

Three strikes on the Montgomery curfew

By Catherine Gallagher, Stephen Farnsworth and Joel Censer, Published: December 2

On Tuesday, the Montgomery County Council is scheduled to take up a much-debated proposal to establish a curfew for youths under 18. Such curfews hold appeal to many people, but there are reports the council is considering setting aside the plan indefinitely. There are three primary reasons that would be the smart thing to do.

First, youth curfews get the crime problem wrong. They target the wrong time of day, the wrong age group and the wrong type of crime. A rigorous analysis of the impact of Prince George's County's curfew, conducted by the Urban Institute in 2003, demonstrated that 88 percent of police calls and youth arrests occur outside curfew hours. Most arrests involve suspects too old to be covered by the curfew.

Second, curfews aren't effective. The Prince George's evaluation found no significant drop in victimization and arrests among the targeted age group in the targeted time periods. This finding has been replicated in other analyses, some rigorous, some not as rigorous.

Finally, curfews in general — and the Montgomery County proposal in particular — get application, enforcement and punishment wrong.

History has shown that punitive measures are among the least effective ways to deal with youthful offenders. You might wonder what happened to the trend toward “scared-straight” and boot camp programs; both are no longer in vogue after being shown not just to fail to get offenders onto a more positive path but, in some cases, to facilitate recidivism.

Furthermore, to provide a deterrent, a law must be predictably and consistently enforced. That won't happen under the county's plan, which calls for officers to use a strange five-step escalation process, full of wiggle room for someone seeking to evade punishment. Woe to the already overburdened police officer asked to contemplate a teenager's arsenal of possible excuses before deciding how to proceed. (“I'm out on behalf of my parents”; “I'm enjoying a cultural event”). The Montgomery proposal is certain to lead to inconsistent enforcement — common among jurisdictions that have adopted curfews. And, remember, every misjudgment in the field (and even some correct calls) can increase the government's legal expenses, particularly in Washington's lawyer-filled suburbs.

Montgomery County Executive Isiah Leggett, a curfew supporter, has dismissed research findings like those discussed here, primarily because the studies were not conducted in Montgomery. This is a common fallacy in the social policy arena, akin to doubting

whether appendectomies prevent death from infections because the evidence did not come from the county's own hospitals.

Over the years, Montgomery's police force has laudably adopted many evidence-based methods. The county's law-enforcement resources are deployed to practices shown to be effective in places and times where they are most needed. A curfew would be a departure from that sensible approach — and a colossal waste of the training and trust invested in these officers. The better approach is to instruct police to use their professional training and community outreach skills. When that fails, they can take action based on existing delinquency and criminal statutes, such as by issuing a disorderly conduct citation or a failure to obey charge.

The County Council should direct the county's law enforcement efforts to respond to the crimes that exist, where and when they happen, and with practices shown to be effective.

Catherine Gallagher is the director of the Cochrane Collaboration College for Policy and an associate professor of criminology, law and society at George Mason University. Stephen Farnsworth is an associate professor of communication at George Mason University. Joel Censer is public affairs officer at the Cochrane Collaboration College for Policy.