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## Curfews: A New Crime-Fighting Tool

By James McKinney

For much of the latter part of summer, police officers in Helena, Ark., shouldered military-style M-16 rifles equipped with laser sights and patrolled the streets of this little community of 15,000. White signs on large blue barrels were placed in a 10-block area, warning that it was under 24-hour curfew. "Everybody is subject to being stopped and questioned," said Mayor James Valley. "Our officers will ride in unmarked vehicles, pull surprises on people and check everybody out to see who they are."

A crime spree prompted a similar lockdown in Hartford, Conn. After a chain of shootings that left one 21-year-old dead, a 15-month-old shot in the left leg and six young people wounded, the city in August imposed a 30-day emergency curfew on everyone under the age of 18. Mayor Eddie Perez said in a statement: "We must do this because we cannot and will not tolerate innocent people, especially children, to be victims."

A growing number of U.S. towns and cities are fighting escalating crime by imposing tough curfew ordinances. In Chicago, people under the age of 17 have to be off the streets by 10 p.m. on weekdays and 11 p.m. on weekends. Mayor Richard Daley believes the ordinance will help prevent further gun crime, which has taken the lives of nearly 30 Chicago public school students this academic year alone. But while the curfews may be popular with voters, civil-rights advocates argue that they are violating constitutional rights.

Curfews "essentially place an entire demographic under house arrest for the inappropriate actions of a few," says David McGuire, an American Civil Liberties Union attorney in Connecticut. Restricting citizens to their home during certain hours of the day, he and others argue, violates the right to assemble, the right to travel freely and other basic due process rights protected by the 14th Amendment.

Proponents respond that fighting crime is a sufficient basis to suspend those rights. "I believe these constitutional-safety arguments are academic," says Valley. To be sure, the town's recent litany of crime is horrendous: a 21-year-old woman stabbed a juvenile, a 57-year-old man raped an 8-year-old girl, and drug trafficking was rampant. In order to bring peace to his city, Valley expanded his curfew into a "saturation patrol" plan that now allows Helena police to stop and search anyone. Under the emergency curfew, those stopped who couldn't give a good reason for their activity or were acting nervously got additional attention. "Now, if somebody wants to sue us, they have an option to sue," says Valley, citing in his defense the Supreme Court's ruling in *Terry vs. Ohio*, which says the police can search for weapons on any person believed to be armed and dangerous, regardless of whether there is probable cause of a crime. So far 40 or

so curfew violators have been arrested in Helena, 10 to 15 of whom were charged with felony offenses. "This curfew gives notice to be more mindful of what people are doing, making more notice of your neighbor," says Valley.

Rita Sklar and the ACLU of Arkansas have argued that the arrests don't justify the violation of constitutional rights. In implementing this curfew, Sklar says, "of course you find criminals, but you stop innocent people" — limiting their freedom of movement and in many cases employment possibilities, and penalizing all citizens just because a better strategy to deal with crime hasn't yet been found. Sklar points out that the 10-block, one-mile area covered by Helena's 24-hour curfew was predominantly "poor and black," suggesting that the curfew could be in violation of the 14th Amendment's Equal Protection Clause. And Sklar says the problem goes beyond Arkansas. In Columbus, Ohio, officials are wrestling with questions of whether authorities are unjustly confiscating belongings and subjecting young people to invasive questions in enforcing a long dormant but now revived 34-year-old curfew.

Curfew laws have been struck down by courts in New Jersey, Washington and California but upheld in Texas and the District of Columbia. They continue to be debated in several jurisdictions. Yet the constitutionality of youth curfew laws has yet to be tested in front of the U.S. Supreme Court.

Apart from their constitutionality, of course, the other question surrounding curfews is whether they are effective. Bernard Harcourt, author of *Language of the Gun: Youth, Crime, and Public Policy*, argues that good police work is the better answer. He compares imposing curfew ordinances to "using a Band-Aid on a patient who is hemorrhaging — you might be able to stop the blood flow in one spot, but it's not going to help the bleeding." Problems like drug use, gun possession and gang membership, he insists, won't go away "just because you force youths to stay at home for a day — or at night."

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