

August 9, 2012

Dear Providence City Council Members:

As you are probably aware, City Councilor Davian Sanchez is proposing a juvenile curfew ordinance. Although he has indicated in news stories that he is willing to make amendments to the proposal based on feedback he receives, we strongly believe that this proposal should be rejected outright because the concept itself is fundamentally flawed. In short, passage of a juvenile curfew ordinance, however it is worded, literally makes every teenager out at night a criminal suspect.

We recognize the good intentions behind the proposal. However, leaving aside the significant constitutional issues raised by juvenile curfews, an ordinance like this is poor public policy. It seeks to offer a “quick-fix” response to a complex issue while likely having no impact on crime in the city. More ominously, its enactment will exacerbate community relations between the police and the city’s youth.

There are a number of fundamental civil liberties problems with curfew ordinances. First, they make perfectly innocent activity – walking, talking or traveling outside – illegal. By doing so, they give police virtually unbridled discretion to stop, detain, harass and search teenagers. This can only encourage arbitrary and discriminatory enforcement.

After all, since the only determinant of whether a person is committing this “offense” is whether he or she is a certain age, police can stop any young-looking person they choose as a potential violator and demand proof of their age. Since such proof is something that many youth are unlikely to have, brief stops can escalate into confrontational encounters, creating crimes where none existed before. Further, because enforcement is likely to be concentrated in areas of the city that already have the largest police presence at night – poor and minority neighborhoods – the mistrust between youth and police that already exists in those communities will only increase.

Although the proposed penalties – a fine of \$100 or 100 hours of community service – might seem relatively minor, enforcement of the ordinance will inevitably have the unfortunate and deleterious effect of leading young teens into the judicial system at an early age – a premature and completely unnecessary introduction to the school-to-prison-pipeline. Even minor penalties can quickly turn into major ones when a parent fails, or finds herself unable, to pay the fine, or a child doesn’t complete his or her community service. There is no stopping it once it has started.

Under the circumstances, the rationales offered by Councilor Sanchez in the media for pushing this proposal are exceedingly vague. He has expressed concern that “there are too many kids hanging out, doing nothing,” and that an ordinance will give parents “some kind of leverage for their sons and daughters to make sure they stay home.” These are hardly sufficient grounds to pass a law increasing the use of police powers against youth and to deal with all the consequences that flow from their use.

Curfew ordinances are generally ineffective in any event. To the extent they are designed to address juvenile crime, teenagers engaged in gang or other criminal activities will either ignore the curfew or change their time of doing business; it is the thousands of law-abiding teenagers who truly end up getting punished. Further, studies have consistently demonstrated that the majority of juvenile crime occurs after school hours, not late at night,* and, as a federal report notes, “afterschool programs have more crime reduction potential than do juvenile curfews.”**

We certainly understand the City’s interest in seeking to protect teenagers from violence at night, but it should be up to parents, not police, to enforce curfews for their children, and for police to instead focus on enforcing the criminal laws on the books. Police time that is spent looking for, and demanding identification from, young people after some arbitrary nighttime hour arrives is time spent not actually monitoring and patrolling the community for actual criminal conduct.

The exemptions in the proposed ordinance do not change this analysis, for they do not mitigate the pre-eminent issue noted above – giving police the authority to stop young people on the street and demand identification from them based solely on a guess about their age, and not because of any suspicion of criminal activity. In fact, the exemptions only add another layer of arbitrariness to the enforcement, as police try to determine whether a juvenile’s explanation for his presence meets one of the “allowable” criteria for being outside at night.

Of all the interventions to address the problem of teenagers “hanging around doing nothing,” police and judicial involvement are among the most toxic and counter-productive. Recent initiatives announced from the Mayor’s office – such as working to increase funding and expand programming for recreation centers and other youth programs– will do far more to both help the City’s youth and reduce crime. Enactment of a curfew ordinance will undercut those efforts.

We therefore strongly urge the City to reject any attempts to adopt a curfew ordinance and instead continue to concentrate on more meaningful, effective and positive ways to deal with the issue of community crime.

Sincerely,

Chanravy Proeung, Executive Director
Providence Youth Student Movement
699 Elmwood Ave. - Providence, RI 02907

Fred Ordoñez, Executive Director
Direct Action for Rights and Equality
340 Lockwood St. - Providence, RI 02907

Victoria Ruiz, Executive Director
Olneyville Neighborhood Association
122 Manton Ave., Box 8 - Providence, RI 02909

Adeola Oredola, Executive Director
Youth in Action
672 Broad St. - Providence, RI 02907

Steven Brown, Executive Director
Rhode Island Affiliate, American Civil Liberties Union
128 Dorrance St., Suite 220 - Providence, RI 02903

Nick Figueroa, Chairman
Univocal Legislative Minority Advisory Coalition (ULMAC)
P.O. Box 41633 - Providence, RI 02940

cc: The Honorable Angel Taveras
Commissioner Steven Pare
Chief High Clements, Jr.

* Statistical Briefing Book, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. At: <http://www.ojjdp.gov/ojstatbb/offenders/qa03301.asp>.

** Snyder, Howard N., and Sickmund, Melissa. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, page 86. At: <http://www.ojjdp.gov/ojstatbb/nr2006/downloads/NR2006.pdf>.