

## Your Turn: Locking up kids is not the answer

By Mark Soler and Robert Schwartz  
Guest commentary

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Robert Schwartz

Before 1974, children who committed "status offenses" (running away from home, truancy, curfew violations) were routinely incarcerated in adult jails, police lockups and juvenile halls. The misbehavior was unlawful because of their "status" as children.

Congress recognized that incarceration is not a cure for the underlying problems of these youth and their families. In addition, incarceration carries significant dangers for children.

Incarceration is also much more expensive than community-based or family-connected services. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDPA), which prohibits locking up status offenders and requires states and localities to develop more effective and less traumatic alternatives to intervene in the lives of these youth.

A state that fails to comply may lose a portion of federal juvenile justice funding. The vast majority of states do comply.

Your article on child prostitution (Innocence Lost, May 1) misplaces the blame for an increase in child sexual exploitation and prostitution on passage of the JJDPA. There is no evidence that child

prostitution is greater in states that comply with federal law. Indeed, many states have developed alternatives to secure detention for youth at risk, including runaways and other status offenders.

These states have found effective ways of protecting youth at risk — including those who are

sexually exploited — while saving public dollars and preventing future delinquency. These alternative interventions have been particularly beneficial for female status offenders, who are disproportionately exposed to physical and sexual abuse while in locked custody. The notion that incarcerating noncriminal youth is beneficial to them defies both common sense and the facts.

Child prostitution is a serious concern, and programs that work with children at risk and help reduce the danger should be applauded. As your article correctly points out, public officials should focus on developing effective services for children and families at risk, and arresting pimps and customers who exploit those children.

**Mark Soler is executive director of the Center for Children's Law and Policy, Robert Schwartz is executive director of the Juvenile Law Center. Nancy Gannon Hornberger, executive director of the Coalition for Juvenile Justice, and Liz Ryan, executive director Campaign for Youth Justice, also contributed to this article.**

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