

**SUPPORTING BALTIMORE’S YOUNG PEOPLE TO BE SAFE:  
AN ALTERNATE PLAN TO THE EXPANSION OF BALTIMORE’S YOUTH CURFEW**

**I. EXECUTIVE SUMMARY**

The undersigned organizations write in response to the proposal to expand Baltimore’s curfew law. We are very pleased to see the strong energy around protecting Baltimore’s young people. We share this concern. We also appreciate that the intention is not to criminalize youth and their families.

However, because the needs and challenges of young people and families vary dramatically, the “one-size-fits-all” approach of expanding the youth curfew is not an effective way to support parents or identify youth in need, reduce delinquency, and connect youth to services. Baltimore is home to an incredible array of organizations and people with passion for and expertise in serving youth and families, and we should be using them, not police, to engage and support Baltimore’s youth and families.

For these reasons, in this document we suggest an alternate process with concrete examples of how City officials may do just that, and we explain why we think this alternate approach is needed. We recommend that:

1) City leaders partner with key stakeholders, families and youth to more clearly define the problem and target population they seek to address, assess the specific needs of the target population, and explore proven strategies to meet those needs.

2) Building on this knowledge, City leaders can take targeted steps to serve youth without expanding Baltimore’s curfew and increasing the risk of criminalizing youth, such as by:

- Revising the plan for “youth connection centers” so they are youth- and family-friendly, not associated with law enforcement or curfew violations, and have explicit, intentional policies to avoid unintentionally criminalizing youth.
- Addressing the gaps in services and programs for needs that have *already* been identified by youth, families and communities, such as rec centers, emergency shelter and housing, and workforce development and employment opportunities.
- Working with organizations and agencies with expertise in serving youth and families to identify target populations and high-impact solutions that are more likely to be effective and less likely to criminalize youth – such as building on existing programs in schools, youth outreach programs, drop-in centers, and family support and acceptance services.
- More effectively utilizing the existing authority of social services and police to intervene when young people are in danger, committing crimes, or being neglected, such as by improving reporting of suspected abuse and providing clear training and internal guidance to line officers about engaging with at-risk youth.

By adopting this alternate approach, City officials can both increase the likelihood that youth will be properly identified and served, as well as avoid the harmful unintended consequences of expanding Baltimore’s curfew.

Research shows that expanding the curfew will not lower youth delinquency or victimization.<sup>1</sup> But it will have other unintended consequences, particularly interfering with parents’ ability to respond to the

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<sup>1</sup> An extensive study of the empirical research on juvenile curfews supported by the National Institute of Justice concluded that “the evidence does not support the argument that curfews prevent crime and victimization.” Kenneth Adams, Ph.D, “The Effectiveness of Juvenile Curfews at Crime Prevention, ANNALS,” AAPSS, 587 (2003); *see also* Danny Cole, “The Effect of a Curfew Law on Juvenile Crime in Washington, D.C.,” American Journal of Criminal Justice : AJCJ; Spring 2003; 27:2 217 (Spring 2003) (the curfew law did not reduce total juvenile arrests); Caterina Gouvis, “Evaluation of the Youth Curfew in Prince George’s County, Maryland, Final Report,” The Urban Institute (2000) (impact of the law on the target group of youth and on overall victimization not statistically significant).

individual needs of their children and criminalizing Baltimore's young people through increased and negative law enforcement contacts.

Forcing all young people inside has real consequences for them and their families, and expanding curfew hours to begin as early as 9 pm means that the curfew will be in effect when healthy activities are still underway.

Moreover, regardless of the intent behind them, even well-intentioned curfew laws necessarily criminalize young people and increase law enforcement interactions with people who are not in danger and not doing anything wrong – *just for being outside*. And because it is impossible to determine someone's precise age merely by looking, the curfew expansion invites needless stops of young adults. The realities of damaged relationships between communities and law enforcement in Baltimore must be considered before expanding the curfew.

The lack of planning and readiness around implementation and enforcement of curfew expansion, including the proposed "youth connection centers," increases the likelihood that the curfew will not play out as its sponsors have intended. The changes to the curfew law could go into effect in just more than one month, but at this time there is no contract or detailed plan in place for the youth connection centers to be ready, no programmatic model or outline of services any different from the existing curfew center, no information about the mandated "family counseling," and no training or guidance for police officers expected to enforce the new rules.

In sum, we propose this alternate vision for helping to engage and support youth and families in the hope that others will see the great potential that we do in Baltimore's youth, families and communities.

## II. ALTERNATE PROCESS AND PLAN FOR SERVING YOUTH

**City leaders should more clearly define the problem and the target population they seek to address, assess the specific needs of the target population, and explore proven strategies to meet those needs.**

Proponents of the curfew expansion have made widely varying statements about why it is needed – everything from making sure very small children are not out wandering the streets at night to keeping older teens from delinquent activity to making parents "take responsibility" for their children. Lumping all "curfew-violators" together as "youth in need of services" is overbroad and unworkable. Instead, City leaders should identify the specific population and problem to be addressed, use research and expertise to understand the specific needs and challenges of those groups, and use that knowledge and expertise to identify proven solutions for those specific problems. Such an approach will ensure that the strategies employed are effective and less likely to have unintended consequences.

**Building on this knowledge, City leaders can take targeted steps to serve youth without expanding Baltimore's curfew and increasing the risk of criminalizing youth:**

- **Revise the plan for "youth connection centers" so they are youth- and family-friendly, not associated with law enforcement or curfew violations, and have explicit policies to avoid unintentionally criminalizing youth.** Model these programs on drop-in centers where any young person should feel comfortable walking in and accessing services voluntarily, finding something to eat, and safe activities to engage in. We invite City leaders to visit the Youth Empowered Society (YES) Drop-In Center right here in Baltimore, which was developed by and for homeless youth and which has excellent outcomes.
- **Address the gaps in services and programs for needs that have *already* been identified by youth, families, and service-providers with expertise in at-risk youth:**
  - **Emergency shelter and housing for homeless children, youth, and families.** Service providers who work with youth identify emergency shelter and housing as one of the city's most pressing needs for youth *already* identified as being in need. City Schools identified 2,456 homeless students during the 2012-2013 school year, 125 of whom were on their own, without a parent or guardian. These youth are at high risk of being exploited, being victimized, and resorting to delinquent activity as a means of survival.

- **Safe places and activities to engage youth.** Community members have consistently asked city officials to focus on re-opening recreation centers and expanding other safe and engaging activities for youth.
- **Expanding workforce development and jobs programs for youth.** Jobs provide youth with a sense of purpose and accomplishment and youth frequently identify this as one of their most pressing needs.
- **Work with city schools and youth experts to identify target populations and high-impact solutions for youth and families.** Rather than relying on police and curfew violations to try to identify kids in need of services, the City should use the amazing array of organizations and City agencies with expertise working with children and teens, such as City Schools, DSS, the Baltimore Child Abuse Center, Health Care for the Homeless, Youth Empowered Society Drop-In Center, Baltimore Homeless Youth Initiative, Maryland School of Social Work, Court Appointed Special Advocates (CASAs), and others. These programs and service providers are better-equipped to assist in identifying youth in need, determining what support or services will be most beneficial, and identifying investments are needed to remedy gaps in available services. The City could expand support for existing efforts that are more likely to be effective and far less likely to result in further criminalizing Baltimore’s youth. For example:
  - **Schools.** More can be done to support community schools and other efforts to identify youth who need supportive services, such as chronic truancy reduction. The “Student Support Team” process, to which students are referred based on attendance, behavior, and academics, could be used to more concretely connect those young people to services. Similarly, school district homeless liaisons, school social workers, and guidance counselors are good points of contact.
  - **Youth outreach programs.** The City should support peer-to-peer street outreach and other youth-friendly, trauma-informed strategies to identify youth in need. Many at-risk youth, including homeless youth, actively seek to avoid detection by police and other authority figures. Research shows that they are better-reached by outreach strategies that prioritize building trust – not being taken into police custody.<sup>2</sup>
  - **Family support and acceptance services.** National estimates indicate that up to 40% of homeless youth identify as lesbian, gay, bisexual, or transgender (LGBT). These youth are at disproportionately high risk of victimization and juvenile justice involvement. The City should ensure the availability of family support and acceptance services to reduce rejection and abuse of LGBT youth by caregivers and to promote their well-being.
  - **Drop-in centers.** Drop-in centers can provide a safe space for youth to get off the street, meet basic needs, and access developmentally appropriate, culturally competent, trauma-informed services.
- **More effectively utilize existing authority.** Baltimore City officials have existing authority to intervene when young people are in danger, committing crimes, or being neglected. Before changing the law to expand the curfew, city leaders should examine why that existing resources and authority are not being utilized.
  - **Social Services.** Baltimore City Department of Social Services has a 24-hour hotline for reporting suspected abuse and neglect. City officials should examine what can be done to improve reporting if city leaders are seeing children who they believe are being neglected.

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<sup>2</sup> We applaud City leaders for the steps they have already taken in this direction by working to expand proven, community-based outreach efforts, such as Operation Ceasefire.

- **Existing curfews.** Baltimore City already has a nighttime curfew from 11 pm – 6 am. If young children are out past midnight or later, city officials should examine why the curfew in place is not sufficient and explain why the curfew should begin earlier, at 9 pm, when many activities are still in progress. Baltimore also has a daytime curfew from 9 am – 2:30 pm. No reason has been given for why daytime hours should be expanded to include times when students are walking to and from school.
- **Police authority, directives, and training.**<sup>3</sup> Baltimore police already have authority to intervene when a young person is in danger, Md. Courts and Judicial Proceedings Code. Ann. 3-814, and when a young person commits a crime, Md. Courts and Judicial Proceedings Code. Ann. 3-8A-14. Police Commissioner Batts could, for example, issue a directive commanding his line officers to prioritize intervening when they see very young children without supervision late at night, and instructing them how best to intervene and involve social services as needed.<sup>4</sup> In fact, a directive could provide much more guidance to police about what to do in such instances.<sup>5</sup> Just as importantly, police training is critical. Rather than expanding the curfew – and certainly *before* any expansion – the City should invest in training for police to improve their ability to safely and interact with children and adolescents, and to build their skills in identifying and engaging with the most vulnerable and at-risk youth, such as youth who are homeless, identify as LGBT, have mental or behavioral health problems, have been trafficked, etc.

## II. ADOPTING THE ALTERNATE PROCESS AVOIDS HARMFUL UNINTENDED CONSEQUENCES OF EXPANDING BALTIMORE’S CURFEW

**Forcing all young people inside has real consequences for them and their families, and expanding curfew hours to begin as early as 9 pm means that the curfew will be in effect during times when normal and healthy activities are available for young people outside their homes.**

- **Parents need flexibility.** The law is so broad that it deprives parents of the ability to raise their children in ways that make sense for that family. There are many different kinds of family structures, and working parents often rely on the help of relatives, close friends, and other community members. The law makes no allowances for these differences.
- **Being forced inside will escalate avoidable conflicts.** For example, many youth may briefly leave their homes to escape from a family conflict or to avoid escalating a conflict. It is important to allow this informal de-escalation of conflict to occur. Often, this family conflict is normal and does not require further intervention or rise to the level of abuse. Many youth live in apartments that are crowded or that don’t have any porch or yard.
- **Lost opportunities to connect with others.** Curfews have huge and immeasurable impacts on the basic rights of young people and their parents – in terms of opportunities lost by kids who do not get to play outside, to spend time with friends or relatives, or to be subject to rules and timetables that make sense for their families.
- **Interfering with healthy adolescent development.** The proposed law’s requirement that adolescents be under the supervision of their parents at all times is at odds with normal, healthy

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<sup>3</sup> The Baltimore Fraternal Order of Police has opposed expanding the curfew.

<sup>4</sup> Although we do not believe it is appropriate to use law enforcement to identify youth in need of services because research shows that it is ineffective and often harmful in unintended ways. We offer these examples to show that if City officials continue to believe that this is an appropriate use of law enforcement, there is no need to change or broaden the law to make this happen.

<sup>5</sup> Neither the current law nor the proposed expansion provide meaningful guidance to police about what they are to do when confronted with a youth in violation of the curfew, other than permitting them to choose between taking the young person home or to a “juvenile holding facility.”

adolescent development, when young people are transitioning to adulthood. There is no evidence that it is harmful or risky for older kids and teens to be outside at night before 11 pm and it is problematic to assume that they need services simply because they are outside. Being an adolescent outside or in an “unstructured” activity at night does not, by itself, indicate a need for services or an inappropriate lack of supervision.<sup>6</sup>

- **Exceptions for permitted activities do not solve the problem.** It is impossible to tell whether a young person is engaged in one of the exceptions simply by looking at him or her, which means that even young people engaging in permitted activities may be stopped. It is also often impossible for a young person to prove that she was involved in a permissible activity on the spot if stopped by a police officer.

**Regardless of the intent behind them, curfew laws criminalize young people and increase law enforcement interactions with people who are not in danger and not doing anything wrong – *just for being outside*. The realities of damaged relationships between youth and law enforcement and communities and law enforcement in Baltimore must be considered before expanding the curfew.**

- **Unintentionally criminalizing youth and young adults by increasing stops by law enforcement.** This risk has nothing to do with intent of the law, and everything to do with the realities of enforcement. Curfews empower police to stop any young or young-looking person they encounter – even when that person is doing nothing wrong – because it is impossible to pinpoint a person’s precise age simply by looking at him or her, especially adolescents. Thus, police can stop any young-looking person they choose as a potential violator and demand proof of their age and what they are doing outside. Since such proof is something that many youth are unlikely to have, brief stops can escalate into confrontational encounters, creating crimes where none existed – not only for youth, but also adults.
- **New ID requirement.** One of the most troubling aspects of the proposed law is that it imposes a new requirement that police seek to obtain “school or other valid identification” from a young person that is stopped, raising all sorts of issues. Does this mean that all young people must now carry identification at all times? What kind of identification is sufficient? What about people who look young? Is the failure to produce identification upon demand a basis for arrest?
- **Traumatizing youth.** Unaccompanied homeless youth and other minors who may need services have typically experienced traumatic events. Increasing police contacts for such youth risks further traumatizing these youth or escalation of conflicts with police.
- **Race disparities.** It is no secret that Baltimore already suffers from extraordinarily high race disparities in arrests among both adults and young people, regardless of offense type. Research shows that juvenile curfews have a stunningly disproportionate impact on minority youth.<sup>7</sup>

**The lack of planning around implementation and enforcement around Baltimore’s curfew expansion increases the likelihood that the curfew will not play out as its sponsors have intended and instead will have serious and harmful unintended consequences.**

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<sup>6</sup> In fact, curfew laws and enforcement often assume that all youth who are out at night are essentially waiting for an opportunity to commit a delinquent act. This assumption is wrong. One study found that of 400 youth fined for curfew violations, only three were involved with the commission of a delinquent act -- 99 percent were merely non-criminally up past their bedtime. Vernon, “Connecticut’s Juvenile Curfew: The Circumstances of Youths Cited and Effects on Crime,” *Criminal Justice Policy Review* 11: 254-267 (2000).

<sup>7</sup> See, e.g., Mary Lou O’Neil, “Youth Curfews in the United States: The Creation of Public Spheres for Some Young People,” *Journal of Youth Studies* 5:1 49 (2002); Adams, *supra* (finding that African American children and parents received greater curfew violation citations); J. David Hirschel, Charles W. Dean, and Doris Dumond, *Juvenile Curfews and Race: A Cautionary Note*, *Criminal Justice Policy Review* 12: 197 (2001).

- **No guidance to police officers.** There has been no guidance or training for police officers about how to carry out enforcement of the existing or expanded curfew, such as how to decide whether to stop a young person, whether to take a young person home or to the curfew center, whether to pursue young people who run and/or use force to stop them, whether to use handcuffs when transporting them, etc.
- **Mandated, City-approved “family counseling.”** In order to avoid being charged with a civil offense, the proposed bill provides that parents must attend “family counseling sessions with the minor at an agency approved by the City of Baltimore,” under threat of citation if counseling sessions are not completed. But no list of approved agencies has been provided, nor basic information about whether the counseling will be culturally competent, convenient to family work schedules, who will pay for it, whether transportation will be provided, who decides when counseling is completed, or who has access to the records.
- **Increased fines.** The bill’s sponsors have stated that fines are not going to be imposed in most instances, which suggests there is no reason to increase them. For most parents, \$500 is an enormous expenditure – that could otherwise go to childcare, food, or rent.
- **Lack of clear plan for “youth connection centers.”** No real plan is in place to ensure that services will be provided and youth will not be drawn into the criminal justice system.<sup>8</sup> The new curfew law would go into effect in July. It is now the end of May and very basic aspects remain undefined:
  - **No contract in place or in the works.** Who will operate these two centers? The Mayor’s office has stated it intends to operate the centers 24 hours a day seven days a week, but the line item in the supplementary MOCJ budget is for \$200,000 – which seems insufficient to provide services for two centers.
  - **Failure to define program, services, facilities or parent engagement.** To date, there has been no description of services to be offered that is any different from the existing curfew center. DSS is willing to offer family intervention “in the form of abuse and/or neglect investigations” and “voluntary in-home services to families as [it] has done in the past at the Curfew Center.” Major questions remain: Who will young people and families be referred to for additional supports? What if the “need” is that the parent is working and needs assistance with childcare? What facilities will be available while youth wait? Will there be food? Beds? Medical care? Will transportation be provided for parents? What about parents who are at work when their kids are brought to the curfew center? What form of ID will be sufficient to prove that someone is a legal guardian? What if the young person is in an informal kinship care arrangement?
  - **Policies to prevent unintentionally criminalizing youth.** No policies are in place to ensure youth are not referred to criminal justice agencies, as has been the practice at the existing curfew center.

For questions, please call Sonia Kumar, Staff Attorney at the ACLU of Maryland at (410) 889-8555, or Ingrid Lofgren, Skadden Fellow/Attorney at the Homeless Persons Representation Project at 410-685-6589.

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<sup>8</sup> Neither the Department of Social Services nor the Department of Juvenile Services participated in planning discussions.

