

THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS

Juvenile Curfews: Protecting Our
Richest Resource

A Policy Research Project
Submitted in Partial Fulfillment
of the Requirements for the Professional Designation
Graduate, Management Institute

by

Michael Nicoletti

Lacy Lakeview Police Department
Lacy Lakeview, Texas
January 25, 1999

698

TABLE OF CONTENTS

Section	Page
Abstract	
Introduction	1
Legal, Historical and Theoretical Context	2
Review of Literature or Practice	5
Discussion of Relevant Issues	8
Conclusion/Recommendations	11
Bibliography	

ABSTRACT

Juvenile crime is an important issue concerning police and the communities they serve. Juveniles are also becoming victims of crime at an alarming rate and programs must be initiated to curb this growing problem. The purpose of this research project is to examine the feasibility of creating and maintaining a juvenile curfew for night time hours and a day time curfew during school hours. Several agencies across the United States have enacted a curfew ordinance and most have had successful results.

The creation of a curfew is historically an old method that deals with today's issues. The Lacy Lakeview Police Department has been taking proactive measures in an effort to decrease the crime rate. After conducting research into the historical, legal, theoretical, practice, and relevant areas concerning curfews, the City of Lacy Lakeview adopted a day-time and night-time curfew to protect the children in the community.

A great deal of work went into research, educating the public and police employees, and implementing the program so it would have an impact on crime in the City and the ability to be a continuing plan for action. The public and police officers had to be sold on the curfew if the plan was to be successful.

The conclusion of this research and implementation indicates that the curfew is a successful tool that can be used by Law Enforcement and the community it serves in an effort to decrease the juvenile crime rate and the prevention of juveniles becoming victims of crime.

Introduction

Juvenile crime is constantly increasing throughout the United States. In addition to this troubling epidemic, juveniles are becoming victims of crime at an alarming pace. The State of Texas has not been immune to these problems.

Our children are our richest resources and yet, we have not taken enough steps to ensure the safety and potential futures of our juveniles. Many cities across Texas have adopted curfews to combat juvenile crime and for the protection of our children. According to William Ruefle and Kenneth Mike Reynolds in their article "Keep Them at Home: Juvenile Curfew Ordinances in 200 American Cities", which appeared in American Journal of Police, "Unlike curfews of the past, most 1990's curfews are in direct response to gun violence perpetrated by and on current teenagers" (67). Only a few cities have adopted both day-time and night-time curfews. Day curfews are an important tool because children must stay in school or risk violating the curfew law.

The City of Lacy Lakeview is moving forward to adopt both a day-time and night-time curfew ordinance. Beside the aforementioned benefits of this ordinance, Lacy Lakeview faces another potential problem; the City of Waco, McLennan County's largest municipality, has recently adopted a night-time curfew. As a neighboring City, Lacy Lakeview could potentially face an influx of juveniles entering the City to avoid curfew violations in other cities.

With research from various publications concerning Federal, State, and local statistics, the effects of curfews, and court opinions regarding the matter, the Lacy Lakeview Police Department hopes to develop an ordinance to deal with these juvenile issues. Through public hearings at City Council meetings, police hope to receive support

from Council members and citizens to develop and enforce curfews during designated day-time and night-time hours with the idea that crimes committed by juveniles and offenses committed toward our children will decrease.

Legal, Historical, and Theoretical Context

Juvenile curfews actually began in the 1890's and it was designed to assist in the parental supervision of children and protect them from bad influences (Ruefle 65). Due to the sometimes overwhelming number of broken homes and dysfunctional families, curfews can be an aid to single parents trying to cope with raising their children alone. As stated in the September 1994 Telemasp Bulletin, "Curfews give police the authority to approach and confront youth. Parents with little authority over their children may feel their authority reinforced by this type of ordinance. Forcing youth to stay home may place them in a better environment than the streets and enhance the family unit"(1). The enforcement of curfews can be a big advantage for parents trying to raise their children and avoid the pitfalls of the street environment.

Putting the theory of curfews as a benefit to society to the test is another issue. Juvenile Curfews sound like they can be advantageous to police and parents alike, but the question is, do they really work? The enforcement of a juvenile curfew is crucial in the determination of its possible benefits (Hunt 407). Obviously, if juvenile curfews are not enforced or if there is a relaxed enforcement of such an ordinance or law, then there will be very little benefit to the community.

There will be opposition by some of the efforts by police to enforce juvenile curfews. The Dallas Police Department was notified by the American Civil Liberties Union that if they tried to enforce a curfew, they would be challenged (Click 33).

One of the more startling statistics studied by the courts was the fact that between 1984 and 1993, adult arrests for violent crimes increased by 1.3% in the state of Texas, while juvenile arrests increased 47.4% during the same time period (Teske 138). It was very clear that the juvenile crime rate was rapidly increasing and creating a detrimental effect on the crime rate in Texas as well as the United States. The question about whether or not juveniles were becoming increasingly violent was finally answered.

Historically, one of the problems with juvenile curfews was the argument that "good kids" were being punished for the behavior of "bad kids". According to the article "Bill permitting juvenile curfews fall short in Senate", which appeared in the Houston Chronicle, the Texas State Senate fell short of allowing counties to adopt curfew ordinances because of this good kid/bad kid argument (Williams 13A). Although it is a compelling argument, the facts are that the concerns of law enforcement officials does not simply lie with the reduction of crime. They are also concerned with the safety of youth in their communities. Good kids can still be in the wrong place at the wrong time and can easily become a victim of crime. The focus of police is not just to punish the bad juvenile offenders; they want to protect children and enhance efforts by parents to supervise their kids.

The safety of our children far outweighs the argument that a curfew can infringe upon the rights of juveniles by limiting their freedom of movement, association, expression, and numerous other liberties. Although similar curfews have been struck down as unconstitutional when it applies to adults, the courts have upheld curfews involving children because their supervision can be more restrictive (Harvard Law Review 1163). Our children must realize that police agencies and parents are trying to protect their

welfare and it is not their intent to limit their activities in developing a life for themselves. It is the responsibility of the adults in our society to raise our children in a happy, healthy atmosphere just like it will become the responsibility of our children one day.

Historically, juvenile curfews were created to battle the juvenile crime rate in hopes that there would be a reduction in property crimes. According to William Ruefle and Kenneth Mike Reynolds in their article "Keep Them at Home: Juvenile Curfew Ordinances in 200 American Cities" which appeared in the American Journal of Police, "Unlike curfews of the past, most 1990s curfews are in direct response to gun violence perpetrated by and on urban teenagers"(67). Is there any doubt that the United States is the leader of the world in regards to gun violence? In 1990, gun related deaths in the U.S. was estimated at over 16,000 while our closest competitor, Canada, had a mere 57. Although curfews do not deal specifically with gun control issues, it does have the teeth to prevent our children from becoming violent offenders or falling prey as victims of violent crime.

Another legal argument that affected past curfews has been the concern over the rights of minorities. Some believe that minorities will be the primary targets of juvenile curfews as a means by racist America to keep them in check. With this in mind, curfews are watched with closer scrutiny and police agencies must demonstrate the need for a curfew to ensure that no abuses take place. According to the FBI, statistics for 1993 show that out of the 85,156 juveniles that were arrested for curfew violations in the United States, 79 percent were white offenders and 18 percent were black; 72 percent were male and 28 percent were female; and the largest age group arrested for curfew violations fell into the 15 and 16 year old group with 52 percent (Ruefle 69).

Clearly, minority groups need not be concerned that juvenile curfews will only affect them. Law enforcement agencies must maintain fair and equal enforcement and continue to monitor juvenile curfew enforcement efforts to ensure that abuses are not taking place.

Review of Literature or Practice

Several police agencies have initiated curfews in their communities with successful results. In 1993, the City of San Antonio, which has been bombarded with gang activity over the last several years, presented their curfew statistics for 1992 and 1993. Their findings concluded that the rate of juveniles becoming victims of crime dropped by a staggering 52 percent (Telemasp 1).

In the City of Phoenix, Arizona, curfew ordinances were amended and retooled and statistics showed that it had an impact on their gang activity as well with a decrease in youth crime (Garrett 29). The City of Phoenix has had major gang problems in recent years, therefore, the juvenile curfew seems to be making a dent in this area. In Wilmington, Delaware, the police studied the criminal activity for each night of the week. Armed with statistical information, they targeted certain nights to enforce their juvenile curfew and found that by giving warnings to first time offenders and a number of arrests for repeat offenders brought their crime rate for criminal mischief's down 9 percent and the rate for auto thefts down 20 percent (Pratcher 58).

The City of Little Rock, Arkansas, produced a curfew ordinance with the idea in mind that the parents of juveniles needed to be responsible for their children's activities. A second curfew violation committed by a youth would result in the parents facing charges

in Municipal Court and a third violation would find the parents facing the Department Of Human Services defending claims of their juvenile needing proper supervision (Nolan 59). This ordinance placed the supervision of juveniles with their parents and took pressure away from the police as the supervising authority.

The juvenile curfew in Long Beach, California, had been in place for many years. With escalating criminal activity involving youths, the ordinance was reworked to effectively deal with the juvenile activities of the 1900's (Ellis 57). The results have shown a decrease in juvenile crime related activity.

Modeled after the Phoenix, Arizona curfew, the City of Houston, Texas expanded their curfew ordinance to address juvenile related crime during the night-time and day-time hours. The day curfew was in effect during school hours to help with a growing truancy problem (Milling 33A). During the first weekend of enforcement, Houston Police processed twenty violators in their enhanced night-time curfew (Friedlieb 32A). Houston schools have started to notice a decrease in their truancy rate. A study conducted by Sam Houston State University in Texas found that at least one half of the 25 largest cities in the Lone Star State had juvenile curfews (Sauceda 1). Other cities, big and small, are conducting studies to determine whether or not juvenile curfew ordinances are needed in their communities.

The City of Lacy Lakeview began studying the feasibility of a curfew for our City of 4,500 in 1997. Lacy Lakeview is located in McLennan County which has a population of over 200,000. The City of Waco is the County seat and it borders Lacy Lakeview to the Northeast. The population of Waco is over 100,000.

In 1997, the Waco Police Department initiated both a day-time and night-time

curfew for juveniles. Although there seemed to be more support for the day-time curfew, the night curfew was passed by the Waco City Council.

One of the research articles found in the Houston Chronicle titled "Curfew plan cuts time, processing" written by T.J.Milling, cited a statement made by a Houston City Councilman that really caught my attention. The Councilman, Michael Yarbrough, said "There's an old African proverb that says it takes a whole village to raise a child. We need to start raising our children"(42A). This statement should be a reflection of how our children are raised in our communities. We should all be participating in the growth of our children and ensuring that they grow up in a safe and educational environment.

While conducting research in our own County, we found that Waco was not the only City that initiated a curfew. The City of Beverly Hills had a night-time curfew in place for the last five years. I interviewed Beverly Hills Police Chief James Hill and he stated that the curfew in their City had been a very successful project. They rarely had any type of juvenile related crime during the curfew hours.

Modeling our Ordinance after a combination of San Antonio's and Waco's , the City of Lacy Lakeview presented a night-time and day-time curfew Ordinance to the City Council. The City Council unanimously approved of the Ordinance and after two public readings, the City adopted it. There was no opposition to the Ordinance during either public hearing. To educate our citizens about the new juvenile curfew, we sent community service police officers to the various school campuses and presentations were made to students and teachers about the ordinance. We also created brochures that were passed out at schools, churches, and convenience stores for public access to the information. The Waco Tribune Herald published a series of articles about the ordinance and we received

television coverage from the three news agencies in McLennan County. Our goal was to educate the public as much as possible. Shortly thereafter, we found that other neighboring cities were exploring juvenile curfew ordinances for their communities.

Discussion of Relevant Issues

One of the discussions that developed over the juvenile curfew ordinance was the age group that would be affected by it. Connally High School has a combination of both an open and a closed campus. It is open for students sixteen years of age or older because most of them are eligible to drive. It is closed for the students under sixteen years of age because the majority of them are ineligible to drive. In researching our juvenile crime statistics, we found that nearly eighty-five percent of those crimes were committed by juveniles under the age of sixteen. We decided to aim our juvenile curfew at children fifteen years of age or younger. To make things less confusing, we adopted the same age group for the night-time ordinance.

We also studied the Texas Crime Clock for the years of 1995 and 1996 to determine if there was any significant downward trend in criminal activity. As stated in the 1995 "Texas Crime Report" published by the Department of Public Safety, we found that a violent crime occurred in Texas every four minutes and a property crime occurred every thirty-three seconds(13). In 1996, the "Texas Crime Report" stated the exact same statistical information (13). Although there has been encouraging signs of some crime rates decreasing in 1997, we did not have the State statistical data to see if there was, in fact, any declines in these areas.

We were concerned with the escalating truancy problem at Connally ISD. The City of Northcrest, who also borders our City, found that High School students were leaving campus to smoke and congregate in residential areas. This was causing a problem to their Police Department because drug activity and fights were taking place off school campus, but in many cases, the students were right across the street. Once Northcrest followed our lead and adopted the day-time curfew, students under sixteen years of age were not allowed to leave the campus and the ordinance eliminated the problem completely.

There was no extra cost factor with the implementation of our ordinance. We constantly have brochures developed that are designed to educate our citizens about police programs, safety tips, etc., and a brochure was developed to educate our community about the day-time and night-time curfews. Except for the use of manpower to work on the program, we had no other costs involved to implement the ordinance. Our curfew was placed into effect on November 1, 1997. At this time, we implemented other policies to assist the reduction of juvenile criminal activity.

The juvenile curfew ordinance was effective in our efforts to reduce the juvenile criminal activity. In the months of November and December of 1997, our juvenile arrest rate went down forty-two percent compared to that same time frame last year. We did not have a single juvenile victim of crime. Our officers reported that the streets were virtually a ghost town at night. Prior to the ordinance, our youth were out during all hours. We had virtually no graffiti and our drug arrests involving juveniles tapered off with a ten percent decrease compared to the same time frame in 1996. Overall, our property crime rate went down fifty-six percent and our violent crime rate went down a whopping seventy percent

compared to statistics from 1996. We were satisfied that the ordinance, at least thus far, was a resounding success.

There were several exceptions included in the curfew ordinance that would allow for flexibility and give youths the benefit of the doubt when being out after hours. These exceptions made the public feel more at ease with the adoption of the curfew. We received several comments from citizens who stated that if it were not for the exceptions, they probably would not have supported the curfew ordinance.

The primary exceptions are as follows:

A young person is permitted to be in public places during curfew hours if he or she is:

1. Accompanied by a parent, guardian or adult. A responsible adult is a person 18 years of age or older who had been designated in writing by a parent or guardian to have custody of a juvenile;
2. Running an errand for a parent or guardian and is traveling by direct route without making unnecessary stops or detours;
3. Traveling through Lacy Lakeview in a motor vehicle in interstate or intrastate travel;
4. Attending a school, religious, or government sponsored activity supervised by adults or traveling by direct route to or from the activity;
5. Working or going to or returning from work by direct route without making unnecessary stops or detours;
6. Involved in an emergency or errand made necessary by an emergency;
7. Standing on a sidewalk adjacent to their residence;

8. Other exceptions that may be applicable under extenuating circumstances.

The citizens of Lacy Lakeview realized that every effort was being made by the Police Department to ensure that their children would not be unnecessarily stopped or "harassed" for being involved in legitimate activities. The curfew was presented to decrease juvenile crime and prevent children from becoming victims. It was not presented to harass the children of the community.

Conclusion/Recommendations

The curfew ordinance puts the safety and well-being of Lacy Lakeview children in the hands of the community. Consequently, understanding the curfew ordinance is an important issue as well. Simply put, young people fifteen years of age or younger must be off the streets by midnight on Friday and Saturday nights and by 11:00 PM every other night of the week. The curfew also applies during school hours when school is in session. Teens are victims of crimes and theft at about twice the rate of the adult population, according to the 1996 Uniform Crime Reports of the United States (213-72). The curfew is just one way Lacy Lakeview is fostering a safe haven for the children in the community. The curfew affects everyone in the City. It affects homeowners, who may find a group of youth congregating near their house at 3:00 AM; it affects stores and restaurants with juveniles on the premises during curfew hours; and it affects churches, schools, and community groups which may plan supervised youth activities during curfew hours.

When a police officer suspects that a young person is in a place where he or she should not be during curfew hours, the officer will ask the juvenile his or her reason for being there. The officer will issue the young person a citation if there is reason to believe

that an offense has occurred. Violation of the curfew ordinance is a class C misdemeanor, which is equivalent to a traffic citation, and is punishable by a maximum fine of \$500.

Parents, guardians, and business operators are also held accountable for ensuring that juveniles comply with the curfew. Parents and guardians can be cited if they knowingly allow their children to be in a public place during curfew hours. If a child is cited, the police department or municipal court will send a letter to the parent or guardian stating that their child was found in violation of the curfew ordinance. Businesses can be cited if they permit young people fifteen years of age or younger on their premises during the curfew hours without adult supervision. If juveniles refuse to leave, employees have the responsibility to promptly notify the police department.

Juvenile crime is a growing issue that we cannot afford to ignore. Children are our richest resources and yet, police departments and communities have spent more time being reactive instead of proactive. The key to fighting crime is to initiate programs that will prevent crime from occurring. Simply responding to a call for service will not decrease the crime rate.

Police Officers must recognize that the curfew is a tool that can greatly enhance their crime prevention strategy. At the same time, the curfew can be used for protection of our children and provide for stable home environments throughout the community. With the success Lacy Lakeview has seen thus far, it looks like the curfew is here to stay.

BIBLIOGRAPHY

- "Assessing the Scope of Minors Fundamental Rights: Juvenile Curfews and the Constitution". Harvard Law Review Vol 18, Issue 12: 1163-81.
- City of San Antonio. San Antonio Curfew San Antonio, TX: 1996.
- City of Waco. Waco Curfew Waco, TX: 1997.
- Click, Chief Bennie R., Dallas Police Department, TX. "Statistics in Dallas Encouraging". The Police Chief December 1994: 33+.
- "Crime and Justice in Texas". Criminal Justice Center, Sam Houston State University 1995: 137-9.
- "Crime in Texas 1995". Texas Department of Public Safety 1995.
- "Crime in Texas 1996". Texas Department of Public Safety 1996.
- Ellis, Chief William C., Long Beach Police Department, CA. "Long Beach Juvenile Anti-Loitering Program Makes Impact". The Police Chief December, 1994: 57.
- Friedlieb, Linda. "Enhanced Curfew Program Nets 20 Violators". Houston Chronicle 6 Sept 1995: 32A.
- Garrett, Chief Dennis A. and Assistant Chief David Brewster, Phoenix Police Department, AZ. "It's 10pm...Do You Know Where Your Children Are?" The Police Chief December 1994: 29+.
- Hill, Chief James, Beverly Hills Police Department, TX. Personal Interview 13 Sept 1997.
- Hunt, A. Lee and Ken Weiner. "The Impact of Juvenile Offenses". Journal of Police Science and Administration March 1977: 4007-12.
- "Juvenile Curfew". TELEMASP Bulletin Sept 1994: 1-11.
- Milling, T. J. "Curfew Plan Cuts Time, Processing". Houston Chronicle 1 Sept 1995: 42A.
- Milling, T. J. "Lanier, Police Announce Revamped Curfew Program". Houston Chronicle 31 Aug 1995: 33-4A.
- Nolan, Chief William P., North Little Rock Police Department, AR. "Innovative Curfew Enforcement". The Police Chief December 1994: 59+.
- Pratcher, Chief Samuel D., Wilmington Department of Police, DE. "A Response to Juvenile Curfew Violations". The Police Chief

December 1994: 58+.

Ruefle, William and Kenneth Mike Reynolds. "Keep Them at Home: Juvenile Curfew Ordinances in 200 American Cities". American Journal of Police Jan 1996: 63+.

Sauceda, Arthur. "Curfew Research Done at SHSU". Houstonian 8 Dec 1994: 1+.

"Uniform Crime Reports for the United States 1996". Federal Bureau of Investigation U.S. Department of Justice 1996.

Williams, John. "Bill Permitting Juvenile Curfews Falls Short in Senate". Houston Chronicle 28 Feb 1995: 13A.