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JUSTICE LAB

The Curfew Myth

How a '90s panic spawned an anti-crime measure that doesn't make you safer.

By IVONNE ROMAN

Graphic by YOLANDA MARTINEZ

Justice Lab is a column that examines the science, social science and technology of criminal justice

It's a summer ritual in many American cities — declaring a juvenile curfew to keep troublemaking teenagers off the streets. This summer at least one city—Austin—has decided not to sound the alarm.

The Austin Police Department's assistant chief, Troy Gay, told The Marshall Project, "We looked at the evidence and decided it was time to discard the curfew law; it wasn't making an impact on juvenile victimization." The evidence was a report drafted by a consortium of community groups that banded together to challenge Austin's curfew law in 2017. Police Chief Brian Manley was persuaded, and asked the City Council to rescind the juvenile curfew law.

Juvenile curfew laws are ubiquitous and deeply entrenched. The Clinton Administration issued a report recommending the use of juvenile curfew laws to address the "rising juvenile delinquency and victimization rates" of the 1990s. By 2009, 84% of cities with populations greater than 180,000 had enacted curfew laws. They remain an alarmist staple in communities across the country.

"With summer in full swing, we want to remind our young people and their guardians that our city has a long-standing juvenile curfew," said East Orange, N.J., Mayor Ted R. Green. "Safety

continues to be our number one priority, and preventive measures such as a curfews are paramount during the months when school is out.”

“I really don’t understand why there is so much disdain or confusion for a curfew,” said Montgomery, Ala., Councilman Glen Pruitt, sponsor of a curfew ordinance. “I have a son who is 16 and his rear-end is in the house at 11 o'clock, 12 o'clock.”

A voluminous body of research has cast strong doubts on the claims that juvenile curfew laws prevent victimization or reduce juvenile crime, but these findings have received scant attention from policy makers or police.

A systematic review of research literature on juvenile curfew programs was published in 2016 by the Campbell Collaboration, a nonprofit that synthesizes research studies for policy-makers. Campbell examined over 7,000 studies on juvenile curfews and synthesized the 12 most rigorous studies. The report stated that, “evidence suggests that juvenile curfews are ineffective at reducing crime and victimization. The average effect on juvenile crime during curfew hours was slightly positive — that is a slight increase in crime — and close to zero for crime during all hours. Similarly, juvenile victimization also appeared unaffected by the imposition of a curfew ordinance.”

The Campbell findings followed a systematic review of juvenile curfew literature published in 2003 by the National Criminal Justice Reference Service. That review found that “empirical studies of the impact of curfew laws failed to support the argument that curfews reduce crime and criminal victimization.”

Why are juvenile curfew laws ineffective? For one thing, the studies found that they damage already-strained relationships between police and youth of color and in some instances have “blowback” effects, increasing juvenile victimization or overall crime.

Another factor is that on empty streets there are no witnesses. Urban activist Jane Jacobs theorized that well-populated streets are safe streets; deserted streets invite crime.

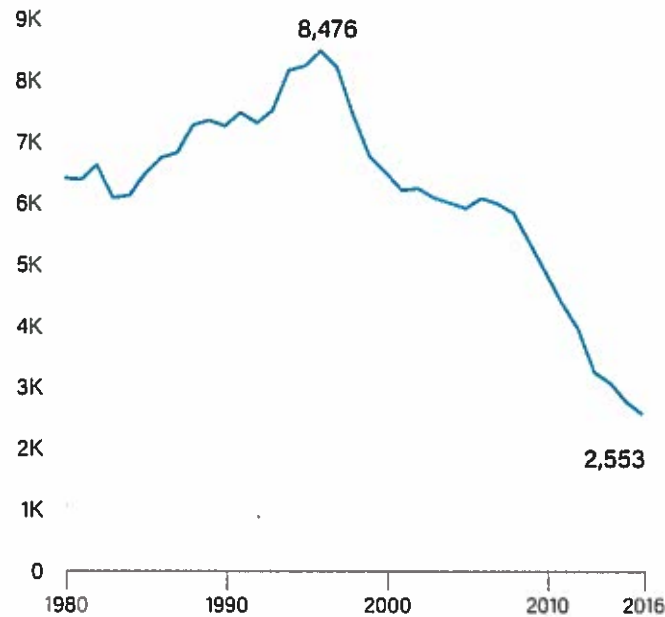
A study published in 2015 tested the effect of Washington D.C.’s juvenile curfew on gun violence. Using ShotSpotter audio sensor data, the authors found that gunfire incidents were significantly

more frequent when the curfew was in effect. Curfews remove bystanders and witnesses from the streets, reducing their deterrent effects on street crime.

Many argue that continuing curfew laws in the name of juvenile crime reduction is draconian, in light of actual crime data showing juveniles crime rates are at all-time lows.

Juvenile Crime Rates Decline

Arrest rates for 10- to 17-year-olds peaked at 8,476 per 100,000 people in 1996. Since then they have declined, reaching an all-time low in 2016, the last year data is available.



Source: Office of Juvenile Justice and Delinquency Prevention

Dr. Mike Males, Senior Research Fellow at the Center for Juvenile and Criminal Justice, told TMP that juveniles commit crime at rates lower than adults in their 40s or 50s, so “ignoring the juvenile crime rates and continuing to enforce curfew laws makes absolutely no sense. Juveniles are not predisposed to commit crime, they don’t have to be feared.”

Though juvenile curfew laws have existed for more than 100 years, their use soared in the

mid 1990s at the urging of the Clinton administration. The “tough-on-juvenile crime” stance was a product of Princeton Professor John DiIulio’s “super-predator” theory, which purported to find “evidence that juveniles are doing homicidal violence in wolf packs” and warned that unless decisive action was taken, the next 10 years may “unleash an army of young male predatory street criminals who will make even the leaders of the Bloods and Crips...look tame by comparison.”

Dilulio's article was published in November of 1995. The following January, then-First Lady Hillary Clinton advocated an organized effort to combat "gangs of kids," saying, "They are often the kinds of kids that are called 'super-predators' — no conscience, no empathy*.* We can talk about why they ended up that way, but first we have to bring them to heel."

The result of the "super-predator" hysteria was an abrupt shift in juvenile laws, light on rehabilitation and heavy on punishment, encouraging prosecutors to charge juveniles as adults and urging municipalities to enforce curfew laws.

It turned out the super-predator theory was terribly wrong. Juvenile crime in the late '80s and early '90s soared, fueled by the crack epidemic and, perhaps, the effects of lead poisoning on inner-city children. Dilulio had projected that short-term crime wave into the future, painting a crisis of apocalyptic proportions that never materialized.

Dilulio himself attempted to walk back his theory regarding the super-predator scare, explaining, "The super-predator idea was wrong. Once it was out there though, it was out there. There was no reeling it in."

Juvenile justice advocates and community groups have been working tirelessly to reverse "tough-on-juveniles" policies enacted in response to the super-predator theory. They have made some headway in reducing juvenile incarceration rates, with Dilulio himself signing an amicus brief in 2012, petitioning to end life sentences for juveniles.

The same can't be said for curfew laws. A Google search for "juvenile curfew law" produces scores of recent press releases and news articles on juvenile curfew law enforcement actions.

Males contends that police and politicians continue using curfew laws because "juveniles are a politically powerless population, so they are an easy group to target and blame for any crime concerns in an area."

Assistant Chief Gay says, "curfew was once a tool to address juvenile crime, but juvenile crime has gone down, a lot. I rather have my officers do something more productive with their time."

Morgan Craven is the director of the School-to-Prison Pipeline Project at Texas Appleseed, a nonprofit whose mission is to promote social and economic justice through the work of volunteer professionals. Craven says that curfew and truancy laws criminalize normal juvenile behavior,

unnecessarily introducing youth into the criminal justice system. "In Austin, curfew and truancy laws were Class C misdemeanors, which were heard in adult court, where youth had no right to guaranteed counsel and were forced to pay fines and fees." Craven added that Austin Police Department curfew citation data showed that children of color were disproportionately targeted for violations.

Denver's curfew program, enacted in 1994, requires reports twice a year to the city council, detailing ethnicities of youth cited for curfew violations. A local television investigation found that the police department reported that white teens received the vast majority of citations, when in reality most curfew citations were served on Hispanic youth.

Denver Deputy Police Chief Matt Murray chalked it up to "human error" saying, "There are areas of town where more kids tend to hang out and in places that are more dangerous or more susceptible to crime, and they are more likely to get contacted...we are not targeting Hispanic kids."

Gay, the assistant chief, acknowledged that the curfew can lead to profiling. "It turns into giving the officers an ability to stop youth at night, check them out, seeing what they are up to, but that in itself causes friction. We want our officers to make stops based on suspicious activity or a crime, not just stopping [youth] by arbitrarily judging someone's age."

In a May 2018 report, Dr. Rod Brunson, dean of the Rutgers School of Criminal Justice, found that police stops are applied highly unevenly, "consistently exposing youth of color to a wide range of harms." The report found that these discretionary encounters are initiated by police officers who are making "on-the-spot assessments of young people's proclivity for delinquency, prospects for rehabilitation, and overall moral character, ...with limited information, often falling back on racial and ethnic stereotypes."

Since the rescission of Austin's juvenile crime law, juvenile victimization has decreased by 12 percent, officials say. Though it may be too soon to draw conclusions, Gay says Austin's "youth aren't hiding from the police anymore, in places they weren't supposed to be. Now they can be in a public place and not fear the police, and maybe that makes everyone safer."

Ivonne Roman, a captain in the Newark (N.J.) Police Department, is a summer intern at The Marshall Project.

Correction: An earlier version of this story incorrectly classified what type of crime curfew violations fall under in Austin, Texas. They are Class C misdemeanors. The Center for Juvenile and Criminal Justice was also incorrectly named. And the piece misidentified the group of people who commit crimes at higher rates than juveniles, according to Dr. Mike Males. It is adults in their 40s and 50s, not just men. The story has been updated to reflect these changes. lll