

# **POLICIES AND PRACTICES RELATED TO JUVENILE CURFEWS**

A Policy Paper Prepared for the

**REGIONAL COMMUNITY POLICING INSTITUTE**

at

**WICHITA STATE UNIVERSITY**



ANDRA J. (KATZ) BANNISTER, PH.D.  
Regional Community Policing Institute  
1845 Fairmount—Box 135  
Wichita State University  
Wichita, KS 67260-0135  
316.978.5896/FAX: 316.978.3345  
E-Mail: banniste@twsuvm.uc.twsu.edu

DAVID L. CARTER, PH.D.  
School of Criminal Justice  
560 Baker Hall  
Michigan State University  
East Lansing, MI 48824-1118  
517.355.9308/FAX 517.332.1055  
E-Mail: carterd@msu.edu

JOSEPH SCHAFER, PH.D.  
Center for the Study of Crime,  
Delinquency, and Corrections  
Southern Illinois University  
Carbondale, IL 62901-4504  
618.453.5701  
E-Mail: schafe29@pilot.msu.edu

This paper may be reproduced with appropriate attribution to the authors and the Regional Community Policing Institute at Wichita State University. 2000.

## POLICIES AND PRACTICES RELATED TO JUVENILE CURFEWS

### *Abstract*

*Advocates of juvenile curfews claim they are useful for both minimizing victimization of young people as well as a tool to aid in deterrence of offenses by youthful offenders. Opponents claim that curfews have only interim, short term effects on youth misconduct and violate the civil rights of young people. This research note reports initial data from a national survey of police agencies to determine the extent of curfew use and its perceived effects. The study found that most jurisdictions with curfews had the ordinances in effect for several years. In the vast majority of cases, they felt the curfew was an effective tool to control vandalism, graffiti, nighttime burglary, and auto theft. Those jurisdictions which did not have curfews typically reported that the non-existence of a curfew was largely a result of political reasons, even if the police supported such an ordinance.*

The use of curfews as a means to control youth movement during peak crime periods is a hotly contended issue in the academic, police, and civil liberty communities. Despite concerns about the efficacy and application of such ordinances, advocates believe these measures are effective and appropriate methods for communities to control delinquent behavior. Those opposing curfews argue that they are “band-aid” solutions which violate the rights of young people. Little is known about the extent and application of curfew ordinances in American communities. This study explores how common such ordinances are and describes their implementation.

### **The Problem**

While working with police leaders on community policing training and technical assistance, the authors have repeatedly been asked “what works” to help control gangs, vandalism, and crimes committed by youth. This project was the result of explicit policy related inquiries by police agencies with respect to the viability of implementing a juvenile curfew. Agencies were interested in procedural dynamics, effects, and “best practices”. As a result, the focus of the data are expressly narrow.

Overall, police executives have expressed a preference for preventive strategies (or at least those which displace), however they also tend to favor aggressive enforcement action, particularly against those who are known to be repeat offenders. It is believed by many that the most effective tool is one which will lead to both of these ends. The search for this tool has led many police leaders to support the imposition of juvenile curfews.

The logic used is twofold. First, police officials believed that curfews would help “keep kids off the streets”—whether by personal decision or parental edict. As a result, this would decrease the likelihood of their involvement in disorder and minor criminal offenses, such as destruction of property or thefts. It might also reduce victimization among this highly vulnerable population by keeping youth “out of harm’s way” during nighttime hours. Second, it was believed that curfews could be used as a tool to lawfully investigate young people who

may be involved in more serious criminality such as gangs or crime rings. Thus, the curfew could essentially become the lawful excuse to stop, detain, and question juveniles on a wider range of offenses.

Within this framework, interest has grown over the past several years of (1) whether this twofold logic has any functional basis and (2) what policy elements of curfew enforcement make the process operational. As a result, this study sought to explore these questions.

## **BACKGROUND AND LITERATURE**

The imposition of a restriction on the hours during which citizens may be out in public as a mechanism of social control is not new. Rhyne (1943) traces curfews back more than 1100 years to the rule of Alfred the Great (849-899) in England. During this era, an evening bell was rung to signal to residents of Oxford that they should douse their fires and return to their homes for the night. Later, during the reign of William the Conqueror (1066-1087) “a ringing bell signaled Englishmen that it was time to retire from the streets” for the evening (Privor, 1999: 418). This curfew was strictly enforced as a control mechanism to prevent the Saxons from assembling and causing any disorders during the evening hours. In the United States, areas in the pre-Civil War south used curfews to restrict the activities of both slaves and free blacks (Ghent, 1974).

More recently, curfews have been used at various times by many American communities to control the hours during which youth were allowed to be out in public. Townsend (1896) describes one of the first efforts to use curfews to curb delinquency and crime among juveniles. In the 1890's the Boys' and Girls' National Home Employment Association, developed five proposals for the regulation of juvenile crime; these proposals were distributed to the governors of each state. One of these proposals suggested that children should be required to be in their homes after sunset. This idea gained widespread popularity and within a year, the Association claimed that 200 communities had adopted this proposal. By the end of the decade, it was estimated that at as many as 3,000 towns, cities, and villages had implemented some form of curfew ordinance (Ruefle, and Reynolds, 1996). Thus, the curfew movement in the United States was born, however its first incarnation was short-lived. As rapidly as they had emerged, curfew ordinances began to disappear and fall into disuse. While it is difficult to specify the reasons for their near abandonment, a logical assumption is that other national concerns—World War I, prohibition, the depression, and World War II—simply displaced youth crime and misconduct as a national priority. It was not until after the Second World War that communities began to reconsider the merits of curfews as a means to control the youth population (Rhyne, 1943).

While curfews are clearly mechanisms of social control, there are other motivations for their use. Many early advocates of curfews (such as the Boys' and Girls' National Home Employment Association) viewed them as a form of insulation. They were a means to help protect youth from the vice and corrupting influences that were common in many larger cities. Alternatively, some early proponents viewed them as a way to address a perceived delinquency and crime problems—notably “status offenses”—among the children of recent immigrants, who were often seen as being in need of control and socialization (Ruefle and

Reynolds, 1996). More recently, curfews have become tools for politicians seeking to convey an image of being tough on law and order issues.

The popularity of curfews appears to have grown in recent years despite conclusive research linking their implementation to decreases in juvenile crime. By the mid-1990s, over seventy percent of the nation's 200 largest communities reported that they had a juvenile curfew ordinance. In a survey of 347 cities with a population over 30,000, eighty percent of the cities reported having a nighttime youth curfew, with over a quarter also reporting that they had a daytime youth curfew (United States Conference of Mayors, 1997). It has been predicted that British communities may begin to reintroduce curfews as a means of controlling the actions of their juvenile population (Jeffs and Smith, 1995).

The reasons why communities adopt curfew may vary, but the resurgent interest may reflect a public perception that curfews are an appropriate response to crime and community disorder. Although the crime rate has been declining fear of crime remains high, thus, communities still believe they need to take actions to protect their children from becoming a perpetrator or a victim of crime. By keeping children off the streets at night, it is hoped that they will refrain from committing a crime and will avoid being the target of a criminal act (Jeffs and Smith, 1995). Polls consistently show that adults approve of youth curfews and believe that they are effective means by which communities might help youth (Ruefle and Reynolds, 1996; Pirvor, 1999).

From a policy perspective, there are a number of unresolved issues relating to juvenile curfews. The most obvious question is whether curfews really work to reduce delinquent behavior. In addition, policy makers have asked: Is enforcement of a curfew an appropriate expenditure of police resources? Is it appropriate to restrict the freedom and liberties of non-delinquent youth? Is the imposition of a curfew an individual matter between a parent and a child, or is it a legitimate concern of the state? Even if curfews are enacted in part to protect youth from victimization, is this reason compelling enough to justify the loss of liberty? Is it appropriate to punish a large segment of the population because of their status (under a certain age); is not the intent of criminal law to punish people because of their behavior? Will curfews actually prevent crime or will they simply displace it to other times and locales?

### **Legal Issues Relating to the Use of Curfews**

As a general rule the courts have upheld the use of curfews under specific conditions. The United States has a long history of using curfews to preserve order and safety during times of emergency. State and federal courts have supported the imposition of such *ad hoc* curfews during times of natural disaster, civil disorder, or when there was a legitimate threat to national security (Scherr, 1992). Juvenile curfew laws have at times been legally evaluated using a "strict scrutiny" test which requires a compelling government interest for use of the curfew and the language of the curfew legislation be consistent with this narrowly defined interest (O'Brien, 1999). In addition, ordinances must generally allow youth to be out during curfew hours under certain circumstances (i.e., in the company of their parents, coming or going to work/school, in the event of an emergency, etc.).

Even though this one guideline is frequently used, the constitutionality of juvenile curfews has not been unilaterally established in state and federal courts. Privor notes that “[d]espite the fact that these courts have often arrived at plainly disharmonious conclusions and divergent constitutional holdings, the Supreme Court has denied review in this area, depriving the lower courts of much needed guidance” (1999: 418-419). The Supreme Court has denied *certiorari* to cases challenging curfew ordinances, leaving the resolution of such challenges to lower federal and state courts. Consequently, curfew challenges have been found before a variety of courts across the United States. Privor observed that the courts in at least fifty federal, state, and local jurisdictions have heard various constitutional challenges to juvenile curfews during the last half of this century.

The closest the Supreme Court has come to resolving the constitutionality of juvenile curfews was in the case of *Qutb v. Strauss* 11 F. 3d 488 (1993). In this case, the complainant alleged that the curfew ordinance enacted in Dallas interfered with parental rights. The Court denied *certiorari*, letting stand the decision of the Fifth Circuit Court of Appeals supporting the Dallas curfew. Although some see this denial as a “green light” for the use of curfews (O’Brien, 1999), it does not necessarily mean that the Court supports them (Ruefle and Reynolds, 1996). Rather, it simply means that the plurality of justices did not believe that specific case raised a significant Constitutional question. It remains unsettled whether the Court would uphold a reasonable and concise curfew ordinance, per se. In the interim, the Fifth Circuit ruling stands as a precedent to which curfew advocates may show some legal support.

Until such a time when (or if) the Supreme Court makes explicit judicial policy on the use of juvenile curfews, there are some guidelines which might be extracted from lower court rulings (Office of Juvenile Justice and Delinquency Prevention, 1996). Most importantly, communities must be prepared to demonstrate why their ordinance uses specific parameters (hours in effect and age groups covered) using local crime statistics. By demonstrating that there is a definable problem with juvenile delinquency among certain age groups during certain hours of the day, municipalities may be able to pass the “strict scrutiny” test used by many courts in reviewing curfew challenges. The ordinance should also operate in the least restrictive manner possible (allowing exceptions, not covering hours when it is not needed, different hours on weekends). By taking these measures, communities can demonstrate in a court of law that their ordinance is more than just a knee-jerk reaction to a vaguely defined problem.

The critical legal concern raised by curfews is balancing a community’s right for self-protection and liberty rights of youth. For the courts, the core questions become: Does the state’s need to protect youth (from themselves and from others) outweigh the inherent American right to have freedom of movement? Unlike emergency curfews, youth curfews are not directed at particular exigent circumstances or enacted for a finite period of time. In addition, these curfews only target a select portion of the population.

Still, questions remain: Can curfews really alleviate the crime and disorder they are designed to address? Are the crimes committed by/against juveniles any worse than those affecting other segments of the population? If not, why is this population singled out for the imposition of this form of social control? Finally, should the state usurp this element of control from parents?

## Prior Evaluations and Research on the Efficacy of Curfews

Despite more than one hundred years of use in cities throughout the country, the efficacy and impact of curfews on youth crime remains largely unknown. It has been shown that curfews are correlated with (but do not necessarily cause) lower driver fatality rates among juvenile drivers (Levy, 1988; Preusser, Williams, Zador, and Blomberg, 1984). In a similar vein, the imposition of curfews by parents has been shown to be related to juvenile substance abuse (Buckhalt, Halpin, Noel, and Meadows, 1992). Although the outcomes of these studies do not support the curfew-crime rate relationship, they do demonstrate that curfews may yield positive effects as observed through some outcome measures.

A myriad of communities claim to have experienced wide success in reducing crime through the use of juvenile curfew ordinances. Most of this evidence, however, comes from internal research done by the police or other municipal officials (Jeffs and Smith, 1994) or anecdotes which intuitively (not empirically) support the deterrence claim. It should be noted that even when curfews are evaluated internally, such studies do not always find that they are effective in addressing crime by youth. Unfortunately, few curfews have been evaluated by external researchers; for the most part, curfews have not been examined by the research community. Although sometimes criticized as being outdated, the one clear exception to this rule is the research Hunt and Weiner (1977) did in Detroit. These researchers were able to examine the impact of Detroit's curfew by comparing crime levels and times of occurrence both before and after a curfew was established. Their results indicated that the curfew resulted in both the suppression and displacement of crime; juvenile crime declined during curfew hours, while it increased during non-curfew hours.

More recently, Males and Macallair (1998) took an interesting twist on curfew evaluation by comparing jurisdictions in California which strictly enforced curfews with those which did not. Based on their analysis, they found that there was "no basis to the belief that curfew laws are an effective way for communities to prevent youth crime and keep young people safe" (p. 15). These authors also attempted to control for other historical variables which might have impacted on fluctuating youth crime rates by linking juvenile crime rates with adult crime rates. They found that although youth crime rates had declined during the early 1990's, adult crimes had experienced a proportional decline. This would suggest that, at least in the communities they studied, curfews were not significant factors in determining the juvenile crime rate.

Beginning in the mid-1990's the Office of Justice Programs funded a number of innovative curfew programs in major American cities. Accompanying these initiatives are efforts to conduct more rigorous and scientific assessments. While the support is not universal and some findings are still forthcoming, early evidence appears promising. Overall, various cities have experienced decreases in juvenile arrest rates, declines in juvenile crime, and less congestion in the local juvenile court system (see generally Office of Juvenile Justice and Delinquency Prevention, 1996). It must be acknowledged that declines in juvenile arrest rates observed in these communities may have been a reflection, to some degree, of the general decline in crime during the 1990's. Furthermore, many of these programs have only been

evaluated during the short-term and it is not clear if these effects will persist during the long-run.

## METHODS

The purpose of this study was to respond to specific policy inquiries made by police agencies to the authors' community policing centers. Data were collected from a national sample using survey research methods (described below). The instrument was developed to identify and measure expressed factors of interest to police decision makers in a simple, quick format. The variables were based largely upon interviews and comments of police officials with refinements made based on findings of related research. Importantly, the survey items reflected a policy orientation. Once drafted and placed in format, the instrument was pre-tested on a small purposive sample of police managers (not from the study's population) to assess the survey's clarity, flow, and ease of response. Two additional iterations of the instrument were made before it was ready for mailing.

The study population was defined as all municipal and consolidated police departments serving populations of 15,000 inhabitants or larger in the United States. Using proportional sampling by state, based on Census data, a random sample of 800 agencies was selected using a comprehensive, commercially available directory of law enforcement agencies. After the sample was drawn and the initial mailing had been sent, it was discovered that three agencies no longer existed because each had been consolidated with another police department. Consequently, the actual sample size was 797 agencies. There were 446 usable responses returned representing all fifty states for a response rate of 56 percent. In addition to the survey findings, the authors have interviewed various police officials and conducted site visits to gather further information about the use and effectiveness of juvenile curfews.

## FINDINGS

Survey results found that slightly over two-thirds (67.7 percent) of the responding jurisdictions had juvenile curfews, with 9.6 percent having some form of curfew in effect during the daytime as well as at night. The day curfews were interesting in that they augmented truancy laws and could also be used to investigate young people aged 16 for whom truancy laws did not apply. Some of the day curfews were extraordinarily restrictive. For example, in one city the wording of the daytime curfew ordinance stipulated that if a child was not in the specific place required by law and regulation, the child was in violation of the curfew. This was even applied *in* the schools—for example, a student who “cut” a class was in violation of the curfew since he/she was not in the place required by school policy (i.e., the student's schedule).

Despite the occasional perception that the use of curfews was on the rise, respondents indicated that their curfews had been in place for a number of years. Among those agencies with juvenile curfews, most (68.9 percent) had been in place for more than five years. Only 3.3 percent had been created within the previous year.

With respect to age, responding jurisdictions seemed to reflect the belief that curfews were necessary or most effective for youth throughout their “juvenile” years. (*n.b.* There is some variance between the states in the definition of a juvenile.) More than half (52.7 percent) of the nighttime curfews restricted youth ages 16 or younger while an additional 40.3 percent of the curfews were applied to youth through the age of 17. The remaining seven percent had a wide variety of age parameters, apparently based on local idiosyncrasies and perceived problems. This would seem to support the conclusion that communities view curfews as appropriate restriction on youth throughout their young-adulthood. Those jurisdictions reporting the use of daytime curfews generally indicated they were in effect from 8:00 or 9:00 AM until 3:00 PM. Nighttime curfews were most commonly in effect from 11:00 PM until 6:00 AM during the week (Sunday through Thursday nights) and from midnight until 6:00 AM on the weekends (Friday and Saturday nights).

Jurisdictions which did not have a curfew ordinance were asked to indicate why this was the case (see Table 1). Although there does not appear to be a specific consensus, some of the more common reasons were because political leaders did not want them (63.2 percent) and the police lacked resources for enforcement (50.0 percent). Despite concerns among some legal scholars, the absence of curfew ordinances in responding jurisdictions did not indicate a concern for their constitutionality. Rather, most of the jurisdictions (81.6 percent) had reasons other than constitutionality for not having a curfew.

**Table 1**  
**REASONS FOR NOT HAVING A CURFEW ORDINANCE**

VARIABLE	STRONGLY AGREE	AGREE	DISAGREE	STRONGLY DISAGREE	NOT AN ISSUE
There is no need for it (N=131)	9.9%	26.7%	35.1 %	16.0%	12.2%
It is too difficult to enforce. (N=125)	9.6%	32.0%	36.0%	9.6%	12.8%
Curfews are unconstitutional. (N=114)	4.4%	14.0%	43.0%	24.6%	14.0%
Citizens don't want a curfew. (N=121)	5.0%	33.9%	36.4%	10.7%	14.0%
Political leaders don't want a curfew. (N=117)	9.4%	53.8%	17.9%	4.3%	14.5%
Police don't have resources to enforce it. (N=122)	16.4%	33.6%	30.3%	11.5%	8.2%
No one thought about it. (N=114)	1.8%	6.1%	31.6%	25.4%	35.1%

Jurisdictions not having a curfew were asked if they were likely to adopt an ordinance within the following year. Most of these agencies reported that future adoption was unlikely. In most cases (80.7 percent), agencies indicated that it was unlikely that their city would create a curfew in the next year. Despite the attention curfews have received in recent years, it would appear that their existence is rather stable. Most curfew ordinances have been in place for some time. In addition, most communities not having a curfew do not appear to be interested in their future adoption. Interestingly, comments on the survey indicated that many police departments would like to have a curfew, but did not believe an ordinance would be enacted in their communities.

In most cases (95.6 percent), jurisdictions with curfew ordinances felt that their enforcement was a wise use of police resources. This assertion was made despite the fact that more than half (58.6 percent) of the respondents felt that most juveniles picked up for a curfew violation would recidivate. This is a curious contradiction as one would expect that curfews

would only be a wise use of resources if their enforcement was going to prevent future violations. It would seem that police departments perceive some other utility in curfew enforcement beyond preventing the perpetuation of such offenses among juveniles. In this regard, comments suggested that the curfew was a useful tool (i.e., excuse) to stop suspicious young people, notably gang members. In one scenario described to the authors, an officer said that if he saw a “young looking” gang member, that person could be stopped to determine if he/she was in violation of the curfew. Even if the young person was an adult, the stop was “lawful” and anything produced as a result of the stop (e.g., weapons, drugs) would be lawfully seized. One might argue that such practices violate the spirit of curfew laws thus making them unconstitutional or, at least, unethical.

In discussing curfews and their enforcement with police administrators around the country, the authors learned of several innovative approaches currently being used. One interesting enforcement model exists in Corpus Christi, Texas called the *Juvenile Enforcement Team* (JET). As a result of a growing gang problem, including a roughly 200 percent increase of drive-by shootings over an eight month period, the Corpus Christi Police Department (CCPD) decided that part of its gang suppression initiative would include aggressive curfew enforcement. JET was a team of officers whose sole responsibility was to aggressively identify both day and night curfew violators under a Zero Tolerance policy. For two weeks prior to implementing the JET policy, the public was notified that the curfews were in place, that all juveniles would be taken into police custody, and that parents would have to come to the curfew center, regardless of time, to take custody of their child. If an officer felt that the parent was contributing to the curfew violation, it was within the officer’s discretion to cite the parent for “inducing curfew.”

After the first few weeks, JET officers were observing far fewer curfew violations. In addition, crime and complaints associated with the young people dropped throughout the community. The Juvenile Enforcement Team was sufficiently successful that they had to assume additional duties because the number of curfew violators had dropped drastically. The CCPD does not plan to eliminate JET because it is assumed if the threat of aggressive curfew enforcement is eliminated, the problems will arise again. While this program had not been empirically assessed, the anecdotal evidence strongly suggests that the program had an effect. The JET experience holds interesting implications for jurisdictions which believe that curfew enforcement requires too many police resources. Once the initial message has been sent to the youth in a community, curfew enforcement may require far fewer resources as agencies may be able to transition from aggressive enforcement to preventative maintenance.

Discussions with police officials revealed that despite having many long-standing curfew ordinances, enforcement had been relatively dormant until “recent” years, largely because of growing concern about gangs and youth crime. Interestingly, at a recent national meeting of police executives, two police chiefs stated that they had received growing demands for curfew enforcement following the spate of school shootings in the U.S. over the past eighteen months. This suggests frustration and fear by the public, wanting the police to “do something” even though there is the thinnest of rationales which might correlate curfew enforcement to prevention of mass school violence such as occurred in Littleton, Colorado or Pearl, Mississippi.

Because enforcement is a critical issue, respondents were asked a number of questions to assess their enforcement practices. Over one half of the respondents (58.2%) characterized their curfew enforcement as “aggressive.” Despite this tendency to actively enforce curfew ordinances over one-quarter (26.7%) of the responding agencies reported that their enforcement was sporadic, depending largely on citizen complaints or officer discretion. In many cases, police departments adopted a “Zero Tolerance” policy for curfew violators reflecting the belief that without a consistent policy, the curfew would have limited effects. Many communities have adopted ordinances specifically delineating parental responsibility for children to adhere to youth curfews. This is often done by empowering police officers with the discretion to charge parents or guardians with something to the effect of “inducing a curfew violation.” Slightly over one-half of the respondents (51.4%) reported that their ordinance granted officers such discretion, although only 12% of these respondents stated that such a charge was typically made when a curfew violation occurred.

When asked to provide information about general curfew enforcement policies; the data indicated somewhat of a mixed bag. In general, first-time offenses were more likely to result in both a juvenile and his/her parents being warned, rather than cited, for the violation. The likelihood of either party being cited increased dramatically on the second offense. Respondents indicated that juveniles would typically be cited about one-third (33.4%) of the time for a first time offense, with the likelihood of being cited increasing to almost two-thirds (59.6%) for a second offense. While the general practice was that parents were almost never cited for their child’s first offense (4.8%), almost one-fourth (23.2%) of the respondents indicated such action would be common for the second offense. On the second violation, there was also a greater likelihood that the juvenile would not only be cited, but also taken into custody (increasing from 26.5% for first the first violation to 35.4% for the second violation). Interestingly, although some jurisdictions attempt to use curfews as a means to control gang activity, there appears to be little difference in curfew enforcement policies between gang members and non-gang members.

A wide range of approaches were used to identify juvenile curfew violators. As Table 2 indicates, the most common approaches were relying on individual officers’ experiences, targeting areas where teens tend to congregate, relying on complaints about juveniles, and targeting gang members—each of which are fairly subjective. Curfew opponents could argue that although a curfew ordinance met substantive due process standards, its enforcement violated procedural due process through subjective “targeting”. Very few police agencies reported that they relied on Neighborhood Watch groups or “Citizens on Patrol” to identify curfew violators. Given the emphasis on community policing, the need for police-citizen partnerships, and the general concern that the public has for youthful offenders, it is somewhat surprising citizen-based resources are not more widely used. Such approaches might also offer more efficient means by which agencies could enforce curfew ordinances because they do not require officers to actively seek out violators within their jurisdiction.

Many agencies reported using the curfew as one element of an integrated strategy to deal with youth crime. For example, the city of Kingsville, Texas experienced a growth in youth gangs among middle school and high school youths. Because the problems were increasingly evident to all members of the community, the police department was under pressure to address the problem. The chief of police researched curfews and proposed an

ordinance for both day and evening curfews. In addition, he proposed an ordinance prohibiting use of tobacco products by juveniles. These ordinances were passed and aggressively enforced as tools to approach and investigate gang members (or suspected gang members). In addition, the police department developed a number of intervention programs in the schools involving both students and parents. The police credit the curfew as an important ingredient for identifying problem youth for both investigation and intervention with the day curfew being deemed just as important as the night curfew. While the department did not conduct a formal evaluation, they found that youth crimes had dropped, gang membership decreased, and the number of calls for service concerning youth problems decreased about six months after implementation of the youth and gang initiative. The curfews were deemed to be the “anchor” of that initiative.

**Table 2**  
**Methods of Identifying Curfew Violators**

	VERY FREQUENTLY	SOMEWHAT FREQUENTLY	SOMETIMES	RARELY	NEVER
Target Gang Members (N=273)	21.2%	21.6%	33.7%	15.8%	7.7%
Target Areas Where Teens Congregate (N=284)	35.6%	38.4%	21.5%	3.2%	1.4%
Rely On Officers' Experience (N=291)	49.5%	29.9%	17.2%	2.4%	1.0%
Use <i>Citizens On Patrol</i> (N=269)	2.2%	4.8%	13.0%	20.1%	59.9%
Actively Involve Neighborhood Watch (N=273)	1.8%	10.6%	19.4%	38.5%	29.7%
Rely on Complaints About Juveniles (N=284)	18.0%	32.4%	44.7%	3.5%	1.4%
Rely on Juvenile Investigators (N=277)	7.9%	15.5%	37.2%	23.5%	15.9%

To the police official, concerned parent, or fearful citizen, the Kingsville experience is typically viewed as a successfully integrated policy initiative. To the civil libertarian, the Kingsville program is most likely viewed as an egregious violation of constitutional protections. Given the lack of clear judicial precedence by the courts and emotional concerns of communities experiencing gang activity or youth crime problems, the best policy for law enforcement on the curfew issue is cloudy at best. Weighing the seriousness of the youth crime problem with the values and standards of the community appears to be the most prudent—albeit subjective—path for police executives to follow.

**The Perceived Effects of Curfew Enforcement**

Many of the respondents (58.6%) stated that even though a juvenile is picked up for a curfew violation once, he/she will probably violate the curfew again. This does not necessarily erode the perceived utility of curfews as a tool to reduce delinquency and criminality among juveniles. Rather, these responses may reflect the belief that sanctions for violating curfews may not be severe enough to deter future offenses. The point of curfews, it was noted in both the data and comments, was not whether a young person obeyed the curfew ordinance, but whether the curfew had an effect on reducing other crimes for which juveniles are involved. In other words, the police were more concerned with whether the curfew reduced juvenile crime than with whether they obeyed the ordinance.

The data strongly support the belief among the respondents that curfews were an effective tool for reducing various crimes. Most noteworthy was that 93.5% of the respondents

agreed that curfews had an effect on reducing vandalism, 89.1% agreed they had reduced graffiti, 85.7% agreed curfews contributed to the reduction of gang activity, 84.7% agreed that curfews reduced rates of nighttime burglary, and 81.1% agreed that curfew enforcement had reduced auto theft. Table 3 presents the complete assessments respondents made regarding the effects of curfews on select offenses. Certainly curfews are not the only factor in these reductions, however, they may hold an important key when such consistencies are observed across various jurisdictions. Moreover, the respondents did not feel the curfews were simply displacing the juveniles to other jurisdictions (60.6%). It must be noted that these responses are based upon the respondent’s perceptions, which are not necessarily based on empirical evidence.

**Table 3**  
**Perceived Effects of Curfews on Crimes**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>
Vandalism (N=292)	28.8%	64.7%	5.1%	1.4%
Graffiti (N=283)	23.7%	65.4%	9.5%	1.4%
Daytime Burglary (N=191)	7.9%	25.7%	52.4%	14.1%
Nighttime Burglary (N=281)	17.8%	66.9%	13.2%	2.1%
Drive-By Shootings (N=211)	14.7%	54.5%	28.4%	2.4%
Open Drug Markets (N=233)	19.7%	58.4%	18.5%	3.4%
Gang Activity (N=259)	22.0%	63.7%	12.0%	2.3%
Truancy (N=223)	16.6%	43.0%	30.5%	9.9%
Auto Theft (N=275)	16.0%	65.1%	17.1%	1.8%
Sexual Assault (N=238)	11.3%	54.6%	29.8%	4.2%

The comments in particular noted that the curfew was one element—although frequently a “cornerstone”—in a multifaceted strategy to deal with gangs and youth crime. Intuitively, respondents credit the curfew as a significantly important variable. In all likelihood, however, any effects of the curfew were interactive effects the curfew with other youth-oriented programs. Interestingly, comments indicated that school policies and changes in parental controls over children either did not change or had no effects on youth crime and gangs. Logically, these factors cannot be discounted. The notable aspects of these perceptions is that the police tend to feel that they must shoulder a disproportionate burden of controlling youth crime and misconduct.

Respondents reflected the belief that curfews have utility which goes beyond simply addressing juvenile delinquency and disorder. As Table 4 indicates, the vast majority of respondents (90.6%) feel that curfews are an integral part of community policing, most likely as a result of the preventive orientation curfews are intended to achieve. In addition, more than three-quarters (76.3%) of the respondents believed that enforcing a curfew ordinance helped police officers to determine if juveniles were breaking other laws (perhaps by providing officers with the probable cause to stop juveniles). Table 4 also reflects the belief among respondents that other community members interested in the welfare and activity of juveniles (specifically, schools and parents) supported aggressive curfew enforcement. Finally, it is interesting to note that many respondents (60.7%) disagreed with the suggestion that curfews displace juveniles into other locales in which there are no curfews.

**Table 4**  
**Curfews and Police Policy**

	<b>STRONGLY AGREE</b>	<b>AGREE</b>	<b>DISAGREE</b>	<b>STRONGLY DISAGREE</b>	<b>DON'T KNOW</b>
Curfews are an integral part of community policing (N=297)	35.7%	54.9%	5.0%	1.0%	3.4%
Parents support aggressive enforcement of curfew laws. (N=292)	11.6%	61.0%	20.5%	2.4%	4.5%
The curfew “displaces” juveniles to go to other locales where there is no curfew. (N=293)	4.4%	27.3%	55.6%	5.1%	7.5%
School officials support aggressive curfew enforcement. (N=297)	23.9%	54.9%	6.7%	0.7%	13.8%
Curfews are used as a tool to determine if juveniles are breaking other laws. (N=296)	17.2%	59.1%	18.2%	2.4%	3.0%

### DISCUSSION

The findings of this survey provide important insights into the use of, and logic behind, curfews in American communities from the perspective of local law enforcement agencies. The presence of curfew ordinances would appear to be a stable phenomena. Most existing ordinances have been in place for some time, and most jurisdictions without an ordinance indicated that this situation was not likely to change in the near future. Agencies which use curfew ordinances believed that they were effective tools in reducing a wide variety of juvenile crimes. Agencies which did not have an ordinance to enforce indicated that this absence was most commonly due to political forces and agency resources.

These findings may also help to guide future evaluative research in identifying possible outcome measures by which to assess the efficacy of curfews. It should be noted that although this study focused on crime rates as possible curfew outcomes, there are a variety of other measures which could be employed (i.e., drug and alcohol use, traffic fatalities, citizen perceptions of safety, the degree of severity of juvenile crime, level of gang activity, etc.). The findings also shed light on factors which may motivate police organizations to use (or not use) curfews. As this study has indicated, not every jurisdiction with a curfew chooses to aggressively enforce this ordinance. Consequently, future research efforts need to account for this variable degree of enforcement in determining the efficacy of curfews.

There is a clear need for more systematic assessments of curfews as a possible tool to combat juvenile delinquency and gang activity. Although many police agencies and municipalities have claimed to demonstrate that their curfews have an impact on these outcomes, such conclusions are not necessarily based on systematic evidence. This absence of research is surprising given the enduring legacy curfews have as a method of social control within our country. The true impact of curfews remains unclear and it is uncertain if the prior (dated) research correctly demonstrates that curfews decrease and displace crime.

Perhaps the challenge for the future is to look at ways to decriminalize curfews while still taking actions to show youth that such violations will not be tolerated. Some communities

have shown great innovation in pursuing such efforts by designing curfew enforcement programs which do more than just sanction youth who violate the ordinance. If curfew ordinances are designed to “push” youth off the street with the threat of a quasi-legal sanction, many of these other programs are designed to complement them by simultaneously “pulling” in youth. Common elements of these programs include: creating a “curfew center” outside of a central police lock-up where violators may be processed and held for their parents; staffing centers with social service providers; using sanctions beyond fines, including counseling (both individual and family) and community service; offering recreation and job programs; and running anti-drug and anti-gang programs. The effect of these innovations is “to transform the juvenile curfew from a reactive, punitive response to a proactive, intervention against the root causes of juvenile delinquency and victimization” (Office of Juvenile Justice and Delinquency Prevention, 1996: 4).

Future experimentation with curfews would be wise to look at the broader context in which these violations occur. If communities are requiring youth to be off the streets during certain hours, would these efforts be more effective if youth had alternative forms of entertainment? When a violation is detected, is it always appropriate to respond by citing the offender and/or the offender’s parents? It is possible that curfews may be more efficacious if communities take steps to create non-punitive sanctions. Programs which offer on-site counseling may allow officials to determine why a youth committed a curfew violation and allow them to intervene when necessary. The key to the future success of curfews may lie in examining programs which provide a elements to “pull” youth off of the streets and, in doing so, complement the ordinance’s “push.”

### **AUTHOR BIOGRAPHIES**

DAVID L. CARTER, Ph.D., is a Professor in the School of Criminal Justice at Michigan State University, East Lansing, MI 48824, USA. Dr. Carter’s duties also include serving as Director of the National Center for Community Policing and Director of the Criminal Justice Study Program in England. He has published numerous books and articles on various aspects of policing and provided training and technical assistance to police agencies throughout the United States and several foreign countries.

ANDRA J. (KATZ) BANNISTER, Ph.D., is an Assistant Professor of Criminal Justice and Director of the Regional Community Policing Institute at Wichita State University, Wichita, KS 67260, USA. Dr. Bannister works closely with law enforcement agencies both overseas and throughout the U.S. providing training and technical assistance. She has published numerous articles and book chapters on a wide array of policing topics.

JOSEPH SCHAFER, Ph.D., is an Assistant Professor in the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University, Carbondale, IL 62901. Dr. Schafer has published articles on community policing, various aspects of technology as applied to law enforcement, and a range of police policy issues. He has worked on several federal research grants, most recently on a crime mapping project for the Lansing, MI Police Department.

## BIBLIOGRAPHY

- Buckhalt, J.A., Halpin, G., Noel, Renee, and Meadows, M.E. (1992). Relationship of drug use to involvement in school, home, and community activities: Results of a large survey of adolescents. *Psychological Reports* 70, 139-146.
- Carter, D.L. and L. Radelet. (1999). *The police and the community*. 6<sup>th</sup> ed. New York: Prentice-Hall.
- Ghent, J. (1974). Validity and construction of curfew statue, ordinance, or proclamation. *American Law Reports* 3d 59, 321-326.
- Hunt, A.L. and Weiner, K. (1977). The impact of a juvenile curfew: Suppression and displacement in patterns of juvenile offenses. *Journal of Police Science and Administration* 5, 407-412.
- Jeffs, T., and Smith, M.K. (1995, Summer). 'Getting the dirtbags off the streets': Curfews and other solutions to juvenile crime. *Youth and Policy* 53, 1-14.
- Levy, D.T. (1988). The effects of driving age, driver education, and curfew laws on traffic fatalities of 15-17 year olds. *Risk Analysis* 8, 569-574.
- Males, M.A., and Macallair, D. (1998). *The impact of juvenile curfew laws in California*. San Francisco: Justice Policy Institute.
- O'Brien, L.F. (1999). Are juvenile curfew a legal and effective way to reduce juvenile crime? Yes. In J.D. Sewell (Ed.), *Controversial issues in policing* (pp. 59-62). Boston: Allyn and Bacon.
- Office of Juvenile Justice and Delinquency Prevention. (1996). *Curfew: An answer to juvenile delinquency and victimization?* Washington, DC: US Department of Justice.
- Preusser, D.F., Williams, A.F, Zador, P.L, and Blomberg, R.D. (1984). The effect of curfew laws on motor vehicle crashes. *Law and Policy* 6, 115-128.
- Privor, B. (1999). Dusk 'til dawn: Children's rights and the effectiveness of juvenile curfew ordinances. *Boston University Law Review* 79: 415-489.
- Rhyne, C. (1943). *Municipal curfew for minors- Model ordinance annotated*. Washington, DC: National Institute of Municipal Law Officers.
- Ruefle, W., and Reynolds, K.M. (1996). Keep them at home: Juvenile curfew ordinances in 200 American cities. *American Journal of Police* 15(1), 63-84.
- Scherr, P. (1992). The juvenile curfew ordinance: In search of a new standard for review. *Washington University Journal of Urban and Contemporary Law* 41, 163-193.
- United States Conference of Mayors. (1997). *A status report on youth curfews in America's cities*. Washington, DC: United States Conference of Mayors.
- Walczak, W. J. (1996) *Turn the Lights Out on Curfews*. American Civil Liberties Union, <http://www.aclu.org/community/pennsyl/curfewpa.html>.