

ABOLISH JUVENILE CURFEWS

KENNETH ADAMS

University of Central Florida

Juvenile curfew is a crime-control strategy in which the popularity waxes and wanes with perceptions of the crime problem. In the 1990s, an intense interest in juvenile curfews existed because of concerns about juvenile crime, gun violence, and gang activity; now, about four out of five cities have implemented a juvenile curfew ordinance (Ruefle and Reynolds, 1996; U.S. Conference of Mayors, 1997). Today, as concerns mount across the nation about increases in the juvenile crime rate, attention once again turns to juvenile curfews. Cities such as Washington, D.C. (Enhanced Crime Prevention and Abatement Amendment Act of 2006) and Philadelphia (Operation Safer Streets), which are experiencing substantial increases in juvenile violence, have made curfew enforcement a central part of their crime-control strategy.

This essay argues that juvenile curfew laws¹ should be abolished. The argument is based on four assertions grounded in scientific research to varying degrees. The primary argument is that curfews are ineffective. The scientific evidence simply does not support claims that curfew ordinances bring substantial reductions in juvenile crime and victimization. Other arguments that support abolition of curfew ordinances deal with enforcement issues. The arguments against curfew enforcement suggest that it is not an efficient use of police resources, it is inconsistent and potentially discriminatory, and it tends to involve a counterproductive escalation of sanctions.

CURFEWS ARE INEFFECTIVE

Juvenile curfew laws restrict the freedom of youth and impinge on the authority of parents to raise their children. Justification for these restrictions lies in the state's desire to reduce juvenile crime and victimization; the critical question is whether curfew ordinances achieve this goal. In regard to this claim, curfew ordinances fail; the empirical research does not support the argument that curfew laws reduce juvenile crime and victimization.

1. Generally, juvenile curfews prohibit the presence of all juveniles under a certain age, usually 17 or 16 years, in public places during specified hours (usually 11 P.M. or midnight to 5 A.M. or 6 A.M.) all year (Ruefle and Reynolds, 1996). Not under consideration are daytime curfews, which are directed primarily at truancy enforcement, or curfews imposed as a condition of penal sanction (e.g., probation or parole conditions) or governmental privilege (e.g., driving license).

Roughly a dozen scientific studies have investigated the effects of curfew laws. Although the findings of these studies are mixed, the general conclusion is that curfew laws are ineffective (Adams, 2003). Some studies indicate that curfew laws have no impact on juvenile crime, whereas other studies suggest that curfew laws actually lead to an increase in juvenile crime. A few studies indicate that curfews reduce crime; however, these studies show small changes in criminal activity only for certain offenses, and no obvious explanation exists for why curfews impact these crimes and not others. The assessment that no substantial effect exists applies both to juvenile crime and to victimization (Adams, 2003; McDowell et al., 2000; Reynolds et al., 2000).

The research findings are in sharp contrast to the popular belief that curfews are effective to reduce crime. Survey research indicates that curfews receive strong support from the public, and 75% to 92% of the public supports juvenile curfews as a crime control strategy (Ruefle and Reynolds, 1996).

The assumed impact of curfew laws on crime rates is a common sense proposition. If juveniles are not on the street, then the opportunities to commit crimes or to be victimized are limited. Research findings that indicate that curfews fail to reduce crime seem to be counterintuitive. Why is there a fracture between popular and legislative opinion and research findings? An obvious answer is that people are unaware of the research findings; however, this explanation is inappropriate for criminal justice professionals and for legislators who should know the facts. Another plausible explanation involves the quality of the evidence. Often, arguments in support of juvenile curfews are buttressed by statistics that show a drop in juvenile offending, sometimes dramatic, in before–after curfew comparisons of crime statistics, as is typically found in news items or agency-generated reports. For example, the Texas Youth Commission (2007) cites a federal report (LeBoeuf, 1996) noting that juvenile crime is down by 27% in New Orleans in the year after curfew implementation. Although such statistics are impressive, the evidence based on simple pre–post-comparisons is seriously flawed—curfews are not the only explanation for changes in crime rates. For example, the reduction may be reflective of a longer term downward trend. Conclusions based on simple pre–post-comparisons are defective because they do not consider all of the evidence or other possible explanations.

Males and Macallair (1999) argue that much of the evidence that supports curfew laws is based on anecdotes and impressions. For example, the U.S. Council of Mayors survey (1997) reports that 81% of respondents say that curfews reduce crime, but relevant statistical information is not presented. Also, they argue that evidence to support curfews is based on a selective culling of research findings, and they cite an OJJDP report

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(LeBoeuf, 1996) as an example. Finally, they note that sometimes faulty measurement is involved, as when combined statistics on adult and juvenile crime are used to support curfew laws, which occurred in litigation over the Monrovia, California curfew.

Why don't curfews work? Several reasons explain why curfews are ineffective (Reynolds et al., 2000). Juveniles commit a relatively small fraction of overall crime; most juvenile crime occurs when curfew laws are not in effect, such as late afternoon and evening; many juveniles do not comply with curfew laws; and the effects of police curfew crackdowns on crime tend to disappear in the long term.

CURFEWS ARE INEFFICIENT

Curfews seem to be a relatively inexpensive crime-control strategy because existing personnel are used for enforcement. However, this argument tends to underestimate the volume of curfew arrests and to discount the amount of police time involved. How many curfew violations do police handle? FBI UCR reports for 1993 show 100,200 juvenile arrests for curfew and loitering violations nationwide and 119,678 juvenile arrests for UCR Part I crimes (Reufle and Reynolds, 1996). Curfew violations roughly equate to all arrests for the most serious juvenile crimes, and FBI statistics may underestimate the volume of curfew enforcement activity. In 1997, there were 22,400 curfew arrests in California alone, including 4,801 curfew arrests from a 6-month period of stepped-up enforcement in Los Angeles (Males and Mcallair, 1999). The police effort involved in curfew enforcement is sizeable; one can question seriously whether curfew enforcement is an efficient use of police resources given the research to indicate that curfews do not reduce juvenile crime (e.g., see Males and Macalliar, 1999).

Police resources are relatively fixed and limited, and officers engaged in curfew enforcement are not available for other activities that may be more effective in terms of crime control. A Philadelphia reporter illustrates this point (Gilderman, 2006). An officer receives a call that another officer needs assistance and responds immediately. The situation involves a less experienced officer who is unsure how to handle a curfew violation. The violation involves two boys, 8 and 12 years old, who left home to buy candy at a nearby store. The two officers spend 20 minutes on paperwork for curfew citations. Afterward, the first officer receives a domestic disturbance call. On arrival, the citizen relates that the call was made 4 hours ago and that the incident has passed. In this situation, we can ask which action has more public safety payoff. Processing a curfew violation or responding quickly to a potentially violent domestic situation?

Some police administrators, who recognize that curfew enforcement eats up valuable officer time, have adopted strategies to minimize the impact. Philadelphia expects to have 12 curfew centers by the end of 2007 where officers can drop off curfew violators (Dangremond, 2007). Although such arrangements may free up officer time, the costs are not trivial; costs escalate when curfew violators must be detained overnight because parents are not available to pick up their children.

CURFEWS ARE INCONSISTENTLY ENFORCED AND POTENTIALLY DISCRIMINATORY

Often, curfews are promoted as a useful “tool” for law enforcement. Arguments for curfews as an “ordinance of opportunity” acknowledge, explicitly or implicitly, that full curfew enforcement is neither possible nor desirable. If curfew enforcement depends heavily on officer discretion, then widely variable patterns of enforcement may result. These varying enforcement patterns undercut potential crime prevention impacts and are likely to fall most heavily on low-income and minority areas. In light of the concerns minority communities have about racial profiling by police, should we endorse curfews as one of many elective actions officers have available to reduce crime? Consider the following statement by a Dallas police officer (Kline, 1999):

There’s no way that I’m going to stop every kid I see . . . I come down on them when I suspect that they are into something else, like breaking into a car or vandalizing. When I stop them for those offenses, the curfew gives me an extra tool of enforcement. If they’re not guilty of the offense I suspected them of, an underage (16 or under) person can still be hit with the curfew.

If curfew laws can serve as a “tool” to sanction underage youth vaguely suspected of wrongdoing, what role do race, social class, and gender play in such discretionary enforcement?

CURFEW ENFORCEMENT CAN INVOLVE COUNTERPRODUCTIVE ESCALATION OF SANCTIONS

Sometimes, law enforcement officials feel frustrated with curfew enforcement because they meet resistance from parents and because they perceive a lack of support from prosecutors and judges. Typically, several responses occur. First, a tendency exists to dramatize curfew restrictions through enforcement sweeps. These efforts may have short-term suppression effects, but the effects fade over time, and enforcement can be expensive if police receive overtime pay (Fritch et al., 1999).

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Second, a tendency exists to encourage greater responsibility of the parents of chronic curfew violators. This approach assumes a relatively stable living arrangement with near round-the-clock presence of at least one parent, which is a situation unlikely to apply to the most serious delinquents. Furthermore, parents who cannot pay fines up to \$1,000 can be incarcerated, which is unlikely to improve a child's curfew compliance.

Finally, a tendency exists to impose more serious sanctions on chronic curfew violators, which can lead directly to incarceration and can build a criminal record in ways that may lead to enhanced penalties in adulthood as a repeat offender. In Texas, about 15% of incarcerated youth are serving time for misdemeanor offenses, including curfew violations (Associated Press, 2007).

EPILOGUE

In this essay, I have argued to abolish juvenile curfew laws mainly because they are ineffective. Very few cities can resist the siren call of curfew legislation, and those who do resist, such as Hackensack, N.J., should be commended (Alvarado, 2007). The weight of scientific evidence indicates that curfews are not likely to reduce juvenile crime, and if any reductions occur, they tend to be small and idiosyncratic. Other concerns that relate to efficient use of police resources and potentially discriminatory enforcement also were discussed. Given the relatively modest amount of research on the impact of curfew laws, it would be disingenuous to propose an abolishment of juvenile curfew laws without any qualification. In an earlier review (Adams, 2003:156), I noted that "[t]here is some scant evidence to suggest that short-term, highly focused, and geographically limited curfew enforcement can reduce juvenile crime," and no additional research has been forthcoming to challenge this conclusion. However, those who support curfew laws for a limited period, for a specific purpose, and in a particular place must demonstrate several facts. These supporters need to show through rigorous scientific investigation (1) that curfew enforcement actually reduces the juvenile crime rate; (2) that curfew enforcement is cost-effective and that resources are not better spent on other activities; (3) that curfew enforcement is fair, consistent, and evenhanded, particularly from the perspective of lower income and minority citizens; and (4) that enforcement against repeat curfew violators on balance does not create more problems than it solves.

Some recent curfew initiatives, as in Philadelphia, will prove effective in reducing the juvenile crime rate given the substantial resources directed at this effort. We should require that high-quality evaluation research be a part of all curfew initiatives and that the evidence used to justify curfew laws consists of more than before-after comparisons of crime rates and

anecdotal stories. More representative, perhaps, of the curfew experience in our nation is the sister city, Philadelphia, Mississippi. Here, crime increased considerably in 2006; the police force, which has 23 officers, seems to have a 100% turnover in 2 years and could benefit from a 30% staffing increase. The city is considering enactment of a curfew ordinance but is concerned because there are no facilities to house curfew violators (Myers, 2007). For this city, and others in comparable situations, the best advice that can be offered based on the available scientific evidence is to forget the juvenile curfew and invest municipal funds elsewhere.

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Kenneth Adams is professor of health and public affairs at the University of Central Florida.