

The Lost Population

The Lost Population

Status Offenders in America

Robert Hartmann McNamara

THE CITADEL

CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2008
Robert Hartmann McNamara
All rights reserved.

Library of Congress Cataloging-in-Publication Data

McNamara, Robert Hartmann.

The lost population : status offenders in America / by Robert
Hartmann McNamara.

p. cm.

Includes bibliographical references and index.

ISBN-13: 978-1-59460-359-4 (alk. paper)

ISBN-10: 1-59460-359-6 (alk. paper)

1. Juvenile delinquents--United States. 2. Runaway teenagers--
United States. 3. Homeless teenagers--United States. 4.
Teenagers--Substance use--United States. I. Title.

HV9104.M36 2008
364.360973--dc22

2007044853

Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone: (919) 489-7486
Fax: (919) 493-5668
www.cap-press.com

Printed in the United States of America

*To the Case and Taylor children:
Shannon, Audrey, Kevin, Ryan, Sarah and Daniel:
I pray that you never become involved
in any of the activities described in this book.*

Contents

Tables and Illustrations	xi
Preface	xiii
Acknowledgments	xv
1 The Lost Population: Status Offenders in America	3
Adolescence in the New Millenium	4
The History of Status Offenders	7
Amendments to JJDP	11
The Problems of Treating Status Offenders as Delinquents	12
Bootstrapping	13
Hidden Delinquency	14
Problems Studying Status Offenders Today	15
Age	16
Gender and Race	16
Adjudication	18
Detention	19
The Variability of Treating Status Offending	20
The Debate over Status Offenders: What to Do with Them?	21
References	23
2 Shadow Kids: Runaways in the U.S.	25
Definition of Runaways, Throwaways, and Homeless Youth	26
A Typology of Runaways	27
Problems in Studying Runaways and Homeless Youth	30
Survival Strategies: Crime and Sex Work	30
Psychological Effects of Runaway Behavior	32

Domestic Violence	33
Social Isolation	34
Runaways, Foster Care, and Incarceration	35
Why Runaways Leave Home	36
Family Problems	36
Economic Problems	36
Residential Instability	37
Programs for Runaway, Throwaway and Homeless Youth	37
Summary	38
References	39
3 Truancy	47
Truancy and the Criminal Justice System	50
Causes of Truancy	52
School Configuration	52
Personal and Developmental Issues	53
Family Issues	53
Neighborhood and Community Factors	54
The Costs of Truancy	54
Strategies That Work to Reduce Truancy	55
Innovative Ways to Combat Truancy	56
South Carolina Courts and Truancy	59
Delaware and Truancy	62
Summary	63
References	64
4 Incurrigibility and Curfew Violations	69
Historical Roots of Incurrigibility	69
Incurrigibility and the Juvenile Justice System	71
Curfew Violations	72
Historical Roots of Curfews	74
The Debate about Juvenile Curfews	75
Proponents of Curfews	75
Opponents of Curfews	76
The Weight of the Empirical Evidence on Juvenile Curfews	78
The Legality of Curfews	80

Parental Responsibility and Curfews	84
Summary	85
References	86
5 Underage Drinking	89
The Role of the Media in Underage Drinking	92
A Key Element to Underage Drinking: Parental Involvement	94
The Impact of Underage Alcohol Use	96
Academic Achievement	96
Physical Health Issues	97
Sexual Behavior	97
Psychological Effects	97
Auto Accidents	98
Legal Variability in Underage Drinking Laws	99
Prevention and Treatment of Underage Drinking	100
Macro-Level Community Efforts	100
Micro-Level Efforts	102
Summary	105
References	106
6 Teen Smoking	113
Evidence of Underage Smoking	113
The Connection of Tobacco Use and Other Drugs	117
The Composition of a Cigarette	118
The Effects of Smoking	120
Long-Term Effects	120
The Issue of Secondhand Smoke	121
Why Teens Smoke	123
Programs to Prevent Teen Smoking	124
American Lung Association's Not On Tobacco Program	125
Have Media Campaigns Reduced Teen Smoking?	126
Do Programs Really Work?	127
What about Smoker's Rights?	128
Summary	129
References	130

7	The Future of Status Offenders and Delinquents	133
	Selected Bibliography	137
	Index	143

Tables and Illustrations

- 1.1 Percentage of Petitioned Status Offender Cases by Age
1985–2002
- 1.2 Percentage of Petitioned Status Offender Cases by Gender
1985–2002
- 1.3 Race and Status Offending 1985–2002
- 1.4 Percentage of Adjudicated Cases by Offender 1985–2002
- 1.5 Percentage of Adjudicated Sanctions 1985–2002
- 1.6 Percentage of Status Offenders Detained 1985–2002
- 1.7 Percentage of Status Offenders Detained by Race 1985–2002
- 4.1 Facility Security Profile of Status Offenders All Facilities
- 6.1 Percentage Use of Tobacco Products by Gender
- 6.2 Past 30 Day Tobacco Use by Ethnicity
- 6.3 Percentage of Cigarette Use and Education Levels

Preface

My interest in status offenders began many years ago when I taught a delinquency class at a local university while attending graduate school. At that time there was little in the way of empirical information other than historical accounts of the deinstitutionalization of status offenders during the 1970s. I wanted to return to this topic some day and offer a book like this one so that students who were taking a course on delinquency or child welfare could see the connections of these seemingly innocuous behaviors to larger and more serious forms of delinquency. Little did I realize that such a connection would become the driving force behind public policy. While it is true that many status offenders also engage in other forms of traditional delinquency, I think we have made a mistake in assuming that if a youth runs away from home, it is an indication that they are a chronic delinquent. This is true even if the youth repeatedly runs away. Instead I think there are differing degrees of status offenders and to put them all into the same category of “delinquent” not only raises serious questions about our understanding of juvenile crime in general, it will likely result in a self-fulfilling prophecy, where the youth actually begins to engage in serious youth crime. In other words, in the process of implementing a tough law and order approach to delinquency we may be augmenting the very class of individuals we most fear. My hope is that this book will shed some light on the nuances and problems relating to behaviors such as running away, truancy, and curfew violations. Additionally, I hope it sheds light on other behaviors that indirectly affect criminal behavior and have a significant impact on society. Underage drinking and smoking present two of the most serious social problems connected to teens in America, yet despite warnings and alarming trends, we seem to be minimizing or ignor-

ing their impact. In short, I believe the public's fears about violent juvenile crime have overshadowed virtually all aspects of juvenile justice and we appear to be returning to a time when we treated juveniles and adults alike in terms of punishment. There may be good reasons for doing this, however, but a sizeable portion of youth exist who are actually victims of neglectful and abusive parents, dysfunctional families, or are caught in difficult circumstances that result in their coming to the attention of the justice process. I believe this book can serve as a starting point for a new dialogue about status offenders and to find ways to keep them from becoming hardened delinquents.

RHM

Acknowledgments

A project such as this one cannot be undertaken without a significant amount of assistance. Many thanks go to The Citadel Foundation for their financial support during the course of this project. Similarly, I would like to thank my Department Chair, Gardel Feurtado, for his support and understanding in allowing me time to work on this book. Being a faculty member at a primarily teaching institution means there is often little time for scholarship. Thankfully, my colleagues at The Citadel understand this and have allowed me the time, resources, and space to explore a topic in depth. Additionally, I am grateful for the assistance of Dr. Maria Shelley and Ms. Lucy Clark Sanders for their invaluable help in bringing this project to completion. Similarly, Bob Conrow at Carolina Academic Press has been one of the most supportive editors I have had the privilege to work with over the span of my career. Finally, I would like to thank my wife Carey for being so patient and understanding during the course of this project and in the latter stages of writing this book.