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Curfews, help or hinderance : an analyis of Concord police department's 1995 curfew law

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***CURFEWS, HELP OR HINDERANCE:
AN ANALYSIS
OF CONCORD POLICE DEPARTMENT'S
1995 CURFEW LAW***

A Thesis

Presented to

The Faculty of the Administration of Justice Department

San Jose State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Science

by

Kenric A. Fivella

August, 2000

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ABSTRACT

CURFEWS, HELP OR HINDERANCE: AN ANALYSIS OF CONCORD POLICE DEPARTMENT'S 1995 CURFEW LAW

By Kenric A. Fivella

With the upsurge of gangs and gang violence in the 1980s and 1990s there has been a renewed interest in the use of curfew laws. With the renewed interest in curfews have come Constitutional issues regarding the use of curfew ordinances. In Concord, California the police where having a problem with gangs and gangs violence. In 1995 a constitutionally adept curfew ordinance was implemented. Data collected were based on information supplied by Concord Police Department. The findings will show: (1) that as the curfew ordinance was applied more female and male youth where involved in curfew ordinance violations than in 1994; (2) that 18% of the reported crime in Concord is committed by youth; and, (3) what percent of crime is committed by the various ethnicities within the city of Concord.

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CHAPTER I

Introduction

Beginning in the early 1960s, many of the citizens of the City of Concord would hear through the news media of youth violence spreading throughout America. Youth hurting and killing each other were daily occurrences on the news. The problem did not seem salient because the incidents were occurring elsewhere in the United States, and not seen as pertaining to Concord, California. Gang and youth violence slowly grew, and, in 1978, came to be seen as impacting the City of Concord (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996). The problem started with such small incidents as youth congregating in public places and an occasional fight that would erupt. The violence and the gangs continued to grow until some fourteen different gangs had been identified by the Concord Police Department (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996). In July of 1994, a 14-year-old was shot and killed in retaliation for another suspected gang-related death in Concord (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996).

Attacking this emerging problem required consideration of policies and programs. It became important for the Concord Police Department to enforce its new curfew ordinance that went into effect on August 1, 1995.

Concord's curfew ordinance makes it illegal for anyone under the age of 18 to

remain on any public street, highway, park, vacant lot or other public place between midnight and five o'clock in the morning. The conditions of the curfew ordinance do not apply when:

1. The minor is accompanied by a legal guardian or responsible person over the age of 18.
2. When the minor is engaged in an errand directed by his or her legal guardian or spouse over the age of 18.
3. When the person is going directly between his or her home and place of employment.
4. When the minor is coming directly home from a public meeting or public entertainment. This exception applies one-half hour after the event but in no case beyond 1:00 a.m.
5. When the minor is responding to an emergency.
6. During interstate travel.
7. When the minor is on the sidewalk abutting their residence.
8. When exercising his or her First Amendment rights.
9. When the minor is emancipated in accordance with the California Family Code or any applicable law (Concord City Council. Curfew Ordinance No. 95-4. 1995, May 9).

Having this in mind, the department had to know if its new curfew plan was working. An equally important consideration to this program was whether or not juvenile males and females were becoming more or less active as curfew violators. What portion of the

reported crime in the City of Concord was being committed by juveniles? Last, which ethnic groups, if any, were undertaking more or less active roles in the reported crime?

This researcher attempts to answer these questions through a three-trend analysis of the data. The analysis contains data on juvenile misdemeanor and felony arrests. The study will look at the questions of arrests by gender over time: one year before and one year after the new curfew ordinance was enacted. Last, in an effort to understand the correlates of crime and violence, this researcher will examine which ethnic groups are the most active in the reported incidents. If the curfew ordinance has been successful, the researcher would hope to find reported youth crime has decreased in the City of Concord, and that the number of youth congregating in public places has decreased. It is hoped that this information will enable the Concord Police Department to better tailor its Youth Violence Intervention Strategy program and to create community-based programs that will have a positive effect and decrease youth violence.

A. Demographics

The City of Concord is located in the East Bay Region of Contra Costa County. The city was incorporated on February 9, 1905 and encompasses 30.68 square miles within its boundaries. The population of Concord is nearly 112,000 persons and represents about 13% of the total population in Contra Costa County, making it the largest city within the county. The ethnicity for the population consists of 73.05% white, 11% Hispanic, 9.56% Asian and Pacific Islander, 2.48% Black and 3.91% other races. Approximately 30% of the population are less than 24 years of age, and 60% of the

population is between the ages of 25 and 64 years. Approximately one-third of the households in Concord have children, with residents living in the central area having larger families than those living further from the central city. The average household income is \$60,000.00 (City of Concord, Community Development Department [fact sheet], 1998). Almost 32% of adults are college graduates and 10 percent have completed graduate school; 60.9 percent of the available housing is owner occupied and 39.06% of the housing are rental dwellings. There are 44,687 occupied housing units in the City of Concord. Of that total, 58.68%, (26,222 units) are single unit detached homes, 39.11% (17,030 units) are multiple unit (two or more units), and 3.21% (1,435 units) are classified as mobile homes or trailers.

B. History to Present

Prior to the early 1990s the City of Concord had no specific plan that completely addressed the youth and gang issues of the city (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996). Violence continued to spiral upward in Concord, until gang related shootings were averaging one per month (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996). The two largest gangs are identified as the Nortenos and the Surenos. The majority of the members being Hispanic males and females, with varying degrees of other ethnicities being included in the gang. Each group occupied and controlled specific turf within the City of Concord. Gang and youth violence had become very problematic in Concord in the early 1990s (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996).

The Concord Mayor's Office, city council members and the Concord Police Department, in response to the city's youth and crime problem, developed a comprehensive plan they believed would curb youth crime and violence.

The Youth Task Force was formed in 1992 by the Concord City Council and became part of the city's Neighborhood Preservation Program. The mission of the Youth Task Force was: to, "assist in the identification of the needs of youth from the multi-ethnic and diverse cultural neighborhoods of Concord and to develop and recommend recreational, social and cultural programs . . . that would meet and satisfy the needs of those neighborhoods identified," (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996, p16).

The Youth Task Force included representatives from Concord Police Department, University of California at Davis Behavioral Sciences Department, Concord Parks and Recreation, Mt. Diablo School District, Concord Youth Council, Concord Chamber of Commerce, Japanese American Citizens League, Virginia Lane Apartments complex, New Connections, Mt. Diablo YMCA and members from the Black Families Association (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996).

In June of 1994 the Youth Task Force presented a report to the Concord City Council members; the three main points were:

- 1. The City's demographics changed to one of increasing cultural and socioeconomic diversity, and that the City's approach of "one size fits all" service delivery approach was not suitable.**
- 2. The Youth Task Force wanted to empower neighborhoods to solve their own**

problems by assessing their needs and how they could meet those needs.

3. The Youth Task Force recommended a pilot project be started in the Cambridge area of Concord.

The Cambridge area was selected for the pilot program because the area had strong community support and was identified as a neighborhood having existing city programs in the community, and because the neighborhood was one of relatively high crime and low socio-economic status (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996).

The needs assessments for the Cambridge area were obtained through a survey questionnaire administered by researchers from the University of California at Davis. The questionnaire revealed 164 young adults between the ages of 8 and 18 responded to the survey questionnaire. The results of the survey reflected respondents of all ages wanted to go on more field trips, older youth wanted help finding jobs, and the younger children wanted to have their neighborhood playgrounds opened after school. While the City Council task force was evaluating the needs of the Cambridge area, the Concord Police Department started the Youth Violence Intervention Strategy.

In late 1993 and early 1994, a Special Enforcement Team (SET) was established as an interim measure to deal with gangs and gang violence (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996); a second SET team was started in 1996. Both SET teams have the primary responsibility of gathering intelligence on and investigating gang violence.

During this same period, the Concord Police Department was in the process of

forming its new community policing strategies. One of the elements of Concord's community policing plans is the Youth Violence Intervention Strategy, which uses four approaches to reduce youth violence and crime: prevention, intelligence, enforcement and investigation (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996). All four approaches are interrelated and dependent on each other to attain maximum results.

C. Prevention

The main focus of the element of prevention was to stop youth from joining a gang, and to persuade those that are in a gang to leave and return to a life free of violence and crime. This goal was to be met through youth programs funded by the City of Concord, school sports programs, and private community facilities. Another important requirement was that, if possible, the programs were to be offered in various neighborhoods of Concord. Other means used in the prevention strategy were the use of the Concord Teen Center located in Central Concord at the Concord Center Building, public presentations on local television, and the use of a violence prevention specialist, who would make contact with gangs and at-risk youth.

The violence prevention specialist provided both intervention and prevention strategies. He made contact with gang members on the street, provided anti-gang advice on school campuses, presented gang awareness classes to the community, supervised at-risk youth at the Teen Center, and used defusing strategies on gang members who wanted to take retaliatory actions against rival gangs.

Other prevention approaches were through school and police partnerships, including the use of Drug Abuse Resistance Education (DARE), officers to dissuade youth from joining gangs and the use of illegal drugs. Another school and police partnership in the Concord schools was the use of School Resource Officers (SROs). There are four SROs in the Concord School District. Each officer being responsible for the care of one high school and intermediate school, not serving in the same capacity as the DARE officers, who spend most of their time in the class room, and being more visible on the school campus functioning as counselors, role models and law enforcers. Both the DARE and the SRO officers were in uniform on the school campuses on a daily basis.

An additional service provided in the high schools was the Individual Student Government Problem Solving Effort, the assumption being that many of the problems youth experienced in school could be resolved by themselves if they had a safe place to discuss their issues. To help in those areas, faculty and students were trained in the techniques of conflict resolution. Additionally, it was thought that those students actively involved in conflict resolution negotiations would personally realize both self growth and benefits of effective problem solving without violence.

At-risk youth, (ages 12 through 17, from disadvantaged backgrounds, low socio-economic status, and residing in high gang activity areas) participated in the Concord Police Department mentor program. The mentor program focused on gang associates and those gang members who had a desire to leave their gang. Efforts were also made at the time to connect at-risk youth with community services that had qualified adult mentors.

Last, the prevention element was expanded to include letters to care givers or parents of youth known to associate with gang members. After the identification of gang members as individuals wearing gang clothing, congregating and flashing gang signs and hanging around with known gang members, the police department sent a letter notifying the care givers of their child's association with a known gang. The care givers were also invited to contact the police department so they could discuss intervention choices and resources that would be available to them.

D. Intelligence

The second component of the Youth Violence Intervention Strategy is the use of intelligence gathering. The goal of intelligence gathering is to collect timely, legal and reliable information on all facets of local gangs and their affiliates. The information gathered is routed to various departments within the Concord Police Department for the purposes of preventing gangs and gang related incidents from happening in the city.

Intelligence gathering is accomplished through the use of an intelligence officer and gang information meetings, and through gang tracking in the department. The gang intelligence officer acts as a clearing-house for information related to gangs, and disseminates the information to appropriate persons in the department. In an effort to share and gather information on gangs, the intelligence officer, members of the Special Enforcement Team, School Resource Officers, Youth Service Unit, Gang Unit, Patrol Operations and a Deputy District Attorney meet weekly in a gang information meeting to discuss strategies and related information concerning local gang activity.

The gang tracking system was designed to store reliable information on gangs, gang members and associates. Information collected in the gang tracking system had to meet specific gang criteria to be entered into the system. Information retained in the gang tracking system is used to help Concord Police Department to quickly and effectively identify individuals responsible for crimes committed in the city.

E. Enforcement

The enforcement component of the Youth Violence Intervention Strategy is an effort to deter youth violence and crime through a suppression approach to law enforcement (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996). Specifically, a suppression strategy means assigning priority attention to the locations, actions and conduct of known and suspected gang members and associates (Report on Police Department's Youth Violence Intervention Strategy, Dec. 17, 1996). The enforcement component of the Strategy used beat officers, SET and Gang Unit officers, as well as a community policing style of enforcement in the community. Other important approaches used in the enforcement component were the use of surveillance, stakeouts, arrests, aggressive patrol and use of Concord's curfew ordinance.

F. Investigations

Finally, Gang Unit investigators were responsible for doing follow-up work on unsolved gang crimes and for working with the Concord District Attorney's office in the successful prosecution of gang crimes. Additionally, the two person unit gathered

information on gang and gang-related activities in the city, and distributed the information to the appropriate Youth Violence Intervention staff within the Concord Police Department for further processing and action.

G. Curfew Ordinance

Since 1944, the City of Concord has had four curfew laws (Concord City Council, Ordinance No.120, 1944, June 26, Concord; Concord City Council, Curfew Ordinance No. 777, 1968, April 22, Concord; Concord City Council, Curfew Ordinance No.81-1218, 1981, October 12, Concord; Concord City Council, Curfew Ordinance No. 95-4, 1995, May 9, Concord).

According to Sergeant Dave Chilimidos, (1996), of the Concord Police Department, the current curfew ordinance was written to provide an ordinance that would meet Constitutional challenges. The new ordinance was drafted and modeled conceptually after the Dallas, Texas, ordinance. On May 9, 1995, the new curfew ordinance was passed and adopted by the Concord City Council and went into effect on August 1, 1995 (Concord City Council, Curfew Ordinance No. 95-4, 1995, May 9, Concord).

In order for the Concord curfew ordinance to be constitutionally acceptable, it had to meet a two-pronged strict scrutiny test: the State must have a compelling interest in the safety of its minors, and the scope of the curfew ordinance must be narrowly limited to achieve the objectives of the law. The Dallas curfew ordinance passed constitutional scrutiny by being upheld by the U.S. Court of Appeals for the Fifth Circuit

in 1993 in *Quib v. Strauss* (U.S. Department of Justice, 1996).

Details of Concord's curfew ordinance are similar to curfew laws in other cities; however, like the Dallas ordinance, Concord's statute had an extensive list of exceptions to curfew enforcement. These exceptions allowed Concord's curfew law to achieve its objectives without unnecessarily limiting the freedoms guaranteed under the Constitution.

The objectives of Concord's curfew law are to reduce juvenile crime, protect the children of the City of Concord, and increase parental control. Concord's curfew objectives are met through the provisions set forth in the ordinance (Concord City Council, Curfew Ordinance No. 95-4, May 9, 1995) and are as follows:

1. A minor, anyone under the age of eighteen, cannot remain on any public street, highway, park, vacant lot or other public place between midnight and five o'clock in the morning.

The conditions of the curfew law do not apply when the following circumstances are evident.

1. The minor is accompanied by his/her parent(s), legal guardian or responsible person who is over the age of eighteen and approved by the minor's parent or legal guardian or by his or her spouse who is eighteen years of age or older.
2. The minor is engaged in an errand directed by his or her parent(s), legal guardian, or other person having the legal care or custody of the minor, or by his or her spouse who is eighteen years of age or older.
3. The minor is legally employed for the period from one-half hour before to one-half hour after work, while going directly between his or her home and place of

employment. This exception shall also apply if the minor is in a public place during curfew hours in the course of his or her employment, provided the minor carries a written statement from the employer attesting to the place and hours of employment.

- 4. When the minor is going directly home after a public meeting, or a place of public entertainment, such as a movie, play, or sporting event. This exception will apply for one-half hour after the completion of the event, but in no case beyond 1:00 a.m.**
- 5. The minor is responding to or acting pursuant to an emergency.**
- 6. The minor is in a motor vehicle involved in interstate travel.**
- 7. The minor is on the sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to his/her residence.**
- 8. The minor is exercising his/her First Amendment rights protected by the United States Constitution.**
- 9. The minor is emancipated in accordance with the California Family Code or other applicable law.**

A Concord police officer who finds a juvenile in violation of the curfew ordinance may release the minor to their guardian or legal parent(s). The release of the minor may be made at the scene of the detention, at the juvenile's permanent or temporary residence, at the police station, or some other location, at the direction of the parent(s) or legal guardian.

Once a minor has received a first violation, the Concord Police Department will

send a letter to the minor's parent(s) or legal guardian warning them of the consequences should a second violation occur. Included in the notification letter is an admonishment to the parent(s) or legal guardian that they could be liable for actual administrative and transportation costs incurred by the juvenile. The parent(s) or legal guardian are required to sign a form and to state any relevant reasons why they should not be liable for applicable costs should a second detention occur. Fees collected cannot exceed the actual cost incurred by Concord Police Department and may be waived upon a hearing showing good cause.

Waiving of administrative costs for good cause can be performed for four specific reasons (Concord City Council, Curfew Ordinance No. 95-4, May 9, 1995). They are as follows:

1. Upon a determination that the person has made reasonable efforts to exercise supervision and control over the minor.
2. Upon proof that neither the minor nor his or her parents or legal guardian has the ability to pay the fee.
3. Upon determination that performance of community service should be required in lieu of imposition of the fee.
4. Upon a determination that the parent or legal guardian has limited physical or legal custody and control of the minor.

Violating Concord's curfew regulation is a misdemeanor and punishable under state law (Concord City Council, Curfew Ordinance No. 95-4, May 9, 1995). This would give the Concord Police Department additional alternatives for managing persistent

curfew violators.

H. Summary

This chapter has reviewed the reasons for and implementation of policies and programs designed to reduce gangs and gang related activities as well as protection of juveniles and the community in Concord, California. The next chapter explores the social, legal and procedural issues associated with curfew programs, beginning with a historical overview.

CHAPTER II

Literature Review

Introduction

It seems that, as Americans left their agricultural roots and moved forward as an industrial nation, part of their moral fiber and much of their sense of responsibility to family, society and each other were quickly eroding. It could be argued that this sense of national loss is reflected in our daily lives and manifests itself through the repeated episodes of violence that our youth inflict on each other. Gang violence and drive-by shootings have become common but unacceptable methods by which to resolve disagreements between individuals and group (Ruefle & Reynolds, 1995). The choice is often to "shoot first and do not ask questions" because, if successful, there will not be anyone with whom to talk. The norm for many youth is to resolve conflict with violence.

A. Definition of Terms

To understand more fully the curfew issues, it is necessary to present the definition of a minor. This concept is essential to understanding which age group of individuals would fall under the purview of a curfew ordinance.

Minor, juvenile and youth: In this thesis, the terms juvenile, youth, and minor are used interchangeably to refer to persons covered by curfew laws restricting their activities. Throughout the United States, laws affecting this age group have set the

maximum or outside age of jurisdiction at 16 or completion of 17 years. At age 18, a person is considered to have reached the age of majority or adulthood in the United States.

B. Historical Perspectives

Curfews are not new in the United States. The early curfews of the 1890s were started by Colonel Alexander Hogeland, President of the Boys' and Girls' National Home Employment Association. The early curfews were enforced to regulate the crimes that were being committed by juveniles (Ruefle & Reynolds, 1996). Within one year the curfew was so effective that the curfew law spread to other states in America. According to Ruefle and Reynolds (1996), these early curfew regulations were part of a broader plan to control the large number of immigrant children who were running the streets of America. These children were seen as the cause of much of the growing youth crime within the cities of America.

Curfews, then as now, were started to fight against and control delinquency, enforce parental responsibility for redirecting their children and to protect the children from the predators and evils existing on early American city streets (Ruefle & Reynolds, 1996). The effectiveness of these early attempts at curfew enforcement and regulation of crime is unknown. However, there must have been some perceived benefit to curfew enforcement, judging by the fact that most States adopted and used curfews to manage delinquents. Many curfew laws remained on the city codes for years but appear to not be

enforced sometime during the early 1900s (Ruefle & Reynolds, 1996).

It was not until the social dislocations of World War II that curfew enforcement again became a national concern (Ruefle & Reynolds, 1996). According to Ruefle and Reynolds, (1996) it was believed that delinquency became prevalent due to the disruption of family life, coupled with the weakening of controls on young adults caused by territorial mobility and by so many parents, men and women, having to work to support the war effort. Again, in the 1950s, the enforcement of curfews relaxed as America's adults regained control of their lives and families. Social life returned to an orderly fashion.

It was not until the sharp increases in crime and delinquency during the mid-1960s that renewed interest in curfews reemerged. However, it was not until the 1970s that curfew law and concerns about how to manage juveniles gained more notoriety. This fact is evidenced, according to Ruefle and Reynolds (1996) by the plethora of articles written in law review and criminology journals. During this period, eight articles were written on curfew regulations; four scholarly articles were written as law review articles and four were academic criminology articles (Ruefle & Reynolds, 1996). Additionally, renewed interest in curfew regulations in the 1970s is evidenced by the lobbying of the Board of Trustees of the National Council on Crime and Delinquency (NCCD). Specifically, the NCCD lobbied against the use of curfews as a means of controlling delinquency and urged all cities to repeal existing curfew regulations and refrain from enacting new curfew ordinances (Ruefle & Reynolds, 1996). From these writings and activities of the 1970s it can be inferred that many cities were enacting new curfew

ordinances or accelerating the use of existing laws in an effort to control delinquency.

C. Present Perspectives of Curfew Ordinances

Local city and county governments have responded to youth violence in an effort "to do something" to curb the violence by drafting new and enforcing existing curfew laws. According to Ruefle and Reynolds (1996), curfews are a direct result of the increased perpetration of violence by and on urban teenagers by their peers. The result was a dramatic increase of curfew legislation in the first half of the 1990s (U.S. Department of Justice, 1995).

Additionally, curfews are used as a reaction to decreased parental supervision and other social trends, such as society finding it acceptable for juveniles to be out after nightfall for no particular reason (U.S. Department of Justice, 1995), resulting in groups of teenagers congregating or "hanging out" with nothing to do. Ruefle and Reynolds (1996), agree that lack of parental supervision and guardianship are part of the problem, and that much of the crime is opportunistic. For idle teenagers to congregate in small groups, with nothing to do can result in their finding opportunities to engage in delinquent behavior.

Ford, on the other hand, argues that youth violence is a reflection of a crisis in urban America (1994). Moreover, his position is that gangs are a reflection of urban American decay in our society due to lost opportunities that minorities experience in the inner cities.

It is interesting to note that the argument for enforcing a curfew in the 1990s is

primarily the same as it was in the 1890s: to reduce juvenile delinquency. However, the type of juvenile delinquency has dramatically changed since the earlier period, as is seen in drive-by shootings and interpersonal violence committed by and on young adults.

Despite the lengthy history of curfew laws and programs, scientific research in curfew and curfew enforcement has been limited and their effects (both short and long term) are unknown. Only recently has research begun to describe and explain the primary areas in which curfews affect the community and the families that live within it.

The curfew, according to Ruefle and Reynolds (1995), is a social control mechanism. They argue that parents are no longer willing to accept the responsibility of raising and controlling their children throughout the formative years. This loosening of control has resulted in youth having to make decisions that they are not fully able to understand. Some of these decisions have resulted in many teenagers being misguided by friends and misled by information that is not in their best interest.

According to Ruefle and Reynolds (1995), curfews as a social control mechanism are enforced in the belief that, if society is to be safe, human beings must be controlled. It is also believed that appropriate behaviors and values of the society must be shared by those being governed, whether or not they agree. Curfews also assume that people are not motivated to do what is socially expected; therefore, they should be forced to comply for the good of society.

According to Ford (1994), the relative peace created by the enforcement of a curfew does not come without a price. The cost to the community is experienced in two ways. The freedoms guaranteed to the individual are restricted, and the nexus of control

of the community shifts from individuals to local government. A curfew would also require its citizens to sacrifice some of their freedom and alter their lifestyles. Curfews can regulate "legitimate conduct" seen by police as illegal or related to gang activity. For instance, a group of teenagers socializing will be seen by police as a potential gang formation, which could inevitably end as a control problem for patrol officers.

The recent upsurge of curfew interest and enforcement is a direct result of juvenile violence of the mid-1980s. It is argued that the incidents of youth violence are due in part to the influx of drugs into America and the resulting drug wars over control of turf. These factors have resulted in a public outcry for the police to do something to protect the youth and the communities in which Americans live.

D. Constitutional Issues of Curfew Ordinances

According to Ruefle and Reynolds (1996), curfews are enforced for five main reasons and are as follows.

1. To control delinquency.
2. Protect youth from becoming crime victims.
3. To maintain standards of public order and civility.
4. Bolster the authority of parents who are attempting to put limits on the night time activities of their children.
5. Alert authorities about family situations in which youth become involved with the criminal justice system and the need for intervention by social

service providers.

Are the objectives of curfews being met and is enforcement effective? These questions cannot be answered accurately, according to Ruefle and Reynolds (1995), due to the lack of accurate and reliable studies in this area. This point is also supported by Ford (1994). However, elected officials are evidently enacting curfews and encouraging their enforcement to show the public that something is being done to fight the onslaught of youth violence and victimization.

Additionally, Ruefle and Reynolds argue that curfews make the citizens of the enforced area feel safer. Public opinion surveys on curfews support this perception. Ruefle and Reynolds cite two recent surveys in this area in which 92 percent of the citizens supported the continuation of the newly enacted curfew, 72 percent agreed that the curfew made them feel safer, and 87 percent thought the enforcement had helped to control delinquency.

The cost-benefit equation must be balanced by the fact that curfew enforcement does effect the individuals and community in which the enforcement is carried out. Specifically, one view expressed by Ford (1994), is that "legitimate" conduct by individuals or groups are often mistaken by police as contributing or related to criminal gang activity. As argued above, the gathering of a group of young adults can be seen by police as a first step toward gang activity and a potential for violence that accompanies such gatherings; crimes of opportunity become more likely when a group is present. This may not always be the case, but the police may often restrict group congregation because of this view.

Critics of the curfew, such as Ford (1994), comment on the fact that curfews will cause individuals in the community to rearrange and restrict their daily lives, while moving about within the community. Ford (1994), also believes that the loss of individual rights is further hampered by the length of the curfew. His belief is that the longer the curfew hours are extended, the longer the restriction window under which individuals must live, although better curfews allow for exceptions in which juveniles can be in public.

An additional complaint by critics is that a curfew diverts scarce police resources, which results in other types of more serious crime going unchecked (Ford, 1994; Ruefle & Reynolds 1996). Enforcement of a curfew can be used by patrol officers as a youth management tool, based on the individual officer's professional judgment in that particular situation. At times, the officer may use the curfew regulation as a convenience for a particular situation while, in a second and similar circumstance, the same officer might invoke the curfew code.

Additionally some police departments will use special units such as anti-drug and gang units to control youth on the street. This is particularly common during the summer. Patrol sweeps of late night "hot spots" for youths are targeted and may last for short periods. These methods might last for two to three weeks and are usually responses to citizen complaints. Another tactic is to have the sweeps randomly hitting different "hot spots" within the city, thereby keeping the juveniles off balance (Ruefle & Reynolds, 1996).

Another type of enforcement used in high crime and violence areas that are

identified as having reached crisis proportions is called "saturation" enforcement. It is accomplished by specially deployed teams in these areas, is usually short lived (perhaps two months in length) and considered very expensive. While, this tactic will reduce crime almost immediately, resultant gains are short lived and are not likely to lead to permanent crime reduction.

E. Help or Hindrance

Is the desired effect of curfew enforcement being realized by local and county governments? To date, extensive scientific data on the effects of curfew enforcement are not available. However, reports on results from city governments using curfew enforcement are being compiled. The techniques of data collection, presentation and intended use of the data vary with each reporting organization. Having this in mind, the trend that city and county governments report is that there is a decrease in juvenile violence. For instance, in Phoenix, crime against juveniles during curfew hours has dropped 8 percent (Beck, 1995). Similar results were experienced by Little Rock, Arkansas. In that city, after the first full year of curfew enforcement, a 12 percent reduction in the categories of homicide, rape, robbery and assault was achieved. Burglaries decreased by 10 percent (Nolan, 1994). Dallas, Texas, during an 11-month comparison for the city wide curfew enforcement, found that, although violent crime rose in the city, violent crime involving juveniles only rose .5 percent.

In addition, most of the cities reporting on the response to the curfew enforcement have noticed a visible decrease in groups of juveniles congregating and roaming the

streets, and fewer police calls involving the victimization of juveniles. While the present evidence is anecdotal, it does reflect a positive reaction by city governments choosing to enforce a curfew regulation.

An unexpected occurrence for curfew enforced communities is the temporal displacement of delinquent behavior. It appears that many youth being affected by curfew laws are engaging in delinquent behavior during the periods in which the curfew is not being enforced, one consequence of which has been the creation of "safe centers" for youth recreation.

Another objective of curfew programs and their enforcement is to force irresponsible care givers to regain the responsibility and accountability they must have to raise their children. Obviously, curfew requirements for each city will vary depending upon the requirements of the municipality. However, most agencies use a procedure to detain and control the youth once they are identified. A further or third step is used for the claiming of the youth by the care giver. Additionally most cities will include a fourth step, which is to involve the family in counseling and other related services designed to establish control.

Many fiscal officials in cities also see this as an opportunity to generate money through the addition of fines and "baby sitting" fees. For example, while a juvenile is in custody, a fee of \$38.50 per hour is levied against the care giver in Huntington Beach, California (Beck, 1995). The city of Phoenix, Arizona fines each curfew violator \$56. As an incentive, the fine can be avoided if the violator participates in a diversion program for counseling and community service work (Garrett, 1994).

The city of Dallas, Texas uses a different approach to curfew violations.

Depending on the circumstances, patrol officers have four primary enforcement options: warn the child and send them home, take the child home, cite the child into court, or arrest, as a last recourse.

Policy questions. It has been suggested that justification for present curfew laws is the same as it was in the 1890s: to reduce juvenile delinquency. According to Ruefle and Reynolds (1996), curfew laws now address many of the same policy issues as before. Specific questions being raised include:

- Are curfew ordinances enforceable?**
- Do curfew ordinances waste expensive police resources?**
- What are the rights of the nondelinquent youth caught in the net widening effect of curfew laws?**
- Does a curfew ordinance help the family to be more cohesive or does it infringe on the rights of care givers to raise their children?**
- Can a curfew create a prejudice in police in the management of youth?**
- Will the communities under which curfew ordinances are being enforced be stigmatized?**
- How much juvenile crime will actually be prevented from occurring during the night time hours?**
- How much crime will be displaced to another time when the curfew is not in effect?**
- How many youth will actually be worse off due to the possibility of having to stay at**

home and being exposed to abusive family life without the possibility of escaping if for a least a short period? These questions are at the heart of the policy debate (Ruefle & Reynolds, 1996).

Opponents in the curfew debate argue that curfews violate fundamental rights guaranteed under the U.S. Constitution. They also argue that curfew enforcement will be applied unequally and, specifically, that curfew enforcement will be most heavily applied in the minority and poorer segments of the population.

Another argument is that misapplied enforcement will be ethnicity based as well, resulting in the over restriction to minorities and the poor within their communities. Further consequences of unequal curfew enforcement will be the stigmatizing of the community, and the social perception of a community not coping with its problems (Ruefle & Reynolds, 1996; Ford, 1994).

Proponents of curfews contend that curfews are an excellent tool for police as well as parents (Ruefle & Reynolds, 1995). For instance, in the high crime areas, curfews protect non-delinquent youth from violence and prevent violent youth from committing crimes (Ruefle & Reynolds, 1995). In the low crime areas, curfews give the police the tools to disperse late night groups of youths. Additionally, it gives officers on patrol the needed authority to stop and question youths on the street during the hours of curfew, as well as the ability to remove youths from the street (Ruefle & Reynolds, 1995).

For parents, the additional support created by curfews aid them in the management of their children. Specifically, the "legitimization" of controls put on late

night activities of their children now is more evident and has more meaning.

Controversies on curfew effects among such civil organizations such as the American Civil Liberties Union (A.C.L.U.) and others have created an atmosphere in which to challenge the legality of curfew laws. Legal challenges by the A.C.L.U. are pursued either directly or indirectly through offers of help to those willing to challenge the Constitutionality of the law based on the fundamental rights of the individual. The Constitutional rights of juveniles are at issue when considering the application of a curfew ordinance (Freitas, 1996; Ruefle and Reynolds, 1995). Specifically, legal claims are based on alleged violations of the 1st, 4th, 5th, 9th and 14th amendments of the U.S. Constitution (U.S. Department of Justice, 1996). The First Amendment guarantees the right to the freedom of speech, religion and peaceful assembly. The Fourth Amendment protects persons against unreasonable searches and seizures, and has been interpreted to protect individuals from unreasonable stopping and detainment. The Fifth Amendment is the guarantee of due process for individuals under our system of law. The Ninth Amendment has been interpreted to include the right to family autonomy and the right to privacy, which means that care givers may raise their children as they see fit, without government intervention. The Fourteenth Amendment protects persons against the loss of their liberty without due process of law, and includes the right of individuals to move about freely, which is embodied in the privileges and immunities clause of the U.S. Constitution (U.S. Department of Justice, 1996).

A curfew ordinance must meet a strict scrutiny test to satisfy constitutional guarantees. Specifically, for States to meet constitutional intent, a two-pronged test must

be met. The strict scrutiny test requires municipalities to demonstrate 1) that there is a compelling interest for State intervention, and 2) the law must be narrowly tailored to meet the objectives of the law (U.S. Department of Justice, 1996; Ruefle & Reynolds, 1996). Therefore, state governments must ensure that their legislation is both precise in its language and narrowly defined to minimally restrict minors.

In *Bellotti v. Baird* (1979), the U.S. Supreme Court rejected the notion that juveniles do not have the same rights as adults. In addition, according to Freitas (1996) the Supreme Court has declared that the 14th Amendment and the Bill of Rights were not intended for adults alone. The Supreme Court has also stated that minors are entitled to the coverage and safety of the 1st Amendment (Freitas, 1996). This means that juveniles are to be accorded the same freedoms of speech, expression, and religion as adults (Freitas, 1996). However, the Court has not said that the rights of juveniles coexist with those of adults (Freitas, 1996). Instead, in *Bellotti v Baird*, the Court has said that the state has greater power to restrict the powers of minors than at the Federal level. Therefore, the rights afforded juveniles are left to the individual State to decide. The Supreme Court is letting the States decide what is best. The Supreme Court's unwillingness to declare the coexistence of equal rights for juveniles with that of adults is the central issue for both broad and narrowly applied curfew ordinances.

The constitutional standing of a juvenile curfew ordinance revolves around four primary issues: (1) How important are those rights that are being challenged for youth, (2) the level of intrusion of those rights, (3) the degree of competing community interests and, (4) the availability of less restrictive alternatives (Ruefle & Reynolds, 1996). These

issues determine the level of judicial analysis that is to be applied to the curfew ordinance.

F. Rational Basis and the Strict Scrutiny Rule

Challenges to juvenile curfews are based on the dual approach to equal protection challenges under the law. Challenges are based on the rational basis and strict scrutiny tests of an ordinance (Freitas, 1996). The rule that is to be used in an ordinance has to be based on the type of curfew ordinance being enforced.

There are basically two types of curfews; blanket or non-emergency and emergency (Freitas, 1996; Trollinger, 1996). According to Trollinger, (1996) an emergency ordinance would encompass a human or natural disaster. A non-emergency curfew is what is used for juvenile curfew ordinances. Emergency and non-emergency classifications of an ordinance result in different prudent, constitutional characteristics and conclusions. According to Trollinger (1996), the non-emergency classification of the typical recent juvenile curfew law in America functions as a blanket ordinance, which restricts the public movement of minors, usually those persons under the age of 16 or 17.

Most juvenile curfew ordinances have been enacted by municipalities and extend across the municipality jurisdictional boundaries. The effect of the blanket coverage of the ordinance is to limit the movement of minors within the jurisdictional boundaries. Limiting the scope of the curfew ordinance to a particular geographic area due to hot spots of illegal activity, or for a specific length of time, or specific emergency are seldom used by municipalities; most use a blanket ordinance, which restricts both legal and

illegal activities of all minors.

However, as a result of a 1981 Fifth Circuit case (Johnson v. City of Opelousas, 1981), the overly broad application of a curfew ordinance has been held to be unconstitutional. This has resulted in many municipalities providing exceptions to the curfew ordinance for those legal activities. As a result, minors are not violating the law when they are engaged in constitutionally protected conduct ie., attending civic or adult-sponsored functions, legal employment, travel to and from excepted activities with the municipality and when engaged in interstate travel.

The Dallas, Texas curfew, enacted in 1993, is used as a model by many jurisdictions because the Dallas curfew was upheld in 1993 by the U.S. Court of Appeals for the Fifth Circuit in *Qutb v. Strauss*. In this particular case, the Dallas curfew satisfied the strict scrutiny test because the city was able to demonstrate that the City had an interest in reducing violent juvenile crime and victimization. The ordinance was constructed in such a way as to minimally limit the rights of those affected. Specifically, Dallas used the least restrictive ordinance it could by allowing for exemptions to the curfew. Exemptions for juveniles are:

- * Accompanied by an adult.**
- * Engaged in activities related to interstate commerce or protected by the first amendment.**
- * Traveling to or from work.**
- * Responding to an emergency.**
- * Married.**

- * **Attending a supervised school, religious, or recreational activity.**

Application of the curfew was imposed on youth under the age of 17 and in effect from 11:00 p.m. to 6:00 a.m. Sunday through Thursday. On Friday and Saturday night enforcement was from midnight to 6:00 a.m.

It is important to remember that, although the Dallas curfew has given jurisdictions the frame work in which to construct curfew ordinances, that the Court of Appeals ruling does not guarantee that further challenges will not occur, either at the Federal or State level.

G. Summary

This review of the historical development of curfew programs and legislation has suggested the legal limitations and potentially diversive effects of curfews. The next chapter examines the Concord, California program and the methodological procedures used to examine the research question of the effectiveness of their curfew ordinance.

CHAPTER III

Research Methods

Introduction

It will be recalled from Chapter I that the City of Concord was concerned about the number of minors congregating outdoors at various locations within the City, a situation that resulted in increased numbers of calls for police service from concerned citizens. Many of the calls were incidents involving violence among youth. As a result, a new curfew law was enacted. However, the effectiveness of the new curfew ordinance is not known. An evaluation is needed to study the effects of the newly implemented curfew ordinance. The intent of this research therefore, is to evaluate the curfew ordinance and to use the results of the study to better serve the community of Concord through fine tuning of the curfew ordinance.

A. Survey Instrument

The research design chosen for Concord Police Department is based on the department's data collected to assess the effectiveness of the new curfew ordinance. This researcher would have preferred to collect the data, but was not allowed to do so because the data made available was considered "official" and gathered by the Concord Police Department for purposes other than research. Thus, the available data for this study was used in a multiple-time series analysis variation in this exploratory research. One limitation of a exploratory research design is that cause and affect cannot be directly

assessed. However, a time series analysis will allow the researcher to infer trends revealed from the available data by comparing change across time frames. This will yield an overall assessment of crime, as well as crime by gender, juvenile arrests by race and, finally, what portion of reported crime was committed by minors.

The combination of trends analysis will give the Concord Police Department more reliable information that may be used to promote programs that will decrease juvenile crime and violence.

B. Data Collection

The available data provided the researcher consisted of reports and raw data (multiple-time series variation) compiled by Concord Police Department for other than research purposes. While they are not optimum data, they are available evidence. In aggregating the data, it was discovered that all of the data for March of 1996 was missing and could not be located due to the police department's recent move to its new building. Further efforts to retrieve the missing data for March of 1996 extended over three months and included a request to have the data in question reprinted, a request declined for lack of staffing, costs and time considerations. Thus, the analysis to follow is based on the remaining data for twenty-three months, from one year prior to and one year after the enactment of the curfew statute on August 1, 1995.

Concord Police Department receives approximately 300 calls for service daily; from these calls, approximately 100 police reports are written. Not all of the reports generated will result in arrests or even contain suspects. Many are of an informational

nature, which could be useful at a later time.

Information collected at Concord Police Department is contained in two primary information systems. They are the Computer Aided Dispatch (C.A.D.) and the Records Management System (R. M. S.). Concord radio dispatchers input information into the C.A.D. system. R.M.S. information is available for radio dispatchers for infield police officer and detective usage; however, radio dispatchers cannot input information into the R.M.S. system.

Information entered into the C.A.D. system is of a temporary nature. Most is automatically removed from the database after 90 days. Once the temporary information is removed, what is left is the record or on-going history portion of the particular incident. The information removed from the C.A.D. system is stored on tape and retained for up to three years. This is done for future investigative purposes.

The ongoing history of the incident is stored in the R.M.S. database. Detectives and officers use this information for investigative work. Information input into the R.M.S. data base is done by records clerks, detectives and secondary clerks working for Concord Police Department. Information is added to the on-going history as it becomes available. All records in the R.M.S. system are given a report number for tracking purposes.

All types of incidents are retained in the R.M.S. It is not limited to arrests or written reports receiving a case number. The R.M.S. will contain information on victims, subjects, suspects, and most contacts made by Concord police officers in the field.

Within the agency, copies of curfew citations are collected and stored by month and year. The evaluation data used to complete the study consisted of the offender's gender, race, and time of the incident. The data collected was put into spread sheet form, for the purposes of presentation and graphing.

C. Survey Instrument

The data collected from the Records Management System and the monthly juvenile citations were removed manually from the systems and put into spread sheet form. It consisted of information with regard to gender, race and time of incident. It covered the two-year period beginning one year prior to and one year after the effective curfew date, August 1, 1995. Once placed into spread sheet form it provided evidence for inferences about effects of the curfew on gender over time, race, time of incident, and the proportion of reported crime that is committed by juveniles in the City of Concord. In brief this investigation covers trends in recorded events one year before the intervention (curfew) and one year thereafter. The intervening variable is the curfew program.

D. Hypotheses

It should be recalled that the research question is "what effects does a curfew program have on criminal incidents within the City of Concord. The hypotheses to be tested, based on arguments in previous research, are as follows.

1. Female youth are becoming more active as curfew violators due to the curfew

law.

- 2. Male juveniles are becoming more active as curfew violators as a result of the curfew law.**
- 3. The portion of the reported crime in the City of Concord being committed by juveniles decreased as a result of the curfew ordinance.**
- 4. There is a difference in crime rates across ethnic backgrounds within the City of Concord due to the curfew ordinance.**

Details on these working hypotheses and their relevance to curfew programs are found in the next chapter.

CHAPTER IV

Findings

Introduction

This investigation of the impacts of a curfew in Concord, California continues with an examination of curfew violations and the hypothesis found in chapter three. It is hoped that the results of this exploratory paper will help the City of Concord to better provide and tailor programs for its youth. It is believed that these programs coupled with the Youth Violence Intervention Strategy of prevention, intelligence, enforcement, and investigation that have been initiated by Concord Police Department will further reduce youth crime and violence in the community.

A. Data Evaluation

The City of Concord enacted a new curfew law due to the increased demands and calls for service that it had received as a direct result of the increased incidents of youth violence initiated through minors congregating in specific areas within the city. However, there was no conclusive evidence to support this connection, and other questions needed to be answered. For instance, were both male and female youth becoming more active with regard to curfew violations, such as congregating at local gathering spots? Also, what proportion of the total reported crime in the City was being committed by youth? And last, were the forces at work within the community impacting

differing groups of residents as seen in the question.

It is hoped that the inferences in this exploratory report will answer those questions for Concord Police Department, and could result in better directed youth programs within their city.

Figure 1. Juvenile Female Curfew Violation Incidents

We turn now to hypotheses one: are females becoming more active as curfew violators? Data of female curfew violations are presented in Figure 1.

In attempting to answer Concord Police Department's question of whether or not females are becoming more or less involved in curfew violations, Figure one details the

female involvement in curfew violations and these have increased for year 1995 verses 1994. This can be seen when comparing specific months from August 1994 through May 1995: more female juveniles were being cited in 1995 for curfew violations than in 1994. The overall increase in curfew citations for this period was 20%. The data from August 1995 to July 1996 suggest that, overall, female juveniles continued to receive increasingly more curfew violations than in 1994 and 1995. The graph also reflects that, from the seven month period of January 1996 to July 1996, the citation of females for curfew violations increased another 8.82% (when compared from August 1995 to January 1996). Figure 1 reflects that female minors were more involved in curfew violations from February 1995 through July 1996 than in late 1994.

It can be seen from Figure 1 that, as the curfew ordinance was increasingly applied, the incidents of juveniles coming into contact with the police increased as well. It can be inferred from Figure 1, however not directly supported by the data, that due to increased contact by police with juveniles, that incidents of violence, juvenile victimization, and calls for service for the Concord Police Department went down due to fewer youth congregating in public.

A second corollary from Figure 1, which is not directly supported by data on citizens' perceptions of feeling safe, is that as the number of congregating youth decreased from public view, the citizens of the City of Concord would have felt safer. As stated earlier, there is no data to directly support these assumptions, however, the resultant application of the curfew ordinance by police would have resulted in fewer youth congregating in public areas. In addition, Table 1, Comparisons of Change in

Crime for Selected Jurisdictions for 1994-1996 does reflect that adjoining jurisdictions of the City of Concord were experiencing increase in crime when compared to the City.

Figure 2. Juvenile Male Curfew Violation Incidents

Figure 2 reveals that curfew violations for males have increased 13.8% for 1995 verses 1994. In 1994, young men were still being cited for curfew violations under the old curfew ordinance but at a citation rate lower than in 1995 and 1996. In answering the question of whether young males are becoming more active as curfew violators, the data for Figure 2 reflect that when, comparing June through December of 1995 with January through July of 1996, there is a 260% decrease in citations for 1996 verses 1995. Total citations for the seven month period in 1996 were thirty-one compared to eighty-three during the 7 month period in 1995.

Figure 1 and 2 suggests that in 1995 and 1996 both juvenile males and females were more active in congregating in public places, which resulted in more calls for service and citations from police. It is also encouraging to note that there was a decrease

in male juvenile curfew violations in 1996 when compared to 1995; one should be aware that male juveniles are historically more involved in juvenile offenses.

Figure 3. Distribution of Adult vs. Juvenile Arrests Among all Arrests

Data displayed in Figure 3 answer Concord Police Department's question regarding what portion of reported crime is being committed by juveniles. By understanding what portion of crime is being committed by youth, it may be possible that better directed youth programs and enforcement could decrease the overall crime rate for the City of Concord.

Figure 3 reveals that 18.4% of the reported crime in the City of Concord were being committed by a youth. In other words, for every five crimes committed by an adult, one crime is committed by a juvenile. It is interesting to note that, for the period of

August 1995 to August 1996, overall youth crime decreased when compared to the 1994 time period. Figure 3 infers that, as curfew citations increased from August of 1995 through August of 1996, the crime decreased for the same period. Prior to August 1995 youth crime overall was increasing on a monthly basis.

It could be argued that the decreases in crime that the City of Concord was experiencing are the normal crime trends being experienced on a national basis. Overall, California has experienced the same national trends in the reduction of crime as the nation has.

Figure 4. Total Arrests By Race And Ethnicity 1994-1996

It is important for the City of Concord representatives to understand the race and

ethnic backgrounds of offenders involved in the reported crime within the City. This would facilitate the City of Concord's introduction of specific programs and counselors to effectively reach those groups that might require help, and also allow administrators to better tailor existing programs to meet the needs of those using them.

Data of this hypotheses (from July 1994 to August 1996) are depicted in Figure four: 57% of the youth arrested in Concord are White, 29% are Hispanic, 7% are Black, and 7% are in a category classified as other. These data will allow the City of Concord to better tailor and implement its future youth programs.

Table 1 is a comparison of the change in crime rates for selected jurisdictions within the greater Concord area. Cities that report crime data to the Federal Bureau of Investigation, Uniform Crime Reports must have a minimum population of 100,000. Many of the adjoining cities within the area do not meet this minimum. Having this in mind, the researcher chose to use comparisons of the California State University system. The California State University Police do report to the Uniform Crime Reports and are believed to be a microcosm of the communities they serve, therefore reflecting crime indices of the communities.

Table 1
Comparisons of Change in Crime Rates
For Selected Jurisdictions
1994 – 1996

	1994/95	1995/96
JURISDICTION	AGGRAVATED ASSAULT	
California State University, Hayward	+2	+1
California State University, Sacramento	+1	+1
San Francisco State University	0	+3
	SEX OFFENSES, FORCIBLE	
San Francisco State University	-2	+1
San Jose State University	+5	0
University of California, Berkeley	-1	+5

As can be seen in Table 1 data on aggravated assaults for 1994/95, California State Universities Hayward and Sacramento both realized an increase in assaults. For the same period, San Francisco remained the same for 1994/95 year but for 1995/96 increased in aggravated assaults by 3.

In the area of forcible sex offenses for the 1994/95 year, San Francisco State University went down 2 incidents but then increased to a +1 for 1995/96. During the

same time period San Jose State University went up +5 incidents in 1994/95 and then remained flat for the remainder of 1995/96. The University of California, Berkley also decreased by 1 incident of forcible sex offenses for 1994/95 but had a significant increase to a +5 incidents for forcible sex offenses in the remainder of 1995 and 1996.

When comparing the figures in Table 1 with the curfew ordinance data it can be seen that as the enforcement of the curfew ordinance was applied, the incidents of violence and crime decreased in the City of Concord. At the same time, the incidents of aggravated assault and forcible sex offenses increased in the California State University system within the adjoining jurisdictions of the City of Concord. It should be recalled that the incidents of crime within the California State University system are a microcosm of the cities that they serve. Having this in mind, it is evident from all of the data that the curfew ordinance in the City of Concord has had a positive effect on reducing crime within the City and may well have resulted in citizens feeling safer.

CHAPTER V

Summary

Introduction

It will be recalled that the Concord Police Department wanted to answer four questions concerning the effectiveness of their current curfew ordinance. First, are juvenile females becoming more (or less) active as curfew violators? Second, are juvenile males becoming more (or less) active as curfew violators? Third, what portion of the reported crime in the City of Concord is being committed by juveniles? Last, which ethnic or racial groups are more (or less) active in the reported crime within the City of Concord?

The results of the study are important for the City of Concord. Youth crime and violence in the city had continued to increase until the city was experiencing one drive-by shooting a month. In 1994 a fourteen-year-old youth was shot to death in retaliation for a previous retaliatory shooting of a rival gang member. Some citizens of the community did not feel safe, and continued to urge the mayor's office and city council members to undertake some action, program or prevention designed to lessen violence in the city.

The Police Department of Concord responded by implementing its new curfew ordinance as part of their Youth Violence Intervention Strategy. In an effort to enhance the effects of the new curfew ordinance the department designed and implemented the Youth Violence Intervention Strategy program to reduce the increase in juvenile crime

and delinquency. The data and postulates gained from this research can be evaluated and used to refine the four parts of the City of Concord's Youth Violence Intervention Strategy of prevention, intelligence, enforcement and investigation. This evaluation can assist in the development of better programs to address the needs of at-risk youth and their communities.

A. Findings

In a discussion with police command staff it was determined that there were four main areas of juvenile involvement were of primary concern to the Concord Police Department:

1. Are young females becoming more or less active as curfew violators? This was seen as directly related to at-risk female youths congregating in public places.
2. Are young males becoming more or less active in curfew violations? This too, was seen as directly related to at-risk male youth congregating in public places.
3. What portion of the reported crime in the City of Concord is being committed by juveniles?
4. Which social or ethnic groups reflected more or less active roles in the reported crime within the City of Concord?

In the first research question, it was found that juvenile females were more involved in curfew violations in 1995 than 1994. Also, the data suggest that there was

an overall decline in female curfew violations for 1996, when compared to 1995. While the figures for curfew violations for 1996 are still higher than 1994, they are lower than in 1995. The data suggest that there are appreciably fewer young females congregating in public localities resulting in decreased police intervention.

As for research question two, the data revealed that many male juveniles were being cited for curfew violations in 1994; however, there was a sharp increase for male curfew violations in both 1995 and 1996. There was also a decrease in citations for curfew violations in 1996, when compared to 1995. The 1996 figures have not yet returned to the numbers found in the 1994 data. The data represents fewer young males congregating in groups in public, which has resulted in reduced calls for service. The reduction of congregating youth in public places also reduces the potential of youth to engage in crimes of opportunity.

It should be remembered when reviewing the data that the increase in curfew violations could be the result of increased enforcement of the new curfew ordinance, however, due to the manner in which the data was collected, it is not possible to determine if this were the case. There is evidence that jurisdictions geographically close to the City of Concord did not experience this pattern of reduction in crime.

As to research question three, evidence presented in figure three revealed that overall 18.4% of the reported crime in the City of Concord was being committed by youth; there was a slight decrease in youth crime for 1995 and 1996. If a greater portion of the crime reportedly committed by youth could be decreased, youth violence should also decrease, and the communities would be safer places in which to live. As part of an

overall Youth Intervention Strategy, it can be seen that the curfew ordinance has had a positive effect on reducing crime in Concord.

Research question four was concerned with those groups that might be more or less active in the reported crime within the City of Concord, and data on this issue were presented in Figure 4. Fifty-seven percent of the reported youth crime in Concord is committed by white youth, 29 percent by Hispanic, 7 percent by black and 7 percent by “other” category youth (which includes Filipino and Pacific Islanders).

The identification of these distributions of offenders committing crime in Concord is an important factor for the City. With this information, better targeted programs for specific neighborhoods could be developed to help at-risk youth.

B. Implications

To reiterate, the strategic action plan that Concord Police Department has designed uses a four pronged approach to the reduction of criminal street gang activity. All four facets, equally important and interrelated, are prevention (direct and indirect), intelligence, enforcement and investigation.

The data reflect that youth violence and crime decreased for 1995 and 1996 in the City of Concord. In particular, youth congregating in public places, as measured by curfew citations, decreased significantly from August of 1995. This decline continued for 1996 as well. With the reduction of youth on the streets, the City has seen a slight decrease in all reported youth crime.

The data further reflect that juvenile males and females were more active in

curfew violations in 1995 and 1996 when compared to 1994. It showed that the new curfew ordinance did have a positive effect on lowering the rates of increases after implementation in 1995 and 1996. It also reflected proportionally the crime being committed by specific ethnic groups.

The information gained from this study may be used by the Concord Police Department to change and redirect its Youth Violence Intervention Strategy as needed to better serve the needs of the at-risk youth and their families. Additionally, if the information were to be disseminated to other policy makers (the mayor's office and city council), the City of Concord might benefit from insights given into needed programs for at-risk youth, such as parent-family empowerment/education programs, responsible fatherhood programs, teen and drug court, graffiti/vandalism prevention, and other more specific and focused programs.

Future recommendations for further research in this area would include a longitudinal study of the impact of the curfew program, surveying of the safety as perceived by both juvenile and adult residents, and in-depth surveys of those parents whose errant children were cited for curfew violations. It would be particularly useful to know how parents responded to formal notifications; which selected tactics or strategies might have been involved, and if those tactics and strategies altered the behaviors of the offspring within those families. From such knowledge one can understand the interface between formal and family-level social control which could then be expanded.

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