



December 3, 2018

The Hon. James Diossa
Mayor
Central Falls City Hall
580 Broad Street
Central Falls, RI 02863

(by mail and email)

Dear Mayor Diossa:

For the reasons expressed below, the American Civil Liberties Union of Rhode Island and Progreso Latino believe that now would be an appropriate time for the City to rescind its juvenile curfew ordinance, City Ordinance §26-4. We are hopeful that you will agree, and that, working with the City Council, you and the Council will take this small step in support of justice reform.

There are many compelling reasons to oppose curfew ordinances on both constitutional and policy grounds. But a recent in-depth news article provided a strong reminder of a more practical reason for repealing the ordinance, which, when combined with its deleterious policy impact, provides ample reason for reconsideration: curfew ordinances don't work.

An article written for the Marshall Project, a non-profit news organization that focuses on criminal justice issues, has convincingly laid out the case against curfew ordinances.¹ Fifteen years ago, it notes, a study published by the National Criminal Justice Reference Service found that "empirical studies of the impact of curfew laws failed to support the argument that curfews reduce crime and criminal victimization."² Much more recently, a 2016 examination of over 7,000 studies on juvenile curfews reached the same conclusion.³ In short, the concept behind juvenile curfew ordinances has no evidence-based support. A copy of the article is enclosed.

To the extent these ordinances are designed to address juvenile crime, it's reasonable to assume that teenagers engaged in criminal activities either ignore the curfew or change their time of doing business; it is the hundreds 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,⁴ and, as a federal report noted some years ago, "afterschool programs have more crime reduction potential than do juvenile curfews."⁵

¹ "The Curfew Myth," by Ivonne Roman, The Marshall Project, July 31, 2018. ("Why Juvenile Curfews Don't Work") <https://www.themarshallproject.org/2018/07/31/the-curfew-myth>

² "Effectiveness of Juvenile Curfew at Crime Prevention," by Kenneth Adams, National Criminal Justice Reference Service, May 2003, <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=206996>

³ "Juvenile curfew effects on criminal behavior and victimization," by David Wilson, Charlotte Gill, Aijima Olaghere, and Dave McClure, March 23, 2016. <https://www.campbellcollaboration.org/library/juvenile-curfew-effects-on-behaviour.html>

⁴ Statistical Briefing Book, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. <http://www.ojjdp.gov/ojstatbb/offenders/qa03301.asp>.

⁵ "Juvenile Offenders and Victims: 2006 National Report." Howard N. Snyder and Melissa Sickmund, U.S. DOJ Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, page 86. <http://www.ojjdp.gov/ojstatbb/nr2006/downloads/NR2006.pdf>.

Our organizations believe that curfew ordinances are problematic for other reasons. They literally make every teenager out at night a suspect. More specifically, 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.

Since the only determinant of a person 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 have the potential to escalate into confrontational encounters, creating crimes where none existed before.

If the City has lightly enforced the ordinance to minimize these encounters, it only provides another reason for its repeal. While many youth growing up in Central Falls may become inured to this limitation on their freedom, it can only send a mixed message to them about their civil rights.

The ordinance’s racial impact also cannot be ignored. Across the country, curfew ordinances seem to be enforced most often in black and Latino communities, and Rhode Island is no exception. To the best of our knowledge, the only municipalities in our state with relatively modern enforced curfew ordinances are Central Falls and Pawtucket, the two communities (excepting Providence) with the largest minority populations in the state. This is unfortunate, to say the least.

We recognize the good intentions behind the City’s actions, as calls for these ordinances generally follow serious incidents of violence. But they remain misguided. We note, for example, that Central Falls experimented with a curfew in 2008 after two shootings took place over one weekend.⁶ But from the beginning, it was a knee-jerk reaction: of those two incidents, both were committed by adults, one occurred in broad daylight, and only one of the two victims was a minor. In short, a curfew ordinance offers a superficial “quick-fix” response to a complex issue while having no real impact on crime.

Although the penalties in the City’s ordinance might seem relatively minor, enforcement of the ordinance can 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 any fines imposed. There is no stopping it once it has started.

Our organizations 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 away from truly protecting the public.

We appreciate that the ordinance is more thoughtfully crafted than most. It contains numerous exemptions and seeks to recognize many circumstances when juveniles have legitimate business traveling at night. But they 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, one can argue that the exemptions only add another

⁶ “Curfew Imposed,” Vanaya Saksena, Pawtucket Times, April 30, 2008.

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.

In conclusion, we believe that 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. There are many ordinances already on the books to deal with misconduct by juveniles – whether committed during the day or night. Imposition of a virtual house arrest against the innocent and guilty alike should not be in the arsenal. Whether the City has or has not been assiduously enforcing this ordinance in recent years, its continued presence on the books sends an unwelcoming message to the City's young people. Instead, pursuing initiatives such as working to increase funding and expand programming for recreation centers and other youth programs not only sends a more positive message, it does far more to help the City's youth and reduce crime.

The City recently took a very positive step in decriminalizing its municipal Code. In the same spirit, we believe the City should remove this unnecessarily adversarial ordinance in light of its ineffectiveness and impact on the civil rights of youth and families living in Central Falls. In its place, we encourage you and other city leaders to continue to concentrate on more effective and positive ways to deal with the issue of community crime.

Thank you very much for considering our views, and we look forward to hearing back from you about it.

Sincerely,

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Enclosure

cc: Central Falls City Council-Elect
Matthew Jerzyk, City Solicitor