

# CURFEW VIOLATION LITERATURE REVIEW

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# Curfew Violation Literature Review

## Scope of the Problem

In response to a wave of increasing juvenile crime in the 1980s and 1990s, many communities across the Nation either implemented or began enforcing curfew statutes already on the books. In communities with age-based curfews, a violation constitutes a status offense. National figures, including President Bill Clinton, have embraced curfews as a viable way of tackling the problem of juvenile crime.

Curfew laws can vary depending on the hours specified, the locale affected, and the age group included. In most jurisdictions, minors are required to be at home, generally between 11 p.m. and 6 a.m., though the times can vary somewhat depending on the day of the week and whether or not school is in session. Some jurisdictions apply curfew to school hours as well. Many curfew laws include exceptions for youth traveling to and from certain events (e.g., a school-, church- or civic-sponsored activity), work, or responding to emergencies.

Juvenile curfew laws have become very popular in the United States over the past 20 years. The U.S. Conference of Mayors conducted a survey in 1997 that found that 80 percent of cities surveyed had a nighttime curfew for youth. A study done in 2000 found that the rate of increase in cities with curfews was about 3 percent each year and that police have increased enforcement efforts (Bannister, 2000, as found in Schwartz and Wang, 2005). Reports in the popular media document the continued interest in enacting juvenile curfew laws. For instance, the City of Rochester, N.Y., implemented a curfew in September 2006. As of winter 2008 the Memphis (Tenn.) City Council was debating the need for a daytime curfew. Other communities that have had curfew laws on their books for a considerable time are either rewriting them or stepping up efforts to enforce them.

Often, curfew violators are diverted away from the juvenile justice system either through diversion programs or by receiving a warning rather than a citation. Nonetheless, a significant number of curfew violators are formally charged through the filing of a petition. According to the *Juvenile Court Statistics 2005*, the number of petitioned curfew cases increased by 61 percent between 1995 and 2000 (the cases rose from 11,900 to 19,200), but then decreased by 31 percent through 2005. Curfew violations account for 9 percent of the petitioned status offense cases in 2005, down from 10 percent in 1995.

## Theoretical Contexts

Juvenile curfews laws have appealed to liberals and conservatives alike, though usually for slightly different reasons. For conservatives, curfews fit into an approach of more vigorous enforcement efforts, more punitive sentencing, and increased social controls. For liberals, curfews fit into the program of identifying juveniles in early stages of delinquency who could benefit from intervention strategies (Adams, 2003). Additionally, the costs of enforcing curfews are perceived as relatively low and the measures perceived as very effective (Adams, 2003).

Little empirical research has been done on the cost-effectiveness of curfew enforcement (Adams, 2003), so this remains an area where further research would be useful.

For some, curfews appear to present an opportunity to catalyze family involvement. Comments made by those advocating for curfews make it clear that, for some, there is a connection between curfew laws and parental accountability laws. This connection was expressed as early as 1896, when Mrs. John D. Townsend commented, “[T]he curfew ordinance places responsibility where it belongs, on the parents” (Townsend, 1896, 725, as qtd in Adams, 2003). In 2006, as New Haven, Conn., weighed whether to enact a curfew law, Alderwoman Joyce Chen voiced regret that such measures are “the only way we’re seeing now to get parents involved” (Bass, 2006).

Curfew laws have been challenged on the grounds that they are unconstitutional. Arguments have been based on the curfews’ violation of the following rights: freedom of speech, equal protection and due process, freedom of movement, and the right of parents to rear their children (Schwartz and Wang, 2005). Courts have largely held up the right of jurisdictions to impose such laws, if they meet certain legal criteria (e.g., the jurisdiction can provide data supporting that the ordinance is tailored to fulfill a public safety need).

Indiana’s experience with the curfew law serves as an example. In *Hodgkins v. Peterson*, the curfew law was challenged on First Amendment and due process grounds. The district court upheld the law. The defendant then appealed the decision in 2004 to the Seventh Circuit Court of Appeals, which overturned the statute on the grounds that the law interfered with minors’ First Amendment rights and with parents’ rights to raise their children as they see fit (National Coalition for the Homeless, 2006). In response, Indiana amended the law so that First Amendment rights were explicitly protected. Civil rights groups have said they will not challenge the newly amended law in court (*Noblesville Daily Times*, 2008). Similarly, in *Hutchins v. District of Columbia*, the District of Columbia’s law was challenged on the grounds of due process and vagueness. The U.S. District Court found it unconstitutional but, upon a rehearing, affirmed the ordinance.

## **Curfew Prevention and Intervention Programs**

Although many jurisdictions have established procedures for handling curfew violators, few offer curfew programs. Of those that exist, most view curfew violations as an opportunity to offer diversion programs and services that can help families and youth avoid repeat offenses.

The SafeNite Curfew and Diversion Program, introduced in 1994 by Denver, Colo., aims to reduce the number of juvenile perpetrators and victims of crime/violence and to alleviate court congestion. Police take curfew violators who have not broken a criminal law to a SafeNite location, where they are ticketed and a background check for prior violations is conducted. Parents or guardians, who are called to the site to pick up the youth, may be cited for allowing their children to violate the ordinance if their child has received three or more citations within a short time. Youth are eligible for the diversion program based on their criminal record and the circumstances surrounding the curfew violation. Once a youth has been identified as eligible for the diversion program, the diversion officer completes an assessment of the youth that seeks to identify and address issues that may have led to the curfew violation. These issues range from a

lack of knowledge about curfew to abusive home environments that have led youth to run away. Diversion plans are unique to the individual and based on the assessment. Diversion plans can include performing community service and attending workshops on issues such as problem solving, anger management, mental health, substance abuse, and school problems. If the youth completes a specified diversion plan, no court appearance is required and the ticket is dismissed.

Camden, N.J., introduced its curfew program in 2005. The goals of the Camden City Curfew Project were to educate the community about Camden's curfew ordinance and to link young people and their families with resources including youth development programs and social services. The Project also aims to keep youth safe by removing them from public places during the hours when most violent crime occurs. Police take curfew violators to a neutral location, where youth are screened against a current violator list, an open warrant list, and a missing persons list. Parents or guardians are called to the site, where the curfew program is explained to the youth and parent. The caseworker can offer a variety of services, ranging from classes to emergency services; families also receive information about resources available in the community that can address their needs. The caseworker follows up with the family a few days later. If a youth is picked up three times, the parent or guardian is issued a *Failure to Supervise (MC§ 382-5)* summons.

## **Evaluation Results**

The rationale offered for curfews is twofold: it will decrease both juvenile delinquency and youth victimization (Males and Macallair, 1999; National Criminal Justice Association, 1997). While many perceive the statutes as effective and cite anecdotal evidence to illustrate the efficacy of curfew statutes (OJJDP, 1996), most studies that have looked at the impact of curfew laws on juvenile crime have generally concluded that there is little evidence that curfew laws make a significant impact on juvenile crime rates (Adams, 2003; Gouvis, 2000; Males and Macallair, 1999). One study—which emphasized the methodological limitations of other studies and used a different methodological approach—suggested that curfews are effective at curbing violent and property crimes by juveniles (Kline, N.d.). Research has also shown that on school days juvenile violent crime peaks in the hours following school, hours unaffected by curfew laws. On nonschool days, juvenile violent crime peaks around 8p.m., falling quickly by 11 p.m. when most curfews take effect (Snyder and Sickmund, 2006). Taking into consideration the number of hours in the afterschool period compared to all other hours, the rate of crime in this after school period is 6 times the rate during times covered by most curfews (Snyder and Sickmund, 2006).

The curfew programs do appear to reduce the number of curfew violations. A report issued by the Senator Walter Rand Institute attributes the decrease in total number of juvenile arrests in Camden City from 5,076 in 2006 to 3,814 in 2007 to the Camden City Curfew Program. Likewise, 5 years after its inception, Denver had recorded a 26 percent decrease in juvenile victims of crime and a 50 percent decrease in juvenile suspect rates (juveniles accused of or alleged to have committed a crime) [SOPA].

Several studies also indicate that curfews may make an impact on juvenile trauma rates. Weiss and colleagues (1998) examined pediatric emergency medical services (or EMS) transports before and after the implementation of a New Orleans city curfew. They found that there was a

significant decrease in pediatric transports and in pediatric trauma transports ( $p < .01$ ). Shatz, Zhang, and McGrath (1999) found that the curfew law implemented in Dade County, Fla., led to a significant decrease in pediatric trauma volume at the county's level-1 trauma center during curfew hours ( $p=.043$ ), while rates remained stable during noncurfew hours. In a comparison of cities with curfews and cities without curfews, Preusser, Zador, and Williams (1993) found that curfews were associated with a 23 percent reduction in fatal injury for 13- to 17-year-olds for the period of 9:00 p.m. to 5:59 a.m.

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