

INCREASE PUBLIC SAFETY AND ADVANCE RACIAL JUSTICE BY REPEALING JUVENILE CURFEWS

THE PROBLEM

About three-quarters of cities around the country have juvenile curfew laws. These laws criminalize youth under 18 for being in public spaces during late night and school hours. Penalties for violating these types of laws include: fines, community service, restrictions on a youth's driver's license, and even misdemeanor convictions.¹ These laws have been ineffective in achieving their stated purpose of reducing youth crime and victimization.² Additionally, they have devastating financial, criminal, and immigration consequences for youth of color, who face disproportionate enforcement of these laws. For example, in **Dallas**, a report revealed that a staggering 90 percent of curfew stops were of Black and Latinx youth.³

Enforcement of these laws can cause significant financial harm to the youth these laws are supposedly intended to protect. For example, the fine in **Houston** used to be \$500 and required both parents and the youth to be present at court to respond to the misdemeanor charge. The fine was prohibitive for low-income families and sent youth and their families into debt. Additionally, low-income families often could not afford to miss work to show up to court. Therefore, parents were forced to choose between income and attending court with their children.

Policies like “Juvenile Curfew Ordinances” are part of what advocates and experts now call the School to Prison Pipeline.⁴ Studies have shown that early interactions with law enforcement increase the chances of youth being incarcerated later in life. Creating a criminal record for youth before they are even out of high school, or considered a legal adult, creates unnecessary barriers to opportunities. Local police overwhelmingly target Black and Latinx youth when they enforce juvenile curfew ordinances. The racially biased fines and misdemeanor charges imposed on youth of color are glaring and fuel the school-to-prison pipeline.

Additionally, contact with the criminal legal system has a bigger impact on immigrant youth and those who belong to mixed-immigration status households. Youth

risk their own immigration status being challenged or stripped, their immigration status application being denied, or their undocumented family members being picked up by immigration enforcement agencies in court.⁵

THE SOLUTION

Juvenile curfew laws should be repealed as a way to decrease the criminalization of youth of color, who are routinely dragged into the criminal legal system at disproportionate rates. It is important to move towards a more equitable and just society where youth of color do not fear being approached or detained by police simply for moving between home and work or for commuting to school. Decriminalizing such behavior would serve to narrow the school-to-prison pipeline. The money saved from enforcing these laws would be better spent on resources to help youth thrive in school.

Law enforcement officers often argue that these ordinances allow them to keep people safe.⁶ These laws, which might seem harmless and commonsense for some, are often renewed or kept on the books without much inquiry, but it is time for local elected officials to be more aware and intentional about repealing laws that reinforce harmful systemic biases in the criminal legal system.

LOCAL EXAMPLES

Cities in Texas, where state law mandates juvenile curfew ordinances to be reviewed every three years, have taken advantage of the opportunity to reduce punitive measures like fines or even repeal the ordinance altogether.

In September 2019, **Houston** voted to eliminate the daytime curfew, reduce the fine from \$500 to \$50, and make violation of the curfew a civil violation rather than a misdemeanor, which means violations will be adjudicated in teen court. While advocates were initially pushing for a full repeal, this was an important incremental win towards dismantling the school to prison pipeline

In 2017, **Austin** ended the city's juvenile curfew altogether. Furthermore, **San Antonio** voted in 2018 to keep their curfew but decriminalized it by removing

the misdemeanor charge. And while in 2019 **Dallas** voted to renew their juvenile curfew, they reduced the penalty from up to \$500 to up to \$50.⁷

LANDSCAPE AND RESOURCES

More information on truancy and its costs can be found at Center for American Progress.⁸ Additional analysis and content on students' rights, truancy courts, and legal implications are available from the American Civil Liberties Union.

*Co-authored by Center for Popular Democracy
and United We Dream.*



NOTES

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1. Wilson, D.B., Gill, C., Olaghere, A. and McClure, D. (2016), Juvenile Curfew Effects on Criminal Behavior and Victimization: A Systematic Review. *Campbell Systematic Reviews*, 12: 1-97. doi:10.4073/csr.2016.3 online: <https://onlinelibrary.wiley.com/doi/10.4073/csr.2016.3>
2. *Id.*
3. Harding, M. (2020). Dallas' juvenile curfew does more harm than good. [online] Dallas News. Available at: <https://www.dallasnews.com/opinion/commentary/2019/01/22/dallas-juvenile-curfew-does-more-harm-than-good/>
4. Kaba, M. (2020). How the School-to-Prison Pipeline Works – Justice Policy Institute. [online] Justice-policy.org. Available at: <http://www.justicepolicy.org/news/11809> [Accessed 4 Mar. 2020].
5. *See* "The Courthouse Trap: How ICE Operations Impacted New York's Courts in 2018," Immigrant Defense Project (Jan. 2019), available at <https://www.immigrantdefenseproject.org/wp-content/uploads/TheCourthouseTrap.pdf>.
6. *Id., Harding.*
7. *Id.*
8. Ahmad, Farah Z., and Tiffany D. Miller. "The High Cost of Truancy." Center for American Progress. <https://www.americanprogress.org/issues/race/reports/2015/08/25/109863/the-high-cost-of-truancy/>