

The Bill Blackwood
Law Enforcement Management Institute of Texas

Juvenile Curfew: Tool or Burden?

An Administrative Research Paper Submitted in
Partial Fulfillment of the Requirements for Graduation from the
Leadership and Command College

by
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July, 2001

#718

ABSTRACT

The juvenile curfew is a tool for law enforcement to interview and investigate juveniles that are out on the streets at certain hours of the night. Is this juvenile curfew a useful tool for law enforcement or a burden? This curfew issue will be surveyed and interviews taken to show that the juvenile curfew is a beneficial tool for law enforcement when dealing with juveniles.

A questionnaire was distributed to twenty-six law enforcement officers from different agencies and interviews from fifteen police officers from a local police department to determine how they felt about the juvenile curfew and how they benefited from it. The survey questionnaire showed that the majority of the officers approved of the curfew and those departments that did not have one thought it was a good tool when dealing with a juvenile.

In the interviews conducted of the local police department, all fifteen officers agreed with the juvenile curfew. The officers felt that the curfew was a good source to use for probable cause to confront juveniles that are out on the streets at certain hours of the night. The officers in the survey questionnaire felt the same way.

Articles in journals show that cities in Texas, as well as in the rest of the country, favor the juvenile curfew. Some cities have implemented daytime curfews, as well as nighttime curfew. Statistics gathered from cities show large numbers of juvenile arrests contributed to the juvenile curfew ordinance in their city.

Law enforcement and the juvenile curfew are part of today's society and law enforcement has learned to apply this curfew as a helpful tool to come in contact with the youth population and better understand them, for they are our future.

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Introduction

For the past years, cities have enacted juvenile curfew ordinances in their cities with the intention of reducing juvenile crime being committed on their streets. The first line of contact with these juveniles is often the police officer out on patrol. The juvenile curfew benefits law enforcement in that it allows for the stopping and identifying of any juvenile out at certain hours of the night and early hours of the morning. Just how the street officer perceives the juvenile curfew ordinance was the focus of this research.

The opinions of the officers in this research were very essential since they are the ones that are in direct contact with the juveniles in the streets. The curfew ordinance could be used as a tool by the officer in conducting field interviews and investigations with a juvenile who may be violating the juvenile curfew ordinance, or the officer could see this curfew as a burden and time consuming.

Questionnaires were distributed to various law enforcement agencies to determine how law enforcement officers felt about a juvenile curfew and how it effected them and their department. Another method of obtaining this information was through direct interviews with the law enforcement officers to obtain their opinion. It was hypothesized that law enforcement officers would see this juvenile curfew as an asset to their profession as it enables them to have another resource at their disposal, to be used when necessary to accomplish their task. Law enforcement officers and their agencies will benefit from this research by understanding that if they apply and dedicate themselves in making this juvenile curfew work, it will bring them closer to the youth community by making that contact with the juvenile in the street. This involvement will get the officer to come into contact with the child's parents and together they can work at reducing juvenile delinquency.

The law enforcement officer should understand that not all juveniles out on the streets are delinquent. The officer should also understand that juveniles are not taboo, they are simply kids that just need our attention and respect as well as officers do.

Review of Literature

The implementation of curfews in America is not a recent or new concept in combating juvenile crime. Since the 1800's, cities like New York and Boston, which were considered major cities at the time, saw an increase of juvenile misconduct due to the rapid growth of society and industry. Our country was putting a great demand on the American family structure since parents of the families were contributing a great deal in the development of our country (Assoc. of Chiefs of Police, 1994).

Curfews in America in the 1800's applied to all townspeople not just juveniles. Curfews were used in the south to control when slaves and free blacks could be out on the street (Hemmens/Bennett, 1999). Curfews have also been used in times of local or national emergencies, such as World War II (Hemmens/Bennett, 1999).

The juvenile curfew ordinance was enacted in Omaha, Nebraska in 1880 (Hemmens/Bennett, 1999). In 1884, President Harrison endorsed juvenile curfews as a panacea (Hemmens/Bennett, 1999). By the 1900's, there were more than 3,000 juvenile curfews ordinances in this country (Hemmens/Bennett, 1999). Curfews were seen as a means to control as well as to protect an unsupervised and neglected child, an increasingly common phenomena in the new urbanized, industrial society (Hemmens/Bennett, 1999). After World War II the juvenile population grew tremendously and curfew was used as a solution to help cities with the growing number of youths.

In past years, a minor's curfew was established by the parent. Times have changed and local governments have enacted juvenile curfew ordinances for the crime prevention and protection of young people. A curfew is a social control mechanism (Ruefle/Reynolds, 1995). The proponents of juvenile curfews provide four major justifications for such

ordinances: protecting juveniles from crime, reducing juvenile crime, protecting society, and reinforcing parental authority (Hemmens/Bennett, 1999). The curfew laws are for the best interest of the child, while at the same time imposing stricter social control on unruly youth (Hemmens/Bennett, 1999).

The juvenile ordinances are enacted by local municipal legislation. The ordinance(s) are justified as long as it does not violate any constitutional right of the person that is the subject of the ordinance. The municipality has to demonstrate that it has a compelling state interest, and is narrowly tailoring the means to achieve the law's objective (Hamrick, 1997). This two-pronged test is known as the strict scrutiny test. The courts concern, when applying strict scrutiny, are the individual liberties of the citizens. The Supreme Court also looks at rational basis legislation, which is much easier to pass. If neither a fundamental right nor a suspect classification is implicated, a state may enact legislation abridging that right or affecting that class so long as there is a rational basis for the legislation (Hemmens/Bennett, 1999).

The Juvenile Justice and Delinquency Prevention Act of 1974 prohibits status offenders (juvenile's who have committed offenses that would not be a crime if committed by adults, such as truancy or curfew violations) or non offenders (such as neglected children) from being held in a secure detention or confinement (Hamrick, 1997). Police and Sheriffs departments have created and designated sites in their jurisdictions that are certified by judges of their court system where a juvenile can be brought in and processed for curfew violations. Communities have gotten together along with social service groups and counselors in having activities for juveniles that have come into the juvenile system because of curfew violations, they also get the parents involved in whatever programs they may have

available. In past studies that were done by the American Journal of Police and the National Institute of Justice (NCJRS), surveys show that Americans are focused on and want the same thing, to reduce juvenile delinquency. This can be done by community involvement and law enforcement working together for the same goal for the betterment of our children making up our society.

The way that cities are applying their juvenile curfew varies according to their needs. Some have a day curfew while others have a night curfew, and other cities have both a day and night juvenile curfews. Local government can place restriction on the constitution rights of the juvenile, as long as they are not unconstitutional if applied to an adult. The Supreme Court has asserted that the constitution and the protection found in the Bill of Rights apply to juveniles as well as adults. Lower federal courts and states courts have used the strict scrutiny or rational basis review in determining the outcome of challenged juvenile curfew ordinance cases. The first case involving a juvenile curfew was *Exparte McCarver* (1898), followed by *Balen v. Borough of Steelton* (1912) and *People v. Walton* (1945). Some of the recent juvenile curfew cases include *People v. Chambers* (1976), *In re J.M.* (1989), *Panora v. Simmons* (1989).

Methodology

Law enforcement has been given an invaluable tool, which can help when dealing with the juvenile population, the juvenile curfew. Is this juvenile curfew ordinance an asset to law enforcement or will it hinder them in their other duties? Law enforcement officer have yet to see the significance of this tool that has been inherited but with time the officer should see how it goes hand in hand with his job duties. The officer will embrace this tool and accept it like other equipment that they use in their everyday tour of duty.

A questionnaire consisting of five questions was distributed to twenty-six officers from various law enforcement agencies who attended Module II. The first question asked was if their department has a juvenile curfew. The second question was what were the hours of the curfew and third how the juveniles were released after having been taken into custody. The fourth question was how the police officers felt about the juvenile curfew, and the fifth question was if the juvenile curfew was working in their jurisdiction. Another method used consisted of a direct interview with fifteen police officers from the Del Rio Police Department. A third source of information for this research was gathered from journals, and articles that have been written pertaining to topics having to do with juveniles and juvenile curfew issues.

Of the twenty-six questionnaires distributed to the law enforcement agency members who were present at the Module II session, twenty-three questionnaires were returned and answered. Out of the officers interviewed in the Del Rio Police Department, some were fairly new to the department and others had experienced the juvenile curfew ordinance for the pass five years (That's how long the department has

had its juvenile curfew). The fifteen Del Rio police officers that were interviewed responded well to the questions that were asked by this researcher. What was unique about the interview, is that the interviewer is the investigator for the Juvenile Division with the Del Rio Police Department.

In addition, statistics of juvenile curfew arrest for the past two to three years were obtained from the cities of San Antonio, and Odessa, Texas. Diagrams will show the number of arrest per year for each city. U.S juvenile arrest statistics for 1980-1998 for juvenile curfew violations and loitering are also illustrated on a diagram.

Findings

The issue of the juvenile curfew has been met with mixed feelings throughout the U.S. Some cities have high praise of their juvenile curfews, while other cities consider it ineffective. Information obtained from journals showed that the use of juvenile curfews by cities is not a new concept. Since the 1800's, cities like New York and Boston have used a juvenile curfew to reduce an increase of juvenile misconduct.

Curfews were not high on the cities list of priorities and were time consuming for the law enforcement officer when arresting the juvenile for the violation. In a 1997 survey, information was gathered from 347 cities regarding the juvenile curfew. Of the 347 cities 276 cities had a night curfew, and of those cities, seventy-six also had a daytime curfew (Conference of Mayors, 1997).

In this same survey 247 cities said that enforcing a curfew was good use of police officers time, while twenty-six cities in the survey felt that it was not a good use of their time. Out of the cities with a nighttime curfew, 257 said that it was a useful tool for their officers, while nineteen cities said that it was not a useful tool. Another finding indicated that out of the cities with a nighttime curfew, twenty-six showed a reduction in juvenile crime by an average of twenty percent, and in those cities with both nighttime and daytime curfews juvenile crime was reduced by an average of twenty-one percent (Conference of Mayors, 1997).

In American cities and towns today, the reason that juvenile curfews are being implemented is to deal with societies concerns about controlling juvenile delinquency, enforcing parental responsibility, and protecting the youth from the vices of the streets (Ruefle/Reynolds, 1996).

In a 1994 article on juvenile curfews, a list of the twenty-five most populous cities in Texas showed that eleven of these cities had juvenile curfews, seven of these cities are in the top ten. In this article, cities like Odessa, El Paso, Plano, Waco, Mesquite, and San Angelo did not have a juvenile curfew. These cities were included in the list of the twenty-five largest cities in Texas. In June 1994 the city of Odessa did a study to determine if a juvenile curfew was needed for their city. It was determined that only two percent of juvenile arrests occurred between the hours of 11:00pm to 6:00am, and the majority of the juvenile involved cases, occurred between 4:00pm and midnight (Billings, 1994).

The juvenile curfew was rejected, partially because of the study. In 2001 those Texas cities that did not have a juvenile curfew in 1994 have implemented one for their city, including Odessa. Statistics show that juvenile curfews are working and cities have recognized the importance of this ordinance for their community and well-being. Most law enforcement agencies have also recognized the value of having juvenile curfews. In interviewing the police officers of the city of Del Rio, all fifteen officers favored the juvenile curfew, although some said that it was still the parent's responsibility in having their kids home by certain hours.

The questionnaire survey conducted in the Module II class resulted in thirteen departments having a juvenile curfew in their city and having juvenile crime reduced in their jurisdiction. Those thirteen departments were in favor of the juvenile curfew and liked having another tool to deal with juveniles. Ten departments from the twenty-six surveyed in the questionnaire did not have a juvenile curfew, but five favored the curfew, and thought it was a good idea. The other five thought it was difficult to enforce and felt the juvenile would just go elsewhere to get away from the curfew. Three of the questionnaires were not returned.

The following diagram shows the increase from 1980 to 1998 of juvenile arrests in the United States. These arrests consist of juvenile curfews and loitering. The arrest rate for curfew and loitering violations reached in 1996 was maintained in 1997 and 1998.

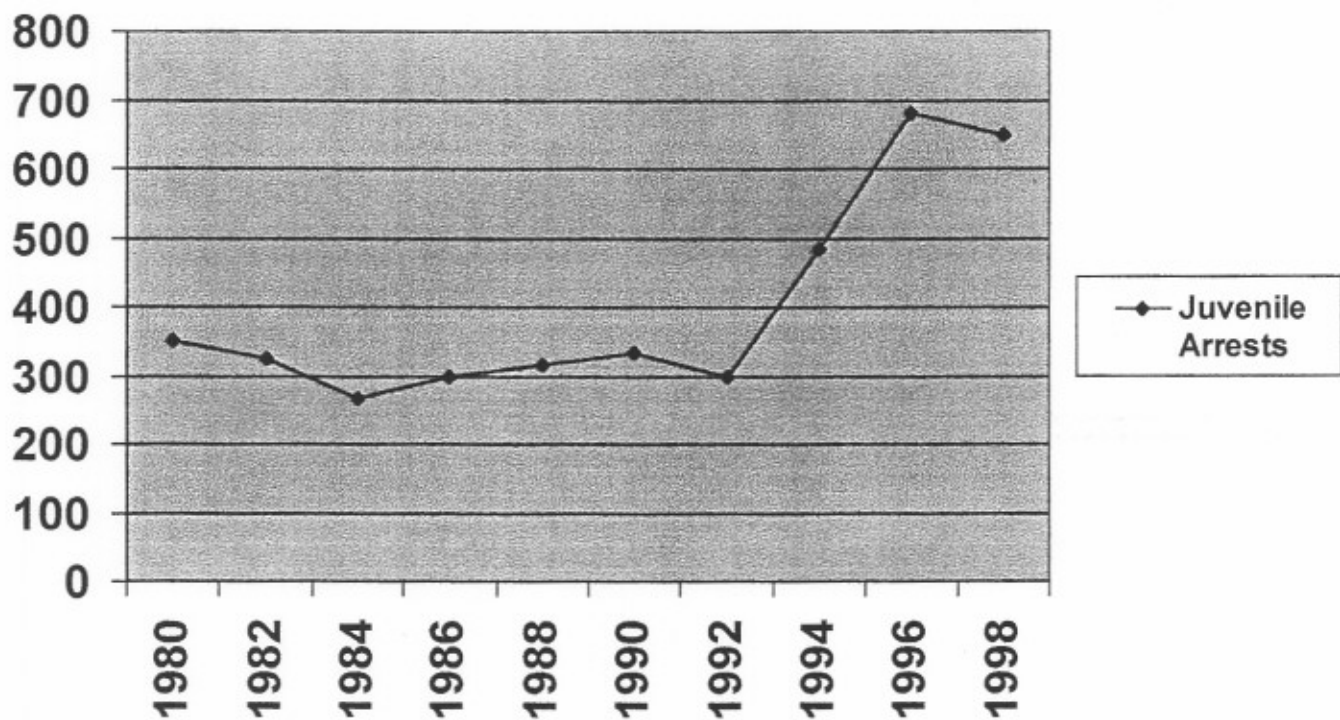


Figure 1. Juvenile Arrests 1980-1998. (Source: Analysis of arrest data from the FBI and population data from the U.S. Bureau of the Census) Diagram shows the increase form 1980 to 1998 of juvenile arrests in the United States. These arrests consist of juvenile curfews and loitering.

A three-year status report from the San Antonio Police Department youth curfew ordinance is illustrated on Figure 2.

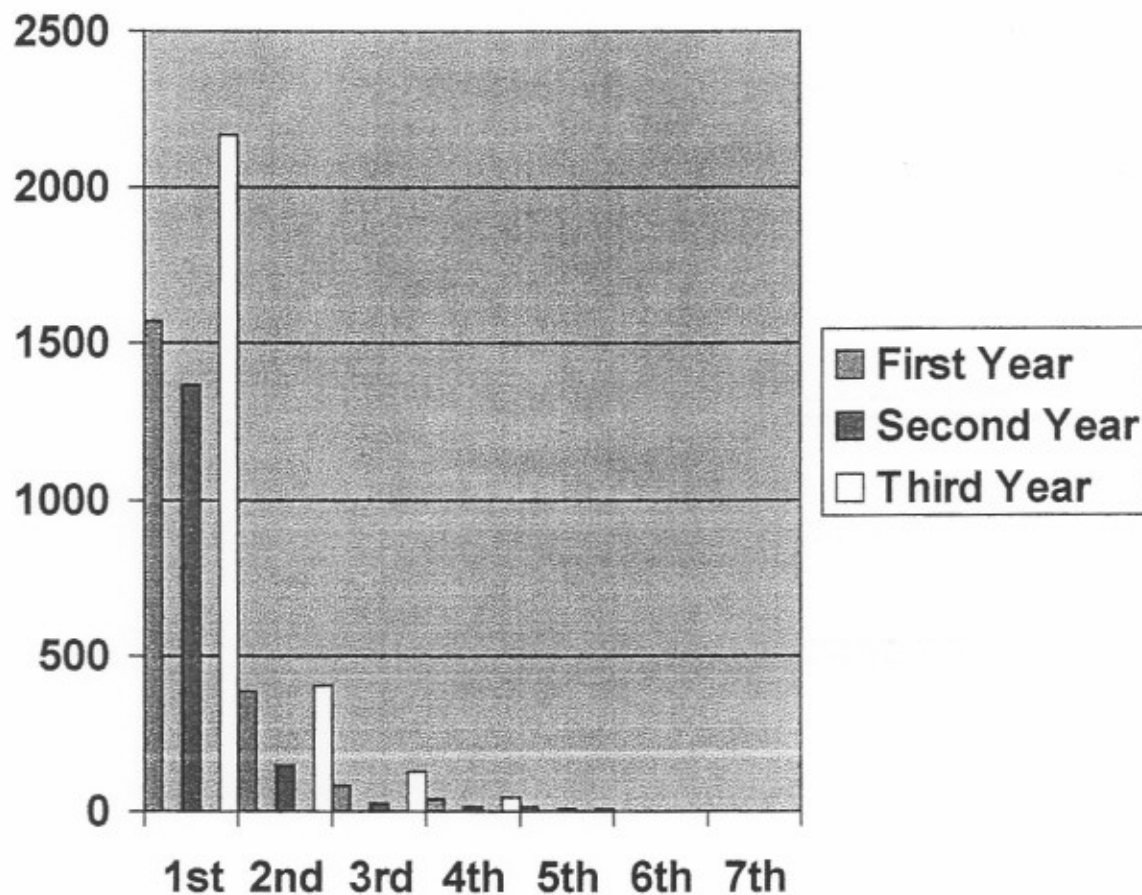


Figure 2. The San Antonio Police Department's nighttime youth curfew statistics are shown on the above diagram of curfew citation offenses from a three year study. The nighttime curfew was adopted in 1991 by the San Antonio city council.

Juvenile Crime statistics from the (Crime Analysis Unit) of the Odessa Police Department are presented in Figure 3.

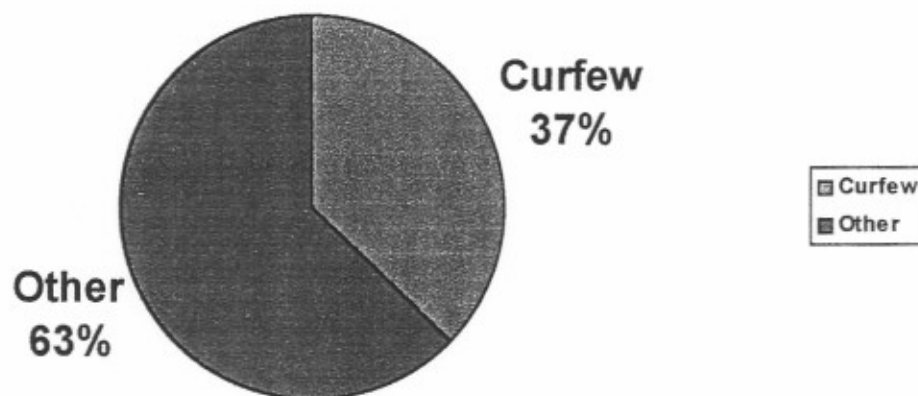


Figure 3. The statistics are from the Odessa Police Department (Crime Analysis Unit). The juvenile number of arrest for the year 2001 totaled to 1316. 490 are from juvenile curfew arrest, 826 are classified as other offenses.

Conclusions

Is the juvenile curfew a useful tool for law enforcement when dealing with juveniles out in the streets at certain hours of the night, or is it a burden and time consuming? Law enforcement officers benefit from a juvenile curfew ordinance and see it as an extra tool issued to him to better accomplish his duties as a police officer out on the streets. Law enforcement agencies will appreciate the juvenile curfew ordinance, as it will better help them in their investigations out on the streets when dealing with juveniles.

The research does support my hypothesis, as shown by my interview with Del Rio police officers, the officers were in favor of the juvenile curfew and stated it gave them probable cause to confront groups of youth that gather at certain places in town. In making contact with juveniles who are out on the streets during curfew hours, officers are able to identify these individuals. Any juvenile who is in violation of the juvenile curfew will be taken into custody.

Officers from the agencies surveyed in the questionnaire have stated that it has reduced their juvenile crime and have gotten used to the juvenile curfew along with their department. The use of the juvenile curfew is a useful tool for all law enforcement agencies, for the safety of our children out on the streets and our society.

The family code was created for the protection of the youth that were exposed to our judicial system because of their delinquency. Now, the family code has been rewritten and the protection of the juvenile is no longer the top priority, it has fallen to about third place in the listing of items pertaining to juveniles. Now on the family code is for the protection of society from the juvenile delinquent.

The juvenile curfew is here to stay. Any city or town that has a juvenile delinquent problem should implement a juvenile curfew to deal with juvenile delinquency. Society will benefit from it, including the parents, their children, and law enforcement agencies.

Although there are not many surveys done on how law enforcement and their agencies feel about the juvenile curfew and how it has effect them and their agency, this research has shown how some feel about it and learned from it. We live in a country where there is law, rules, and regulations that society lives by and without it, the world would be total chaos.

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APPENDIX I

DATE: May 9, 2001

Dear Juvenile Officer:

I am a Sergeant with the Del Rio Police Department. Currently, I am enrolled in the Law Enforcement Management Institute conducted out of Sam Houston State University. As a requirement for graduation, I must complete a comprehensive research paper. It is with this paper in mind, that I contact you and request your assistance.

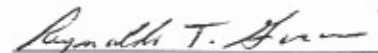
I am conducting my research paper on the effectiveness of *curfews* in controlling juvenile crime rates. The goal of this paper is to establish that curfews are as effective as intended to be in reducing juvenile crime and keeping our youth safe.

Could you inform me, if your jurisdiction has any type of curfew, either daytime or nighttime. If possible, could I receive your Agency's statistics for the previous year concerning juvenile curfew, both daytime and nighttime committed in your jurisdictions. Is the curfew working?

I realize that I am asking a lot, but this research paper will be available to anyone who wishes to use it, once it is completed. I thank you in advance for any assistance you may be able to provide.

Please mail the information requested to the Del Rio Police Department, Attention Sgt. R. T. Garcia, P.O. Box 4239 in Del Rio, Texas 78840, or Fax the information to (830) 774-8716.

Respectfully,



Reynaldo T. Garcia
C.I.D. Sergeant
Del Rio Police Department

APPENDIX II

DATE: June 28, 2001

Dear Juvenile Officer:

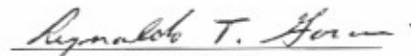
I am a Sergeant with the Del Rio Police Department. Currently, I am enrolled in the Law Enforcement Management Institute conducted out of Sam Houston State University. As a requirement for graduation, I must complete a comprehensive research paper. It is with this paper in mind, that I contact you and request your assistance.

I am conducting my research paper on offenses committed by juveniles. I am requesting **juvenile statistics**. These statistics should contain: the type of offense, date and time committed, from the previous year.

I realize that I am asking a lot, but this research paper will be available to anyone who wishes to use it, once it is completed. I thank you in advance for any assistance you may be able to provide.

Please mail the information requested to the Del Rio Police Department, Attention Sgt. R. T. Garcia, P.O. Box 4239 in Del Rio, Texas 78841, or Fax the information to (830) 774-8716.

Respectfully,


Reynaldo T. Garcia
C.I.D. Sergeant
Del Rio Police Department

APPENDIX III

Juvenile Curfew Questionnaire

1) Does your department have a juvenile curfew?

Yes _____ No _____

If no then skip to question 4.

2) If so what are the hours of your night curfew?

3) Are police officers releasing juveniles that are in violation of the curfew directly to their parents are to a designated youth site?

4) As a police officer how do you feel about the juvenile curfew?

5) Do you as a police officer feel that the juvenile curfew has reduced crime in your jurisdiction?

Yes _____ No _____

Please return to Sgt. Rey Garcia

Thanks