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Take A
Closer Look

Youth Curfew Laws and Enforcement

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INTRODUCTION

In 1880, Omaha, Nebraska put into effect the first juvenile curfew law within the United States. During the 1990s, with increased attention and concern about juvenile crime, juvenile victimization, gun violence, and gang activity, cities started implementing juvenile curfew laws (Hemmens & Bennett, 1999). In 1996, during this tough on crime era, President Bill Clinton publicly supported curfew laws to combat juvenile crime rates and truancy, since truancy was seen as an early sign for possible criminal behavior (Purdum, 1996). One of the driving factors behind this push was the fact that juveniles accounted for 30.89% of all arrests in 1996 (Federal Bureau of Investigation, 1996). As of 2024, according to the National Youth Rights Association (NYRA), more than 400 localities, counties, and states have enacted these types of juvenile curfew laws. Although the arrest numbers for juveniles are lower than that of 1996, according to the Federal Bureau of Investigation (FBI) Uniform Crime Report for 2023, juveniles accounted for 10.27% of all arrests, which is an increase from 8.88% in 2022. Furthermore, according to the Office of Juvenile Justice and Delinquency Prevention, in 2022, 56.3% of reported violent crimes where the victim was between the age of 12 and 14 were committed by other youth.

Curfew laws aim to reduce opportunities for juveniles to commit illegal acts or become victims of a crime by reducing the amount of time they are on the streets at night without adult supervision (Reynolds, Seydlitz, & Jenkins, 2000). Such ordinances can vary based on wording to include variations in the targeted age groups, the hours in which enforcement is allowed, different exceptions to the policy, and different sanctions for violations by both the juvenile and legal guardian. Generally, these policies often follow a similar format across the nation. Those that are more complicated will have different curfew hours dependent on age or the day of the week. These policies often include a list of restricted activities or locations where juveniles may not be present during the allotted time slots (Ruefle & Reynolds, 1995). These areas may include places such as public streets, parks and playgrounds, places of entertainment, or vacant lots. Enforcement of these ordinances also follows a typical progress, starting with a verbal warning to the juvenile or legal guardian upon taking the juvenile home and ranging to referrals to juvenile courts or being issued a fine (Ruefle & Reynolds, 1995).

With delinquency charges for youth a concern in Memphis, this overview seeks to assess current research, identify limitations, and explore curfew laws that exist currently in Memphis, other Tennessee cities, and in other parts of the nation. The overview then offers recommendations for further research and policy improvements.

CURRENT RESEARCH ON JUVENILE CURFEW LAWS

The current literature around the effectiveness of juvenile curfews is mixed. While studying the effects from the New Orleans juvenile curfew ordinance, researchers found that the curfew did not lead to a significant reduction in either juvenile arrests or victimizations during the curfew hours. (Reynolds et. al., 2000). Similar studies in both California and Connecticut found no significant impact on crime rates with juveniles (Males & Macallair, 1999; Males, 2000). McDowall, Loftin, & Wiersema (2000) examined 57 U.S. cities with populations exceeding 250,000 in 1980. They found that, although most had enacted some type of curfew law, juvenile arrests decreased only for certain crimes (burglary, larceny, and assault). However, the evidence that curfew laws were effective in reducing crime was too inconsistent across the entire sample to fully support these ordinances.

Some studies found that the enactment of such ordinances may have displaced crimes to other times of the day. One study of the curfew ordinance in Detroit noted that the curfew did effectively suppress crime during curfew hours but displaced some of that crime into the earlier hours of the day, primarily in the early afternoon (Hunt & Weiner, 1977). Reynolds et al. (2000) found a permanent increase in victimization during the noncurfew hours after New Orleans enacted its juvenile curfew law.

There is some research that shows evidence of juvenile curfews having the ability to be effective. One study examined 54 cities with populations over 180,000 that had juvenile curfew laws in 1992. The study noted that arrests of juveniles covered by curfews had declined five years after the enactment of these laws by approximately 10% (Kline, 2011). Hunt & Weiner (1977) noted that juvenile curfew laws were effective in preventing crime during the allotted hours.

In a systematic review of 10 studies with the goal of combining any evidence on the effectiveness of juvenile curfews in both lowering criminal activity and victimization,

Wilson, Olaghere, and Gill (2016) noted that several of the studies they examined raised issues such as the possibility of a maturational bias. They noted that, in their review of those studies, evidence showed that there was not a consistent and significant impact on crime.

Underlying the results of all the studies is the fact that actual enforcement of curfew laws can vary from city to city. In some cities, enforcement is simply not a priority.

CURRENT STRATEGIES IN MEMPHIS AND TENNESSEE

Overview of Memphis' Ordinance

In 1996 Memphis adopted a juvenile curfew ordinance. In Memphis, minors who are 17, it is unlawful to be in public places between 11:00 p.m. and 6:00 a.m. Monday through Thursday, and between midnight and 6:00 a.m. Friday through Sunday. For minors 16 and under, the curfew starts an hour earlier (10:00 p.m. on weekdays and 11:00 p.m. on weekends). A parent or legal guardian of a child is prohibited from knowingly or by inefficient control allowing the child to violate the curfew and can be held responsible.

Several exceptions to the curfew exist, including being accompanied by an adult who is authorized to accompany the minor, working, attending school or religious events, and exercising the minor's First Amendment rights. Law enforcement officers who are responsible for enforcing curfew violations have the discretion to return the minor to the minor's permanent residence, issue a court summons to the child and/or legal guardian, or take the minor into custody. Minors who violate the curfew may be dealt with as "unruly" under state law, while parents or guardians can face a charge and a fine of up to \$50 per offense (Memphis City Ordinance Sec. 10-28-4, 1996).

Despite several press conferences and news stories in mid-2023 to inform Memphis residents that the Memphis Police Department (MPD) would be enforcing the juvenile curfew ordinance, it appears that many officers have opted not to engage with individuals who may be minors violating the ordinance. A key challenge cited by MPD leadership is the lack of appropriate facilities to take curfew violators, which often results in officers having to 'babysit' juveniles instead of returning to the street

and addressing other matters. This enforcement gap has also led to a lack of measurable data on the ordinance's effectiveness.

Comparison with Other Tennessee Cities

According to the NYRA, as of 2024, there are six other cities besides Memphis in Tennessee that have curfew ordinances in place. Table 1 shows the municipal codes associated with each curfew as well as selected information from each local ordinance. The juvenile curfew ordinances in Chattanooga (Chattanooga City Ordinance Sec. 25-2, 1991) and Germantown (Germantown City Ordinance Sec. 12-22, 1986) are essentially identical to the Memphis ordinance. These ordinances set similar restrictions on minors being in public spaces during the same time frames and include comparable exceptions for work, school events, and guardian supervision. Chattanooga's curfew ordinance does include an additional provision that allows any on-duty police officer to detain a minor without a warrant for violating the curfew. The minor can be detained for a reasonable amount of time while a summons is completed. However, before the minor can be confined, the officer must first take the juvenile home to consult with the parent or legal guardian. If the parent or legal guardian refuses to take responsibility for helping enforce compliance with the ordinance, the minor can be placed into confinement (Chattanooga City Ordinance Sec. 25-2, 1991).

The juvenile curfew ordinance in Clarksville differs from the other cities in a few aspects. First, Clarksville sets a uniform curfew of 11:00 p.m. to 6:00 a.m. for minors 15 and under, while those who are 16 and 17 have a later curfew of 1:00 a.m. to 6:00 a.m. Additionally, while Clarksville does have exceptions for minors being accompanied by a parent or legal guardian or for other legitimate reasons, Clarksville does not provide as many detailed exceptions as other cities in Tennessee. A final distinction is that the Clarksville ordinance includes specific provisions for minors who are married or in the

armed services, two exceptions that other cities in Tennessee do not have listed (Clarksville City Ordinance Sec. 10-205, 1983).

Knoxville's curfew ordinance focuses on all minors under the age of 18 between the hours of 12:00 a.m. and 5:00 a.m., regardless of the day of the week. One specific requirement that is different within this ordinance is the requirement that the juvenile must carry written permission from a parent or legal guardian when attending a school or social function within the curfew time period and that it must have the date, time and place of the juvenile's function (Knoxville City Ordinance Sec. 19-213, 1998).

The curfew for juveniles in Nashville is the only city in Tennessee that has different time curfew periods based on date. In Nashville, the curfew is from 11:00 p.m. until 5:00 a.m. Sunday through Thursday and 12:00 a.m. until 5:00 a.m. on Friday and Saturday during the school year (September 1 to May 31st). During the summer (June 1 to August 31), the curfew begins at midnight every night and lasts until 5:00 a.m. Nashville's ordinance also states that the minor should provide a written notice signed by the juvenile and, if possible, the parent or legal guardian that details the activity if the minor is exercising his or her First Amendment rights (Nashville City Ordinance Art. II, 2011).

Franklin's city ordinance is another one that has one time period for all individuals under the age of 18 that begins at 11:00 p.m. Sunday through Thursday and midnight on Friday and Saturday until 5:00 a.m. One big difference with the defenses and exceptions under this ordinance is that all school activities, religious activity, or any other voluntary grouping such as a movie or sporting event that do not have a fixed ending time must register the event with the police department at least 24 hours before the event. As for the enforcement of this ordinance, Franklin allows for a written warning on the first violation and then transportation to the police station for further violations. For the second violation, a written warning is sent to the parents via

certified mail, and any violations after that will result in fines that increase for repeated violations (Franklin City Ordinance Sec, 20-101, 1976).

Table 1: Curfew Laws within Tennessee

CITY	CODE	AGES	GENERAL TIMES	PENALTIES
Chattanooga	Municipal Code § 25-2 to -3	Between 17-18	11:00PM-6:00AM	Summons/\$50 Fine
		16 & Under	10:00PM-6:00AM	Summons/\$50 Fine
Clarksville	Municipal Code § 10-205	Between 16-18	1:00AM-6:00AM	Not Listed
		15 & Under	11:00PM-6:00AM	Not Listed
Franklin	Municipal Code § 20-201 to -209	Under 18	11:00PM-5:00AM	Warning/\$25 Fine (Increases)
Germantown	Municipal Code § 12-22	Between 17-18	11:00PM-6:00AM	Summons/\$50 Fine
		16 & Under	10:00PM-6:00AM	Summons/\$50 Fine
Knoxville	Municipal Code § 19-213	Under 18	12:00AM-5:00AM	Not Listed
Memphis	Municipal Code § 10-28-4	Between 17-18	11:00PM-6:00AM	Summons/\$50 Fine
		16 & Under	10:00PM-6:00AM	Summons/\$50 Fine
Nashville/Davidson County	Municipal Code § 11.28.200-270	Under 18	11:00PM-5:00AM	Citation/Juvenile Community Service Parent Violation - \$50

EXAMPLES FROM OTHER CITIES

Based on the NYRA curfew laws list, several cities outside of Tennessee were identified where curfew laws are more clearly written or better address various aspects of enforcement and guidelines.

Philadelphia, PA stands out as having one of the more comprehensive curfew ordinances. The ordinance sets specific curfew times for minors based on their ages (9:30 p.m. for those 13 and under, 10:00 p.m. for those 14 and older). This may be a more tailored approach as it recognizes that older minors may have different activities and responsibilities. Another strength of Philadelphia’s ordinance is the clear instruction for handling minors who have been found in violation of the curfew. Officers are required to make all reasonable efforts to transport the juvenile back home. If this is not possible, they can take the minor to one of six Community Evening Resource Centers that are designed to give minors a safe and supervised place between 7:00 p.m. and 2:00 a.m. Finally, if for any reason they cannot achieve one of the first two options, officers may transport the juvenile to the divisional police district while waiting for a parent or legal guardian to claim him or her. A final difference to note is that under the current law, an officer will send the parent’s or legal guardian’s information to the Philadelphia Police Department’s Juvenile Bureau which is

responsible for processing any fines or other penalties (Philadelphia City Ordinance Sec. 10-303, 1977).

Another city of note is Phoenix, AZ. Its ordinance gives law enforcement officers the ability to demand parent/guardian intervention after a minor is stopped for a violation of the curfew. By requiring parents or guardians to claim their children, it alleviates the need for officers to leave their assigned areas to transport the children home. Phoenix's ordinance includes a clear and enforceable responsibility for parents or guardians, stating that it is unlawful for a parent or guardian to refuse to take the juvenile into custody after being demanded to do so. This addition helps ensure that parents are actively involved with enforcement of the ordinance. A final difference that is noted is the more balanced use of misdemeanor charges for both the minor and the parent or guardian. By sharing the responsibility and chance of fines/penalties, it creates a shared responsibility between the minor and the parent/guardian on ensuring curfew adherence (Phoenix City Ordinance Sec. 22-1, 1993).

Houston, TX's curfew ordinance includes several unique features that are not commonly found in other curfew laws. For instance, if the law enforcement officer concludes that the minor is homeless, a citation is not given, and that minor is then transported to a shelter or another safe location. This allows officers to prioritize protection over punishment for minors in vulnerable circumstances. This ordinance also places a focus on flexible enforcement and the importance of the parent/guardian involvement. Prior to issuing a citation to the minor, officers are required to reach out to the minor's legal parent or guardian. If successful, the officer is to transport the child home without issuing a citation. Even if officers are unable to contact a parent or guardian, they still have the option to transport the child home without issuing a citation. Finally, the ordinance also refers the minor to the Municipal Court's Teen Court Program, which provides a different route of adjudication and sentencing as compared to juvenile justice courts (Houston City Ordinance Sec. 28-171, 1995). Here, minors can plead no contest or guilty and have their cases heard among their peers. Instead of fines, sanctions usually include community service, education programs, etc. Once those requirements have been met their citations are dismissed and no offenses are recorded as convictions (Texas Municipal Courts Education Center, 2024).

A final city worth mentioning is Baltimore, MD. Similar to Philadelphia's ordinance, Baltimore aims to create an avenue of transporting the minor to a Youth Connection

Center, a designated safe space for minors who are unable to return home. These centers not only assist in contacting the minor's family but also take proactive steps to prevent repeat violations. This may include connecting the minor with outside services and help in order to address the root causes of the behavior. Another area that stands out within Baltimore's ordinance is that it specifically mentions that detention of a minor under these circumstances is not considered an arrest. This means that curfew violations will not lead to a delinquency record for minors, protecting them from long-term consequences of having a delinquency record for a minor offense (Baltimore City Ordinance Sec. 34-1, 1976).

For additional juvenile curfew ordinances, we recommend reading ones from the city of El Paso, TX (El Paso City Ordinance Sec. 10.20.010, 2006), San Antonio, TX (San Antonio City Ordinance Sec. 21-121, 1991), San Francisco, CA (San Francisco City Ordinance Sec. 539, 1939), and Indianapolis, IN (Indianapolis City Ordinance Sec. 381-2, 1975).

LIMITATIONS IN CURRENT PRACTICES

Limitations in Effectiveness

Although these ordinances aim to prevent juvenile crime and victimization during the late hours, Wilson, Olaghere, & Gill (2016) make the point that most crimes carried out by juveniles happen during the hours before and after school. Several other studies point out that most of these ordinances are also not tied to any increase of law enforcement resources. Cities that have officers who are facing resource constraints and high demands may prioritize other pressing issues instead of enforcing curfew laws (McDowall, 2000; Reynolds et al., 2000).

Another limitation in measuring effectiveness can be traced to the cause for implementing a curfew. Curfews are frequently introduced following a surge in juvenile crime or by a high-profile incident. This means that measurements of a decrease in crime rate may be a regression from a crime spike as it returns to the underlying average crime rate (Wilson et. al., 2016). Another possibility is that a different intervention or policy may also have been introduced which had a greater impact than the juvenile curfew ordinance. For instance, Kline (2011) mentions that a midnight basketball program was also being implemented in Dallas, Texas and may

have lowered the number of juveniles engaging in criminal activity during those hours.

Also, many of these ordinances have been constitutionally challenged. Many lower federal courts have heard cases dealing with issues on juvenile curfews. Some of the successful constitutional challenges have been a violation of 14th Amendment rights of equal protection and due process by restricting minors' freedom of movement and protections of their First Amendment rights (see, e.g., *Bellotti v. Baird*, 1979; *Hutchins v. District of Columbia*, 1999; *Papachristou v. City of Jacksonville*, 1972). The other common challenge is that of the Ninth Amendment, arguing violations of privacy and family autonomy and that these laws are written in a vague manner or are overreaching (see, e.g., *Bykosfsky v. Borough of Middletown*, 1975; *Nunez v. City of San Diego*, 1997; *Qutb v. Strauss*, 1993) (Fried, 2001).

DIRECTIONS FOR FUTURE RESEARCH

Most studies on juvenile curfew statutes have been primarily focused on the criminalization and victimization of juvenile individuals. However, as Wallace (2020) suggests, one area that warrants further examination is the impact of curfew laws on truancy rates. If curfews encourage parents and legal guardians to ensure their children stay home during those hours, it could promote healthier sleeping habits, possibly leading to a reduction in school absences and other risky behaviors.

Many cities note public support for enactment of these juvenile curfews. However, there seems to be a lack of parental support. It may be helpful to know how parents and legal guardians of juveniles feel about the impact of curfew ordinances. It could be that parents/guardians feel that these ordinances put an unnecessary burden on them, and in some cases parents/guardians may help their children get around the legal boundaries that are set forth by the curfew. This type of focus would tie in with the current available research done by Adams (2020), who examined different parental types and the way they handle childrearing. Five different parental types were identified including indignant parent, irresponsible parent, ignorant parent, ineffective parent, and the invisible parent.

RECOMMENDATIONS FOR POLICY DEVELOPMENT

General Recommendations

Despite curfew laws showing limited effectiveness in reducing juvenile crime rates or victimization, they appear to remain a popular tool for addressing these issues. An article by Grossman & Hoke (2015) offers valuable insights that could help localities in the creation and development of juvenile curfew laws. The authors examine the legal challenges that have come from the implementation of such laws and provide various recommendations and guidance for how policymakers may avoid similar issues that have led these ordinances to being overturned.

Through examining several publications and city ordinances, there are three general recommendations that have been identified:

- 1) Comprehensive Support and Rehabilitation Measures – Ordinances in cities like Houston and Baltimore aim to prioritize the well-being of minors without relying solely on criminalization. Curfew ordinances may benefit from having provisions listed on how to direct vulnerable or homeless minors to homeless shelters or community centers. These resources may alleviate some of the burden from law enforcement and be able to offer guidance and resources to help minors lower the chances of being repeat offenders.
- 2) Clear Exceptions, Defenses and Flexibility with Enforcement – the Chattanooga and Houston ordinances stand out for their clear and detailed list of exceptions. Having well-defined exceptions can help avoid penalizing minors who are out during the curfew period for legitimate reasons. Additionally, like in Houston, when officers are permitted to transport the minor home without giving a citation, it allows for flexibility in the enforcement to put what is best for the minor first instead of following just punitive measures.
- 3) Data Collection & Monitoring – Ordinances like Philadelphia's emphasize data collection and regular reporting to track how these violations are enforced. This approach not only provides data on the level of actual enforcement (rather than avoidance of enforcement) but ensures that enforcement of these violations is equitable and provides city leaders with valuable data to help adjust the ordinance as needed or allow for more targeted interventions.

Recommendations Specific to Memphis

In conjunction with the general recommendations made above, there are four recommendations specific to the Memphis area.

- 1) Establishing Designated Safe Spaces for Minors – One of the main challenges within Memphis’s ordinance is the lack of a clear protocol for where officers can transport minors who violate curfew while awaiting their parents/guardians to pick them up. Having established safe spaces or community resource centers not only frees up law enforcement to return to their regular duties but can also provide safe environments and resources to those juveniles.
- 2) Diversion Options for Minors – The Memphis ordinance currently outlines enforcement but does not provide any guidance beyond fines and legal consequences. Having a diversion program similar to Houston’s Teen Court may open alternatives to address the root causes of curfew violations (such as behavioral issues) without forcing monetary fines or creating a record for the minor.
- 3) Flexible Enforcement with Parental Engagement – Memphis currently holds parents/legal guardians responsible for the child’s violations of curfew under certain circumstances, but the ordinance could do more to involve the parent or guardian in the resolution of these matters. Strategies such as parenting workshops or family counseling sessions instead of monetary fines may provide parents/guardians with tools to better supervise and engage with their children.
- 4) Data Collection – Due to the ongoing staff shortages within the Memphis Police Department, it has been reported that officers are not engaging with youth who may be in violation of the curfew ordinance. This means that both the police department and the city are not gaining a clear picture of the problem of juvenile curfew violations. With better data tracking and enforcement, even if citations are the only route used, it would allow for better intervention strategies to be formed.

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