



April 12, 2012

Sent by U.S. Mail and Electronic Mail

Thomas McCarthy  
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Re: Youth Curfew Proposed Resolution 39-11

Dear President McCarthy,

We understand that the Bridgeport City Council is considering a resolution to enforce the City's 1994 curfew ordinance. Proposed Resolution 39-11 authorizes the police to take immediate action to enforce the youth curfew. The curfew authorizes police to take home any minor found in public during night and early morning hours and to levy increasing fines on his or her parents after a second offense. It requires the chief of police to report a minor with more than three curfew violations to juvenile authorities, and permits police to file charges, as the chief deems appropriate. We strongly oppose adoption of this resolution.

Bridgeport's curfew is similar to a youth curfew that we successfully challenged in the Court of Appeals for the Second Circuit, Ramos v. Town of Vernon, 353 F.3d 171 (2d Cir. 2003), and is no more likely to withstand a constitutional challenge. Bridgeport's youth curfew is not supported by findings and well-reasoned analysis that justify broadly subjecting all citizens below an arbitrary age to house arrest during evening hours. Moreover, even if the City Council conducts an appropriate analysis, the law as it is written does not satisfy fundamental constitutional rights of due process, freedom of expression, and equal protection, due in part to the vague and difficult-to-apply exceptions. Even a well-written youth curfew might be applied in a manner that infringes on the aforementioned rights.

In addition to being constitutionally suspect, this law is bad policy. The current debate over reviving the law began after the tragic murder of 14-year-old Justin Thompson. But many empirical studies have found that curfews do not protect young people. For example, Professor Kenneth Adams, writing for *The Annals of The American Academy of Political and Social Science*, concluded that "the

weight of the scientific evidence . . . fails to support the argument that curfews reduce crime and criminal victimization." Curfews divert scarce police resources away from fighting crime by saddling police with the burden of rounding up and investigating young people who are not causing any trouble. The police already have the authority to stop anyone they reasonably suspect of violating the law, day or night. Detaining young people when there's no suspicion of a crime is not only ineffective, it will unnecessarily pull innocent youth into the criminal justice system.

For these reasons, we encourage the City Council to avoid the cost of defending this curfew in court. We urge you to divert the resources allocated to enforcing this curfew to developing better enforcement techniques, police intervention, community services, and programs to increase parental involvement.

Please do not hesitate to contact us with any questions regarding our position. We will continue to monitor the City Council's consideration of Proposed Resolution 39-11.

Sincerely,

David McGuire  
Staff Attorney  
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Cc: Mayor Bill Finch (By U.S. Mail and Electronic Mail)  
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