



OBJECTIVES

After reading this chapter, you should be able to:

- Distinguish status offending from juvenile delinquency.
- Explain the complexity of runaway youths by putting together a profile of one.
- Consider the factors contributing to truancy, and determine whether children should be held accountable.
- Debate the issue of incorrigibility, and form an analysis of whether incorrigible individuals can be changed.
- Examine the arguments for and against curfews, and discuss whether curfews are effective.
- Evaluate the causes of underage drinking, and consider policies that would prevent this status offense.
- Demonstrate how education and the media discourage and/or encourage underage smoking.

3

Status Offending

CASE STUDY ON VIRGINIA

The public generally thinks that many of the behaviors labeled as status offenses are typical teen behaviors; however, consider the following case about Virginia.

Virginia's profile:

- is a fifteen-year-old from Seattle, Washington
- is a good student
- has near-perfect attendance

Her family:

- lives in a low-income neighborhood
- mother works as a housekeeper
- stepfather, recently laid off from his job at a local factory, makes Virginia feel uncomfortable
- has stormy relationship with parents

Her behavior over the past year:

- began skipping classes and then missing school altogether for days at a time
- last year, ran away from home and lived on the streets but continued to attend school, in part because of free lunches and friends
- after a period of time, stopped going to school altogether

Current status:

One night, around 1 am, Virginia was arrested for shoplifting in a twenty-four-hour convenience store. She was also charged with violating Seattle's curfew law, which prohibits youths under the age of eighteen from being in a public place unaccompanied by a parent or legal guardian after 11 pm. When the officer checked Virginia's criminal record, he found that she had been arrested two weeks earlier for trespassing and vandalism. When the officer asked Virginia about these charges, she said she broke the window of an abandoned building in order to sleep there that night. The arresting officer also discovered a bottle of liquor in Virginia's backpack. Upon reviewing her rap sheet, which showed the

Status offenses like underage drinking may not seem to be serious crimes, but their negative impact on individual offenders and society is considerable. What are some consequences of status offenses?

trespassing and vandalism charges, the officer decided to proceed with the shoplifting, curfew, and underage drinking charges.

When trying to explaining why juveniles such as Virginia commit status offenses, the following perceptions may come up:

- Virginia’s actions show that she is clearly on the road to a career as a chronic offender and should be adjudicated as a delinquent.
- Virginia is emotionally unstable and is in need of an evaluation by a licensed psychologist.
- Virginia’s behavior is not uncommon; some youths “act out” by engaging in minor forms of vandalism or underage drinking. Her behavior should not be a cause for concern, and she will likely grow out of it.



Based on the scenario provided, what is your current perspective of Virginia’s behavior, and why?

status offenses

Acts, such as truancy, incorrigibility, and curfew violations, that are considered against the law, but are not viewed as criminal, based on the age of the offender.

Making sense of Virginia’s behavior might be easier if we explore the larger picture. Her actions are often considered **status offenses**: acts that are defined as criminal based on the age of the offender. For example, it is legal for an adult to purchase cigarettes, but it is a status offense for a teenager to do so. Status offenses cover a host of behaviors but the ones most commonly seen include running away, truancy, ungovernability (sometimes called incorrigibility), curfew violations, underage drinking, and underage smoking.¹ These are not serious offenses, and they do not typically present a significant threat to the general public; however, they can carry risks for the youths who engage in them. For instance, smoking has serious health consequences, and runaway teenagers may face dangers on the streets. Status offenses are differentiated from juvenile delinquency in that neither the acts nor the youths who commit them are considered criminal.

This chapter explores the nature and types of status offenses, the controversial connection between status offenses and delinquency, and the much-debated issue of handling status offenses as a matter of public policy, community action, and judicial action.

A Brief History of Status Offending

As far back as the 1700s in the United States, disobedient or runaway youths often were placed in orphanages or houses of refuge, discussed in Chapter 1. Young people who committed criminal acts, on the other hand, were generally treated like adults.²

Until the 1970s, no significant legal distinction existed among a juvenile who committed a criminal act, a juvenile who was considered a wayward youth, and a child who came from a home with poor or deceased parents. Under the doctrine of *parens patriae*, or “parent to the nation,” the state acts as a parent when a child is in need of protection. Within the broad parameters of *parens patriae*, courts could intervene in any behavior or circumstance involving a child, whether the behavior was delinquent or not. As a result, many jurisdictions handled a wide range of situations involving youths, many of which did not involve any criminal acts.³

Given that there were few options available to the court in addressing youths’ needs, institutionalization, even for nondelinquent youths, was a common practice. This attempt by the court to handle an array of juvenile issues led to a number of unintended consequences. Sometimes, for example, a teenager was placed in an institution of some kind

simply because his parents failed to adequately provide for him. Many youths in this situation remained under state care until they came of age. They might have been institutionalized longer than teens who had actually committed crimes.

In addition, many youths who had not committed a serious crime were incarcerated with serious offenders. They often were victimized by more hardened offenders and learned more about the “criminal lifestyle.”⁴

THE JUVENILE JUSTICE DELINQUENCY PREVENTION ACT (JJDP)

As observers began to recognize the unfortunate consequences of incarcerating noncriminal teens, they began to effect changes in public policy.⁵ More than two decades ago, the National Council on Crime and Delinquency, an influential, privately funded think tank, recommended removing status offenders from the jurisdiction of the juvenile courts. These calls for reform prompted a number of states to experiment with replacing juvenile court jurisdiction over most status offenders with community-based treatment programs.

Meanwhile, at the federal level, perhaps the most significant piece of legislation as it relates to status offenders occurred in 1974 with the passage of the **Juvenile Justice Delinquency Prevention Act (JJDP)**. The act was a pioneering effort in two ways: how status offenders are labeled and how they are handled. First, the JJDP made a legal distinction between youths who committed criminal acts and status offenders so that status offenders did not suffer from the stigmatizing label “juvenile delinquent.” Second, care of status offenders was now turned over to community agencies. In effect, status offenses were “deinstitutionalized”—it was illegal to institutionalize or incarcerate juveniles when they had not committed a crime.

The passage of the JJDP changed the treatment of status offenders (see Table 3-1). For example, when status offenders are detained, they must be completely separated from adult offenders and prevented from having any type of contact with them.⁶ There are exceptions to this, of course, but in general, the emphasis is on providing treatment rather than punishment to status offenders.

AMENDMENTS TO THE JJDP

The judiciary reacted negatively to the JJDP because it limited the authority of juvenile court judges. In 1980, judges successfully lobbied Congress to amend the JJDP to allow them to remand status offenders who violated a valid court order to secure detention. This amendment, known as the **valid court order amendment**,⁷ made several exceptions to the requirement that juveniles would not be detained in adult jail and lockups. Juveniles being tried as adults for felonies and juveniles with felony convictions can be sent to an adult jail or lockup. They can also be held in an adult jail or lockup for six hours in urban areas and up to twenty-four hours in rural ones, if secure detention is required and no alternative arrangements can be made.⁸

Not all judges opposed deinstitutionalization. In a 1990 report, the National Council of Juvenile and Family Court Judges argued that status offenders were most often victims, not offenders, and should not be treated as delinquents. The report called for court intervention only as a last resort, when all other community resources had failed.

Juvenile Justice Delinquency Prevention Act

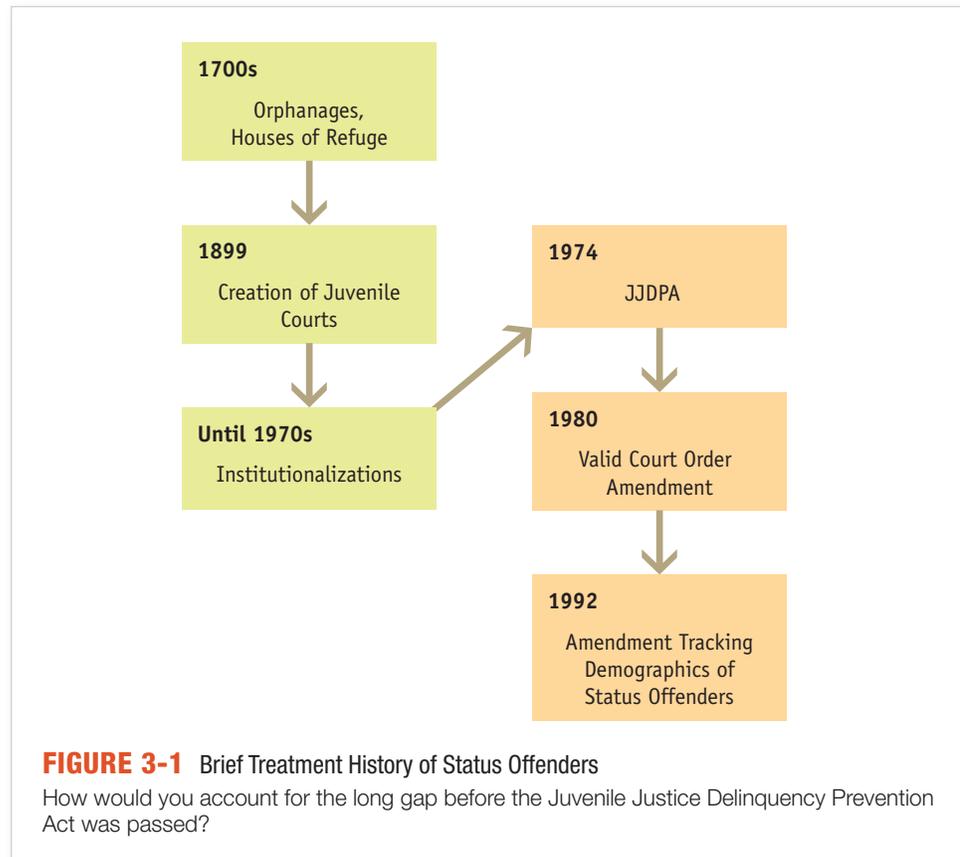
A pioneering act that made a legal distinction between youths who committed criminal acts and status offenders so that status offenders did not suffer from the stigmatizing label “juvenile delinquent,” and that turned care of status offenders over to community agencies.

valid court order amendment

Legislation that allows juveniles being tried as adults for felonies or juveniles with felony convictions to be sent to an adult jail or lockup and to be held for six hours in urban areas and up to twenty-four hours in rural ones, if secure detention is required and no alternative arrangements can be made.

TABLE 3-1 Status Offenders

Categories of Status Offenders
CHINS (Children in Need of Supervision)
MINS (Minors in Need of Supervision)
PINS (Persons in Need of Supervision)
The JJDP created three categories of status offenders; the differences are based on the age of the offender, but all groups consist of youths who require guidance and assistance by the court.



A 1992 amendment to the JJDPA represented an effort to address the disproportionately high percentage of status offenders who are members of minority groups, particularly African Americans (see Figure 3-1). That amendment requires juvenile justice agencies to track the race and ethnicity of status offenders. If the percentage of minority offenders is disproportionately high relative to the group's population in the state, the agency must determine why that is the case and take steps to reduce it.⁹

STATUS OFFENDERS VERSUS DELINQUENTS

Some experts on delinquency contend that juvenile courts routinely circumvent federal law by incarcerating status offenders rather than sending them to community agencies for treatment, such as anger management, family therapy to resolve issues with parents and siblings, or counseling for exposure to violence and abuse. The courts bypass the law in two ways: bootstrapping and reclassifying status offenders as mentally ill.

Bootstrapping is a process whereby a juvenile court classifies (or bootstraps) a status offender as a delinquent after repeated violations of the same offense. For example, suppose a child skips school and is identified as truant. He is brought before the court, and the judge issues a formal court order to the child to attend school. What if the child defies the court's request and continues to be truant? If he is again caught and brought before the court, a judge can elevate the status offense to a delinquent offense on the charge of contempt of court. Once the child is classified as a juvenile delinquent, the judge has more options in dealing with the youth, such as holding him in a detention center.¹⁰

Another type of bootstrapping that can result in incarceration occurs when a juvenile court judge sends a status offender to a group home for running away and the youth runs away from this facility as well. Although the youth's behavior did not change, the act of running away is now a violation of a court order, and the juvenile's status changes from runaway to delinquent.¹¹

bootstrapping

A process whereby a juvenile court classifies a status offender as delinquent after repeated violations of the same offense.

Another way to detain status offenders is through the use of treatment facilities, such as mental hospitals and substance abuse treatment centers, which does not violate the mandates of the JJDPA.¹² Youths sent to these places are sometimes labeled **hidden delinquents** because they rarely show up in official statistics on delinquency or even status offending.

Hidden delinquents are usually afforded less due process even though they have not committed a crime. In the landmark case of *Parham v. J. R.*, the U.S. Supreme Court held that parents may commit their child to a mental hospital as long as an impartial party conducts a hearing and finds evidence of a mental disorder. In those instances, the child may be held until either the parents request their child's release or there is evidence that the child no longer suffers from a mental illness.¹³

Placing minors in mental institutions and other treatment facilities is controversial because it is seen as an alternate way of incarcerating status offenders. A minor may not be suffering from a mental illness, but the offense he or she committed is used as evidence of the need for treatment. The "hidden system" is not limited to substance abuse facilities or mental hospitals, however; as long as a status offender is not placed in a secure detention facility or a training school, juvenile court judges can use a variety of **residential programs** or out-of-home placements such as group homes. These institutions provide an alternative to detention centers and state schools, and are not subject to JJDPA deinstitutionalization guidelines. While youths are not placed with adult criminals, they may still face victimization and other consequences in such environments.

hidden delinquents

Detained status offenders who rarely show up in official statistics because they are detained in treatment facilities, such as mental hospitals and substance abuse treatment centers, which does not violate the mandates of the JJDPA.

residential programs

Out-of-home placements that provide an alternative to detention centers and state schools and are not subject to JJDPA deinstitutionalization guidelines.

VIRGINIA'S CASE

Status Offending or Delinquency?

Recall Virginia's situation:

- skipped, then dropped out of school
- ran away from home
- arrested for trespassing and vandalism
- shoplifted
- violated curfew law

Consider the definition of status offenses, as well as local and federal laws. Then reflect on Virginia's behavior. Experts tend to lump status offenders and delinquents together, as the boundaries between the two populations are blurred when status offenders sometimes engage in more serious crimes.

Retracing the history of and legislation on status offenses, and bearing in mind the definition, should Virginia be taken into custody, and should the juvenile justice system intervene?

THINK
ABOUT
IT

THE CHANGING NATURE OF STATUS OFFENDING

More than twenty years ago, the National Council on Crime and Delinquency recommended removing status offenders from the juvenile court. But even today, juvenile court judges strongly resist removal of these offenders from their jurisdiction because it interferes with their ability to help youths before they get into serious trouble. Their concerns are fueled by research, which shows that many status offenders, especially runaways living on the street, have serious emotional problems and engage in a variety of self-destructive behaviors.¹⁴ The juvenile court is the only way to force repeat offenders into compliance, especially in states that do not have community-based programs or funding to help these youths.

Is discipline needed? Many youths regularly engage in status offenses, such as underage smoking and drinking, and truancy; therefore, it makes little sense to have the juvenile court intervene in the lives of teenagers who are engaging in what has become routine behavior.¹⁵

The debate over whether courts should retain jurisdiction over status offenses also minimizes the importance of the different types of status offenders. Some act out in ways similar to delinquents while others, who are not serious offenders, have different motives and intentions. A juvenile court experience can be harmful to true status offenders who are not committing serious, violent acts, and can escalate the frequency and seriousness of criminal behaviors.

Even chronic status offenders are different from traditional delinquents. The reasons children run away from home do not change simply because the child has been arrested and the court ordered him or her to stop committing this offense. The difficulties in distinguishing between the different types of offenders often result in an oversimplification of the problems and issues surrounding status offending.



Treating Status Offenders

Can we separate the true status offenders from those who commit major crimes like shoplifting and trespassing? Should we try to consider the crimes that are likely linked to status offending (e.g., shoplifting) when viewing an offender's behavior?

Runaways

Each year as many as 2 million children leave home without a destination in mind, and tens of thousands of other children are pushed out of the home or abandoned by parents or guardians.¹⁶ Runaways can become involved in a cycle of poverty, drugs, prostitution, and various forms of victimization. At times, caregivers may be aware of where the youths are located but do not want to find them or bring them back home. While most runaways leave home because of family problems, some youths find they prefer to be on their own. In such cases, rarely do youths find a better life on the streets.

DEFINITION

Defining a runaway seems simple: a youth who runs away from home. However, the definition is more complicated because criteria used to describe these youths frequently overlap and are not mutually exhaustive or exclusive.

The term *homeless youth* is often used as an umbrella term for a large variety of young people including runaways, throwaways, and street youths. The Runaway and Homeless Youth Act defines a **homeless youth** as one who is “not more than 21 years of age for whom it is not possible to live in a safe environment with a relative and who has no other safe alternative living arrangement”¹⁷; however, there are debates over what constitutes a young person. While most people tend to use under the age of eighteen as the main criterion for status offenses, when it comes to homeless youths, it can also include young people up to age twenty-one.¹⁸

The varying criteria official agencies use to qualify certain behaviors present another issue in understanding runaway behavior.¹⁹ According to the U.S. Department of Health and Human Services, a runaway is a youth who is away from home without permission of his or her parents or legal guardian at least overnight. A **throwaway youth** is generally defined as a young person who either is asked to leave home by a parent or other adult in the household or is away from home overnight and prevented from returning.²⁰ The term **street youths** has been used to refer to those who reside in high-risk, nontraditional locations, such as under bridges, in abandoned buildings, or in vehicles. The National Center for Unaccompanied and Homeless Youth defines street youths as “those who run away or who are indefinitely or intermittently homeless and spend a significant amount of time on the street or in other areas that increase their risk for sexual abuse, sexual exploitation, prostitution, or drug abuse.”²¹

homeless youths

Young people up to the age of twenty-one who do not have a safe living space outside of or within a relative's home.

throwaway youths

Young individuals who either are asked to leave home by parents or other adults in the household or are away from home overnight and prevented from returning.

street youths

Young individuals who reside in high-risk, nontraditional locations, such as under bridges, in abandoned buildings, or in vehicles.

TABLE 3-2 Types of Runaways

Broad Scope Runaways	<i>Juveniles who leave or stay away from home without permission</i>	<ul style="list-style-type: none"> — Teenagers, age fifteen or older, who have permission to be out but break curfews, are an exception — Two nights are necessary for such teenagers to be considered Broad Scope Runaways
Policy Focal Runaways	<i>Minors who, along with fitting into the Broad Scope definition, are also endangered due to not having a familiar and safe place to stay</i>	<ul style="list-style-type: none"> — Youths who leave home and spend time on the streets, in cars, or in shelters — Garner the most attention from policymakers and law enforcement officials
Runaway Gestures	<i>Youths who leave home only for a matter of hours but do not stay overnight</i>	<ul style="list-style-type: none"> — Runaways who leave notes and older teenagers who stay out overnight without permission also fall under this category — Typically omitted from national figures on runaway incidents

NISMART-1, which is based on three components—the National Household Survey of Adult Caretakers, the National Household Survey of Youth, and the Juvenile Facilities Study—identifies these three types of runaways.²² NISMART also distinguishes between youths who run away from home and those who are referred to as *Non-Household Runaways*, which include those children who run away from institutions, group homes, or other facilities.

Because the definitions are complicated and they overlap, our definition of **runaways** includes homeless youths, throwaways, and street youths. To get a sense of the different types of runaways (see Table 3-2), estimates suggest that many children are conceptualized as “voluntarily missing,” which helps to distinguish them from abducted and lost children. However, as the National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children (NISMART-1) discovered, children who leave home often do so as a result of family conflict. In these instances, the term “voluntary” does not apply and is a bit misleading.

runaways

Youths who leave home without permission for more than twenty-four hours.

PROFILES

While there is no single cause for why teens run away, most of the reasons given can be grouped into three broad, interrelated categories: family problems (which include the behaviors of both parents and youths), economic problems, and residential instability.²³

Youths are usually financially, emotionally, and legally dependent on their parents, but the majority of those who leave home do so because they need to escape dysfunctional or abusive (physical, sexual, or psychological) family situations, or their parents or other adults in the household coerce them into leaving.²⁴ Consider Walter’s relationship with his family, which led to his decision to run away. He says:

Well, uh, I got up. And I knew it was just going to be another trouble day, 'cause every day's trouble. And uh, at this time, I, I was like about seven, maybe, eight, maybe. And uh, I peed in my pants when I was sleeping, and it got all over my bed. So my mom got mad and took everything out of the room. So I was just like, okay, I'm mad, and I'm going to act up. So I started cussing, screaming, pounding on the door, punching holes in the walls, and she was like, either you sit there, or I'm going to call the cops. So I sat there, and I, I sat there for about three, four hours. And I was like, I can't sit here anymore. So I got up, dug a hole through the wall. And my dad's office is right next to my door. So, I mean—well, it's right next to my room. So, when I dug through there, it led right into his office. And I got in there, and I was under his desk. So, I mean, I crawled out from under his desk, and I used his pocketknife that was laying on his desk to cut out the screen. And I hopped out the, the screen and ran through my backyard to my school. And I jumped up on the monkey bars and sat there for about forty-five minutes. And then, I was like, I'm going to run away from here, and I'm leaving the country, something. Uh, I just—I didn't want to be here. So, I jumped off there and I started running, as fast as I could, as hard as I could. And, and it didn't matter what direction I went. I just wanted to leave.

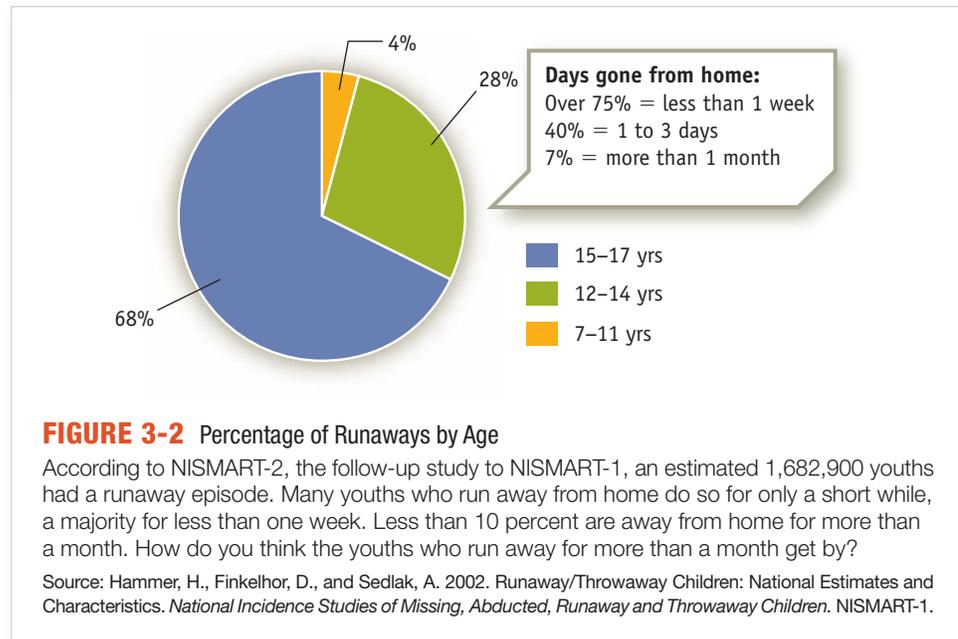
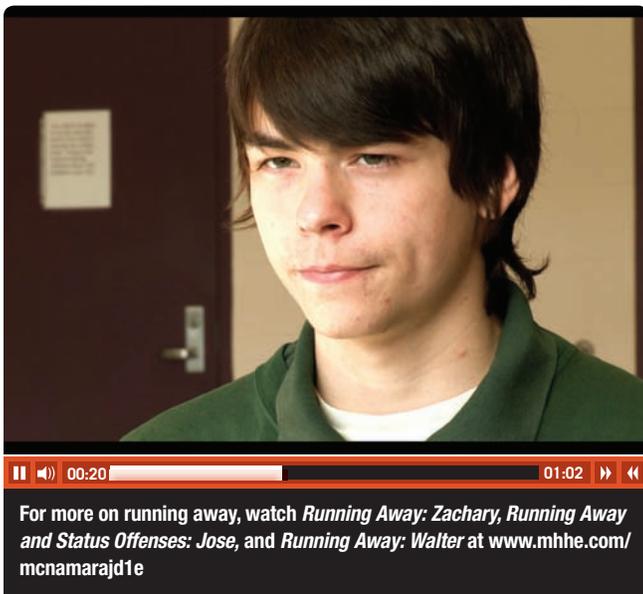


FIGURE 3-2 Percentage of Runaways by Age

According to NISMART-2, the follow-up study to NISMART-1, an estimated 1,682,900 youths had a runaway episode. Many youths who run away from home do so for only a short while, a majority for less than one week. Less than 10 percent are away from home for more than a month. How do you think the youths who run away for more than a month get by?

Source: Hammer, H., Finkelhor, D., and Sedlak, A. 2002. Runaway/Throwaway Children: National Estimates and Characteristics. *National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children*. NISMART-1.



Runaways with poor family relations have difficulty forming relationships with service providers because they have trust issues with adults. This stems largely from their experiences with being exploited, neglected, or traumatized by their parents, relatives, and others. As a result, they have limited ability to access all the existing services that could support them in transitioning to a more stable lifestyle.²⁵ See Figure 3-2 for a breakdown of runaways by age and length of incidence.

A clear relationship exists between physical, sexual, and psychological abuse of youths and their decisions to run away.²⁶ In addition to violence and abuse, other family-related factors that influence young people to leave home include neglect, parental substance abuse, and parental control issues.²⁷

For some youths, economic problems and residential instability may lead to their decisions to run away²⁸ or, more specifically, become part of the throwaway youth population. One study of over 1,200 runaway youths reported that about 40 percent were from families that received public assistance or lived in public housing.²⁹ Low wages lead some families to ask their children to leave home because they can no longer care for them.

Sociologist James Wright says throwaways typically experience episodes of residential instability, where family members are living in doubled-up housing³⁰ or living with other friends or relatives in households not designed to accommodate such a large number of people. An unstable physical home, along with a lack of financial resources, sometimes forces youths to seek other housing alternatives.³¹

PROGRAMS FOR RUNAWAY YOUTHS

Since 1974, Congress has funded three types of programs under the Runaway and Homeless Youth Act. In 2005, with \$84 million in funding, these three types of programs—street outreach, basic or walk-in centers (shelters), and transitional living—operated in hundreds of communities around the country. Street outreach workers try to pass on counseling, medical, and mental health treatment information to young people living on the streets to keep them safe and to show them ways to improve their circumstances. In extreme cases, workers try to bring the youths into shelters for more intensive help. Walk-in centers offer short-term shelter, food, clothing, medical assistance, and counseling to reunify families

VIRGINIA'S CASE

Motives for Running Away

Recall Virginia's family and background:

- lives in a low-income neighborhood
- mother works as a housekeeper
- stepfather, recently laid off from his job at a local factory, makes Virginia feel uncomfortable
- has a stormy relationship with her parents

Consider the factors leading youths to running away. Virginia may want to have freedom, but she may also have an economic or emotional motive. Like some youths who run away, Virginia has not returned home. This suggests that whatever the problems are, they are not likely to be resolved if she is reunited with her parents.

If the approach by the juvenile justice system is to return runaways to their families, what happens if Virginia's motive has to do with abuse or rejection? Are officials then increasing the chances that she will run away again?

**THINK
ABOUT
IT**

when possible and appropriate. Agency staff can also try to place young people, age sixteen to twenty-one, who are unable to return home, in transitional living programs that provide housing and comprehensive social services aimed at achieving self-sufficiency.

One promising avenue in seeking to decrease the problems associated with runaway youths involves the school system, because most runaways want to go to school and think their education is very important.³² For these youths, school attendance offers them a chance to maintain relationships with friends who can provide emotional support, as well as to develop networks and skills that will help them cope with their situations and become independent. In short, attending school has a host of social and economic benefits, particularly for youths who do not feel safe at home or on the streets. Education is a strong predictor of the likelihood that the youth will overcome poverty and become independent; without an education, a runaway youth may never have the opportunity to acquire critical life skills.³³ Unfortunately, up to three-quarters of older runaway youths drop out of school because they are displaced and lack emotional, financial, and residential support.³⁴

In an extraordinary turn of events relating to throwaway youths, in 2008, Nebraska passed a new "safe-haven" law, which allows parents to abandon unwanted children at hospitals without any level of accountability. What is different about Nebraska, compared to other states that have similar laws, is that the new statute permits parents to drop off a child of any age, up to nineteen years old. The law does not absolve people of possible criminal charges, such as if a child has been beaten, but it does not require officials to inquire why parents are absolving their responsibility to the youth. The law also allows anyone, not just a parent, to legally surrender custody; most states narrowly define the role of the person surrendering the child.³⁵

Runaway youths present a number of challenges to agencies in terms of both individual needs and the circumstances surrounding the decision to run away. The Theory and Practice Working Together box offers some promising opportunities.



Runaways may leave home due to abuse or neglect. In some instances, they are forced out. As a way to cope with street life, many become involved in drugs and petty crimes. Why is it important that we make this status offense an issue that should not be ignored?

THEORY AND PRACTICE WORKING TOGETHER

CASAA's Homeless and Runaway Youth Program and Life Link

The University of New Mexico's Center on Alcoholism, Substance Abuse and Addictions (CASAA) Runaway and Homeless Youth Program has recently partnered with The Life Link, a nonprofit organization offering housing and behavioral health services for teens. Together, they offer best-practice treatment models and extensive homeless outreach and prevention services.

CASAA's Homeless and Runaway Youth Program began with a research grant to determine whether providing different forms of assistance to homeless and near-homeless youths, including pretreatment and follow-up assessments, would be successful. For years, CASAA has provided assistance for troubled youths through its evidence-based therapeutic technique known as the Community Reinforcement Approach (CRA), which has been successful in helping youths to cope with adversity, learn life-skills, and remain optimistic about their futures.

While the CASAA program is a research-based program rather than an ongoing operational one, The Life

Link in Santa Fe has been operating the Homeless Adult and Family Program for years, using the same treatment modality that CASAA has been using with its clients. Recently, The Life Link was awarded the "Best in America" seal of approval from the Independent Charities of America Association. This partnership is a good example of how research and policy interrelate. While the CASAA program was originally designed to explore effective treatment for homeless youths, once the grant money ran out, it turned the operation over to an advocacy group that has a great deal of experience in addressing the needs of the homeless. Visit The Life Link's website to learn more about its mission and programs.

THINK ABOUT IT

Why is it so difficult to address the needs of homeless and runaway youths?

THINK ABOUT IT

Profiling and Assisting Runaway Youths

Why would runaway youths want to remain in school? What does this mean in terms of the school's obligation to help youths living on the streets?

Truancy

truancy

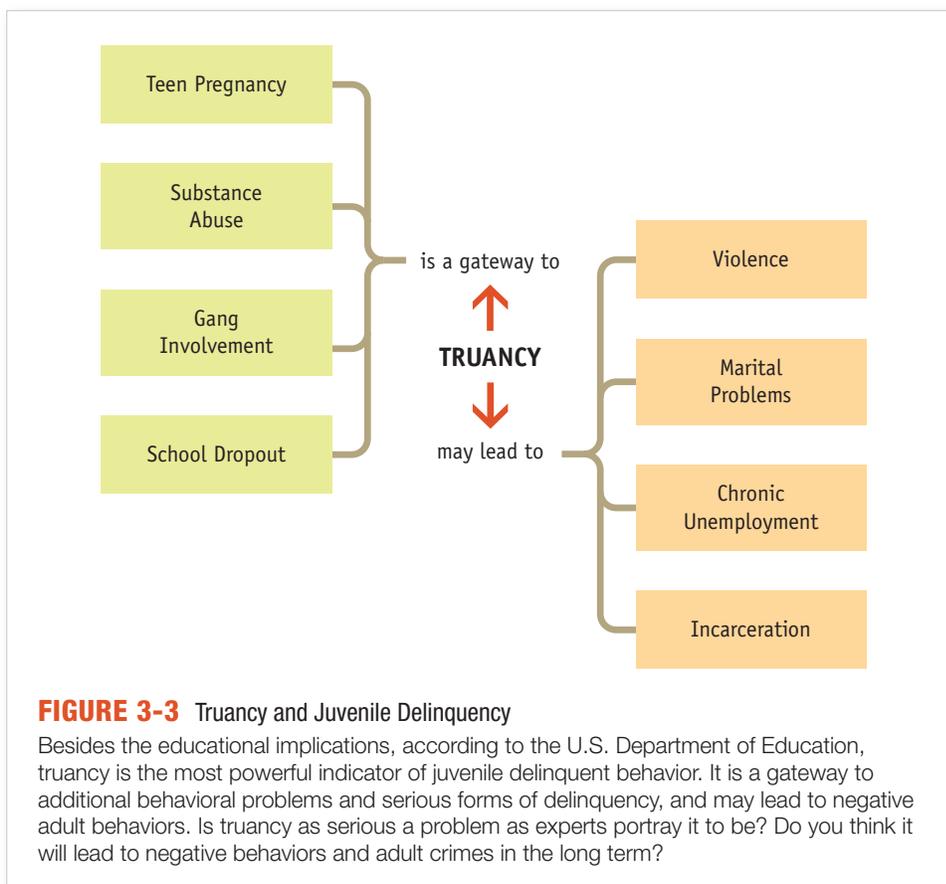
The act of skipping school.

People tend not to think of students skipping school, or **truancy**, as a national problem with a host of social, economic, and political implications. Every day hundreds of thousands of students are absent from school, many without an excuse. Although national data on truancy rates are unavailable, partly because no uniform definition of truancy exists, many cities wrestle with this problem.³⁶ A national study in public schools found that principals identified student absenteeism, class cutting, and tardiness as the top discipline problems.³⁷ In addition, according to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), adults who were truant at an early age are much more likely to have poorer physical and mental health, lower-paying jobs, higher likelihood of living in poverty, more reliance on welfare support, and children who exhibit problem behaviors.³⁸ Figure 3-3 depicts the links between truancy and juvenile delinquency.

With regard to demographic variables, a few trends are noteworthy. For instance, the relationship between race and truancy is not well established. Some data suggest that whites are underrepresented in petitioned cases, partially because many African Americans tend to have lower academic achievement levels than white students. The frustration of not doing well in school, as well as the perceived lack of relevance of getting an education, may lead some African American students to regularly avoid school. Repeated truancy is then likely to be seen by school officials and the juvenile court as a form of defiance. Consequently, these youths may be more likely to experience formal processing than white students.³⁹ The frustration felt by some students who do not perform well in school, as well as the feeling that education is not important, is underscored by other studies showing that African Americans and Latinos from lower-income homes consistently have the highest truancy and **dropout** rates of all categories of students.⁴⁰ While the relationship between income and truancy is not well known, experts generally believe that students from low-income families have higher rates of truancy.⁴¹

dropout

A student enrolled in school who voluntarily chooses not to return and complete the requirements for graduation.



Finally, there is some evidence that boys and girls are about evenly divided in the truancy statistics.⁴² While girls tend to demonstrate a slightly higher rate of absenteeism in high school than boys, the latter are more likely to become chronically truant, especially in later grades when their lack of proficiency in the classroom becomes more apparent. It is also likely to be a result of the fact that boys in later grades believe that obtaining an education is unlikely, given their grades. As a result, they find other ways to spend their time, including using drugs and committing crimes for financial gain.⁴³

CAUSES

According to the National School Safety Center, about 5 percent of students in grades nine through twelve skip school because they feel unsafe on their way to or from school, or while they are on school grounds. Others miss school because of family health issues, financial demands, substance abuse, or mental health problems. Factors contributing to truancy stem mainly from four areas: school configuration, academic performance, family involvement, and community characteristics.⁴⁴

School Configuration

According to the National Center for Education Statistics, large school systems in low-income, inner-city urban school districts have higher rates of absenteeism and truancy compared to suburban and rural school systems. The incidence of truancy is greater when attendance is not made a priority and when constructive interaction does not take place between teachers and parents.

Research consistently reports high absenteeism rates for urban schools, with approximately 8 to 10 percent of these students labeled chronically truant.⁴⁵ Educators' behaviors and performances shape their students' behaviors. Uncertified teachers,⁴⁶ low teacher expectations, high teacher absenteeism, and inconsistent discipline are contributing factors to truancy.⁴⁷



Serious delinquency may come out of truancy. The vast majority of serious offenders started out as truants and then dropped out of school. How much should parents participate in children's education? Could too much parental attention lead to truancy or other status offenses?

“You know, it gets old, the same thing every day. And you know, I just—I didn't feel like going through school.”

AUSTIN

not only be about money; some studies show that regardless of social class, weak or non-existent parenting styles may contribute to truancy because children are given too much autonomy in decision making and are not held accountable for their misbehavior.⁵² Part of the challenge with truancy is that many youths do not like school and refuse to attend. Consider Zach's remarks regarding skipping school:

I never wanted to go to school. I'd always refuse. Like my mom and stuff would tell me, get up and go to school. I'd just say “no, I'm not goin' to school.” I got myself in a little bit of trouble. . . . I'd just wake up in the morning and say, “I'm not goin'.” . . . School didn't interest me. I don't know. It's just not my thing. A lot of kids don't [like school.]

Academic Performance

Typically, the problems of absenteeism and truancy stem from a child's experience in the classroom. Poor academic performance often causes students to lose interest in school. As a result, they fall behind and begin to avoid class, then stop going to school altogether. The school's response is usually punitive, often suspension, which further alienates the student from the institution.⁴⁸ Given limited budgets, teachers and administrators sometimes “write off” these students, focusing instead on those that are present and interested. These circumstances create a self-fulfilling prophecy: once a student begins to fail and gives up, the system does not have effective mechanisms in place to get him or her back on track.

Family Involvement

A long-standing relationship exists between parental involvement, social class, and children's academic achievement. When parents participate in their children's education, whether it is monitoring homework, helping to improve reading ability, or attending PTA meetings, the probability of truancy decreases.⁴⁹ Parents with high socioeconomic status (SES) tend to be more involved with teachers and schools, as well as being more involved with their children's educational and learning development.⁵⁰

Affluent parents tend to have more resources and time to devote to their children, and they place a high value on education. At the other end of the spectrum are youths from low-income, single-parent homes, who tend to have higher rates of absenteeism and truancy.⁵¹ For many of these youths, the single parent has to work, sometimes at more than one job, and may not have the time and resources to tutor and be more active in the child's education and attendance. The links to truancy may

Neighborhood and Community Factors

Children living in low-income and/or inner-city neighborhoods are more likely than suburban youths to experience violence, maltreatment, neglect and abuse, and below-average education. This living environment, in turn, affects student motivation about education in general and school attendance in particular.

Related to social class are the physical conditions of neighborhoods in which children live, which suggest a link with truancy.⁵³ Exposure to mental and physical health stressors (e.g., abuse, neglect, domestic violence, family strife) and to other signs of disorder (e.g., abandoned buildings and cars, condemned housing, illegal drug markets) is related to truancy.⁵⁴ The links between neighborhood conditions and delinquency will be discussed further in the next chapter, but for now, consider what can be done about truancy. One type of program that has shown some effectiveness in reducing truancy is Accountability Courts. The Theory and Practice Working Together box offers an explanation of one such program in Charleston, South Carolina.



00:20 01:02

For more on truancy, watch *Truancy: Austin* and *Truancy: Zachary* at www.mhhe.com/mcnamarajd1e

THEORY AND PRACTICE WORKING TOGETHER

South Carolina’s Anti-Truancy Program

In many states, the courts have become the main vehicle for addressing truancy. South Carolina has three categories of truancy:

- truant: a child who has three consecutive unlawful absences or a total of five unlawful absences during the school year
- “habitual” truant: a child who does not comply with the intervention plan developed by the school, the child, and the parents or guardians, and who accumulates two or more additional unlawful absences
- “chronic” truant: a child who has been through the school intervention process, has reached the level of “habitual” truant, and has been referred to Family Court and placed under an order to attend school, but continues to accumulate unlawful absences

The Barrett Lawrimore Juvenile Drug Court and Accountability Court was created in 2006 in response to a serious truancy problem in Charleston. The program is a collaborative effort between twelve different agencies ranging from the Department of Juvenile Justice, the Charleston County School District, the Department of Mental Health, the Public Defender’s Office, Family Services, Inc., and the Charleston County Family Court.

Once a child is brought before the court, he or she is placed on probation, and the parents are placed under a court order to ensure that their child attends school. If the parents and child successfully complete the program, the case is reopened, and the charges are dismissed and removed from the child’s juvenile record. The program consists of three phases, summarized in the following table:

	Child’s Responsibility	Parent’s Responsibility	Both
Phase One (12 weeks)	<ul style="list-style-type: none"> ■ life-skills counseling program ■ school attendance ■ good behavior ■ tutoring participation ■ satisfactory grades ■ 7 pm curfew <p>Penalties: If the child skips school or a class, he or she spends each weekend in detention at the Department of Juvenile Justice until his or her school attendance record is acceptable to the court. If the child misbehaves in school, he or she is subject to detention, community service, or counseling.</p>	<ul style="list-style-type: none"> ■ parenting course ■ enforcement of children’s school attendance ■ one-hour homework session each night ■ school attendance with children (if deemed necessary) <p>Penalties: If a parent violates the rules, he or she is subject to a contempt of court charge, which carries a sentence of up to one year in jail, a \$1,500 fine, and/or 300 hours of community service. If the parents do not make sure the child gets to school, they can be fined \$50 each day the child misses school.</p>	<ul style="list-style-type: none"> ■ weekly court appearance ■ subject to drug and alcohol testing <p>Penalties: Should the parents or child not complete Phase One successfully, they will be assessed by the Department of Mental Health to determine what should be added to the program to successfully complete it the second time around.</p>
Phase Two (12 weeks)	<ul style="list-style-type: none"> ■ life-skills counseling program ■ school attendance ■ good behavior ■ tutoring participation ■ satisfactory grades ■ *8 pm curfew 	<ul style="list-style-type: none"> ■ enforcement of children’s school attendance ■ one-hour homework session each night ■ school attendance with children (if deemed necessary) 	<ul style="list-style-type: none"> ■ monthly court appearance <p>Penalties: If the participants begin violating the rules, they return to Phase One and are assessed for additional services.</p>

*Phase Three: If the participants complete Phase Two successfully, the youth’s curfew is increased to 9 pm, and they do not have to appear in court as long as they continue to comply with the stipulations and rules of the program.

The Accountability Court tries to address the short- and long-term issues relating to truancy in Charleston by including an internal evaluation of the program.



Does it make sense to fine parents for the behavior of their children? Does having both parents and children participate in programs with distinct phases help to alleviate truancy issues?

VIRGINIA'S CASE

Impact of Her Truancy

Recall Virginia's truant actions:

- began skipping classes
- while living on the streets, continued to attend school, in part because of free lunches and friends
- started missing school for days at a time
- after a period of time, stopped going to school altogether

Virginia was a good student with near-perfect attendance. Her character did not seem to fit with those who engage in truancy; however, some factor, perhaps family issues, led her to start skipping classes. She stayed in school for a while for food and socialization, but even those incentives could not keep her from dropping out of school.

THINK ABOUT IT

In addition to the loss of her educational opportunities, what other problems might Virginia encounter if she remains truant? What impact will this have on her future?

THINK ABOUT IT

Holding Children Accountable

Do parents know that truancy is connected to delinquency? Would they hold their children more accountable for attending school if they did? Why or why not?

Incorrigibility

Parents commonly lament that their children do not listen to or obey them or the rules of the household. Those with teenagers are especially sensitive to disobedience: the teen years are usually the most difficult ones for a family to overcome.⁵⁵ But some parents have acutely difficult and uncontrollable children who are considered incorrigible or ungovernable.

By definition, **incorrigibility** refers to juveniles who habitually do not obey their parents. This type of behavior received a lot of attention during the 1970s. With *parens patriae* still operating at this time, many juveniles were incarcerated for incorrigibility. This incarceration exposed juveniles to much more severe criminality and sometimes even sexual and physical abuse. In short, juveniles came out of the system worse than when they entered it.

HISTORICAL ROOTS

During the seventeenth and eighteenth centuries, interest in improving child-rearing practices grew. Church and school officials promoted the idea that children were special and fragile, but also corruptible. The church, the family, the community, and the school were to join in fostering children's development and controlling misbehaviors. Principles emerged that stressed discipline, modesty, chastity, hard work, and obedience to authority. Such Puritan values were very influential, if not universal, in the North American colonies.

As it was the case with adults, most social policies ignored those who were considered unworthy of assistance, and this same attitude applied to children. The Massachusetts "stubborn child" offense, used as late as the 1970s, was passed in 1654 when the House of

incorrigibility

The habitual disobedience of juveniles toward their parents or guardians.

Deputies of the Massachusetts Bay Colony in New England determined that children often misbehaved and treated authority figures with little or no respect. The colony provided corporal punishment such as whippings for young offenders.⁵⁶ Over time, amendments were made, but as late as 1971, the state's Supreme Court upheld the stubborn child statute against a complaint that the statute was so vague and indefinite as to violate constitutional due process requirements.⁵⁷

Numerous social and societal changes, particularly the influence of humanitarianism found in the philosophy of the Enlightenment, contributed to the desire to help the less fortunate. But the focus was on adults, not children. Wayward youths commonly were held, not helped, in impoverished almshouses and regularly sentenced to jail where they lived side by side with adult inmates.⁵⁸

As discussed in Chapter 1, beginning about 1825, specialized institutions, such as orphan asylums for abandoned children and houses of refuge for runaway, disobedient, or vagrant youths, were founded. Later, training schools and reformatories for young offenders were established, but jailing remained common. Accurate data of the official handling of incorrigibility are still difficult to come by; however, an examination of archival data of the offenses recorded for juveniles committed to the Wisconsin State Reform School between 1880 and 1899 found that 50 percent of inmates had been committed for "incorrigibility."⁵⁹

INCORRIGIBILITY AND THE JUVENILE JUSTICE SYSTEM

The general trend has been to detain status offenders in secure facilities despite the fact that the JJDPA prohibits such practices. A 2004 report by the Office of Juvenile Justice and Delinquency Prevention found that in those cases where the offense could not be handled informally or through probation, an increasing percentage of detained juveniles were being held in locked facilities. As Table 3-3 shows, almost 20 percent of incorrigibility offenders were confined under locked security arrangements. Incorrigibility offenders were the least likely of all status offenders to be detained in locked security locations because there is minimal threat of escape, and the youths' safety is a concern. On the other hand, underage drinkers, runaways, and even curfew violators may pose a risk to themselves, thus requiring a more restrictive environment.⁶⁰

Of all the status offenses, incorrigibility is perhaps the least understood empirically and has the fewest programs or alternatives available to curtail it. Because of the lack of programs, police officers will often charge youths with some other offense rather than incorrigibility. Parents are the ones who typically petition the court to intervene because they are unable to control their children. This is often a last resort, since parents will usually try many other options before involving the juvenile court, which explains the lower number of petitioned cases for incorrigibility in juvenile court statistics.

TABLE 3-3 Profile of Adjudicated Status Offenders by Type of Detention Facility

	Locked	Staff-Secure
All status offenses	29%	71%
Underage drinking	51	49
Runaway	40	60
Curfew violation	40	60
Incorrigibility	18	82
Other status offenses	33	67

Underage drinkers, runaways, and even curfew violators may pose a risk to themselves, thus requiring a more restrictive environment. Do you agree that incorrigible offenders, in comparison to other status offenders, pose minimal risks to themselves and are less likely to try to escape?



Dealing with Incurrigible Children

Should there be some sort of criteria for parents to know when they should bring their disobedient children to court?

Curfew Violations

curfew violations

Status offenses involving ordinances that prohibit youths of certain ages from being in a public place during late evening or nighttime hours unless they are accompanied by an adult or are traveling to or from some acceptable activity.

Curfew violations are status offenses because curfew laws impose restrictions based solely on age. A typical curfew law generally prohibits youths under the age of sixteen or seventeen from being in a public place during late evening or nighttime hours. These ordinances vary greatly from location to location, and most contain exceptions for children who are accompanied by an adult or who are traveling to or from some acceptable activity.⁶¹

Curfews have a long history of use in this country, dating back hundreds of years. Curfews had fallen out of favor for a time, but more recently, the public's fear of violent crime, which some youths engage in, has resulted in a renewed interest. In the mid-1990s, a survey of America's largest 200 cities showed that 73 percent had curfew ordinances. Of those surveyed cities, 21 percent had the curfews in place for one year or less. More recently, in 2008, the FBI reported 104,168 arrests for curfew violations for offenders under the age of eighteen, an increase of about 5 percent since 2004.⁶²

Like arrests for incorrigibility, arrests for curfew violations have witnessed a steady decrease since the 1990s for similar reasons. For example, there were 149,800 arrests for curfew violations in 1995⁶³ compared to 104,168 in 2008.⁶⁴ Police officers are less likely to make an arrest for such a charge if there are a few options available to them to address the problem.

Curfews are controversial, with proponents believing that they reduce crime and opponents arguing that they stigmatize underclass minority youths. Without sufficient empirical evidence, there remain a number of questions about the effectiveness of curfew laws.⁶⁵ Evaluations of curfews are typically conducted by agency personnel, and the instruments used are methodologically flawed since they usually measure crime only during a specific period of time, such as before and after the implementation of the curfew. A variety of factors may contribute to a reduction in crime and delinquency other than the curfew. Additional problems include the lack of control groups in evaluations of the effectiveness of curfews. This is not to suggest that curfews, by themselves, are ineffective in reducing delinquency; rather, it means there is an absence of definitive data regarding whether they work.⁶⁶ Figure 3-4 highlights some links between curfews and delinquency.

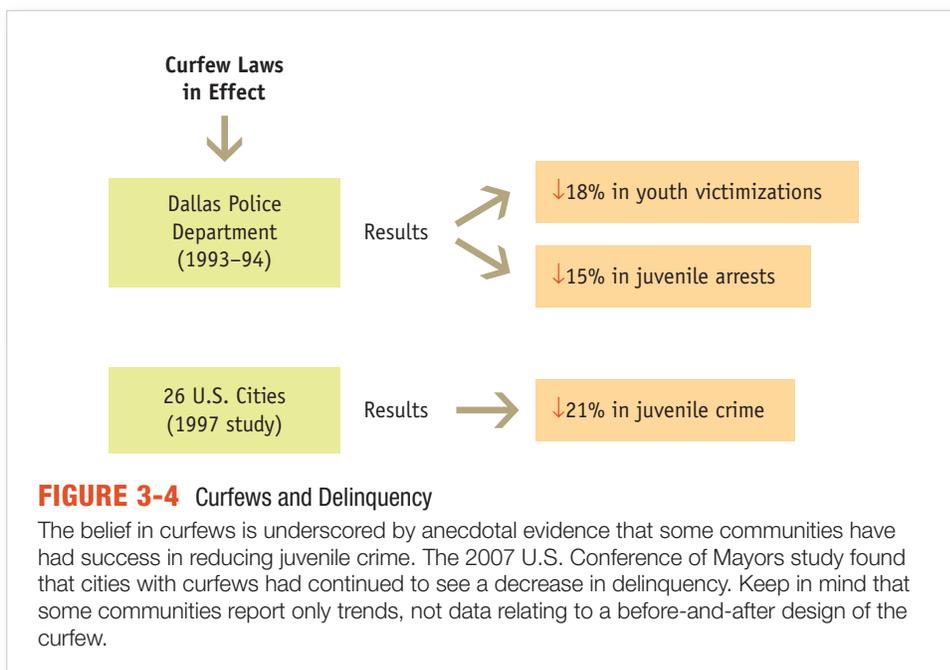


Many cities have attempted to address concerns about serious juvenile crimes by establishing curfews. Data suggest that curfews may have little actual impact on juvenile crimes, as most of these activities occur at times outside of curfew. What is your opinion on the effectiveness of curfews?

PROponents AND OPponents OF CURFEWS

Community residents, activists, and politicians justify curfews not only as a way to control youth gangs and as a deterrent to delinquency in general, but also as a way to protect youths from victimization. Advocates argue that curfews can also be a part of a larger outreach program to help at-risk youths, and can give the police more resources with which to fight crime in their communities.⁶⁷

There are two main arguments against the use of curfews: they are discriminatory and they are ineffective. Perhaps the loudest criticism relates to the uneven enforcement of curfew laws against minority youths in less affluent neighborhoods. For example, in San Jose, California, nearly 60 percent of juveniles detained under the city's curfew law are Latino, which was disproportionate to the size of that segment of the population.⁶⁸ Confinement to home is less problematic



when there is ample room in the house and many things to do. Thus, because of economic inequalities, minority youths are unfairly punished by curfews and are more likely to violate these laws.⁶⁹

The overall impact of curfews on reducing crime is questionable. Methodologically, virtually all of the studies on curfews fail to construct a control group to make empirical comparisons. Often, success is measured only in terms of a decrease in the crime rate in a given community. However, a host of factors contributes to a drop in crime, and parceling out the role of the curfew is virtually impossible without some sort of control mechanism. Care must be taken when interpreting overall decreases in crime. While an overall drop in the crime rate may occur shortly after a curfew law is enacted, one must consider not only the overall crime rate in a given area but also the rates of crime for the target population. It makes no sense, for example, to cite a decrease in crime as a result of a curfew law only to discover that juvenile crimes actually increased while adult crimes dropped.⁷⁰

Consider what happened in San Diego, California. After enacting a curfew law, the city witnessed an overall drop in arrests for juvenile crime during the program's first year. Thus, the data "proved" that the curfew program was a success. However, the data actually demonstrated that the crime rate during curfew hours remained essentially unchanged (233 arrests in one year vs. 222 a year later) while the crime rate during noncurfew hours dropped dramatically. San Diego credited its juvenile curfew program with a decline in crime, but the vast majority of the change in crime occurred during the period when the curfew was *not* in effect. Additional analysis showed that less than 15 percent of all arrests for violent juvenile crimes in San Diego occurred during curfew hours.⁷¹ This was and continues to be consistent with national data indicating that juvenile crime peaks at 3 pm and then again at 6 pm, well before curfews take effect.⁷² Even if curfews were effective, they would account for only a small percentage of the reduction in juvenile crimes committed in a community.⁷³

THE LEGALITY OF CURFEWS

Some legal experts also question the validity of curfew laws. The American Civil Liberties Union has taken a strong stance against juvenile curfews, essentially arguing that they constitute house arrests of youths with no due process. While no case has come before the U.S. Supreme Court regarding the constitutionality of juvenile curfews, appellate courts have maintained their viability as long as states that enact them carefully describe their parameters and criteria (see Table 3-4).

TABLE 3-4 Curfews and the Courts

Case	Court Ruling
<i>Bykofsky v. Borough of Middletown</i>	The stipulations of the curfew did not violate juveniles' First Amendment rights or parents' rights to raise their children as they saw fit ⁷⁴ because "[t]he parents' constitutionally protected interest . . . which the ordinance infringes only minimally, is outweighed by the Borough's interest in protecting immature minors." ⁷⁵
<i>Johnson v. Opelousas</i>	Curfew struck down because it provided no exceptions for minors attending religious or school meetings, going to or from their jobs, or engaging in interstate travel.
<i>Waters v. Barry</i>	"The right to walk the streets or to meet publicly with one's friends for a noble purpose or for no purpose at all, and to do so whenever one pleases is an integral component of life in a free and ordered society." ⁷⁶
<i>Qutb v. Strauss</i>	Dallas's curfew law upheld because of its precise nature, which makes it a standard model for other communities: <ol style="list-style-type: none"> 1. unaccompanied minors (younger than seventeen or eighteen) prohibited from using public spaces at night (usually between 11 pm and 6 am during the week and midnight and 6 am on weekends) 2. exceptions for minors who are on the street due to emergency, work reasons, interstate travel, attendance of a sponsored event, participation in First Amendment activities, or an errand for a parent⁷⁷

The courts have consistently upheld the validity of curfew laws despite the fact that they may lead to constitutional challenges with regard to issues of freedom and due process. Should the matter of curfews be settled by the courts or by parents?

There are three legal arguments against curfew laws. One of the main challenges comes in the form of contesting the infringement on the freedom of minors. Curfew laws tend to violate youths' right to freedom of speech and assembly. They also encroach upon parents' rights to raise their children as embodied in the Ninth Amendment and in the due process clause of the Fourteenth Amendment.

A second legal challenge focuses on the content of curfew laws. If curfews are considered legal on constitutional grounds, what types of parameters are in place to prevent their abuse? The Fifth Circuit Court of Appeals has ruled that a statute is invalid if it is too general and its "standards result in erratic and arbitrary application based on individual impressions and personal predilections."⁷⁸ Statutes that broadly restrict juveniles when less rigid measures are available may be voided by the courts. Therefore, when cities and states create curfews, they must not only meet a minimum test relating to the constitutional issues mentioned but also ensure that the legislation is precise in language and specific in terms of its restrictions.

A third legal issue involving juvenile curfews relates to the JJDP Act of 1974, which addresses the deinstitutionalization of status offenders. Recall that this legislation prohibits agencies from detaining status offenders in a secure facility. The only exception is if the youth is detained only for a brief period, not to exceed twenty-four hours exclusive of weekends and holidays. The statute also makes exceptions that allow detention if the offender violates a valid court order or commits a felony. With these restrictions in mind, cities creating curfew laws must establish comprehensive, community-based programs that allow officers to bring curfew violators in for temporary detention pending their release to parents or some other disposition. Otherwise, curfew arrests become little more than "catch and release" in form and function.



Effectiveness of Curfews

If most juvenile crime takes place between 3 pm and 6 pm, can curfews really be effective in reducing the problem?

Underage Drinking

In 2007, the Surgeon General called underage drinking an “epidemic” and urged parents to recognize the problem it presents to all Americans. Underage drinking impairs judgments and may lead to consequences harmful to both the underage drinker and others. Citing the psychological and physical threats underage drinking presents to society, Kenneth Moritsugu, the acting Surgeon General from 2006 to 2007, issued a National Call to Action to stop underage drinking and to keep others from starting: “alcohol remains the most heavily abused substance by America’s youth. This Call to Action is attempting to change the culture and attitudes toward drinking in America. We can no longer ignore what alcohol is doing to our children.”⁷⁹

Each year, over 3 million teens between the ages of twelve and seventeen take a drink of alcohol for the first time. Despite many programs related to the war on drugs, most high school students are touched by alcohol far more extensively than any other type of drug (see Figure 3-5). By their senior year in high school, nearly 81 percent of teens have tried alcohol. This figure exceeds the percentage of seniors who have smoked cigarettes or have used marijuana. About 29 percent of high school seniors have used an illegal drug other than marijuana.⁸⁰ Thus, despite the fear associated with **inhalants** and drugs like **crack**, **cocaine**, **heroin**, **marijuana**, and other illicit drugs, and despite the many efforts to educate youths on the dangers of using them, such as the Drug Abuse Reduction through Education (D.A.R.E.) program, alcohol



A police officer conducts a DUI stop. Are there other methods that can be employed to prevent underage drinking?

inhalants

Any toxic substances, such as glue or paint thinner, whose fumes are inhaled for their euphoric effect.

crack

A cheaper, yet more potent and pure, form of cocaine that solidifies in the purification process to assume a rocklike form; is often smoked and is considered highly addictive.

cocaine

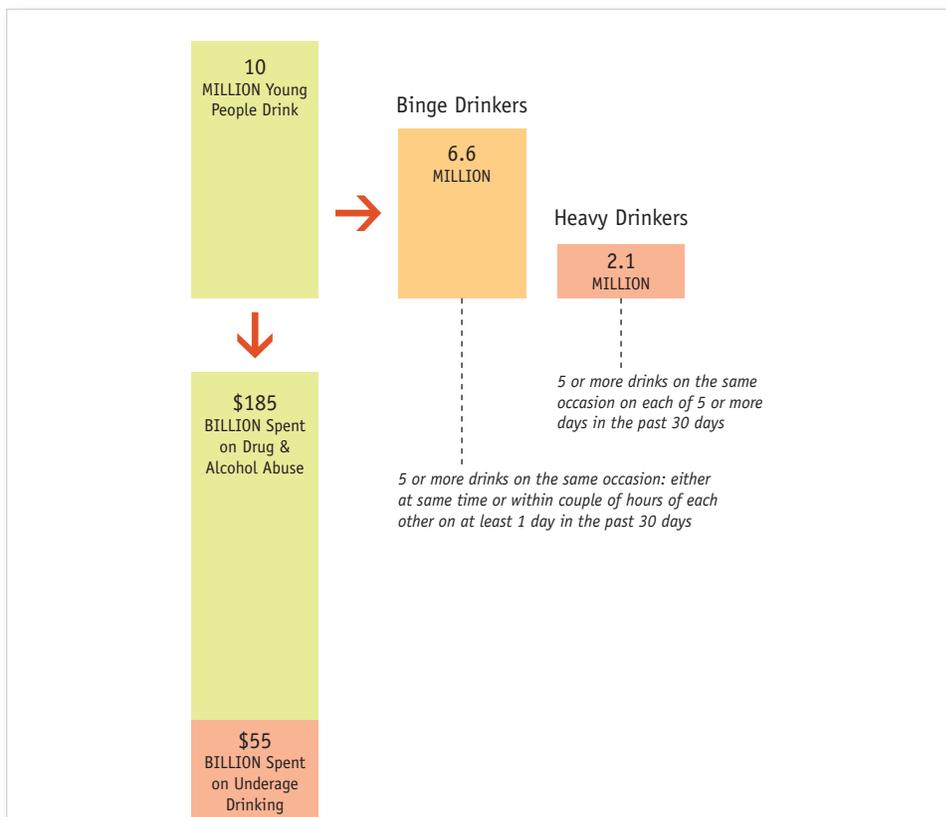
An alkaloid extracted from coca leaves that is commonly used as an illicit drug.

heroin

A highly addictive narcotic that is more potent than morphine and is used illegally for its euphoric effects.

marijuana

A drug, usually smoked, that is derived from the dried leaves and female flowers of the hemp plant.





Students who abuse alcohol or are at high risk for alcohol abuse are more prone to repeating a grade, being absent, or being suspended from school. What is the appeal of drinking for high school students?

presents the biggest threat to American teens. Underage drinkers are also more likely than persons ages twenty-one and older to use illicit drugs within two hours of alcohol use. The most commonly reported drug used by underage drinkers in combination with alcohol was marijuana (1.6 million persons).⁸¹

Underage drinking is not simply a high school phenomenon. While more teens drink as they get older, many have their first alcoholic drink before age thirteen.⁸² Early alcohol use can have long-lasting consequences. People who begin drinking before age fifteen are four times more likely to develop alcohol dependence at some time in their lives compared with those who have their first drink at age twenty or older.⁸³

The real problem with alcohol consumption at an early age, even if it is to simply experiment, is that most who try it do not stop; further, they abuse it. Students who engage in regular alcohol use as teens have the greatest risk for becoming binge drinkers in college. Research has shown that students who enter college as nondrinkers will likely remain that way throughout their first two years on campus. High school students who have a history of drinking, on the other hand, are likely to drink in their freshman year of college.⁸⁴ The upshot of these figures is that preventing student alcohol use and abuse during the early teen years is perhaps the most effective way of reducing the high rates of alcohol use and binge drinking in college.

Underage drinking is associated with various physical and emotional issues. According to the National Center for Health Statistics, alcohol is related to the three leading causes of death among teens age twelve to eighteen: accidents (including motor vehicle traffic fatalities and drowning), homicides, and suicides.⁸⁵ Underage drinking is also associated with teenage pregnancy and has been linked to poor educational achievement, delinquency, and drug abuse.⁸⁶ High school students who use alcohol or other substances are five times more likely to drop out of school than nonusers.⁸⁷

Young drinkers also run the risk of developing numerous health problems early on in life due to alcohol use, such as coronary heart disease, stroke, liver cirrhosis, and various forms of cancer. In addition, alcohol abuse is related to bulimia and anorexia nervosa, as well as to depression and anxiety disorders, particularly among girls.⁸⁸

Alcohol use is also closely related to teen sexual activity. Teenagers who drink are more likely than teens who do not drink to have sex and to have more partners. About 5.6 million fifteen- to twenty-four-year-olds report having unprotected sex because they were drinking or using drugs at the time. Perhaps more importantly, while the majority of high-school-age drinkers and drug users report using condoms, a large percentage of teens are still at risk for HIV, other sexually transmitted diseases, and pregnancy.⁸⁹

Suicide is a leading cause of death for young people fifteen to twenty-four years old, and alcohol use is a significant risk factor for suicide attempts: it is estimated to be involved in about 10 percent of teen suicides. In one study of suicide among adolescents, 70 percent of young people who attempted suicide reported frequent use of alcohol and/or other drugs.⁹⁰ Additionally, adolescent heavy drinkers and binge drinkers are more than twice as likely as nondrinkers to say they contemplate suicide.⁹¹

Finally, alcohol-related motor vehicle fatality rates are nearly twice as great for those between the ages of eighteen and twenty compared to those over age twenty-one.⁹² In an effort to reduce traffic fatalities associated with alcohol consumption, the National Minimum Drinking Age Act of 1984 required all states to increase the age at which individuals can legally purchase and publicly possess alcohol to twenty-one. Failure to comply with the

act resulted in states losing federal highway funds under the Federal Highway Aid Act. By 1987, all states had complied with the twenty-one minimum drinking age law.⁹³ However, restricting access to alcohol does not necessarily translate into a decrease in alcohol use.

“Shock” Programs

Do you think “shock” programs, which show the potential effects of excessive drinking, make a difference in changing youths’ behavior? Why or why not?

**THINK
ABOUT
IT**

Underage Smoking

Although it is considered a status offense, and even though it is not noted in the Uniform Crime Reports or the Juvenile Court Statistics, teen smoking is considered a serious social problem in the United States, affecting millions of teenagers each year (see Figure 3-6). The use of tobacco products, which includes cigarettes, cigars, and smokeless tobacco products such as “chew” and “snuff,” causes a host of problems for parents, teens, and the general public because it has links to alcohol abuse and other forms of illicit drug abuse.⁹⁴

EXTENT

Perhaps the two most comprehensive measures of teen smoking come from the 2008 National Drug Use and Health Survey (NDUHS) and the 2008 Monitoring the Future Study (MTF). According to the MTF, nearly half of American youths have tried cigarettes by the twelfth grade, and nearly a quarter of twelfth graders are current smokers. An equal number of eighth graders have tried cigarettes, and about 10 percent of that population are considered current smokers. Recently, some experts expressed a high level of optimism concerning the decline in teen cigarette use in the 1990s, which continued through 2008, at which time the rates showed an even greater decline.⁹⁵

The decline in cigarette smoking in the early 1990s is attributed to the reduction in cigarette advertising and to antismoking campaigns funded by tobacco companies as part of their overall legal settlement with the government concerning the effects of smoking. Further, the cost of cigarettes, which rose substantially during this period, was seen as a deterrent among teens (these costs were designed in part to offset the expenses associated



FIGURE 3-6 Adolescents and Cigarette Smoking

Approximately 90 percent of smokers begin smoking before the age of twenty-one. Adolescents who smoke regularly can have just as hard a time quitting as long-time smokers. Of adolescents who have smoked at least 100 cigarettes in their lifetime, most of them report that they would like to quit but are not able to do so.

with the tobacco settlement, as well as providing a source of revenue for states in the form of increased excise taxes).⁹⁶

Another source of concern is smokeless tobacco, which comes in two forms. “Snuff” is finely ground tobacco usually sold in tins, either loose or in packets. It is held in the mouth between the lip or cheek and the gums. “Chew” is a leafy form of tobacco, usually sold in pouches. It is held in the mouth and can be chewed. Smokeless tobacco is also sometimes called “spit” tobacco because users spit out the tobacco juices and saliva stimulated by the tobacco that accumulates in the mouth. While this represents a much smaller segment of the tobacco-using teen population, the changes in use patterns and availability are similar to those for cigarettes.⁹⁷

According to the NDUHS, in 2008 an estimated 70.9 million Americans ages twelve and older were current users of a tobacco product (defined as using within the past thirty days). This represents about 28 percent of the population in that age category. About 84 percent (59.8 million persons) of tobacco users in 2008 were cigarette smokers, with another 5 percent consisting of cigar smokers, and about 4 percent smokeless tobacco users. Among underage smokers, those between the ages of twelve and seventeen, there were 3.3 million users of tobacco products in 2008, of whom 2.7 million used cigarettes. As with their adult counterparts, cigarettes are the preferred tobacco product among underage youths. Smokeless tobacco rates were only about 2 percent for the twelve-to-seventeen age group compared to about 5 percent for the eighteen- to twenty-five age group.⁹⁸

Among adults, cigarette use also tends to be related to education levels. Since 2002, those with more education have tended to smoke less. Among adults ages eighteen and older, current cigarette use in 2008 was reported by about 34 percent of those who had not completed high school, about 31 percent of high school graduates, 26.6 percent of persons with some college, and about 14 percent of college graduates (see Figure 3-7).

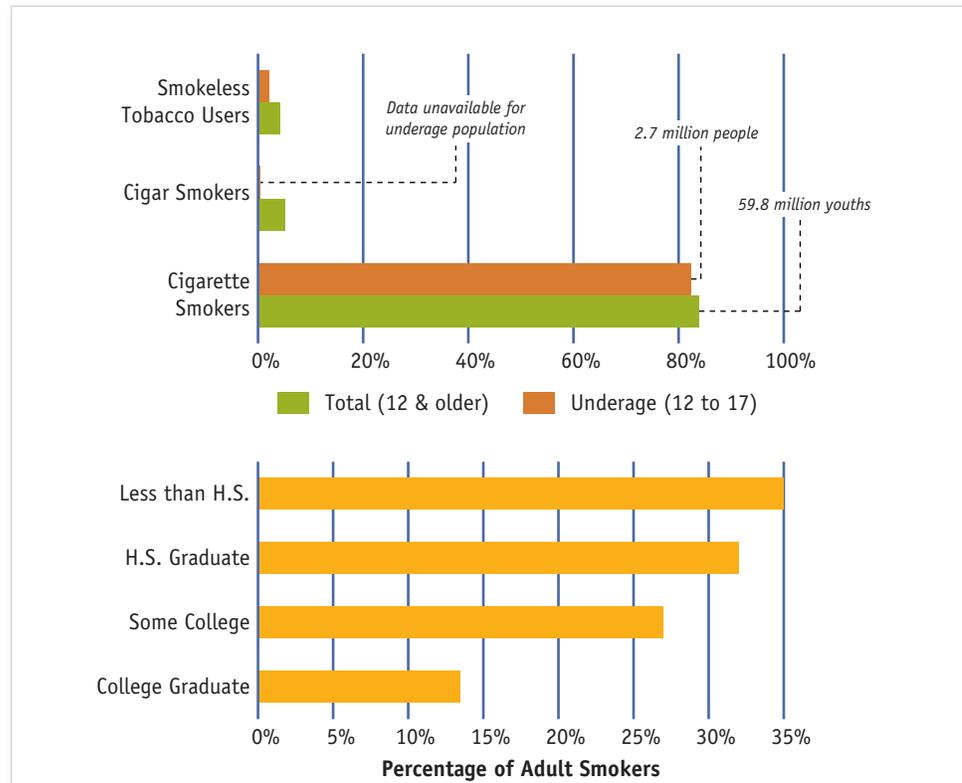


FIGURE 3-7 Tobacco Use and Education Level

According to the NDUHS, in 2008, an estimated 70.9 million Americans ages twelve and older were using tobacco products (defined as using within the past thirty days). As with adults, cigarettes are the preferred tobacco product among underage youths. Among adults, cigarette use also tends to be related to education levels, with those with more education tending to smoke less. Why would those with more education tend to smoke less? How does what you do as a youth affect your behavior as an adult?

EFFECTS OF SMOKING

Cigarette smoking during childhood and adolescence produces significant health problems, including an increase in the number and severity of respiratory illnesses, decreased physical fitness, and a potential reduction of lung function. An estimated 440,000 Americans die each year from diseases caused by smoking.⁹⁹

Nicotine causes arterial blood vessels to become clogged, so that blood cannot flow through them properly. Nicotine also constricts blood vessels causing the heart rate, blood pressure, and blood flow to increase. This requires the heart to work harder. Carbon monoxide from cigarettes takes the place of oxygen in the blood, which means the tissues are not getting the oxygen they need. Carbon monoxide also makes it easier for bad cholesterol to get into the blood vessels.

Some experts argue that heavy cigarette smoking is problematic but that those who smoke only occasionally are not nearly as at risk as heavy smokers. However, in a study published in 2006 in the *Journal of Epidemiology and Public Health*, Danish researchers reported that smoking as few as three to five cigarettes per day substantially increases the risk of heart attack and death. This finding was true for both men and women, but especially for women, for whom “light” smoking (those who smoke only a few cigarettes a day) resulted in a 50 percent higher incidence of both heart attack and death as compared to men.¹⁰⁰ This study was accomplished by analyzing data from the Copenhagen City Heart Study, in which 14,223 individuals without evidence of heart disease were followed from 1976 to 1998. A relatively large proportion of these people turned out to be smokers. The researchers found that the more cigarettes one smokes per day, the higher the risk. But the risk remains substantial all the way down to three cigarettes per day. What this means is that cigarette smokers who convince themselves that “cutting back” is good enough are still vulnerable.¹⁰¹

REASONS TEENAGERS SMOKE

Given the health risks associated with smoking, why would teens do it? Perhaps it has something to do with modeling the behavior of parents—one study revealed that adolescents whose parents smoked were four times more likely to be a smoker than their peers whose parents had never smoked. This same study found that if parents quit smoking while their children were still young, the chances of them becoming smokers as teenagers were dramatically reduced.¹⁰² Other researchers point to the influence of friends and older siblings as a main factor in decisions to start smoking. Additionally, ad campaigns that portray smoking as glamorous, sexy, or sophisticated, or that foster other positive attitudes, increased the likelihood of a teen smoking.¹⁰³

Young people may find social “rewards” associated with smoking. For instance, smokers provide other smokers with social interaction, companionship, and a common bond. People who smoke go to designated areas, usually outside, and congregate around the person who has a cigarette lighter. In addition to providing opportunities for social interaction, cigarette smoking offers other social “benefits.” Research has shown that nicotine has the ability to suppress appetite for food and is a good way to obtain relief from troubles and feelings of insecurity.¹⁰⁴

MEDIA CAMPAIGNS AND TEENAGE SMOKING

The usage rates of tobacco products are decreasing in part due to antismoking campaigns, cost increases, and the tobacco industry’s refusal to target teens in ad campaigns. With regard to the latter, some controversy exists. While tobacco-makers emphatically deny that they target young people, many of their promotions appeal to underage smokers. These efforts seem to be pitched at three levels. First, like the alcohol industry, tobacco manufacturers have begun



Besides potential health problems associated with smoking and tobacco use, what behavioral effects does smoking and tobacco use cause?



Might the packaging of these flavored cigarettes tempt teenagers to try smoking? Are tobacco companies trying to target a younger audience?

marketing flavored products—cigarettes with names such as Kauai Kolada, Twista Lime, and Mandarin Mint—giving curious teens new reasons to try smoking. R. J. Reynolds, which markets the Camel “exotic blends,” says they are not aimed at teens. Yet, according to surveys released in May 2004 by the Roswell Park Cancer Institute in Buffalo, New York, about 20 percent of smokers age seventeen through nineteen tried a flavored cigarette, compared with less than 9 percent of smokers older than nineteen. Only about 2 percent of people ages fifty-five and older expressed any interest in flavored tobacco products.

Second, similar to alcohol companies, the tobacco industry seems to have increased its spending on promotions despite agreeing to curtail or stop certain types of marketing. According to a Federal Trade Commission report in 2003, since signing a deal in 1998 with state officials across

the country to curtail certain types of marketing, the industry has more than doubled its expenditures on advertising and promotions. In 2003, major tobacco companies spent \$15.1 billion—\$22 for every dollar the states spent on tobacco prevention.

Finally, tobacco companies have also tried to renege on the settlement agreement they signed in the late 1990s. As part of the 1998 settlement, tobacco companies agreed to help fund a national antismoking advertising campaign aimed at teens. But in 2002, the Lorillard Tobacco Company threatened to sue the group running the campaign, claiming it violated the deal by vilifying the tobacco industry. In 2003, a Delaware judge ruled that the advertising campaign did not violate the terms of the tobacco compromise. While the rates of smoking are changing and questions remain about the value of deterrent advertising and price hikes, it is interesting that the industry claims not to target teens but objects when teens are given antismoking information.

VIRGINIA'S CASE

Conclusions

Recall the issues Virginia is facing:

- dropped out of school
- ran away from home
- broke curfew law
- shoplifted and trespassed

Consider factors that may contribute to her behavior. She may be fleeing some type of conflict or abuse at home. The causes of her actions need to be taken into account.

Extended time on the streets for teenagers leads to a host of survival behaviors that can result in criminal charges. Because she had run away from home, Virginia shoplifted for food, trespassed to find shelter, and broke curfew. While these are criminal behaviors for which she should be held accountable, the course of action is complicated because of the roots of her problems.

THINK ABOUT IT

Consider what you know about Virginia. What are some possible reasons for her behaviors? What kinds of programs could have prevented her from running away in the first place? Currently, most programs provide safe places for youths, similar to shelters for homeless adults. Should that be the extent of society's assistance?

Awareness Programs

If education is related to the use or nonuse of tobacco, what effect will awareness programs have on the rates of smoking?



Status Offenders and Public Policy

The shift in philosophy in the juvenile justice system, which currently focuses more on accountability and fosters a “get-tough” attitude, has affected status offenses. Given that many status offenders also commit delinquent acts, it may seem reasonable to treat these types of offenders like delinquents, but the circumstances are more complicated, and many offenders are average teenagers who commit minor crimes. The actions of juvenile court judges add more layers to the issues by engaging in bootstrapping and hidden delinquency, perhaps due to the failure of many youths to comply with court orders. However, recidivism may not be a result of defiance; many youths run away because of abusive home situations. Thus, reoffending might be an appropriate response even though these youths should be complying with official judicial orders. The frustration felt by judges, who are attempting to prevent youths from getting into serious trouble but are constrained by federal law, is understandable. The end result of such policy decisions means that the original intent of the JJDPA is being ignored, with runaways, truants, and curfew violators being cast together with their more hardened juvenile counterparts.

Other behaviors, such as curfew violations, incorrigibility, and underage drinking and smoking, while problematic from a public health perspective, have been routinely ignored by the police, largely because little can be done to punish offenders. Despite the potential risks involved in engaging in underage drinking, police officers avoid making arrests for such violations since the offenders likely will not be punished in any significant way.

THE BIG PICTURE

Conclusions on Status Offenses

- Have judges misunderstood the motives behind many status offenders? Do youths reoffend because they are disobedient? Or are judges limited in the tools at their disposal to help, so they use punishment to get youths to refrain from engaging in these behaviors?
- Should juvenile justice officials be allowed to incarcerate and/or detain status offenders? Should status offenders continue to be under the authority of the juvenile justice system or should their cases be decided by some other treatment-oriented agency? Explain.
- What should parents do when their children continually disobey them by breaking curfews, binge drinking, or smoking?

Key Terms

status offender

Juvenile Justice Delinquency

Prevention Act

CHINS

MINS

PINS

deinstitutionalization

valid court order amendment

bootstrapping

hidden delinquency

runaways

throwaway youths

homeless youths

street youths

truancy

incorrigibility

curfew violations

Make the Call ▶ Status Offenses

Review the scenario below, and decide how you would approach this case.

YOUR ROLE: Juvenile court judge

DETAILS OF THE CASE

- A young man, fifteen years old, has been arrested for underage drinking.
- He is also charged with vandalism.
- This youth is a repeat offender: several instances of running away, two instances of truancy, and incorrigibility.
- You had previously ordered him to attend school every day, admonished him about being disobedient to his parents, and mandated that if he were to run away again, you would place him in a group home.
- You had also ordered a psychiatric evaluation and required him to attend therapy sessions offered by the Department of Social Services.

WHAT IS YOUR RULING?

Since he is a status offender, you are prohibited from detaining him as he has not been adjudicated a delinquent. The philosophy of the court is to offer treatment to status offenders. Clearly, he is defiant and is not interested in treatment, so how do you rule?

Consider:

- Has the youth violated a valid court order?
- Has the youth committed a crime for which he could be adjudicated as a delinquent?
- Is detention really in the best interests of the youth?
- What could be the reasons for the defiance and escape behavior? What are some of the ways you can determine the causes of the problem?
- Are you on solid legal ground if you detain the youth? What if there are no secure facilities to accomplish this goal? What if the only option is an adult jail? Are you still on solid legal ground?

Apply Theory to Reality ▶ Differential Association Theory

Underage drinking and smoking are two of the most significant forms of drug abuse for youths today. Use Differential Association theory, discussed in Chapter 5, as a framework to understand why so many youths engage in drinking and smoking despite knowledge of the risks.

Your Community ▶ Programs for Runaways

In addition to the information you glean from your readings, class lectures, and discussions, it is important to roll up your sleeves and immerse yourself in a topic as a researcher who goes out and gains an understanding of the problem by observing or experiencing it firsthand. Through such methods, you gain a much greater appreciation of the magnitude and scope of the problem than if you were only engaged in “armchair theorizing.”

- Go to the Web or visit your local Department of Juvenile Justice or Department of Social Services agency to determine what programs exist for runaways in your community.
- Read up on the details of these programs. See if you can interview the director and agency staff members to learn about runaways in your community. What are some of the reasons for running away? What are some of the effects of running away?
- After collecting your data, and drawing from the relevant literature, prepare a report or presentation of your findings regarding the programs offered in your community.

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