



June 14, 2019

Mayor Sylvester Turner and Members of Houston City Council  
Houston City Hall  
901 Bagby St.  
Houston, Texas 77002  
*Sent electronically*

Dear Mayor Turner and City of Houston Council Members,

We are writing to urge you not to renew the current City of Houston juvenile curfew ordinance (Curfew) and instead let it expire at the end of this month. The attached letter we sent to Chief Art Acevedo outlines the concerns we have with the Curfew. Since we sent the letter, the Houston Police Department (HPD) has recommended the ordinance be renewed in spite of research and evidence showing the ordinance is ineffective as well as other concerns we brought to the Department’s attention. Unfortunately, HPD’s presentation to the Public Safety committee on June 11, 2019, included misleading and inaccurate information about the Curfew; therefore, at a minimum, we request that you form a working group of diverse stakeholders to examine the Curfew ordinance further before a decision is made.

The reasons HPD outlines in support of the ordinance expose how ill-conceived of a tool the curfew ordinance is. For example, in HPD’s presentation to the Public Safety committee, HPD says the ordinance is needed for “e.g., run-a-ways, thrown-a-way juveniles, and criminal enterprises such as prostitution, pornography, etc.” In other words, HPD is saying the Curfew ordinance is needed to criminalize some of our city’s most traumatized youth. When a young person is stopped for violating the Curfew, she/he is cited and given a court date in Houston municipal court. She/he is then expected to appear in municipal court with a parent and without guaranteed legal representation; the HPD officer in the City Council Committee meeting suggested that the case could be dropped with the help of “a good defense attorney,” but that would only apply to kids who can afford an attorney. While the data shared

by HPD does not provide a breakdown of who is getting curfew tickets, based on data in other communities, we can be fairly certain it is not youth who can afford “a good defense attorney.”

If convicted, she/he might have to pay a fine of up to \$500 plus court fees — a significant financial burden. But what about the child running away? The Curfew does not address why he is on the street or help him achieve greater safety. But what about the child susceptible to sex trafficking? The Curfew does not help her connect with services and keeps her from seeing police officers as people she can turn to for help. Houston has these services and resources — connecting children with them should be the response, not criminalizing kids.

Further, contrary to popular belief, a conviction in municipal court for a curfew violation is an adult conviction, even for a juvenile.<sup>1</sup> This conviction mars a child’s record, making it harder — and in some instances impossible — to secure a job, obtain advanced education, enroll in the armed forces or find housing. In addition, research demonstrates that youth who come into contact with the criminal justice system are more likely to drop out of school.<sup>2</sup>

HPD does not need the Curfew to approach children, talk with them, or help them. HPD does not need the Curfew to keep kids from exhibiting law-breaking behavior; if the child is exhibiting law-breaking behavior, HPD can address that behavior specifically. Further, HPD can talk to a child and ensure the child is safe without citing them or threatening to cite them.

In addition, HPD claims the Curfew is needed to impact juvenile crime and victimization; however, there has been no evidence that there is a connection between juvenile crime or victimization and curfew ordinances. In fact, there is evidence that the exact opposite is true, which is part of the reason why other large Texas cities either let their ordinances expire or decriminalized them.<sup>3</sup> For example, the City of Austin<sup>4</sup> chose to let its juvenile curfew lapse in 2017, and in the year following the curfew’s expiration, Austin saw a 21% decrease in juvenile victimization. While acknowledging it was hard to be certain of the cause of such a drop, Austin Assistant Police Chief Troy Gay speculated that the decrease was because “youth aren’t hiding from the police anymore, in places they weren’t supposed to be. Now they can be in a public place and not fear the police, and maybe that makes everyone safer.” Waco

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<sup>1</sup> This point was discussed at the Public Safety Committee on June 11; however, HPD was under the impression that this would be considered a juvenile record, which it is not.

<sup>2</sup> The Vera Institute of Justice, *When Misbehaving is a Crime*, 2017, available at <https://www.vera.org/when-misbehaving-is-a-crime#introduction>; see also Gary Sweeten, *Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement*, 23 (4) *Justice Quarterly* 462, 462 (2006); Gary Fields & John R. Emshwiller, *As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime*, *Wall St. J.*, August 18, 2014.

<sup>3</sup> Following Waco and Austin, San Antonio decriminalized their juvenile curfew ordinance so that police officers could focus on helping youth instead of charging them with a misdemeanor. Dallas significantly weakened their ordinance, dropping the fine to \$50 and requiring 3 verbal warnings before issuing a Class C citation.

<sup>4</sup> See *Report: Austin’s Juvenile Curfew Ordinance: Recommendations for Non-Criminal Ways to Support and Ensure the Safety of Young People in Austin*, available at <http://www.austintexas.gov/edims/document.cfm?id=285194>

allowed its curfew ordinance to expire in 2014; since then, the city has not seen any increase in juvenile crime or arrests.

Instead of further criminalizing our youth, the City of Houston should end the harmful Curfew ordinance and create a transition team of local stakeholders to develop ways to connect youth with appropriate services, when law enforcement identifies youth that need specific interventions. Houston should take all available steps to reduce the collateral consequences of curfew violations that have already been issued.

Put simply, juvenile curfew ordinances encourage a criminal justice response to situations that do not merit contact with law enforcement and the court. Juvenile curfews are an outdated approach. Statewide truancy reform passed by the Texas Legislature four years ago represents a similar move away from criminalization of youth, and in fact, the Curfew's daytime component is in direct conflict with the state law decriminalizing truancy.<sup>5</sup>

We urge the City of Houston to enact smart policy, not policy based on hunches and intuition, but rather on evidence, research, and analysis. At the very least, we would like to establish a working group that includes input from stakeholders so that the Curfew can be examined through a deliberate and transparent process.

Thank you, and we look forward to hearing from you soon.

Sincerely,

Mary Moreno, Texas Organizing Project

Brett Merfish, Texas Appleseed

Tim Lambert, Texas Home School Coalition

Meagan Harding, Texas Civil Rights Project

Dianna Williams, Texas Advocates for Justice and Grassroots Leadership

Lauren Rose, Texas Network of Youth Services

Julieta Garibay, United We Dream Texas

Sarah Guidry, Earl Carl Institute at Texas Southern University

Katya Dow, Juvenile and Capital Advocacy Project

Patrick Bresette, Children's Defense Fund

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<sup>5</sup> The Texas Legislature decriminalized truancy in 2015 with House Bill 2398. Yet, local curfew ordinances criminalize children for the same behavior—being out of school during the day. Every school district in the state is required to implement meaningful truancy prevention and intervention measures, but curfew ordinances could allow districts to skirt these requirements.