bill does not alter the exceptions that allow for longer periods of detention in certain, narrow circumstances. This bill will encourage local juvenile probation departments to utilize community-based alternatives to meet the needs of these youth, as opposed to exacerbating through secure detention the underlying factors that contributed to them running away from home in the first place. Policy-makers should continue to invest in these effective, community-based alternatives.

### Citations

<sup>1</sup> TEX. FAM. CODE § 51.03(b)(3).

<sup>2</sup> Texas Juvenile Probation Commission (TJPC), “Statistical Reports, 2001-2010,” and Texas Juvenile Justice Department (TJJD), “Statewide Statistical Reports 2011-2013.”

<sup>3</sup> TJJD, “Statewide Statistical Report 2013.”

<sup>4</sup> National Conference of State Legislatures (NCSL), “Homeless and Runaway Youth,” (October 1, 2010), <http://www.ncsl.org/research/human-services/homeless-and-runaway-youth.aspx>.

<sup>5</sup> TEX. FAM. CODE § 54.04(o)(2).

<sup>6</sup> TEX. FAM. CODE § 54.011.

<sup>7</sup> TJPC, “Statistical Reports, 2001-2010,” and TJJD, “Statewide Statistical Reports 2011-2013.”

<sup>8</sup> Coalition for Juvenile Justice, “National Standards for the Care of Youth Charged with Status Offenses,” (2013): 1,

[http://www.juvjustice.org/sites/default/files/resource-files/National%20Standards%20for%20the%20Care%20of%20Youth%20Charged%20with%20Status%20Offenses%20FINAL\\_0.pdf](http://www.juvjustice.org/sites/default/files/resource-files/National%20Standards%20for%20the%20Care%20of%20Youth%20Charged%20with%20Status%20Offenses%20FINAL_0.pdf).

<sup>9</sup> “Promoting Safe Communities: Recommendations for the 113<sup>th</sup> Congress,” *National Juvenile Justice and Delinquency Prevention Coalition*, (2013): 6.

<sup>10</sup> Barry Holdman & Jason Ziedenberg, “The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities,” *Justice Policy Institute* (2011): 2-3, [http://www.justicepolicy.org/images/upload/06-11\\_rep\\_dangersofdetention\\_jj.pdf](http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf).

<sup>11</sup> Ibid.

<sup>12</sup> Andrea J. Sedlak & Karla S. McPherson, “Conditions of Confinement: Findings from the Survey of Youth in Residential Placement.” *Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin* (May 2010), <https://www.ncjrs.gov/pdffiles1/ojjdp/227729.pdf>.

<sup>13</sup> Holdman and Ziedenberg, “The Dangers of Detention,” 10-11.

<sup>14</sup> Adrienne L. Fernandes-Alcantara, “Runaway and Homeless Youth: Demographics and Programs,” *Congressional Research Service* (January 2013), [http://www.nchcw.org/uploads/7/5/3/3/7533556/crs\\_2013\\_rhya\\_history\\_and\\_lit\\_review.pdf](http://www.nchcw.org/uploads/7/5/3/3/7533556/crs_2013_rhya_history_and_lit_review.pdf).

<sup>15</sup> “The Truth About Runaway Teens,” *Polly Klaas Foundation* (February 2013), <http://www.pollyklaas.org/enews-archive/2013-enews/article-web-pages/the-truth-about-runaways.html>.

<sup>16</sup> Douglas W. Nelson, “A Road Map for Juvenile Justice Reform,” *Annie E. Casey Foundation* (2008): 9, [http://datacenter.kidscount.org/db\\_08pdf/2008\\_essay\\_summary.pdf](http://datacenter.kidscount.org/db_08pdf/2008_essay_summary.pdf).

<sup>17</sup> Texas Department of Public Safety, Crime Reports 2001-2013.

<sup>18</sup> Lisa Thrane and Xiaojin Chen, “Impact of Running Away on Girls’ Sexual Onset,” *Journal of Adolescent Health* 46, 1 (2009): 32-36.