

September 1997

Youth Curfew Enacted

from page three

is during the hours after school and before 10 p.m. The Oakland Police Department had a shift change right when school was getting out, leaving virtually no police on the beat during the critical time after school. And injuries occur to youth with most frequency in or near their homes. Oakland youth advocacy groups lobbied successfully to reject the curfew. Rather than enact a curfew, the Oakland police restructured their shift-change hours so coverage of peak youth crime times was achieved. Efforts were also made to redirect funds from enforcement of a youth curfew into programs which directly benefited teens.

A worker for the S.F. Coalition on Homelessness said he sympathized with those seeking increased protection for the young, especially in big cities. However, he said, the answer is not criminalizing innocent behavior, but providing more positive facilities for youth to enjoy.

San Jose, the largest city in northern California, does have a youth curfew. In spite of a disproportionate ticketing of Latino youth, the parents seem to have accepted the curfew. The ACLU, at any rate, is no longer actively opposing it.

But various groups like the Human Rights Defense Committee still report heavy targeting of Latino youth and discriminatory enforcement.

In many ways, youth are the most volatile element in our community. Yet arresting young people for "tarrying" in 1997 is a direct slap in their face. We are not talking about driving, drinking, making contracts, or using drugs. We are talking about the right to be in public spaces without being harassed.

The Child Protection Curfew in Santa Cruz, and curfews everywhere, criminalize the young. Youth who rebel against it will get criminal records, assurances from Santa Cruz Police Chief Salcher notwithstanding. In many cities, the second offense can be prosecuted as a misdemeanor. Infractions not speedily resolved turn into misdemeanor warrants.

In a large city such as Los Angeles, with an estimated homeless/runaway youth population of 12,000, the question of what to do with homeless youth out after curfew needs to be answered *before* a law is passed.

Emily, whose friends will be the most affected by the Santa Cruz curfew, says, "The cops don't help at all. They should just leave us alone. We're not hurting anyone. We have enough problems as it is."

UNANSWERED QUESTIONS

"What are the consequences of youth curfews on homeless parents? Are their children to be taken from them for being out late? What facilities are really available for homeless youth? Will Santa Cruz be setting up San Jose-style holding stations for youth? Will those who are not picked up by their parents be sent to the bulging juvenile hall? How can parents be located, when they are hiding from the police in fear of our City Council's Camping Ban law? Will homeless youth be pressured to rat on their families who are sleeping illegally outside or in vehicles?"

At the County level, Santa Cruz Sheriff Mark Tracy and District Attorney Danner pushed a similar teen curfew through the Board of Supervisors without any real examination of the concerns of critics. There, as at the City Council level, the word "homeless" did not appear in the discussion. The homeless, as ever, were invisible and unmentionable. Another layer of criminalization had been added for homeless youth: by day it is largely illegal to sit down, spare-change, make and sell jewelry, skateboard, or smoke. By night it is illegal to sleep. Now it is illegal to associate with others in public after 11 p.m.

How will the police deal with homeless youth after curfew hours in Santa Cruz? During the day, they need little pretext to stop young or homeless people. At night, police now will feel all the more empowered to harass. Emily said, "The cops don't understand what kids are up against. Sometimes the kid's getting beat or their mom is getting beat. Most cops have never been homeless." A curfew law gives a pretext to police to check the identification of those who look like they might be under curfew age. Emily states, "Kids will purposely not carry ID.

Sometimes they're getting drugs and they don't want to get a record. They will give a false name when they are arrested."

YOUTH CURFEWS IN OTHER CITIES

How have other cities handled teen curfews? San Francisco and Oakland rejected curfews in the last five years for fear they would be selectively enforced, particularly against minorities. They heeded criticisms that the laws would impose a police solution on social problems, and trash the civil liberties of young people under the guise of protecting them.

Tamara Milagros, director of Teens on Target in Oakland, a group that worked hard to defeat the curfew, explained that while curfews are almost always promoted as a way to protect young people, the time of greatest injury occurring to youth

See Youth Curfew page 11