

Juvenile Curfews: Are they an Effective and Constitutional Means of Combating Juvenile Violence?

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Curfew ordinances have become a popular way to attempt to combat juvenile crime and victimization. Although the Supreme Court has yet to hear a curfew case, several constitutional challenges have been brought in lower federal courts. The cases are replete with psychological assumptions for which there is limited empirical evidence. In applying the “strict scrutiny” standard, several courts have also questioned whether juvenile curfews are narrowly tailored to further the State’s interest in reducing juvenile crime and victimization. While public opinion and reports from several police jurisdictions support the utility of juvenile curfews, recent empirical studies indicate that curfews are not effective at reducing juvenile offending or victimization. This paper argues that the emerging evidence does not support the use of juvenile curfews and urges policy makers and the courts to examine the efficacy of curfew legislation. Directions for future research that could be helpful to the courts in applying the Bellotti factors to curfew cases are also suggested. Copyright © 2001 John Wiley & Sons, Ltd.

In response to public perceptions of a serious juvenile crime problem, municipal curfew ordinances have become an increasingly popular way to attempt to combat juvenile crime and victimization. While the media spotlight certainly exaggerates the reality, there is no doubt that violence by and against youths is an enormous social problem. Nearly one in six of all violent crime arrests in 1997 involved a juvenile under 18 years of age (FBI, 1997). Arrest rates for violent crimes among juveniles increased 49% between 1988 and 1997, compared with an increase of 19% among persons 18 years of age and over. However, recent data suggest that juvenile arrests for murder and other violent crimes may have peaked in 1994 (Sickmund, Snyder, & Poe-Yamagata, 1997). During the five year period between 1994 and 1998, there has been a 19.2% decrease in the juvenile arrest rate for violent crimes (FBI, 1999).

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The author would like to thank Dick Reppucci, Elizabeth Scott, and two anonymous reviewers for their thoughtful comments on earlier drafts of this paper.

Municipal curfew ordinances aimed at juveniles are an approach to crime control that is consistent with the get-tough mentality that has characterized the reformation of the juvenile justice system over the past two decades. Curfews are one of a family of local ordinances, similar to loitering, vagrancy, and gang suppression laws, that attempt to prevent crime by giving police a legitimate reason to approach suspicious looking groups or individuals. Juvenile curfew ordinances have become increasingly popular in American cities throughout the 1990s (Ruefle & Reynolds, 1995). As of 1995, curfew ordinances existed in 59 (77%) out of 77 American cities with populations of at least 200,000. Of the 59 major cities that had curfews nearly half (44%) were enacted during the first half of the 1990s. In addition, there were 12 major cities that revised long-standing curfew ordinances during the same time period (Ruefle & Reynolds, 1995). According to a 1997 survey of mayors from 347 cities with populations over 30,000, curfew ordinances are being used in four out of five cities, suggesting they are just as popular in small cities (U.S. Conference of Mayors, 1997).

This paper begins with a brief history of the use of curfew ordinances, along with a summary of their function and typical format. The second part examines the constitutional challenges to juvenile curfews and discusses the use of statistics in evaluating those challenges. Then the paper explores the psychological assumptions made by the courts. The fourth section reviews the empirical evidence as to the effectiveness of curfews. The paper concludes with suggestions for future research and an argument against the use of juvenile curfews based on recent empirical studies.

THE HISTORY OF CURFEW ORDINANCES

Curfews were first used in medieval Europe, when the ringing of a bell indicated that fires were to be extinguished for the evening. The intent of the original curfews, stemming from fears that homes made from wood might catch fire in the middle of the night, bears little resemblance to the intentions of modern curfews. The first modern juvenile curfew ordinance in the United States was enacted in Omaha, Nebraska in 1880 (Schwartz, 1985). Juvenile curfews gained popularity in the early 1900s. They were primarily instituted to “curb unwholesome juvenile activity,” which was thought to stem from a lack of parental responsibility among immigrants. The use of curfews decreased between World War I and World War II, but increased in response to the war’s displacement of parents overseas (Siebert, 1995). As the juvenile crime rate rose through the 1950s, 1960s, and early 1970s, legislatures continued to adopt nocturnal juvenile curfews (Marketos, 1995). Yet, during the 1980s there was only one major city that enacted a curfew, corresponding with a stable juvenile crime rate between the late 1970s and the late 1980s (Ruefle & Reynolds, 1995). The rise in juvenile crime beginning in the late 1980s and continuing through the early 1990s preceded a wave of new curfew ordinances in 44% of major American cities (Ruefle & Reynolds, 1995).

Function and Form of Modern Juvenile Curfew Ordinances

Although not stated explicitly, curfew laws attempt to reduce juveniles’ opportunities to learn and commit illegal acts by decreasing the amount of time they spend

without adult supervision and keeping them off the streets during nighttime hours (Reynolds, Seydlitz, & Jenkins, 2000). It is also presumed that the opportunity to be a victim of a crime is reduced by the restrictions of juvenile curfew laws.

Curfew ordinances generally follow the same basic format. They begin with a statement of the purpose of the curfew. The purpose commonly is to reduce juvenile crime, protect juveniles from crime, protect juveniles from improper influences and help parents control their children (Marketos, 1995). The statement of purpose is followed by definitions of terms and an explanation of restricted activities, outlining the hours, ages, and activities that are restricted by the curfew. While the statement of purpose and the definitions of terms do not vary widely between municipalities, the curfew parameters are quite variable. The most straightforward curfew ordinances apply to one age group and have the same curfew hours every night. The more complicated ordinances have different curfew hours based on age, day of the week, and time of the year. An additional, and controversial, parameter is geographically specific curfews, which generally apply to high-crime areas of a city (Ruefle & Reynolds, 1995).

Enforcement proceedings generally follow the explanation of restricted activities. Although not universal, typical sanctions progress in the following manner. The first offense results in a warning to the juvenile and a notification to the parents. The second offense results in an appearance at juvenile court, where fines, community-service hours, or referral to counseling are possible outcomes. The third and successive offenses generally result in a fine, community service, counseling, or probation. In most cities formal legal action against the parents, including fines up to \$500 or mandated community service, is taken at the third offense (Ruefle & Reynolds, 1995; Snyder & Sickmund, 1995).

The final element fundamental to a curfew ordinance is a list of exceptions, which is necessary to counter constitutional challenges. A youth is generally exempt from curfew regulations if he or she is (a) accompanied by a parent, (b) on an errand at the parent or guardian's direction without any detour or stop, (c) involved in interstate travel, (d) engaged in employment activity, or going to, or returning home from, an employment activity, (e) involved in an emergency, (f) on the sidewalk in front of the minor's house, (g) attending an official school, religious, or other similarly supervised activity, or (h) exercising First Amendment rights under the United States Constitution.

CONSTITUTIONAL CHALLENGES

Although the Supreme Court has denied certiorari in three curfew cases (*Bykofsky v. Borough of Middletown*, 1975; *Qutb v. Strauss*, 1993; *Schleifer v. City of Charlottesville*, 1998), several lower federal courts have dealt directly with the issue of juvenile curfews. At least nine significant cases challenging the constitutionality of non-emergency municipal curfew ordinances have been heard in federal courts. Juvenile curfews have been challenged primarily on the grounds that they violate juveniles 14th Amendment rights to equal protection and due process by restricting their freedom of movement and their constitutional rights under the First Amendment. Juvenile curfew ordinances have also been challenged based on Ninth Amendment

violations of privacy and family autonomy, as well as contentions that they are overbroad or vague.

Fourteenth Amendment Challenges

To determine whether a curfew ordinance violates juveniles' rights to equal protection and due process under the 14th Amendment the court must first decide which standard of review is required. When a fundamental right is affected and individual liberties are threatened the court requires a closer analysis (Hemmens & Bennett, 1999). The first step in determining the appropriate standard of review is deciding whether the ordinance impinges on a fundamental right. Nearly every court deciding on a curfew case has concluded that curfews limit several fundamental rights, including the rights to assembly, association, and freedom of movement.

However, if the court does not find that a fundamental right is implicated, the court employs the rational basis standard, which is the lowest level of scrutiny. Under rational basis the curfew need only be rationally related to the goal of reducing juvenile crime and victimization. Few courts have employed the rational basis standard, but, because this is a relatively low standard, those that have used it have found the curfew to be constitutional (e.g., *Hutchins v. District of Columbia*, 1999; *Bykofsky v. Borough of Middletown*, 1975).

If the court finds that a fundamental right is implicated, a higher level of scrutiny is required. At this point the court must determine whether the right is subject to greater curtailment when applied to juveniles. The Supreme Court has repeatedly found that states and municipalities may place restrictions on the constitutional rights of juveniles that would be unconstitutional if applied to adults (see, e.g., *Ginsberg v. New York*, 1968; *McKeiver v. Pennsylvania*, 1971; *Bellotti v. Baird*, 1979). Accordingly, curfews and similar vagrancy statutes have been found to be unconstitutional when applied to adults except in exigent circumstances (see, e.g., *Papachristou v. City of Jacksonville*, 1972; *Smith v. Avino*, 1996). Courts have most often turned to *Bellotti v. Baird* (1979) to help determine the scope of minors' rights. In *Bellotti*, the Supreme Court provided a three-part rationale for why juveniles' rights might be treated as less robust than adults' rights. The Court identified three reasons why the state might be able to treat the rights of minors differently from rights of adults, including the peculiar vulnerability of children, children's inability to make critical decisions in an informed, mature manner, and the importance of protecting the parental role in child-rearing. The *Bellotti* decision establishes the guidelines to assess the balance between the state's interest and the interest of the minor when determining whether the state's interest is compelling. The following section will highlight each of the three *Bellotti* factors as they relate to curfew.

The Particular Vulnerability of Children

In *Bellotti*, the Court decided that one reason to treat children's rights differently from adults' rights is the peculiar vulnerability of children. The Court said that

“viewed together our cases show that although children generally are protected by the same constitutional guarantees against government deprivation as are adults, the state is entitled to adjust its legal system to account for children’s vulnerability and their needs for concern, sympathy and paternal attention” (p. 634). Federal courts ruling on curfew cases have come to inconsistent conclusions when assessing the particular vulnerability of children. In *Waters v. Barry* (1989), the court concluded that, because crime posed a similar risk to adults and minors, a minor’s rights deserved the same treatment as the rights of an adult. The court in *Hutchins* (1999) disagreed, stating that “juvenile curfews arise in a context in which children are more vulnerable than adults” (p. 809). It is evident from the conclusions reached by the federal courts that differing interpretations of the Supreme Court opinion in *Bellotti* have resulted in a lack of consistency on rulings regarding the particular vulnerability of children.

The Ability of Minors to Make Rational, Informed Decisions

The second reason outlined in *Bellotti* for treating the rights of minors differently from the rights of adults is minors’ inability to make decisions in a mature and informed manner. In *Bellotti*, the Supreme Court made the assumption that minors are immature and inexperienced, which affects their abilities to make rational, informed decisions. As stated by the court,

the states validly may limit the freedom of children to choose for themselves in the making of important, affirmative choices with potentially serious consequences. These rulings have been grounded in the recognition that, during the formative years of childhood and adolescence, minors often lack the experience, perspective and judgment to recognize and avoid choices that could be detrimental to them (p. 411).

Some courts have recognized the lack of congruency between the types of decision required in abortion contexts compared with curfew contexts. The court in *Waters* (1989) stated that, “the decision to either stay inside or roam at night simply does not present the type of profound decision which *Bellotti* would leave to the state” (p. 1137). However, in *McColleston v. City of Keene* (1984), the court found that “there may be occasions when the decision to go out during the curfew hours is critical to the minor in order that they avoid choices that could be detrimental to them” (p. 1051). The court therefore found that a minor’s right to free movement did not deserve the same protection as an adult’s right to free movement. Similar to rulings on the vulnerability of children, courts assessing the decision-making ability of minors on curfew issues have come to inconsistent conclusions.

Support of Parental Role by the State

The third reason given by the *Bellotti* court for giving differential treatment to the rights of children and adults is the need to preserve a guiding role for parents in the upbringing of their children. The Supreme Court describes the third factor as follows: “Legal restrictions on minors, especially those supportive of the parental role, may be important to the child’s chances for the full growth and maturity that

make eventual participation in a free society meaningful and rewarding” (p. 638). Many plaintiffs in legal curfew battles have argued that, instead of helping parents to control their children, curfew ordinances violate parents’ Ninth Amendment right to privacy, which includes their rights to raise their children in the manner they see fit. Parents’ rights to raise their children without undue governmental interference is evident in the long line of cases establishing that child-rearing is the job of parents (see, e.g., *Wisconsin v. Yoder*, 1972; *Ginsberg*, 1968; *Pierce v. Society of Sisters*, 1925). However, the federal courts have not reached a consensus as to whether curfew ordinances present an undue intrusion on parents’ rights. In *Qutb* (1993), the court was convinced that the Dallas curfew ordinance presented only a minimal intrusion on parents’ rights. Similarly, in *Hutchins* (1999), the court found that parents’ due process rights were not implicated because they only apply to “intimate family decisions” and do not extend to “allowing children on the streets at night” (p. 540). In contrast, the court in *Nunez v. City of San Diego* (1997) decided that the San Diego curfew ordinance did not meet the required circumstances whereby the state could usurp the parental role, stating that the ordinance was “an exercise in sweeping state control irrespective of parents’ wishes” (p. 952). Similar to the *Nunez* court, the *Waters* court said that “rather than furthering the parental role in child-rearing, the court views the act as frustrating the parental role in the vast majority of the district’s families” (p. 1137). Under examination by courts ruling on curfew issues, the third *Bellotti* factor – the importance of parental control in child rearing – has met with mixed decisions.

If, after considering the rationale outlined in the *Bellotti* decision, the court determines that juveniles’ rights are equal in importance to adults’ rights, strict scrutiny is required. To pass the strict scrutiny test, the state must prove it has a compelling interest in restricting the rights of minors and that the law is narrowly tailored to advance that interest. If a strict scrutiny test is employed, it is more difficult for a curfew ordinance to survive a constitutional challenge (Hemmens & Bennett, 1999). In those cases that have required a strict scrutiny test the courts have found that the state does have a compelling interest in reducing juvenile crime and victimization (e.g., *Qutb*, 1993; *Waters*, 1989). Where the courts have diverged is on their rulings as to whether the curfew ordinances are narrowly tailored to further that interest (e.g., narrowly tailored: *Qutb*, 1993; not narrowly tailored: *Nunez*, 1997; *Waters*, 1989).

Several federal courts have used a third, intermediate standard of review that requires the curfew ordinance to be substantially related to important governmental objectives (see, e.g., *Schleifer*, 1998). The intermediate standard is generally used when the court finds that a fundamental right is implicated, but, when applied to juveniles, the right can be subjected to greater curtailment. The use of the intermediate standard is supported by a long line of Supreme Court decisions that have made it clear that minors’ rights are not coextensive with those of adults (see, e.g., *Ginsberg*, 1968; *Prince, v. Massachusetts*, 1944). If the court selects the intermediate standard as the appropriate level of judicial scrutiny and the state is able to demonstrate that the ordinance is substantially related to important governmental objectives, then the court must decide whether the ordinance provides a meaningful step toward solving a real problem. Although intermediate scrutiny is a tougher standard than the rational basis test, the only court to use intermediate scrutiny was *Schleifer* (1998), which upheld the Charlottesville curfew. In addition,

six of the eleven judges who decided on the *Hutchins* (1999) case believed that the intermediate standard should have been used. Of the six, five voted to uphold the curfew under the intermediate standard. Therefore, even though the intermediate standard provides more protection for juveniles' rights than the rational basis standard, in practice there may be little difference in how the standards are evaluated and the outcomes of the cases.

The Use of Statistical Evidence in Applying Standards of Review

Courts have often been reluctant to use statistics from the social sciences in making their decisions. A quote from a 1976 Supreme Court decision illustrates the cynical atmosphere in which the decision to use statistics regarding curfew efficacy is made: "It is unrealistic to expect either members of the judiciary or state officials to be well versed in the rigors of experimental or statistical technique. But this merely illustrates that proving broad sociological propositions by statistics is a dubious business" (*Craig v. Boren*, 1976, p. 204). A similar reluctance to rely on efficacy statistics is evident in the federal courts hearing challenges to curfew ordinances. A few examples from recent curfew cases will demonstrate that, even when applying the strict scrutiny standard, proof of a curfew's effectiveness is not required.

In *Qutb* (1993), the Dallas curfew was upheld under the strict scrutiny standard because the court found that the ordinance was narrowly tailored to advance a governmental interest. The Fifth Circuit court explained that "to be narrowly tailored there must be a nexus between the stated government interest and the classification created by the ordinance. This test ensures that the means chosen 'fit' this compelling goal so closely that there is little or no possibility that the motive for the classification was illegitimate" (pp. 492–493). The court cited specific crime statistics presented by the city that focused on the number of juvenile arrests and the times that certain crimes were most likely to occur. However, the court decided that for the ordinance to be narrowly tailored, it was not necessary to have precise figures on the amount of juvenile crime occurring during the parameters outlined in the curfew ordinance. The court also noted that, by including the exceptions in the curfew ordinance, the city enacted a sufficiently narrow ordinance allowing the city to meet its stated goals while still respecting the rights of minors. In response to arguments that the city did not produce proof of the effectiveness of juvenile curfew ordinances, the court deemed that "such 'proof' can hardly amount to more than mere speculation" and that "federal courts have always been reluctant to question the potential effectiveness of legislative remedies designed to address societal problems" (p. 493). By refusing to consider the effectiveness of curfews, emphasizing the exceptions to the ordinance and accepting general juvenile crime statistics without concern for whether these crimes occurred during the curfew hours, the *Qutb* (1993) court found the ordinance to be narrowly tailored (Marketos, 1995).

The reluctance of courts to rely on local crime statistics to satisfy the connection between juvenile curfew ordinances and reductions in juvenile crime and victimization during curfew hours is noteworthy. Although the *Nunez* (1997) court selected strict scrutiny as the appropriate standard of review and concluded that the

San Diego curfew was unconstitutional, the court focused on the lack of exceptions rather than the connection between the curfew ordinance and the proffered statistics (Chudy, 2000). The Fourth Circuit court in *Schleifer* (1998) also indicated a reluctance to rely on statistics to determine the constitutionality of the Charlottesville juvenile curfew. The court used intermediate scrutiny and determined that the curfew was shown to be a meaningful step towards solving the juvenile crime problem. The court went on to say that the standard “has never required scientific or statistical proof of the wisdom of the legislature’s chosen course” (p. 849).

The *Waters* (1989) court determined that the crime statistics failed to establish a link between the patterns of juvenile crime and the parameters of the ordinance, but the crime statistics were not the primary argument on which the failure of the curfew ordinance to pass constitutional muster were based. In determining whether the ordinance was narrowly tailored, the court found the curfew ordinance to be theoretically, rather than statistically, ineffective. The court stated that

In order to reasonably effectuate its ends, the Act must correctly assume that those juveniles who currently leave their homes at night to engage in drug trafficking, or other illegal, violent behavior, will be deterred from doing so by the existence of a curfew law. The naivete of such an assumption is striking. Virtually everything that the Act seeks to thwart – violence, trade in narcotics – is already illegal, and carries sanctions far more painful than a night of detention. Logic thus suggests that the only juveniles for whom the Act will likely have meaning will be those already inclined to obey the law (p. 1138).

In determining the unconstitutionality of the curfew ordinance, the *Waters* (1989) court focused on those factors that rendered the ordinance overbroad and not narrowly tailored. In addition to the ineffectiveness of the curfew and the lack of sufficient crime statistics, the court focused on which activities the ordinance restricted, rather than which activities were exempted, and found the ordinance unconstitutional.

Vagueness and Overbreadth Challenges

A curfew ordinance is ruled void for vagueness if the court determines that it is so ambiguous that reasonable people cannot distinguish conduct permitted by the ordinance from conduct prohibited by the ordinance. The vagueness doctrine exists to ensure that the public is able to understand and comply with the law, and to prevent arbitrary and discriminatory enforcement (Siebert, 1995).

Vagueness challenges often focus on the language in the definition section of an ordinance. In *Bykofsky* (1975), the court upheld the curfew ordinance, but required that the ordinance be modified to make it clearer before resuming curfew enforcement. In response to constitutional challenges centered on the concepts of vagueness and overbreadth, many cities with curfew ordinances drafted before the 1990s have recently revised their ordinances. Most of the revisions involve clarifying the parameters of the curfew and adding exceptions. There have been articles written specifically to guide municipalities in drafting a curfew ordinance that is most likely to be upheld in the face of constitutional challenges (Crowell, 1996).

PSYCHOLOGICAL ASSUMPTIONS AND IMPLICATIONS

The legal arguments on both sides of the juvenile curfew issue are riddled with psychological assumptions and implications. Deciding whether a fundamental right is implicated by a curfew ordinance is a decision that cannot be aided by empirical evidence from the social sciences. However, the decision regarding the extent to which those rights can be treated differently when applied to minors may be an area where psychology can be helpful to the courts. In applying the *Bellotti* rationale to curfew decisions, courts are faced with numerous psychological assumptions focusing on the immaturity and vulnerability of minors and the effects of curfew ordinances on parental autonomy and family privacy. Psychological studies may be helpful in helping judges decide whether the *Bellotti* factors are applicable and meaningful in a curfew context. Another area where the social sciences could have an impact is in providing effectiveness data to help courts decide whether curfews are “narrowly tailored” or “substantially related” to important governmental objectives.

Psychology and the Bellotti Rationale

Looking at both the stated purpose of curfews and the legal arguments used to uphold curfew ordinances, it is evident that adolescents are assumed to be immature, irrational, decision-makers, who need to be protected from improper influences. However, based on psychological theory and research, the competence of adolescents is dependent on the type of decision and the context in which the decision is made (Weithorn, 1984). Although the psychological debate about the ability of adolescents to make rational, mature decisions is not decided, the courts ruling on the constitutionality of curfew cases often presume adolescents to be incompetent decision-makers. The ability of adolescents to make decisions in the context of curfew has not been studied, but there is substantial research suggesting that by midadolescence, minors are indistinguishable from adults in their decision-making capacities (Melton, 1984; Interdivisional Committee on Adolescent Abortion, 1982). However, developmental theories of adolescent judgment suggest that there may be several psychosocial characteristics that have not been adequately considered in studies of adolescent decision-making (Scott, Reppucci, & Woolard, 1995; Steinberg & Cauffman, 1996). These commentators suggest that susceptibility to peer influence, impulsiveness, perception of risk, and a tendency to focus on immediate rather than long term consequences, are some of the psychosocial factors that may cause adolescents to exercise immature judgment in decision making. Curfews could help keep adolescents out of high risk situations, in which adolescents act under the influence of their peers without giving much thought as to the consequences of their behavior. Current research on adolescent psychosocial maturity and judgment in criminal decision making could aid policy makers and judges in determining how well the *Bellotti* factors apply to adolescents' decisions regarding involvement in illegal or risky activities (Cauffman & Steinberg, 2000;

Fried & Reppucci, 2001). Both studies suggest that adolescent antisocial and criminal decision-making is influenced by immaturity in psychosocial development.

On the other hand, it is also possible that curfews inhibit the development of mature judgment in decision-making, by limiting decision-making opportunities. One of the arguments in opposition to juvenile curfews is that they restrict adolescent autonomy and, therefore, stifle development. While there are no data on the impact of curfews on adolescent autonomy and development, it has been found that personal discretion in decision-making has developmental significance among adolescents (Owens, Mortimer & Finch, 1996). Researchers have found that autonomy is also a source of self-esteem and a sense of competence (Franks & Marolla, 1976; Gecas & Schwalbe, 1983; Mortimer, Finch & Kumka, 1982). Optimal developmental outcomes result from an environment that gradually reduces adult control as an adolescent's desire for autonomy increases (Eccles *et al.*, 1991). Curfews, which restrict youths' personal discretion and autonomy, may have developmental implications, which could conceivably affect an entire generation of adolescents in communities with curfew ordinances.

In applying the *Bellotti* rationale, several federal courts have made the assumption that curfews facilitate parental responsibility and help to enforce parents' role in child rearing. In contrast to parental authority, which allows for personal differences in development and responsibility, state control disregards personal differences and restricts the activities of an entire class of citizens. The assumption is that parents are not capable of protecting their children from improper influences without the assistance of the state. There is no empirical research on the impact of curfews on the control that parents have over their children. However, the overwhelming public support of juvenile curfews suggests that many parents of children affected by the ordinances may be in favor of curfews. Without research targeting parents of affected juveniles, it is impossible to determine if parents agree that curfews help to facilitate their role in child rearing.

EFFICACY OF JUVENILE CURFEWS

Even though the courts are not consistent in their willingness to use research on effectiveness in determining whether or not a curfew ordinance is narrowly tailored, both policy makers and the public, who have looked favorably on curfews in the 1990s, are likely to be concerned with the efficacy of curfews in reducing juvenile crime and victimization. The public is overwhelmingly in support of juvenile curfews. Ninety-two percent of citizens supported a Cincinnati curfew and 77% of residents supported a District of Columbia curfew (Crowell, 1996). Mayors and police departments also espouse very favorable opinions of curfew ordinances. A recent mayoral poll found that 88% of mayors believe that curfew enforcement helps to make streets safer for residents (U.S. Conference of Mayors, 1997). Self-reports from police departments indicate that curfews are effective in reducing juvenile crime and victimization. As reported by LeBoeuf (1996), Dallas, Phoenix, and New Orleans are among the cities that have considered their curfew program to be responsible for changes in crime rates. For example, in the first three months of the Dallas curfew, juvenile victimization dropped 17.7% and juvenile arrests dropped

14.6% during curfew hours, while in Phoenix, there was a 10% drop in juvenile arrests for violent crimes in the 11 months after the program started. In New Orleans there was a 27% reduction in juvenile crime during curfew hours in the first year of the curfew program.

Until recently, very little efficacy research on juvenile curfews was available. The only study published prior to 1999 was a study of the effects of a Detroit curfew on crime levels and the times that crimes were committed (Hunt & Weiner, 1977). The authors found that juvenile crime rates dropped during curfew hours, but that reductions in late night crime were accompanied by increases in crime rates during the afternoon hours. Compelling evidence of the inefficacy of curfews in reducing juvenile crime and victimization comes from three studies published since 1999. First, Males and Macallair (1999) used a sample of California counties to examine the relationship between curfew arrests and other juvenile arrests. The authors used bivariate analyses to examine panel data covering a 17-year period, from 1980 to 1997, and concluded that changes in curfew law enforcement were not related to changes in arrest rates for other juvenile crimes. Results from another statewide study that used an interrupted time series analysis to analyze data from four Texas cities should be available in the near future. Preliminary findings suggest that there is very little noticeable effect of curfew on arrest statistics over a 12-year period (Adams, K., personal communication, 17 May, 2000).

Reynolds, *et al.* (2000) conducted an evaluation of the New Orleans curfew and determined that it was not effective in reducing either juvenile offending or victimization. The New Orleans curfew is one of the most restrictive juvenile curfew laws and is unique in that it provides no legal punishment to minors. Instead, parents are held legally responsible and can be fined, ordered to perform community service, or obtain counseling or participate in parenting classes. Police department records (both victim reports and juvenile arrest reports) were analyzed over a two-year period, one year before and one year after the curfew was enacted. On the basis of time series analyses, the authors concluded that changes in arrest or victimization rates during curfew and non-curfew hours were generally small and temporary, and not always in the expected direction. Of the six significant changes in victimization rates, four were increases.

Another study used time series and pooled cross-section analyses, to examine the efficacy of curfew laws in 57 cities with populations greater than 250,000 (McDowall, Loftin, & Wiersema, 2000). They included population size, indicators of economic well being and poverty, and cocaine possession and sales arrests as covariates in their analyses of city- and countywide juvenile arrest and juvenile homicide victim data. Homicide victimization rates were unaffected by curfew ordinances. However, there were small reductions in some types of juvenile arrest, including burglary, larceny, and simple assault, but only in counties where curfew legislation was revised. No effects were found for city- or countywide arrests in localities where new laws were enacted. McDowall and colleagues concluded that their study provides, "at best, extremely weak support for the hypothesis that curfews reduce juvenile crime rates" (p. 88).

Some other general statistics also point toward the disconnect between curfew laws and the goal of reducing juvenile crime and victimization. For example, less than 20% of violent juvenile crime is committed during normal curfew hours (Snyder, Sickmund, & Poe-Yamagata, 1996) and juvenile crime generally peaks

around 3:00 P.M. on school days (Sickmund, Snyder, Poe-Yamagata, 1997). Evidence regarding the efficacy of curfew laws is bound to have an impact on future curfew cases. In the face of solid empirical data indicating that curfews are not effective at reducing youth crime or victimization, a court employing a strict scrutiny test would be hard pressed to find that the law is narrowly tailored to advance a compelling state interest. The Supreme Court has interpreted the narrow tailoring to mean that the legislation is necessary and is the least restrictive means of achieving the desired outcome (*Adarand Constructors, Inc. v. Peña*, 1995). This is intended to be a difficult standard to uphold (Hemmens & Bennett, 1999).

FUTURE DIRECTIONS

Even though juvenile curfew ordinances are part of everyday life for millions of minors, their families and their communities, relatively little is known about the effectiveness of curfews in reducing juvenile crime and victimization. Attitudes and opinions about curfews have only been gathered on a local level, and no research has been conducted evaluating the developmental effects of curfews on adolescents. Since the use of curfews to control juvenile crime and victimization has only recently become popular, the research is limited and there is much to be studied.

One of the critical areas where research on curfew is needed is effectiveness. If evidence continues to mount against the efficacy of curfews in reducing youth crime and victimization, successful challenges to the constitutionality of curfew ordinances will likely require the plaintiffs to demonstrate that local statistics do not create a clear nexus between the curfew ordinance and the state's interest in reducing juvenile crime and victimization. Courts are more likely to be persuaded by evidence that a specific curfew is not effective in a specific city than they are to consider studies conducted in other jurisdictions. In evaluating the effectiveness of curfew ordinances it is essential that baseline juvenile victimization and crime rates by time of day are established. It is also important to note that finding a reduction in juvenile crime rates over a period covered by the curfew ordinance does not necessarily mean that the curfew was responsible for the reductions in crime. Similarly, if there is no change in juvenile crime rates, it is still possible that the curfew was effective in preventing an increase. Curfew studies that include specific information on crime rates by time of day and type of crime, are more likely to be useful to the courts. Curfew evaluation studies that address implementation, collaboration with other social service organizations and levels of parental and community involvement would be helpful in determining whether some components of curfew programs are effective at combating juvenile crime. Even if courts choose to rely on efficacy data to determine whether or not a curfew ordinance is narrowly tailored, the curfew must be imposed so that local crime and victimization data by time of day can be gathered. It is possible that courts hearing challenges to new curfew legislation would be less likely to consider crime data than courts hearing challenges which come after an implementation period, which would allow the challengers to demonstrate that the curfew has not had an discernible effect on crime and victimization rates.

It is currently unknown whether curfews have any psychological or behavioral impact on children and adolescents. Of primary concern is the effect of curfews on

decisions to engage in criminal activity and the development of mature decision-making. Therefore, one direction for future psychological research on curfew is examine participation in various activities, subjective assessments of autonomy, and levels of psychosocial maturity and judgment in decision-making among adolescents living in communities with curfews and compare them to adolescents living in matched communities without curfews. Previously it was suggested that curfews might limit development by restricting the potential for adolescents to participate in development-enhancing activities. There is no empirical research that examines which development-enhancing activities are restricted by curfew and the extent to which development is actually being restricted. Alternatively, it is possible that children are participating in more developmentally stimulating activities and avoiding risky and illegal activities when they are restricted by curfew ordinances, especially in municipalities that use curfew as part of a multi-faceted approach to reduce juvenile crime and victimization.

Although public support for juvenile curfews has been well established, parental support has not specifically been studied. It is uncertain whether parents of children affected by curfew legislation favor the ordinances and feel that curfews support them in their role as parents. Alternatively, parents may feel restricted in making decisions for their children or may help their children get around restrictions imposed by the curfew. A survey of parents would help clarify the way that curfews encourage or hinder parental responsibility and parental autonomy.

CONCLUSION

In conclusion, curfews have become an increasingly popular method for combating rising juvenile crime and victimization rates, in spite of the fact that so little is known about their efficacy or their impact on psychosocial development. When considering a policy such as juvenile curfews, which restrict the activities of an entire class of people, it seems essential to have a better understanding of the effectiveness and effects of the policy. There is virtually no empirical information available about the psychological implications of curfews, and little research available about the assumptions on which courts have based their decisions. The courts have come to inconsistent findings on virtually every aspect of juvenile curfews that has come under constitutional scrutiny. The absence of a Supreme Court ruling on juvenile curfews has resulted in confusion among the lower courts (Hemmens & Bennett, 1999). A Supreme Court ruling would help to clarify the extent to which juvenile curfews impinge on fundamental rights of youths, thereby creating a uniform standard of review in curfew cases. Results from empirical studies on the efficacy of curfew laws could then be judged against a uniform standard to determine the constitutionality of juvenile curfew laws.

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