



Youth Curfews—Lesson Plan

Student Objectives

- Understand the importance of youth participation in democratic societies.
- Understand the context and reasons why some democratic countries have created youth curfews.
- Evaluate reasons for supporting and opposing youth curfews.
- Identify areas of agreement and disagreement with other students.
- Decide, individually and as a group, whether governments should impose curfews on people under age 18; support decisions based on evidence and sound reasoning.
- Reflect on the value of deliberation when deciding issues in a democracy.

Question for Deliberation

Should our democracy impose curfews on people under age 18?

Materials

- Lesson Procedures
- Handout 1—Deliberation Guide
- Handout 2—Deliberation Worksheet
- Handout 3—Student Reflection on Deliberation
- Reading
- Selected Resources
- Deliberation Question with Arguments
(optional—use if students have difficulty extracting the arguments or time is limited)



Youth Curfews—Reading

1 At the heart of democracy is the idea that citizens are equal before the law. In elections,
2 every citizen gets only one vote. When citizens are charged with crimes or believe their rights
3 have been violated, they expect equal treatment in the courts whether they are rich or poor,
4 religious or atheist, politicians or political activists.

5 Every democratic society must strive to grant equal protection to its citizens. Yet one
6 significant community of citizens is the focus of many laws but has no formal way to shape those
7 laws: youth. Children and adolescents are a vital part of every nation. They are subject to
8 society's rules, but they are treated differently under the law precisely because of their age. They
9 cannot vote, nor do they have many of the privileges and responsibilities of older citizens.
10 Instead, laws are passed to help and protect them or to protect the larger society. One of these
11 laws is the youth curfew.

12 **Youth Curfews: Protection or Punishment?**

13 Youth curfew laws make it illegal for young people, usually under age 16 or 17, to be on the
14 streets during certain times, typically from 11:00 p.m. to 4:00 a.m. These laws are part of a larger
15 group of "status offenses." A status offense is something that is illegal when a young person does
16 it but legal when done by an adult. Depending on the country, other examples can be smoking or
17 drinking in public, running away from home, or not being in school during a normal school day.

18 The United States is the current leader in legislating and enforcing curfew laws. These laws
19 are usually passed and enforced by state or local governments. During the 1990s, thousands of
20 American cities and towns, including nearly three-fourths of all cities with more than 100,000
21 inhabitants, enacted youth curfew laws. These laws were part of a response to the increase in
22 juvenile crime that occurred in the United States between 1988 and 1992. During those four
23 years, juvenile homicide increased 55 percent. Forcible rape increased 27 percent, and
24 aggravated assault jumped 80 percent. Young people under 16 were responsible for 62 percent of
25 violent juvenile offenses, but statistics also showed that teenagers were the most frequent targets
26 of juvenile violence. Curfew laws enacted in the 1990s were aimed at reducing juvenile crime
27 and preventing youth victimization.

28 Several European democracies have imposed different versions of youth curfews. In Britain,
29 a 1998 law allowed local councils to impose curfews for all children under ten. A Scottish
30 program mandates police officers to stop young people on the streets at night and divert them
31 towards youth activities available at clubs set up by the local council. Serbia has debated
32 extending wartime curfew policies for young people only. Curfews also have been introduced in
33 Australia. In the city of Perth, Australian lawmakers recently imposed a curfew for a year; they
34 report that the curfew has reduced crime and antisocial behavior.

35 Curfew laws in the United States have been challenged by the American Civil Liberties
36 Union (ACLU). ACLU lawyers argue that the curfew law violates young people's rights under
37 the U.S. Constitution, including freedom of speech and peaceful assembly, freedom from
38 unreasonable detainment, fair treatment under the law, and the right to travel.

39 Not surprisingly, different challenges to local curfew laws in the United States have yielded
40 different results. A federal court declared that the curfew law in the city of Dallas, Texas, was

41 unconstitutional. The city appealed this decision to a higher court, and *that* court ruled that the
42 Dallas curfew was constitutional because it had the potential to reduce juvenile crime and
43 victimization. The higher court also ruled that certain exceptions in the curfew law provided
44 young people and their parents with enough freedom to move about after curfew hours. Many
45 other communities followed Dallas's example and established curfew laws. In 2001, however,
46 curfew laws were successfully challenged in the states of Alaska, New Jersey, New York, and
47 elsewhere. In those cases, curfew laws were found to violate the constitutional rights of young
48 people and their parents.

49 **Balancing Rights and Safety**

50 Most arguments about youth curfews address two main ideas: (1) the safety of youth and
51 society and (2) the rights of youth and adults.

52 **1. The Safety of Young People and Society.** Advocates claim that youth curfews can help
53 protect vulnerable children. Most parents, they say, are responsible, but many cannot supervise
54 their children, who may then fall victim to street crime and accidents. Curfews, they say, can
55 protect undersupervised children and help parents face up to their responsibilities. Supporters
56 also claim that youth curfews can challenge negative youth attitudes in areas where defying the
57 law is considered desirable and gang membership is a status symbol. Curfews encourage young
58 people to spend more time with their families and in more positive activities, such as sports and
59 youth clubs.

60 People opposed to curfews argue that curfews limit the rights of parents to bring up their
61 children as they choose. Requiring adults to accompany their children to outside activities is

62 unreasonable and prejudicial because many adults don't believe they need to—or are unable to—
63 transport their children around the community.

64 Advocates of youth curfews also believe that these laws provide communities with fair and
65 positive means to reduce juvenile violence. Juvenile crime is a serious problem that often
66 involves drugs and violence. Gangs can terrorize communities and create a social climate in
67 which criminal activity becomes the norm. Youth curfews deal with these problems by keeping
68 young people off the street and preventing them from congregating in the hours of darkness.

69 Opponents of youth curfews are not convinced that such programs actually work. They point
70 to studies that show no direct link exists between juvenile crime rates and the enforcement of
71 youth curfews. Instead, these studies show other factors (for example, population shifts and
72 economic changes) have more impact on youth crime than do curfews. Additionally, these
73 studies found that most juvenile crime takes place between 3 p.m. and 8 p.m.—after students are
74 released from school and before working parents return home—rather than during curfew hours.

75 Youth curfews, say their advocates, can support zero-tolerance policing. This strategy is
76 based on the theory that low-level crimes such as graffiti-tagging, window breaking, and drug-
77 dealing (all common juvenile offenses) can encourage development of a lawless environment
78 where more serious crimes can flourish.

79 Opponents suggest that imposing youth curfews has great potential for abuse and may turn
80 generally law-abiding young people into criminals. They note that more American children are
81 charged with curfew offenses than with any other crime. They also point out that statistics from
82 U.S. communities suggest that the police arrest more non-white than white youth for curfew
83 violations. They also say that curfews affect the poor more harshly: because youth in poor
84 neighborhoods have fewer places to play or “hang out” safely, their only option is staying on the

85 streets. Once burdened by a criminal record, many of these young people cross a psychological
86 boundary, perceiving themselves as outlaws. A criminal record reduces the employment
87 opportunities for youth and scars their futures. Enforcement of youth curfews can lead to a
88 deterioration in police-youth relations.

89 **2. The Rights of Young and Older Citizens.** Opponents of youth curfews say that these
90 policies infringe upon the individual rights and liberties of young people. Children, they say,
91 have the right to freedom of movement and assembly. Curfews hurt these rights. Young people,
92 particularly teenagers, have legitimate reasons to be out at night without adults. Many hold after-
93 school jobs. Others participate in group activities at churches, youth clubs, or sports arenas.
94 Young citizens cannot learn how to be responsible unless they have opportunities to act
95 responsibly.

96 Opponents of curfews also note that this kind of law treats all young people as potential law-
97 breakers. While only 0.2 percent of youth in the United States commit serious offenses, youth
98 curfews limit the remaining 99.8 percent of young people who seek to engage in legitimate
99 activities during nighttime hours. Moreover, curfew laws tend to discriminate by age, despite the
100 fact that young people commit fewer crimes than adults.

101 Supporters of youth curfews agree that such programs take the law-abiding majority of
102 young people off the streets. They see this restriction, however, as a protection and an advantage:
103 it protects law-abiding youth from law-breakers, and it gives the police the advantage of focusing
104 their resources on only those few young people actively breaking the law.

105 Balancing the rights and safety needs of youth and adults remains a challenge.



Youth Curfews—Selected Resources

- Bilchik, Shay, "Curfew: An Answer to Juvenile Delinquency and Victimization," *Juvenile Justice Bulletin* (Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, April 1996).
- Budd, Jordan C., "Juvenile Curfews: The Rights of Minors vs. the Rhetoric of Public Safety," *Human Rights* (Washington, DC: American Bar Association, 2004), <http://www.abanet.org/irr/hr/fall99humanrights/budd.html>.
- "Child Curfews," *Deatabase: The Online Debate Topic Database* (New York: International Debate Education Association, 2001), <http://www.deatabase.org/details.asp?topicID=114>.
- "Coming of Age in America," *Bill of Rights in Action* (Los Angeles: Constitutional Rights Foundation, May 1982), Vol.16:2.
- "Curfews and Local Government," *The Challenge of Violence* (Los Angeles: Constitutional Rights Foundation, 1997).
- "Curfews: A National Debate" (Portland, OR: American Civil Liberties Union of Oregon, 2001), <http://www.aclu-or.org/issues/curfews/studentcurfew1.html>.
- "Local Child Curfews Guidance Document" (London: British Home Office, 2003), <http://www.crimereduction.gov.uk/youth18.htm>.
- Ruefle, W., and K.M. Reynolds, "Keep Them at Home: Juvenile Curfew Ordinances in 200 American Cities," *American Journal of Police* (1996).
- Shepherd, Robert E., Jr., "The Proliferation of Juvenile Curfews," *Juvenile Justice Articles* (Washington, DC: American Bar Association, 2004), <http://www.abanet.org/crimjust/juvjus/cjcurfew.html>.
- "A Status Report on Youth Curfews in America's Cities" (Washington, DC: The United States Conference of Mayors, 1997), <http://www.usmayors.org/USCM/news/publications/curfew.htm>.



Youth Curfews—Deliberation Question with Arguments

Deliberation Question

Should our democracy impose curfews on people under age 18?

Arguments to Support the Deliberation Question

1. Youth curfews can help solve major juvenile crime problems such as drug abuse, violence, and gang activity by keeping young people off the streets.
2. Youth curfews can help parents accept child-rearing responsibilities and help protect vulnerable children who might otherwise fall prey to youth—or adult—predators.
3. Youth curfews can help create a safer community by stopping minor crimes and criminals from progressing to more serious—and destructive—law-breaking. Curfews support zero-tolerance policing.
4. Youth curfews can discourage the growth of negative youth attitudes and behaviors about defying the law and gang membership while they contribute to more positive, supervised activities.
5. Youth curfews, by keeping the law-abiding majority of young people off the streets, allow police to focus on serious lawbreakers.



Youth Curfews—Deliberation Question with Arguments

Deliberation Question

Should our democracy impose curfews on people under age 18?

Arguments to Oppose the Deliberation Question

1. Studies suggest there is no direct link between youth curfews and reduced juvenile crime. In fact, most juvenile lawbreaking happens just after school, before typical curfew hours begin.
2. Youth curfews violate individual rights and liberties such as freedom of assembly and the right to travel. They also violate parents' rights to raise their children as they wish.
3. Many young people have legitimate reasons for being on the streets at night—they hold part-time jobs and participate in supervised social activities or arts and sports programs. Besides, it is unreasonable to expect that all parents can take their children to evening activities.
4. Youth curfews have great potential for abuses such as racial profiling and lack of consideration for young people who live in neighborhoods with fewer recreational resources. This abuse can lead to a further breakdown of police-youth relations.
5. Youth curfews assume that all young people are criminals. Excessive curfew arrests add to the number of juveniles who are hampered by criminal records.