

LAW ENFORCEMENT MANAGEMENT INSTITUTE

RUNAWAYS

A RESEARCH PAPER

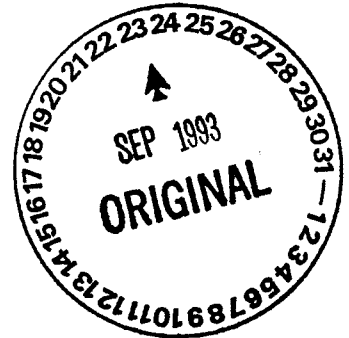
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## **RUNAWAYS**

### **INTRODUCTION**

Accounts of runaways in this country predate the Declaration of Independence. One such runaway, credited with the discovery of electricity, was a noted inventor and eventually signed both the Declaration of Independence and the Constitution. The runaway was Benjamin Franklin, who as a young boy dreamed of adventure and travel upon the high seas, rather than being an apprentice in his brother's print shop. Another early account of a runaway is a person who later became a pioneer, explorer, congressman, and a defender of the Alamo. Legend has it, that this boy of 13, David Crockett, had just finished milking the family cow when he spilled the pail of milk. Rather than tell his father and receive another severe beating he ran off, only to return to his father's farm after spending three years in the wilderness [(Burgess 1986, 1) (World Book Vol. 4 1978, 915) (World Book Vol. 7 1978, 413)].

In addition to the factual or factional accounts of heros, the allure of adventure and romantic fantasies of running away has been promoted through the literary figures such as Tom Sawyer and Holden Caulfield. Unfortunately, the bitter reality of survival on the streets in modern America is not the romantic aura portrayed through fictional literary accounts (Goldmeier & Dean 1973, 539).

Today, runaways often end up in slum areas in which the positive descriptions are squalor and filth. Due to the lack of a place to stay, vacant, rundown, unoccupied structures become the shelters for runaway youths. The shelters are also a haven for predatory criminals who deal dope, violently assault or rape and coerce the youths into prostitution or other criminal activities (Staff, L. A. Teens 1983, 3).

The runaway of today is no longer a single child running away to avoid a beating, or a single child running to seek adventure. The sheer number of runaways has reached epidemic proportions. In 1975, the number of runaways was estimated at 700,000 by the Department of Health and Human Services. In 1985, the same Department estimated the number of runaways to be in excess of 1.5 million (Regnery 1985, 3).

#### **DEFINITION**

The definition of a runaway varies from state to state as does the description of one study definition as compared to another. For the purposes of this report a runaway will be an adolescent youth who has left home without the permission of the parent or guardian (Kammer & Schmidt 1987, 149).

Some of the literature reviewed contains information which is directed at homeless youths, and includes both runaways and throwaways. The throwaway youths are homeless

youths who have been encouraged by their parents to leave the home. The runaways are youths who have left the home on their own (Adams, Bullotta, & Clancy 1985, 716).

### **WHY DO THEY RUN?**

Runaways see their lives as being unmanageable and perceive the act of running away as a method to relieve the tension caused by being unable to control their lives. The youth that runs away feels that anything must be better than the stresses that have made life so unmanageable.

The stresses that the youth may be trying to alleviate by running away often involve poor relationships with their family, in particular their parents, physical and/or sexual abuse, and poor academic achievement (Kammer & Schmidt 1987, 150, 152).

The conflict between a youth and their parents, either perceived or actual, is often a precipitating cause for the youth to run. The youth may have a difference in values from their parents, a need for independence or disagree over parental control. The values of the youth may be distinctly different from the parents and if the two cannot or will not reach a mutual area of agreement, the youth elects to avoid further confrontation and runs away. Often the youth hopes that upon return the parent will be more understanding of the youth's values (Leob, Burke, & Beglarsky 1986, 928).

Additionally, the youth may feel that the parents are too restrictive or exercise an excessive amount of control

over the youth. The youth may believe that the parent imposes an excessive amount of chores, is too restrictive on who the youth can and can not see or hang out with, or maybe the parent is too restrictive in establishing the guidelines for the youth's curfew (Levine, Metzendorf, & Van Boskirk 1986, 101).

Some youths feel that they are only minimally involved with the family, or that their input is of little or no importance. When these feelings are present the child feels uncomfortable at not being needed and begins to disengage from the family group by having less contact with family members. As the youth becomes more and more disengaged, the youth becomes more and more convinced that he/she should be elsewhere. Convinced that they are inconsequential, these youths then decide to run away to some place where they might be needed and wanted (Palenski & Launer 1987, 350 & 351).

Youths who experience problems at home which ultimately result in running away, are reported to have a higher degree of anxiety, have doubts about their self and their worthiness, tend to be less trustful, are defensive of their actions and have few interpersonal skills necessary to work out their problems (Kammer & Schmidt 1987, 152).

Another reason some youths run away from home is problems related to school. Youths who already have poor interpersonal skills with adults at home often have very

similar problems in school. These young persons perceive the teacher as harassing them, or not understanding them. Consequently, they develop dislike for the teacher and the problem further intensifies. Such children begin to be truant, their grades are poor and the poor academic problems are taken home where they further the conflict between the youth and parents.

In a study conducted at emergency shelters in Philadelphia, researchers questioned 38 runaway/throwaway youths, male and female, about their involvement in school. One series of questions was designed to elicit a comparison of the development of interpersonal skills with adults. Responses indicated that 10.5 percent reported being harassed by their teachers and 7.9 percent reported not liking the teachers. When questioned about their performance in school, 23.7 percent reported having to repeat a school year, 29 percent reported failing two or more school subjects and 44.7 percent reported being suspended from school. In addition, 60.5 percent of all the youths reported being truant. The number of days the runaways were absent ranged from 6 to 120 days. Although these children were experiencing problems in the classroom, 73.1 percent reported that school was important to them and their families (Levine, Metzendorf & Van Boskirk 1986, 101-103).

The youth's lack of interpersonal skills also appears to impede him/her from becoming involved in school activities with other students and enhances dislike for school. In a 1985 study, a researcher found that 82 percent of runaways reported they would like to have been included more often by their peers in school activities. However, only 13 percent reported that difficulties with peers instigated their running away (Adams, Bullota & Clancy 1985, 719).

Some youths experience problems with perceived high expectations of them, particularly if they are from a middle or upper-class family. The perceived expectations are that they should behave and do well in school and, as such, lay a proper foundation for college. These expectations cause more pressure if the youth has older siblings who are already successful. The youth may feel they can not measure up to the family's expectations and, rather than being a failure, the youth will simply runaway (Kammer & Schmidt 1987, 152).

A third reason for a youth to run away is abuse, either physical or sexual. The number of youths who run away to avoid abuse varies. One report stated more than one-third of all runaway episodes were the result of abuse (Kammer & Schmidt 1987, 151). A study concluded in 1986, reported that 62.4 percent of those studied reported being victims of child abuse (Levine, Metzendorf & Van Boskirk 1986, 101).



In 1984, a survey was conducted which indicated between 2.5 percent and 8.7 percent of the male population of America had been sexually abused as children (Finkelhor in Janus, Burgess, & McCormack 1987, 406). The number of male youths, who as runaways reported being sexually abused is even higher. In a 1987 report, the statistics indicate as high as 39 percent of the males involved in the study reported being sexually abused (Hartman, Burgess, & McCormack 1987, 295). In another report, 38.2 percent of the male runaways responded to questions which indicated they had been sexually abused (Janus, Burgess & McCormack 1987, 407).

The data on female runaways is even more drastic than that of the males. In the study conducted by Hartman, Burgess and McCormack they reported that 91 percent of the females who had been gone from home in excess of one year reported having been sexually abused prior to leaving home. The study further reported that of the females who had been gone from home less than a month, 86 percent reported being sexually abused, and of those who had been gone from home more than a month but less than a year, 50 percent reported having been the victims of sexual abuse (Hartman, Burgess & McCormack 1987, 295).

Physical abuse also has some staggering statistics. Levine, Metzendorf and Van Boskirk reported 62.4 percent of the runaway youths involved in their study reported being

victims of child abuse (Levine, Metzendorf & Van Boskirk 1986, 101). Another study received a 71.5 percent response indicating physical abuse (Janus, Burgess & McCormack 1987, 407). A third report, from females who had been gone from home over one year, received a 100 percent affirmative response of physically abuse prior to leaving home, (Hartman, Burgess & McCormack 1987, 295).

In summary, then, reasons for a youth to run away from home vary from conflicts with the family, problems in school, physically and/or sexual abuse, running away just for the thrill of the excitement and adventure, or any combination. These factors contribute to an estimated 1.5 million reported runaway youths per year in America (Regnery 1985, 3).

The demographics of the runaway cover all races and both sexes, with some variation reported from study to study. A study conducted at a Canadian shelter involved 55 girls and 89 boys which had a median age of 17. In this study, 85 percent of the youths were white (Hartman, Burgess & McCormack 1987, 294). When Croft and Jolly presented a report on the review of the National Program for Runaway and Homeless Youth, they stated that females accounted for 59.7 percent of the runaway population while males accounted for 40.6 percent. The racial breakdown was 74 percent white, 15.5 percent black, 6 percent Hispanic and 4.5 percent American Indian, Asian or unknown. Eighty percent of these

youths were between the ages of 10 and 18, with 16 being the median age (Croft & Jolly 1982, 42).

#### **WHERE DO THEY RUN?**

The youths who run away do so for varying lengths of time. Most of the runaways, 80 percent, return to their home within two weeks. However, 20 percent remain away up to several months, and 10 percent do not return home within a year. This 10 percent, based on the estimated 1,5 million reported runaways per year, translates to 150,000 runaway youths trying to cope with survival on their own each year in this country (Regnery 1985, 3).

When a child does decide to run away, their only thought is to escape the intolerable situation at home. Consequently, little if any planning is given to where they will stay or how they will earn money for survival. Even if a youth has run away previously, little planning is given to how they will survive once away from home (Hartman, Burgess & McCormack 1987, 293).

Once a youth has run away, the options are limited. They can stay with a friend, but it is often awkward for the friend. If the youth should attempt to continue to go to school there is a likelihood the parents will be notified. The child is faced with making several decisions as to how they will survive. Initially the runaway thinks about getting a job, but experiences many difficulties and eventually may be drawn to hustling, theft, sex, or various

other shady activities to make a go of it alone (Palenski & Launer 1987, 361).

In some cities there are shelters a runaway may stay at for a short term, and there is the "street". The term street simply means no particular place to stay.

The runaways who seek an emergency shelter as a place to stay are often faced with similar problems they encountered at home. They may think they are not wanted at home, but often emergency shelters must tell the runaway they are not wanted. The shelters simply do not have enough space for all those who arrive at their doors. As an example, during the fiscal year 1983-84, 210 emergency youth shelters reported providing shelter for 19,411 runaways, 6,669 throwaway youths, and 24,274 other youths who required emergency shelter. At the same time, they were forced to turn away an additional 6,732 youths because the locations were filled to capacity (Staff To Whom 1985, 5).

The information available on the emergency shelters suggest they provide a valuable service and are effective. Staff members are successful in assisting runaways with counseling, providing living skills and work to return the runaways to a positive home environment. Unfortunately, staff personnel often find that many of the youths have multiple problems and in some cases it is impractical to return the youth to the home environment due to abuse and neglect. Thus, the more youths with multiple problems and

the more youths that can not be returned to the home results in more needing extended shelter which, in turn, translates to fewer beds and space available for new runaways (Staff, Study Finds 1985, 4).

Although the number of emergency shelters increased from 140 in 1974, to 525 in 1985, only a fraction of runaways receive services from shelters (Rader in Kammer & Schmidt 1987, 149). It is estimated that only 22 to 25 percent who need shelter assistance actually receive it due to overcrowding, shortage of staff and lack of funding (Staff Study Finds 1985, 4).

The other primary alternative is to select a place to stay on the "street". To stay or survive in this manner requires a youth to become "street wise", that is they must quickly learn to hustle. To hustle means to become a prostitute, to prostitute someone else, sell dope or engage in other criminal activities. Other alternatives of street survival are often non-existent, as work may not be available. Any money the youth brought with them is quickly expended or stolen, and returning home is not a perceived option. The runaway youth is an ideal target for the predatory people already on the street.

Unfortunately, runaways are prime targets for pimps and other predators, and those who have been the victim of sexual abuse at home have almost no defense against being exploited. The street predators pretend to take care of the

youth and easily entice them to become prostitutes, use dope or participate in pornography. They may view the seduction of these individuals as the love and affection not found in the home. Once involved they may feel more degradation and more fearful of returning home. The runaway then feels the only alternative is to remain on the street (Kearon 1989, 22).

Previously in this country prostitution was thought to be the occupation of adult women who would hang around bars and drum up business. Today, American youths are quickly cornering the market. An estimated 900,000 juveniles are actively engaged in prostitution (Weisberg 1984, 1). The background of the vast majority of these juvenile prostitutes involves a history of being sexually abused at home and numerous runaway episodes.

The female runaway is usually confronted by a pimp soon after she arrives on the street. The pimp pretends to have affection for the runaway, promises protection and explains how much money the girl can make by working as a prostitute. Soon after becoming entangled the runaway is confronted with physical violence from the pimp for not making enough money, for being disrespectful towards the pimp, for violating one of the "rules" of the game, or for threatening or trying to leave the pimp. In addition to the violence from the pimp, the runaway prostitute is often physically assaulted by the customers for failing to satisfy them, for failure to

perform some abnormal sex act, or when the runaway attempts to collect for services rendered. Regardless of whether the runaway is beaten by their pimp, the customer or some other predatory street person, the runaway's life as a prostitute is filled with physical violence.

The runaway males who resort to prostitution experience many of the same violent physical attacks as do the female runaways. The only difference is that male runaways usually do not have pimps.

An extremely unfortunate aspect of the violence runaway prostitutes encounter is that many have such low self-esteem they feel they deserve the beatings. As such, they take no preventive action to avoid further violent encounters (Weisberg 1984, 1, 7, 10, 11).

Another aspect of street life is the potential for drug abuse. The drug crisis that faces the youth of this country is astounding and represents one of the most problematic situations the youth must confront. Drug abuse is typically associated with individuals who have low self-esteem, people who are impulsive, and people who perceive they have no control over their lives.

One of the primary suggestions for understanding the use of drugs is the ability of the drug to alter one's feelings or mood. Using these prevailing thoughts as to the reasons why people use drugs, it is easy to understand why runaways are susceptible to them. These children are

runaways because they are unable to resolve problems at home, unable to control their life, conflict with family, a feeling of not being needed or abuse. Regardless of the reason, they feel their position is hopeless and any avenue of relief is plausible (Denoff 1987, 413-414).

In addition to needing a place to stay, money and food, the runaways often need medical care, particularly if they have been living on the "street". In an attempt to develop information as to the health and health related issues of these young people, Yates, MacKenzie, Pennbridge, and Cohen conducted a study in the free clinics of Los Angeles. The study was conducted from January through December 1985, and involved interviewing 765 youths, of which 14 percent (110) were runaways. The study revealed a youthful group at greaer risk needing medical assistance for illlnesses in all categories. Although they represented only 14 percent of those treated, the runaways accounted for 23 percent of all medical diagnoses. The study also revealed that 84 percent of the runaways were abusing drugs or alcohol with 34.5 percent using intravenous drugs. When questions were asked concerning sexual activity, 57.3 percent of the runaways reported their first sexual experience as prior to age 15, and 19.1 percent of the runaways reported their first sexual encounter prior to age 10. Asked about possible involvement in prostitution, 26 percent admitted working as a street prostitute, compared to .2 percent of the non-runaways. The



primary explanation for this disparity was survival sex. Researchers concluded that due to the circumstances of life on the street and the necessities of survival, runaways participated in a number of activities which compromised their health (Yates, MacKenzie, Pennbridge, and Cohen 1988, 820 & 821).

Those who try to survive on their own, especially those who reside on the "street", at best obtain minimum shelter, and through prostitution and intravenous drug usage, are exposed to a large assortment of medical ills (Kearon 1989, 22).

Some runaways reach a point where neither health nor any thing else matters. They feel the only way to receive relief is to commit suicide. In 1985, Dorcas R. Hardy reported some preliminary results indicating that suicide was more prevalent among runaway youths than the general youth population. Hardy stated that family problems, low self-esteem, physical and sexual abuse were common factors in a youth committing suicide. Hardy also noted that a combination of these factors are very common in these children, which gives credence to the likelihood that runaways are more prone to commit suicide than a youth from the general population (Hardy 1985, 6). In a 1984 report concerning runaway and homeless youths in New York, it was found that 33 percent of the girls and 15 percent of the boys studied had attempted suicide. An additional 33

percent of the runaway or homeless youths interviewed admitted they had considered suicide (Schaffer & Caton in Hardy 1985, 6).

**How Runaways become involved in the Criminal Justice System.**

Earlier in this report a runaway was defined as a youth who left home without the permission of their parent or guardian (Burgess 1986, 2). A second term which must be defined is "status offender," a Criminal Justice term for an offense committed by a juvenile which, if committed by an adult would not be an offense, such as being a runaway. The combination of these terms has provided the means for juvenile courts to have jurisdiction over runaways by classifying them as status offenders, and placing them under the jurisdiction of the Criminal Justice System (Schneider 1985, 17).

In early America there was no difference between adults and juveniles in criminal law. If a person was thought to be capable of intentionally committing a criminal offense, the person was tried as an adult, regardless of age. However, as a general rule of thumb the age of responsibility was considered to be 14 years of age, or puberty.

In 1899, the first juvenile court program in America was created in Illinois. At that time a delinquent was described as any youth under 16 years of age who committed a violation of any law. In 1905, the juvenile court

definition of delinquent was amended to include any child who was "incorrigible". However, "incorrigible" was not specifically defined. One group of children included as delinquents by being "incorrigible" were children referred to as misbehaving children. Misbehaving children were described as beggars, those playing musical instruments on the streets, and abandoned or neglected children. The misbehaving children would later be called "status offenders". A primary disadvantage of the incorrigible misbehaving children amendment is that these children were thrown into the same juvenile facilities as the most violent juvenile offenders.

After the passage of the juvenile court act in Illinois, other states adopted a similar juvenile court system. Most states followed the standards as set by Illinois and for the next 50 years incorrigible, misbehaving or status offending children continued to be placed in the same facilities as the most serious juvenile offenders.

In the 1950's, legislators in California and New York began to recognize the problem of the status offenders being incarcerated with more serious criminals. The legislators of California and New York provided for identification and separation of juvenile offenders into three categories; status offenders, neglected or abused, and delinquents. The proposed changes in the 1950's, lead to increased studies of juvenile procedures and in the 1970's, the beginning of a

series of federal mandates which were intended to eliminate the status offender from the juvenile court system (Springer 1986, 20 & 45).

### **THE FEDERAL MANDATES**

In 1974, after three years of debate, Congress passed the Juvenile Justice and Delinquency Prevention Act. The Act created the Office of Juvenile Justice and Delinquency Prevention and a primary emphasis was to deinstitutionalize status offenders. Additionally, Title III of this legislation contained the Runaway and Homeless Youth Act. The intent of the Runaway and Homeless Youth Act was to provide funding to local groups in providing assistance to runaways. The primary type of assistance was in the form of temporary shelters and to encourage the youths to return home.

Other important pieces of legislation, although not directly related to status offenders or runaways, were the Child Abuse Prevention and Treatment Act of 1974, the Protection of Children against Sexual Exploitation Act of 1977 and the Missing Children Act of 1981. The Child Abuse Prevention and Treatment Act mandated the collection of data and dissemination of data concerning incidents of child abuse and neglect. The Protection of Children Against Sexual Exploitation Act was to protect children from becoming the victims of prostitution, child pornography and other forms of sexual abuse. The Missing Children Act was

the result of several well publicized cases of missing children. The intent of this legislation was to force involvement of law enforcement into at least entering missing children into the Federal Bureau of Investigation's National Crime Information Center (NCIC) computer. (Weisberg 1984, 11, 13, 29, 31).

A major impact of the mandates was a series of studies required and conducted in relation to them. First, it became obvious that the number of youths running away was at a critical level in the late 1970's. The studies also revealed that the youths were running away for a distinct reason other than the previous notion that youths were running for adventure and excitement. Instead, it was apparent the youths were running "from" abuse, stress, demands, etc. rather than "to" a life of adventure (Weinberg 1976, 10).

In addition to deinstitutionalization, the Juvenile Justice and Delinquency Act provided money, through the Runaway and Homeless Youth section, to local and public agencies to provide temporary shelter, and after care for runaway youths. In 1985, two hundred sixty runaway or homeless youth shelters were being funded under the Act. In reviewing the success or failure of the programs, it became apparent that when the mandate was passed there were inadequate data as to how many children needed the services of the shelters. Little question was posed as to the

success of the shelters. However, there were many questions about what to do with the excessive number of children who needed assistance. Estimates and studies revealed that only 22-25 percent of the children in need of services were receiving them. Additionally, questions arose about what to do with children who had severe mental health problems, children with drug or alcohol abuse dependency, children who were suicidal and children who had been physically abused or sexually exploited (Staff Study Finds 1985, 4).

Although implied in the Runaway and Homeless Youth Act, not all children can be reunited with their families. Physical abuse, out right neglect or abandonment, sexual abuse and lack of interest by parents make it unwise to return all children to their home. Nor, in most of these listed reasons, would it be desirable to attempt to return the child to the home. To do so would only aggravate already intolerable situations. The alternative is to provide long term care for these children which, in turn, affects the number of youths who will receive short term shelter and assistance.

In addition to the children who need extended care, it was noted by a majority of shelter personnel that many were more troubled and had a multitude of serious problems. Some authorties feel the reason for the increased number of troubled children may be that staff members are better trained and identify more problems, rather than the children

actually having more problems. Regardless of whether they are more troubled or the staff is better trained, the end result is the same, a need for more money, more shelters, and more counselors (Staff, To Whom 1985, 4, 7).

Although the mandates resulted in numerous studies which suggested the need for more shelters, better health care, more staff and more money, the primary mandate of the Juvenile Justice and Delinquency Prevention Act was to deinstitutionalize status offenders. In particular, the law changed how law enforcement dealt with status offenders, including runaways, once they came to the attention of an agency.

The manner in which status offenders were handled by the Criminal Justice System drew close scrutiny. The term "deinstitutionalization" was formulated to describe the removal of status offenders from the Criminal Justice System and placement of children under the care of child welfare agencies. With the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, deinstitutionalization became a primary point of attack in reviewing the manner in which law enforcement agencies in general, and the Criminal Justice System as a whole, dealt with status offenders such as runaways. The goal of deinstitutionalization was to prohibit status offenders, and in particular runaways, from being locked up in either secure juvenile facilities or, even more to the point, in adult jails (Schneider, 1985, 1).

In reviewing the procedures practiced by the criminal justice system, Allen F. Breed reported in 1985, that an average of 3,000 youths were locked up in state prisons on any given day. Further, during any calendar year more than 100,000 youths were confined in local, county or state facilities. The problem was compounded when it was realized that a large number of youths locked up were status offenders, or non-offenders. Breed further reported, "We also must recognize that 95 percent of the juvenile court's work load is with non-offenders, status offenders, and minor offenders who do not belong in a criminal court" (Breed 1985, 13, 17).

An extreme example of a fault in the system, and justification of deinstitutionalization, is an incident in which a young female runaway was picked up by a law enforcement agency and placed in the local drunk tank. Approximately one hour later an adult male drunk was also placed in the same cell. Forty five minutes later the runaway was raped by the inebriate (Dale 1980, 8).

When the Juvenile Justice and Delinquency Prevention Act was passed, deinstitutionalization was to provide for the proper protection from deprivation of liberty, to avoid the labeling stigma of being involved with the juvenile court and to allow the court more time and opportunity to pay attention to the serious juvenile offender. However, in 1985, nine years after the act was passed, little evidence



could be provided to support that the desired effects were occurring. It is true that the arrest of runaways did decrease by approximately 50 percent between 1974 and 1983, but the total number of youths arrested for minor offenses remained fairly constant. The explanation for this condition is a concept called "net-widening", which simply means that youths were picked up and charged with minor criminal offenses that previously would have been handled as status offenses (Schneider 1985, 14, 16).

A further examination of the Criminal Justice System involvement with youth resulted in the passage of the Missing Children Act, which was the last in the series of mandates that affected the way law enforcement dealt with runaways. The Missing Children Act was not passed to deal with runaways or status offenders, but all missing children. The intent of the Act was to require all missing children be entered into the NCIC computer. The Act provided for the Federal Bureau of Investigation to enter the child's name in the computer if the local law enforcement agency did not. The local law enforcement agency, or parents, may request the FBI to assist in locating any missing child, even if there is no known crime. Previously, the FBI was prohibited from becoming involved unless there was an indication of foul play (Staff, Missing Children 1984, 18).

When the Missing Children Act was passed, it was recommended and intended that local law enforcement agencies

should be responsible for entry of missing youths into the NCIC computer. However, some local agencies failed to cooperate (Bosarge 1983, 3). The Act intended that the entry of the missing youths into the NCIC computer be mandatory, and encouraged states to enact statutes requiring local agencies to comply with the Act, but four years after the Act was passed, only 18 states had passed laws requiring compliance (Staff, Federal Law 1986, 6).

#### **EVALUATION OF DEINSTITUTIONALIZATION**

The Juvenile Justice and Delinquency Prevention Act was passed in 1974, with the goal of deinstitutionalizing status offenders. Between 1974 and 1985, there was a substantial reduction of status offenders being held in secure facilities. In fact, the decrease was reported to be 88.5 percent. Based on figures such as this, deinstitutionalization was exclaimed a resounding success. However, considering only statistics presented a distorted view of the actual success of deinstitutionalization. A deeper examination of trends and conditions presented an altogether different perspective. To obtain a clear understanding of deinstitutionalization one must consider the issue from two separate views.

On the one hand, one should consider the concept of adjusting youths to more appropriately fit into the Criminal Justice System. Through concepts of "net-widening" and "relabeling" many status offenders, or non-offenders, were

simply moved up a notch on the criminal justice scale. The youths who previous to deinstitutionalization would have been handled informally, or as status offenders, were charged with criminal offenses so that they would fit into the system.

A second view of deinstitutionalization requires looking at how runaways have been affected. Runaways made up the largest share of status offenders in 1974, and still do today. Unfortunately, the seriousness and mass volume of runaways was underestimated in 1974, when it was stated that there were 700,000 reported runaways each year. Ten years later, the estimate doubled to 1,500,000 reported runaways annually. With no legal responsibility or authority to handle runaways, many agencies took the attitude that children are not our problem, and consequently, permitted many youths to return to the street, without any expectation of help (Regnery 1985, 2-3).

In effect the Juvenile Justice and Delinquency Prevention Act advocated, through deinstitutionalization, allowing the youth of America to run wild in the streets. By following the guidelines of the deinstitutionalization mandate, 45 states effectively removed control of runaway youths from the criminal justice agencies, including the police, courts and the shelters which were created to help the youths. Basically, if a youth is picked up and the parents are notified of the youth's location, neither the

police, courts or shelters have legal authority to restrain the youth until parents arrive. Young people, at their own discretion, may stay and wait for their parents, or they may simply walk out the door (Staff, Federal Law 1986, 6).

Although no one is advocating placing children in jail or prison for being runaways, it is felt intervention should be permissible. Father Bruce Ritter, founder and director of the Covenant House Shelter in New York, reports that some children are totally out of control and inappropriately suited to make decisions in their best interest. It would be deplorable, if not criminal, to fail to intervene on their behalf (Regnery 1985, 4).

An extreme example of the negative aspects of deinstitutionalization is exhibited in the case of a 13 year old female from Florida. The girl had run away from home 13 times and had said she would run away again, when she was brought before a juvenile court. The judge ordered that the girl be held for her own protection. Then, when the case was appealed to the United States Supreme Court, the Florida Public Defender's Office joined with the judge to argue that the girl had a constitutional right to be safe and secure, which would allow state intervention. However, the Supreme Court refused to hear the case because the judge had no authority to direct that the girl be held for her own protection (Staff Supreme Court 1984, 6).

In contrast to the Florida case, a group of citizens in New Jersey initiated a legal suit to remove a 16 year old female from a school her parents had her committed to. The school is a preparatory school for students who are troubled. It should be noted that New Jersey school accreditation officials reported they were barred from inspecting the school and the New Jersey Department of Human Services confirmed that the school is not licensed as a shelter. The girl's parents, who are divorced, sent her to the school after both testified that neither was willing to have the girl live with them due to her alcohol and drug problems. The concerned residents claim three separate tests have been given the girl and all three reported no indication of a drug or alcohol problem being present (Staff N.J. Citizens 1986, 4, 5).

Perhaps the most chilling data on the effects of runaways, deinstitutionalization, and the Criminal Justice System is the estimate that 5,000 youths are buried in unmarked graves each year (Axthelm 1988, 64).

#### **SUMMARY OF RESEARCH LITERATURE**

Running away is not a new phenomenon in this country. Benjamin Franklin ran away to seek adventure on the high seas prior to the actual formation of America as an independent country. David Crockett ran away to avoid a beating at the turn of the 19th century [(Burgess 1986, 1)

(World Book Vol. 4 1978, 915) (World Book Vol. 7 1978, 413)]. In recent years the number of reported runaways has caused national concern as the estimated number increased from 700,000 in 1975 to 1.5 million in 1985 (Regnery 1985, 3).

The reasons why youths run away vary from child to child but may include conflicts with their parents, problems in school, and physical and/or sexual abuse. The youths' justification for running away may be only perceived, such as thinking their parents are excessive in the control of their lives, or they may face serious physical abuse if they remain in the home. Regardless of the reason, many feel an inordinate amount of stress due to their inability to control their life. Unfortunately, the only alternative for many is to run away (Kammer & Schmidt 1987, 150 & 152).

When a youth does run away, his/her options in selecting a place to stay are severely limited. Some may attempt to stay with a friend, some may seek out an emergency shelter, and some end up on the "street". Most runaway youths return to their home within two weeks, but 10 percent, or approximately 150,000, remain away from home in excess of one year [(Palenski & Launer 1987, 361) (Regnery 1985, 3) (Staff, To Whom 1985, 5)].

Runaways who attempt to seek assistance in emergency shelters often find there is no place for them as shelters are often filled to capacity. Even though the number of

shelters increased over 300 percent between the years 1974 and 1985, it is estimated that only 22 to 25 percent of the youths who need emergency assistance actually receive help [(Staff, Study Finds 1985, 4) (Staff, To Whom 1985, 5)].

Runaways who attempt to survive on the "street" soon learn the harsh realities of living on their own as they become the prey of street predators. The runaway often becomes a thief, prostitute, drug pusher, or anything else to survive. In addition to being victimized physically and mentally, the life style of living on the street exposes runaways to a large assortment of medical ills (Kearon 1989, 22).

The final decision of many runaways is to end it all, by either attempting or committing suicide. Research indicates that persons who have family problems, low self-esteem and are victims of physical or sexual abuse have a higher probability of resorting to suicide. Runaways often possess one or more of these traits (Hardy 1985, 6).

Nationally, the data would indicate the profile of a runaway to be a white female 16 years of age and absent from home less than two weeks. There is no age group or race of youths who are exempt from running away, however, there is supporting information to show that 10 percent of those who runaway will not return to their home within one year [(Croft & Jolly 1982, 42) (Regnery 1985, 3)].

The first law passed which would eventually address the runaway problem was passed in 1899, when the state of Illinois enacted the first Juvenile Court Act and in 1905, amended the law to include a group of children referred to as "misbehaving", later to be know as status offenders. Subsequently all states enacted juvenile laws and established juvenile courts. Over the next 70 years, all juvenile offenders were mixed together, with the misbehaving children being thrown into the same pot as the serious juvenile offenders (Springer 1986, 20 & 45).

In 1974, the federal legislators took action to correct the procedure of locking up misbehaving children. After three years of debate the Juvenile Justice and Delinquency Prevention Act was passed. To insure compliance the federal monies were made available which effectively encouraged states to change individual statues and procedures to continue sharing in sharing federal funds. The functional aspect of the Act was to deinstitutionalize misbehaving children, or more simply, to prohibit the incarceration of youths who had not committed a criminal offense. The Juvenile Justice and Delinquency Prevention Act, included the Runaway and Homeless Youth provisions in Title VII, which outlined procedures for attaining federal funds. These funds required establishment of shelters and after care for runaways and homeless youths. Other federal legislation passed in the late 1970's and early 1980's



included the Child Abuse Prevention and Treatment Act of 1974, the Protection of Children against Sexual Exploitation Act of 1977 and the Missing Children Act of 1981 (Weisberg 1984, 11, 13, 29, 31).

The involvement of the Criminal Justice components reflected several different approaches. On the one hand few states, only 18, passed laws requiring compliance with the Missing Children Act (Staff, Federal Law 1986, 6). On the other hand, most states passed laws which effectively prevented law enforcement from intervening with runaways (Regnery 1985, 2 & 3).

The federal mandates resulted in several studies related to runaways, reasons for running and a need to protect youths. In 1986 Burgess wrote:

"In summary, a positive future for the runaway youth requires public recognition that runaway behavior represents more than the reaction of wayward youths. The children and adolescents who attempt to find sanctuary on the streets are tomorrow's statistics on death, mental illness, or criminal behavior. We as a society must be mindful that runaway behavior patterns reflect complex issues not easily recognized. A first in this effort is to recognize our abilities and to strive to maintain a spirit of cooperation, tolerance, and positive energy. We can then move to educate ourselves about the needs of the runaways and their families" (Burgess 1986, 46).

Unfortunately, a portion of Burgess's prophecy is already true, as there are an estimated 5,000 youths are buried in unmarked graves each year in this country (Axthelm 1988, 64).

### OPINION

When I first began this research project I assumed that the Criminal Justice System did not care about runaways. After completing the literature review it became apparent that the manner in which runaways were handled swung from one extreme, of locking runaways up with serious offenders, to the opposite extreme, of letting runaways run loose with out any controls or expectation of help. In either situation the Criminal Justice System did little to actually provide assistance to runaways, which I feel validated my assumption that the Criminal Justice System did not care about runaways.

Additionally, research has shown that youths run away for many different reasons and research has provided substantial evidence to expunge the notion that kids only run away for the fun of it.

In my opinion the idea that kids run away for the fun of it, or the perception that the kids just don't want to adhere to the parents rules, may be the biggest obstacle for the Criminal Justice System to overcome before the system can begin to develop a comprehensive framework to address runaways. I base my opinion on over twenty years of being a police officer and observing my department do very little, generally nothing, when a child is reported as a runaway. The main reason we do very little is because of the prevailing thought that the child will return home when

he/she gets hungry enough. I suspect this is the logic of many departments and other elements of the Criminal Justice System.

Also, there seems to be some mental block in System personnel as they evaluate the reasoning and motivation of juveniles. On the one hand we seem to think that a child is only capable of fulfilling their own personal desires of freedom and adventure. However, any experienced police officer, judge or prosecutor readily recognizes that a 14 or 15 year old kid is quite capable of intentionally killing another person or being killed themselves.

There are numerous cases where the Criminal Justice System has quickly moved to prosecute a 15 year old killer to the fullest extent of the law, but the same system has failed to even make simple inquiries about why a 15 year old ran away from home. Thus, another obstacle the Criminal Justice System must overcome is, "Should the Criminal Justice System provide at least an equal degree of protection in comparison to the degree of prosecution?"

Still another obstacle to be overcome is the "closed system" approach traditionally associated with the entire system. There is a tremendous attitude by elements of the Criminal Justice System that this is our turf and that is someone else turf. More simply put the attitude is, "It's not my problem," or "It is my problem and I don't want your help."

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To work with runaways will require cooperation between all elements of the Criminal Justice System along with the Department of Human Resources, Child Protective Services, Juvenile Probation Departments, etc. One agency, or one system, will not be able to resolve the problem of runaways.

The final obstacle the Criminal Justice System must overcome is the recognition that runaways are, in fact, a problem. The research provided more than enough evidence to support the fact that runaways are a problem. Just the estimate that there are 150,000 kids living on the streets for a year or more should be sufficient data to convince any agency that there is a problem.

#### **RECOMMENDATIONS**

First, the legislation of both national and state level should be amended to return authority and responsibility for runaways to the Criminal Justice System. This is not intended to advocate locking up runaways, but should require, at a minimum, a follow up interview with the runaway in an attempt to identify reasons for running away.

The interview should be designed to elicit responses which could be correlated to a potential problem. The interview form could be designed in the same format as the DISC Personal Profile System which is used to identify personality traits and how to improve the work environment.

A similar personality profile system could be developed to identify problems of a youth.

The amendments should also permit the mandatory referral of the youth and parents to either a psychologist, or other professional qualified to work with troubled individuals.

The amendment should permit a youth to refuse to be returned to the home environment. However, if such occurs the state would be responsible for providing shelter and/or care for the youth. Additionally, in some cases the youth should be allowed to petition a court for emancipation, extending to the youth the same rights as an adult. This recommendation is based on the fact that some 15 year olds have the mental ability to know right from wrong in criminal proceedings and could be sentenced for criminal conduct. The same rights should be granted to those who have not committed a criminal violation but are, in fact, victims of abuse and/or neglect.

A final amendment should permit the fingerprinting of youths who have run away. This is not directed to possible future arrest, but to provide some form of identifying youths when they are picked up on subsequent occasions, or when their body is located. The amendment should also require mandatory entry of the prints into the National Crime Information Computer (NCIC) by the agency that reported the youth as a runaway.

Individual agencies should develop programs to work with, and not independent of, other agencies. An example might be a police department and a child protective department setting up a team concept where a police officer and a social worker are teamed together to work with runaways. Similar concepts are in effect all over the nation, but are usually police officers and prosecutors who form a "task force" to work on drug dealers, or organized crime families.

The final recommendation is to provide education to Criminal Justice System personnel, in particular to law enforcement. The research shows that many are interested in runaways and the problems they encounter. It seems appropriate to pass this information on to people who are in a position to use it in their daily patrol activities. Provide information to street officers so that they may recognize the runaway not as an inconvenience that takes them away from their crime fighting duties, but as people who need their help.

In concluding, I recommend that the Criminal Justice System adopt an attitude of "caring" for all of those they are to serve and protect.

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