KEEP THEM AT HOME: JUVENILE CURFEW ORDINANCES IN 200 AMERICAN CITIES

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In Crime – the sequel to the classic Crime and Public Policy – Wilson (1995) argues that the first step the United States must take in addressing youth violence is to regain control of the streets through new approaches to law enforcement. More specifically, Wilson argues for proactive community policing, directed anti-gun and anti-drug “hot spot” patrols and strictly enforced random drug testing of parolees and probationers. Wilson also suggests the enforcement of juvenile curfew and truancy laws:

Much crime is opportunistic: idle boys, usually in small groups, sometimes find the opportunity to steal or the challenge to fight irresistible. It is possible to deter such crimes by a credible threat of prompt sanctions, but deterring present-oriented youngsters who want to appear fearless in the eyes of their comrades while indulging their thrill-seeking natures is a tall order. It is easier to reduce their chances for risky group idleness in the first place. Realizing this, many cities are beginning to enforce truancy and curfew laws (Wilson, 1995: 497).

Also writing in Crime, Sherman (1995) argues that the two most significant aspects of community policing are the development of a personal “service” orientation toward the public and, even more importantly, the control of “risk factors” in public places. According to Sherman, the three most crucial risk factors that need controlling are
guns, convicts and juveniles. In regard to controlling juveniles, Sherman believes that the criminal justice system should take a serious look at the use of curfews – especially when they are used in conjunction with social and recreational youth programs:

[Curfew] enforcement appears to vary widely, especially since few legislatures appropriate funds for police to take children off the streets. Just as arrests reduce patrol time, so does processing curfew violators. The effect of full curfew enforcement on crime is thus open to question. No rigorous evaluations are available. But there is reason to believe that curfews work better with a program to “pull” children off the streets to complement police efforts to “push” them off – that is, providing attractive legitimate activities while ordering juveniles not to gather on the streets (Sherman 1995:342).

Clearly, municipal juvenile curfew ordinances are now on the criminal justice policy and research agendas. The purposes of this article are to document, and place in historical perspective, the recent increase in the use of curfews as a local-level policy response to violence by and against juveniles; to determine the varieties of curfew parameters and of curfew enforcement strategies; and to suggest future lines of research on curfews.

**CURFEWS IN THE PAST**

The origins of curfew ordinances are murky, but most sources trace them back to a public safety regulation imposed by Alfred the Great (849-899) that required the residents of Oxford, England to retire and cover their fires when an evening bell was rung. Later, the Norman Conquest of England in 1066 resulted in the widespread and strict enforcement of village and town curfews as a means to prevent nighttime assembly and agitation by the subjugated Saxons. The word “curfew” is attributed to either the French words “couvrir”, to cover, and “feu”, fire; or to the Latin word “quadifurcus”, meaning crossways or market square (Rhyne, 1943). The latter derivation is based on the practice of ringing the market square bell to signal the beginning and ending of the town curfew.
In the United States there is a long history of ad hoc emergency curfews imposed in times of natural disaster, civil unrest, or threats to national security (Scherr, 1992). Both state and federal courts have consistently supported temporary emergency curfews. There is also evidence that curfews were used in the pre-Civil War South to keep slaves and free blacks off city streets after sundown (Ghent, 1974). Nonemergency curfews that restrict night-time access to public parks by adults and juveniles alike are common today, and courts have consistently held them to be valid. Anti-vagrancy and loitering laws, which accomplish the same purposes as curfews, were once widespread in the United States, but have not stood up to recent legal challenge (Horowitz, 1991).

The popularity of juvenile curfews in the United States began in the 1890s when Colonel Alexander Hogeland, President of the Boys’ and Girls’ National Home Employment Association, sent to each state governor five proposals for regulating crimes among juveniles. One of these proposals provided “that boys and girls and minor children in all cities, towns, and villages should be at their homes after nightfall” (Townsend, 1896:726). From this start, the first “curfew movement” was born. Within one year, Colonel Hogeland claimed that over 200 towns and cities had adopted curfews. By the turn of the century, curfews had been enacted in as many as 3,000 municipalities (Note, 1958).

These curfews were designed to control delinquency, enforce parental responsibility and protect children from the vices of city streets. In the major cities, curfews were part of a broader campaign to control and socialize the large numbers of immigrants, whose children were seen as the source of growing levels of “child crime”. Early city curfews were also designed to control the ubiquitous adolescent street vendors, whose incivility and obstreperousness strained the public order (Nasaw, 1985).

No one knows how consistently these early juvenile curfews were enforced, what impact they had on delinquency, or how long they remained part of the various city codes, but this curfew movement seems to have died out in the early 1900s. It was not until during and after the Second World War, when delinquency again became a high priority national concern, that many cities once more turned to curfews (Note, 1958; Welch, 1943). Wartime increases in delinquency were attributed to the disruption of family life and the weakening of social controls caused by so many men and women – both parents and older siblings – being in the armed services or working long hours in war industries. The 1943 publication by the National Institute of Municipal Law Officers of a
model municipal curfew ordinance is an indication of the renewed interest in curfews that began during the Second World War (Rhyne, 1943).

A 1957 survey found that 53 percent of the 109 cities with a 1950 population over 100,000 had juvenile curfew ordinances (Note, 1958). Interestingly, there was no difference in the likelihood of having a curfew between the larger cities – those with a population over 500,000 – and the smaller cities – those with a population of between 100,000 and 500,000. This survey also found that among the cities without curfews, many were actively considering the adoption of a curfew, and several had considered a curfew but had rejected the idea in the face of public opposition. Curiously, the police departments in two noncurfew cities admitted to enforcing “unofficial” juvenile curfews. In these cities the police established curfew hours, stopped and questioned violators, contacted the parents of violators, and passed the names and addresses of curfew violators to the local juvenile authorities. Clearly, by the end of the 1950s, juvenile curfews were a common feature in large cities. Whether this was also true for smaller cities and rural towns is unknown, as there is no information on the subject.

The sharp increases in crime and delinquency that began during the mid-1960s produced a renewed interest in the topic of curfews. During the 1960s and 1970s, no surveys were conducted to document the number of cities with existing or newly enacted curfews, or how curfews were being enforced. However, increased interest in the use of curfews is indicated by the number of scholarly writings on the topic. During the 1960s no works on juvenile curfews appeared in either law review journals or criminology journals, but during the 1970s eight articles that addressed curfews were published. Four of these were law review articles (Ghent, 1974; Mooney, 1977; Note, 1976; 1977), and four were academic criminology articles (Chesney-Lind, 1977; Hoffman-Bustamante, 1973; Hunt and Weiner, 1977; Weiss, 1976). Also during the 1970s, the Board of Trustees of the National Council on Crime and Delinquency (NCCD) lobbied against the use of curfews as a delinquency control measure. The NCCD trustees called for cities to repeal existing curfews and to refrain from enacting any new curfews (National Council on Crime and Delinquency, 1972). These writings are evidence that cities were enacting new curfews or enforcing old ones during this period, and that these ordinances had become the subject of legal and policy debate.
THE CURRENT POLICY DEBATE

The justification for curfew ordinances in the 1990s is the same as it has always been – the reduction of delinquency – and most of the issues in the current policy debate over curfews have been argued about before. Are they enforceable or do they waste police resources? Is it fair to restrict the rights of nondelinquent youths? Exactly what are the rights of youths? Are curfews an unwarranted infringement on parental authority, or do they promote family life? Can curfews be enforced effectively and, if so, is the cost worth it? Will curfew enforcement lead to police bias and abuse? How much juvenile crime takes place at night? How much nighttime delinquency will be prevented and how much will simply be shifted to daylight hours? Could children who live with abusive adults actually be worse off because of a curfew? These are the same questions that have framed the policy debate for over 100 years (Buch, 1897; Note, 1958; Townsend, 1896).

Curfews in the 1990s

The reduction of victimization provides a new twist and violent crime a new emphasis in the current debate. Unlike curfews of the past, most 1990s curfews are in direct response to gun violence perpetrated by and on urban teenagers (Ruefle and Reynolds, 1995). Additionally, the current debate is taking place in a changed legal, social, and political context. The legal protections and guarantees afforded individuals today are wider and stronger than they were during the last wave of curfew enactments during the 1970s. This new legal environment means cities must justify curfews, and police departments must enforce them, under much closer judicial scrutiny.

Another change is the development of a truly disadvantaged and permanent minority underclass. The growth of this urban underclass, and the associated rise in youth violence and gang activity, are some of the defining policy realities of urban America in the 1990s. As a result, for the first time racial politics are at the core of the debate over curfews. Opponents now argue that curfews are a panic reaction by a racist majority, and they believe minority youths and neighborhoods will be disproportionately burdened due to unequal enforcement based on ethnicity. According to this line of argument, curfews do not control delinquency; they simply stigmatize and criminalize minority youths.
However, a further political change with important implications for the current debate over curfews is the substantial increase in the urban political power of minorities. For example, the New Orleans, Louisiana curfew, the strictest in the nation, was proposed by an African-American mayor, was enacted by a city council with an African-American majority and is enforced by an African-American police chief.

One thing that has not changed in the debate over curfews is confusion over what these measures accomplish. Their effect on delinquency and youth victimization remains unknown at this point due to a lack of reliable and valid evidence on this issue. Therefore, their real value is more symbolic and psychological. The constitutionality of curfews also remains a question mark in view of an absence of any Supreme Court ruling on such an ordinance. Regardless, city officials enact these statutes to reassure the public that something is being done. At the most basic level, then, curfews serve as visible evidence of political resolve to take some kind of action.

Public Opinion and Curfews

Does the public support the use of juvenile curfews? No national surveys have reported on public attitudes toward curfews, but two recent city-level surveys, conducted by university polling groups, show overwhelming citizen support for municipal juvenile curfew ordinances. A 1994 survey of 300 adult citizens in Cincinnati, Ohio, found that:

- 92 percent supported the continuation of the Cincinnati curfew;
- 72 percent agreed that the curfew made them feel safer;
- 87 percent believed the curfew helped control delinquency; and
- 89 percent believed all curfew violators were treated fairly (Nelson, 1994).

This survey also measured the attitudes of Cincinnati business owners and managers about the city’s one year-old juvenile curfew. Consistent with the opinions of the general population, this important constituency group reported strong support for the curfew (96%), increased feelings of safety due to the curfew (66%), belief in the effectiveness of the curfew (79%) and confidence that all curfew violators would be treated fairly (94%).
A 1995 survey of 411 adult citizens in Mobile, Alabama was conducted to give guidance to the city council in its deliberations over a proposed juvenile curfew. High levels of support for the proposed ordinance were found among both white (78%) and African-American (75%) respondents (Fisher, 1995). When asked if they believed that a curfew would reduce crime and violence, 70 percent of white respondents and 90 percent of African-American respondents said yes. However, when asked if the Mobile Police Department would enforce a curfew fairly among all races, 69 percent of white respondents, but only 49 percent of African-Americans, said yes. While the results of these two surveys are not conclusive, they indicate the likely national support for juvenile curfews and point to curfews as a local level policy with the potential to reduce public fear of crime.

Curfew Arrests

How many youths are arrested for curfew violations? No national data specifically on juvenile curfew violations are available, but the FBI’s Uniform Crime Reporting (UCR) Program contains a Part II offense category that only includes persons under the age of 18 who were arrested for violations of both local curfew and loitering ordinances. In 1993 85,354 juveniles were arrested for curfew and loitering violations by the law enforcement agencies that reported to the FBI, and it is estimated that for the entire United States a total of 100,200 juveniles were arrested for curfew and loitering law violations. In comparison, during that same year, a total of 119,678 youths were arrested for all violent crimes – murder, forcible rape, robbery, and aggravated assault – and 591,238 youths were arrested for all property crimes – burglary, larceny-theft, motor vehicle theft and arson (Federal Bureau of Investigation (FBI) 1994).

The typical youth picked up for a curfew violation is a white male of 15 or 16 years of age. According to the FBI (1994), of the 85,156 youths arrested for curfew and loitering law violations in 1993:

- 79 percent were white and 18 percent were black;
- 72 percent were males and 28 percent were females; and
- 5 percent were 12 years old or younger, 24 percent were 13 or 14 years of age, 52 percent were 15 or 16 years of age, and 19 percent were 17 years of age.
Since 1966, the lowest reported total number of curfew and loitering arrests was 55,327 in 1988, and the highest was 118,003 in 1973. From 1990 through 1993, the UCR reported annual arrest rates for curfew and loitering law violations of 33.4, 38.5, 35, and 39.9 percent respectively. Since 1966, the lowest reported annual arrest rate for curfew and loitering law violations was 29.3 percent in 1988, and the highest was 76.1 percent in 1973.

No one has any accurate idea how many cities and towns have curfews, or if curfews are more prevalent in large, medium or small jurisdictions. But arrest statistics indicate that curfews are being enforced in a great many medium and small cities and towns. In 1993, of the 85,354 youths arrested for curfew and loitering law violations, 43,210 (50%) of them were arrested in cities and towns with a population of under 100,000 (FBI, 1994).

Clearly, curfew ordinances cast a wide net and bring large numbers of youths from all across the United States into contact with the justice system and, as cities and towns increasingly turn to curfews, more youths will be drawn in. However, it is not known how many youths are not arrested, and how many are not victimized because of curfews. Nor is it known whether the public’s belief in the value of curfews is justified. Local officials who are considering the enactment of a curfew, police executives who must enforce a curfew and the communities whose youths will live under curfew, need as much guidance as criminal justice researchers can provide.

**LITERATURE REVIEW**

The use of municipal curfew ordinances as delinquency control measures is a topic that has received little attention from criminal justice researchers. This article is an extension of a previous study of curfew adoption and implementation in the 77 largest American cities (Ruefle and Reynolds, 1995). The major findings of that study were: that the use of curfews was growing among these major cities; that the more progressive cities had integrated curfew ordinances into a wider array of policies and programs designed to address the social and cultural needs of at-risk youths; and that while in most police departments regular patrol officers enforced the curfew no differently than they would any other city ordinance, other cities augmented regular enforcement with periodic “sweeps” and “crackdowns” carried out by special curfew task forces.
In the 1980s, Levy (1988) and Williams and Lund (1986) reported a relationship between the adoption of curfew laws and a reduction in teenage drunk driving. Going back to the 1970s, three studies concluded that curfew laws contribute to the labeling of female delinquents (Chesney-Lind, 1977; Hoffman-Bustamante, 1973; Weiss, 1976). The only published impact evaluation of a curfew ordinance is a study by Hunt and Weiner (1977) which reports on a Detroit curfew implemented to control criminal activity by urban youth gangs. In a before and after comparison of the level of crime and the times of day at which it occurred, they found clear evidence of both suppression and displacement. That is, the Detroit curfew was associated with a reduction in crime during curfew hours and an increase in crime during noncurfew hours.

In contrast to criminologists, journalists and legal experts have written extensively on the topic of juvenile curfew ordinances. For a review of recent writings in the popular press on curfews, see Ruefle and Reynolds (1995). There are numerous law review articles on the constitutional intricacies and case law associated with juvenile curfew ordinances (Ghent, 1974; Horowitz, 1991; Mooney, 1977; Note, 1958; 1976; 1977; 1984a; 1984b; Scherr, 1992). While a detailed analysis of the legal aspects of curfews is beyond the scope of this paper, a brief overview of the main constitutional issues relating to nonemergency juvenile curfews will allow the reader to judge more accurately the policy developments reported in this paper.

The US Supreme Court has never ruled on the constitutionality of juvenile curfew ordinances. In 1994, it denied a writ of certiorari in the case Qutb v. Strauss (11 F. 3rd 488, 1993), and thus let stand a US Fifth Circuit Court of Appeals decision in favor of a Dallas, Texas, curfew. However, contrary to many press reports at the time, this refusal to review the Dallas case has no value as a pro-curfew precedent. Denial of a writ of certiorari simply means that four or more justices did not agree to accept the case. At the federal appellate and state level, there have been approximately 30 cases directly related to juvenile curfews, but no clear pattern either for or against juvenile curfew ordinances has emerged (Hessel, 1993). Because of the inconsistent rulings in these cases, it is impossible to predict whether any given court will uphold a reasonably well-drawn juvenile curfew ordinance.

The constitutional standing of a juvenile curfew ordinance revolves around four main issues: the importance of the rights in question, the level of infringement of those rights, the depth of competing
community interests and the availability of less restrictive alternatives. These issues determine the level of judicial scrutiny applied to the ordinance. If the rights in question are found to be “fundamental”, then the court will apply strict scrutiny. For a curfew to pass strict scrutiny, it must be shown that it is necessarily related to a compelling government interest and that less restrictive alternatives are not available. If the rights infringed by a curfew are not fundamental, then the state must only show that there is a rational relationship between the infringement of those rights and a legitimate government interest that is furthered by the curfew.

Most legal challenges to curfew ordinances have been based on alleged vagueness and overbreadth rather than constitutional issues (Hessel, 1993). But when these concerns are raised, they involve alleged violations of constitutional rights to freedom of speech, religion, assembly, movement, travel, association and family privacy, and alleged violations of constitutional prohibitions against unequal protection under the law, self-incrimination, and unreasonable search and seizure. An added element of confusion is that, in other contexts, the US Supreme Court has ruled that the fundamental rights of youths are not coexistent with those of adults and, thus, the rights of minors can be restricted more than those of adults without violating the constitution. But the extent to which this principle applies to curfew ordinances has not been established. These issues will not be resolved until the US Supreme Court makes a definitive ruling on a nonemergency juvenile curfew ordinance.

Legal writers have also published both narrow applied discussions and broad theoretical assessments of juvenile curfews. Writing for the membership of the National League of Cities, Hessel (1993) provides an extensive overview of the basic structure, common provisions and statutory language of curfew ordinances. He advises city officials to conduct a detailed city-level study of juvenile crime and victimization prior to the adoption of a curfew. Hessel’s purpose is to aid city attorneys in drafting an ordinance able to withstand legal challenge.

The Harvard Law Review Association (Note, 1994) argues that 1990s curfew ordinances are a direct response to urban youth gang violence, and applies the theoretical perspectives of civil libertarianism, communitarianism and critical race theory to analyze the complex mix of costs and benefits associated with curfews. From its emphasis on defending personal freedom and rights – particularly those of vulnerable groups like minorities and children – against the power of government, civil libertarianism views curfews mainly as a threat. The civil libertarian perspective stresses the need for vigorous judicial review to ensure that
the level of juvenile crime and victimization justifies such an intrusive remedy, that no less restrictive alternative is available, that there is no systematic discrimination in the application of the curfew and that police discretionary powers are not abusively applied to randomly selected individuals. While civil libertarianism provides a strong accounting of individual costs associated with curfews, its single-minded concern with potential government abuse of “absolute” individual rights prevents civil libertarianism from objectively assessing collective benefits and “offers no guidance for evaluating the potential for curfews to increase the freedom that all individuals can effectively enjoy as a result of revived community life” (Note, 1994:1702).

Communitarianism emphasizes social relationships between individuals over the assertion of inalienable individual rights. Atomistic individualism must give way to constructive social interaction, the development of a sense of shared civility and the pursuit of the public good. From this perspective, there are several potential (but not guaranteed) benefits to be realized from responding to endemic youth violence and gangsterism with a curfew: an increase in safety, security, and civility; the establishment of community norms for the behavior for juveniles; the encouragement of parental supervision and family cohesion; and the stimulation of community interaction and organization. If these benefits are realized, a curfew could be an important step in the mending of a torn social fabric.

However, the communitarian perspective also acknowledges the potential costs associated with a curfew. Most of these costs center on the chilling impact a curfew can have on neighborhood life. For example, juveniles would be excluded from evening public life and there would be increased police surveillance and questioning of young adults. The main objection, however, is that curfews can encourage over-reliance on crime control measures and discourage the dialog and consensus building necessary for broader public efforts to address the causes and consequences of youth crime. The common thread of these objections is a curfew-related diminution in community social interaction. The contribution of the communitarian perspective is that “it provides a set of criteria by which to evaluate curfews, criteria that civil libertarianism seems to lack” (Note, 1994:1705). The primary weakness of communitarianism is that “curfews potentially affect racial minorities in special ways that are not clearly identified by communitarian thinking and thus require explicitly racial theory to be considered adequately” (Note, 1994:1706).
Critical race theory places racial issues at the core of all social and legal policy, and argues that racial stereotypes and discrimination lie behind the implementation of crime control measures such as curfews. From this perspective, 1990s curfews and other “get tough” law enforcement initiatives are a panic reaction by a biased majority community to misleading increases in the reported arrest rates for violent crimes. This over-reaction reinforces stereotypes of minorities as criminals and of minority communities as requiring outside control. This over-reaction, and the unequal enforcement of crime control policies that accompanies it, places a disproportionate burden on minority communities through excessive police intrusion and the unnecessary harassment and criminalization of minority youths. However, critical race theory identifies an even more serious problem. The imposition of curfews as part of a crime control strategy reflects an unwillingness by the majority community to acknowledge and address the underlying social causes of gangsterism and violence among inner city minority youths. This unwillingness prevents the development of a comprehensive array of social and economic programs.

While critical race theory highlights the dangerous racial dimensions of curfews, “it is less apt to recognize how curfews might improve the quality of life in minority communities” (Note, 1994:1708). If minority communities suffer the most because of youth violence, shouldn’t they receive the most benefit from curfews? If revitalized community dialog and interaction are needed to focus attention and resources on the underlying causes of youth violence, shouldn’t curfews stimulate more civic dialog and activity in minority neighborhoods than in safer, less impacted majority neighborhoods? Critical race theory also fails to account for the possibility that minority neighborhoods might fully support the imposition of a curfew.

**METHODS**

Using US Census data, we identified the 200 American cities with a 1992 population of 100,000 or greater. Information on whether a city had a curfew and, if so, when it was enacted, if there were any recent revisions, and what the curfew parameters were, was obtained via a telephone survey of the metropolitan police department in each city. We reached either the department’s public information officer, juvenile division, or research and analysis department. In most cases we made an
additional phone call to the city clerk’s office to augment and substantiate the information provided by the police department. With these procedures, we were able to gather complete information from all 200 cities.

We are very confident that these procedures provided accurate information as to whether a city currently has a curfew ordinance and the parameters of that curfew. However, we are less confident about the information provided regarding the enactment dates of the original curfew ordinances. It is our suspicion that some cities had curfews many years ago but that we were not told about them. Our lack of confidence is due to limitations in the record-keeping practices of city government and in the short-term institutional memories of city employees. For example, if a major in the chief of police’s office told us that a city adopted its curfew ordinance in 1974 during his second year in the department, and revised the ordinance in 1994 in response to gang violence, we usually accepted that information at face value. However, it would not surprise us if the curfew had originally been adopted in 1943, was enforced for a few years and then allowed to sit on the books until it was effectively forgotten. If, in this situation, we had called the city clerk’s office to verify the information provided by the police department, it would also not surprise us if a city worker who had only been in the job for a few years had looked at a copy of the 1994 ordinance, seen that it was a revision of a 1974 curfew ordinance but did not bother to review a copy of the 1974 ordinance that might or might not have noted the 1943 ordinance and erroneously confirmed the information provided by the police. In some cities the clerk’s office no longer had copies of previous curfew ordinances. While we are confident that the majority of original enactment dates are accurate, it is probable that some are not.

**FINDINGS**

What follows is a detailed summary of the findings of our survey. For a complete listing of each city that our survey identified as having a curfew, the year each curfew was enacted and revised, the age group(s) subject to each curfew, and the hours and days of the ordinance see Maguire and Pastore (1995).

*Curfew Enactments*

Like the 1890s, the 1990s will be remembered as a decade in which a “curfew movement” swept across America. On January 1 1990,
Curfews were present in 93 (47%) of the 200 cities with a 1992 population of 100,000 or greater. In comparison, the previously cited 1957 survey found curfews in 58 (53%) of the 109 American cities with a 1950 population of 100,000 or greater. From the 1950s until 1990, there was an increase both in the number of cities with over 100,000 residents and in the number of these large cities with curfews. However, there was no increase in the likelihood of finding a curfew in a major American city. Then came the deluge.

From the start of 1990 to the spring of 1995, juvenile curfew ordinances were enacted in 53 (27%) of the 200 largest American cities. This brought the total number of cities with curfews to 146 (73%) out of 200. Moreover, during the first half of the 1990s, 37 cities revised an existing curfew ordinance. Thus 90 (45%) of the 200 cities passed some type of curfew related legislation between 1990 and the spring of 1995.

Table 1 lists the number of cities that enacted their original curfew ordinance before 1950 and in each of the ensuing decades. This chronological display shows that curfew enactments increased in the 1960s, increased further in the 1970s, dropped in the 1980s and peaked in the 1990s.

<table>
<thead>
<tr>
<th></th>
<th>Cities with a Population of 100,000 to 199,999 (N = 123)</th>
<th>Cities with a Population of 200,000 and above (N = 77)</th>
<th>Cities with a Population of over 100,000 (N = 200)</th>
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<tr>
<td>Curfew Enacted</td>
<td>70% (86)</td>
<td>78% (60)</td>
<td>73% (146)</td>
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<td>Enactment Decade</td>
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<tr>
<td>Pre-1950</td>
<td>7 (6)</td>
<td>8 (5)</td>
<td>7 (11)</td>
</tr>
<tr>
<td>1950s</td>
<td>7 (6)</td>
<td>10 (6)</td>
<td>8 (12)</td>
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<tr>
<td>1960s</td>
<td>13 (11)</td>
<td>15 (9)</td>
<td>14 (20)</td>
</tr>
<tr>
<td>1970s</td>
<td>28 (24)</td>
<td>15 (9)</td>
<td>23 (33)</td>
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<tr>
<td>1980s</td>
<td>16 (14)</td>
<td>5 (3)</td>
<td>12 (17)</td>
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<tr>
<td>1990s</td>
<td>29 (25)</td>
<td>47 (28)</td>
<td>36 (53)</td>
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<tr>
<td></td>
<td>100 (86)</td>
<td>100 (60)</td>
<td>100 (146)</td>
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When the 200 cities were divided into two population groups – those with over 200,000 in population and those with between 100,000 and 199,999 – the same basic pattern is found for both groups: curfew enactments increased through the 1960s and 1970s, declined in the 1980s and surged in the 1990s (see Table 1). The 1990s surge in curfew enactments is strikingly dramatic in the largest cities. Only three (5%) of the 60 cities with both a curfew and over 200,000 in population enacted their curfew during the 1980s, but 28 (47%) of these 60 cities passed a curfew ordinance between 1990 and the spring of 1995.

Curfew Revisions

Fifty (25%) of the 200 cities reported having revised an existing curfew. The chronological pattern for curfew revisions is somewhat different from the pattern for enactments, but it comes to the same 1990s peak (see Table 2). Only three (6%) of these 50 cities revised an existing curfew prior to the 1980s, and only another ten (20%) passed revisions during the 1980s. However, between 1990 and the spring of 1995, 37 (74%) of the 50 cities enacted a curfew revision. When the 50 cities that

<table>
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<tr>
<th>Decade of Most Recent Revision</th>
<th>Cities with a Population of 100,000 to 199,999 (N = 123)</th>
<th>Cities with a Population of 200,000 and above (N = 77)</th>
<th>Cities with a Population of over 100,000 (N = 200)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revised Curfew</td>
<td>25% (31)</td>
<td>25% (19)</td>
<td>25% (50)</td>
</tr>
<tr>
<td>Pre-1950</td>
<td>3 (1)</td>
<td>0 (0)</td>
<td>2 (1)</td>
</tr>
<tr>
<td>1950s</td>
<td>0 (0)</td>
<td>5 (1)</td>
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<td>20 (6)</td>
<td>21 (4)</td>
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<td>1990s</td>
<td>74 (23)</td>
<td>74 (14)</td>
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<td>100 (31)</td>
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revised curfews were divided into those over and those below 100,000 in population, both groups displayed an identical chronological pattern. Specifically, there were hardly any pre-1980 curfew revisions, a few in the 1980s, and a wave of revisions in the 1990s.

**Curfew Parameters**

By definition, a juvenile curfew ordinance must designate the age group(s) subject to the ordinance, establish starting and ending hours for the curfew and specify the days on which the curfew is in effect. The most common situation is for a curfew to specify one age group and to establish the same curfew hours for every night of the year. When more than one age group is designated, different curfew hours are established for each group and, invariably, the older the age group, the less restrictive the curfew hours. When the curfew hours are not consistent throughout the year, they vary either for weekdays and weekends, for school days and nonschool days or for the season of the year. In these situations, the less restrictive curfew hours apply on weekends, nonschool days, and during the summer.

Surprisingly little variation was found in either the age groups, hours or days covered by the curfew ordinances. Of the 146 cities with curfews:

- 112 cities (77%) designated one age group, 28 (19%) designated two age groups, and only 6 (4%) designated three age groups;
- 107 cities (73%) set 17 as the top age group, 32 (22%) set 16 as the top age group, six (4%) set 15 as the top age group, and only one city used 14 as the top age group;
- 80 cities (55%) had the same curfew hours every night of the year, 46 (32%) varied their curfew hours for weekdays and weekends and 20 (14%) varied their curfew hours for school day evenings and nonschool day evenings, or for summertime evenings and school year evenings; and
- 65 cities (44%) set midnight as the latest hour for the curfew to begin, 35 (24%) set 10 p.m. as the latest hour, 33 (23%) set 11 p.m. as the latest hour, and only 13 cities (9%) set 1 a.m. as the latest hour for the curfew to start.
Curfews which start before 10 p.m. are rare, but a few cities have curfews which begin at 9 p.m. or even 8 p.m. These early start times are either for very young cohorts, such as those aged 15 and under, or in cities in which the curfew was enacted as a crisis management response to record levels of youth violence. The overwhelming majority of cities end their curfews at either 5 or 6 a.m., but a few cities lift their curfew at either “dawn”, “daylight”, or “sunrise”. Fifteen (10%) of the 146 cities with night-time curfews enacted a daytime curfew during the 1990s, but many of the other cities reported no need for a daytime curfew because of existing truancy laws.

Curfews of Limited Geographical Construction

Curfews of limited geographical construction are rare, but four cities were identified as having curfews or special curfew provisions that apply only to limited areas within the city. In Orlando, Florida, the midnight to 5 a.m. curfew on all youths under the age of 18 applies only to a specially designated four-block downtown “tourist district”. There is no curfew in the rest of the city.

The other three cities had city-wide curfews, but applied more restrictive curfew hours to special areas of town. The curfew in Austin, Texas, mandates that youths aged 16 and under be home by 11.30 p.m. on school nights and by 12.30 a.m. on weekend nights. However, the more restrictive curfew hours of 10 p.m. to 6 a.m. are applied only in the “Club District”, a section of Guadeloupe Street near the University of Texas. In Las Vegas, Nevada, more restrictive curfew hours of 9 p.m. to 5 a.m. are applied to “the Strip”, while less restrictive curfew hours apply to the rest of the city. And finally, a city-wide 11 p.m. to 6 a.m. curfew on all youths 17 years of age and younger in Stockton, California is tightened to 10 p.m. in city parks. It is also worth noting that Phoenix, Arizona first enacted a juvenile curfew ordinance that only applied to the police precinct with the highest level of violent youth crime, but later extended the curfew to the entire city.

Curfew Enforcement

In only two of the 146 cities with curfews did the police departments acknowledge an official policy of nonenforcement. All 144 other police departments provided some statement as to current curfew
enforcement practices. However, given the brief nature of our survey and the likelihood of being told the official position on curfew enforcement as opposed to the actual operational reality, our findings on curfew enforcement will be reported in general terms instead of precise percentages and should be taken as an overview of enforcement approaches, possibilities, and issues.

The most common comment regarding enforcement was that the curfew was simply another “tool” for regular patrol officers. Making the same point, one police department spokesperson described the local curfew as an “ordinance of opportunity”. It is our belief that the most common practice is for individual officers to use professional discretion as to when, where, and why to enforce the curfew. In some cities we were told that regular officers were too busy with more serious matters to enforce the curfew consistently, while in other cities we were told that consistent enforcement simply took too much time. In both cases, it was our impression that the result was a type of selective enforcement that often meant nonenforcement by regular patrol officers.

Another common practice was for curfew enforcement to be carried out mainly by special units such as gang, narcotic, street crime or tactical squads. It seems that in many cities such special units have found a curfew ordinance helpful in carrying out their primary responsibility, and thus end up making most of the curfew arrests in the city.

Periodic curfew “sweeps” by specially-formed (and temporary) curfew enforcement teams is also common. Such curfew sweeps seldom last more than a few days or a couple of weeks, are most often carried out in the summertime and are often stimulated by citizen complaints, surges in night-time juvenile arrest statistics, or reports of excessive night-time teenage activity at “hot spots” such as video arcades, shopping malls, fast food outlets, parks, nightclub areas, or “cruising strips”. In a few cities, such periodic curfew sweeps have become permanent operations during the summer months.

We also found evidence that when record levels of violent juvenile crime and victimization drive cities to enact a curfew for the first time, or to revise an existing one, enforcement is likely to be more extensive and more consistent, at least for a while. In such situations, political commitment by elected officials, public concern and media oversight all combine to create an environment in which – in the names of effectiveness and equal treatment – city-wide “saturation” enforcement is employed. Saturation tactics are carried out by specially-formed curfew teams comprised of officers working overtime and/or
reassigned from other duties. Further, special holding centers for curfew violators are often set up, although these are often staffed by nonpolice personnel.

Saturation enforcement is very expensive and often involves taking some of the most highly trained officers in a department away from special units such as gang, drug or SWAT teams. We learned of one instance where, with no publicity, saturation enforcement was dropped after only three months.

CONCLUSIONS

In the case of juvenile curfew ordinances, criminal justice policy tends to repeat itself. The 1990s popularity of curfews as a city-level response to youth crime is simply the most recent revival of a delinquency control measure that has waxed and waned across urban America several times during the last century. From the initial popularity of curfews in the 1890s, to upsurges in the 1940s, the 1970s, and now the 1990s, city officials have repeatedly responded to sharp increases in delinquency by placing nocturnal restrictions on the freedom of youths. Clearly the 1990s curfew peak, like those of the past, is in response to increased levels of delinquency. However, unlike past delinquency, youth crime in the 1990s is far more serious and far more violent.

Our survey documented the fact that, as of March 1995, 146 (73%) of the 200 largest American cities had curfews. Since the conclusion of our survey, at least five other major cites have enacted new curfew ordinances (Charlotte, North Carolina; Washington, DC; Baton Rouge, Louisiana; Birmingham, Alabama; Miami, Florida), and at least one other major city revised, and ordered the enforcement of, a long-standing but unenforced curfew ordinance (San Francisco, California). These facts clearly show that, even in the current period of heightened concern with individual rights and expanded legal protections against the power of government, city officials believe night-time restrictions on the freedom of minors are justified. The two opinion polls reported in this article are preliminary indicators of enthusiastic public support for the imposition of nocturnal restrictions on the young.

Unfortunately, the descriptive nature of our finding tells us little about the social dynamics that lead to “curfew movements”; little about the impact curfew ordinances have on delinquency and youth victimization; little about how curfews affect families, children, and the
community; and little about the impact of curfews on law enforcement. Answers to important research questions about the role of curfews in law enforcement are needed by police executives who must enforce the increasing number of ordinances across the nation. What mix of enforcement practices is best? How much does curfew enforcement cost and are the results worth it? How does curfew enforcement differ in large and small agencies? And for the growing number of police executives who employ community and problem-solving policing strategies, criminal justice researchers need to address, both conceptually and operationally, the role of curfews in community policing. Is there a positive role for curfews in community policing and, if so, how can the two be blended so as to further trust and communication between the police and the public? Can curfews and community policing together have a greater impact on delinquency than either alone?

The challenge presented by our findings is to move beyond description to explanation and prediction. That is, to use criminal justice research methods to link empirically these questions with the behaviors of parents, children and the police in the growing number of cities and towns in which every evening the energy and restlessness of youth collide with the government imposed dictum of “Stay home tonight!”

**NOTE**

The research on which this article is based was conducted with support from the Alabama Department of Youth Services.

**REFERENCES**


