

January 25, 2023

To: Pittsburgh City Council and Mayor Ed Gainey

Re: Enforcing Youth Curfew



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Dear Pittsburgh City Council Members and Mayor Gainey,

We are writing today to urge city council to vote against enforcing the 1995 ordinance that bans kids under the age of 17 from being out in public from 10 p.m. to 6 a.m. on weeknights (11 p.m. over the summer) and from midnight to 6 a.m. on weekends.

Enforcing curfew unduly restricts youth from participating in time-honored and constructive activities - athletic, social, political, religious, cultural, educational and otherwise - without fear of being stopped and interrogated by police or other city personnel. Enforcing curfew has the potential to cause a great deal of harm to youth while doing very little to curb violenceⁱ.

There are many reasons why young people may be out in public during the curfew hours. For example, many students leave their homes as early as 5 a.m. to catch city buses and ensure there is sufficient time to go through security checks before school starts (as early as 7:15 a.m.). In addition, youth who are employed, , are permitted to be employed until 12 midnight during a regular school week and as late as 1 a.m. during a school holiday, per Pennsylvania Child Labor Laws.

Although section [§ 604.04 – EXCEPTIONS](#)ⁱⁱ contains exceptions for these scenarios, there is no way for a police officer or other curfew enforcer to know whether a child meets these exceptions without stopping and interrogating them. This would increase the number of students stopped unnecessarily by police on their way to school each morning or on their way home from work, or other protected activities. Such increased police contact with teens from disadvantaged communities can lead to more arrests and more kids pushed into the juvenile justice system for minor infractions.

The impact of being stopped and questioned by police may lead to students being delayed getting to school on time. When heading home in the evening, youth may choose less safe routes to avoid police. Additionally, given the rise in news and social media coverage around police violence

against Black people and other people of color, youth may be fearful or wary of being stopped, or questioned, by police. These interactions may be particularly difficult for students with disabilities, as those students face [one of the highest rates of arrest](#)ⁱⁱⁱ among their peers.

The ostensible justification for enforcing this curfew is to curtail criminal activity. However, since most criminal activity is committed by adults, enforcing curfew for youth will have no impact. According to Pittsburgh city police data, the vast majority of crime committed by and against youth occurred during the day, with less than 13% happening during curfew hours. This is similar to national research, which found crime tends to happen [during the day](#)^{iv}. It typically peaks after school hours and drops dramatically at night.

Pittsburgh city police data from 2019-2022, shows that arrests in the city of Pittsburgh have decreased every year since 2019 from 10,711 arrests, to 5,095 arrests in 2022. Youth arrests and criminal activity have similarly declined, with arrests down from 634 arrests in 2019 to 218 arrests in 2022^v. Youth curfews, therefore, unnecessarily penalize thousands of minors who live or visit the city but who have not engaged, and never will engage, in any type of illegal behavior.

Since the ordinance would give police discretion to stop and question every individual who appears younger than seventeen during curfew hours, its enforcement would likely lead to an increase in the already disproportionate number of Black youth stopped and arrested in the city of Pittsburgh. In fact, 89% of all youth arrested in Pittsburgh in 2022 were Black youth, up from 84% in 2019, even though Black people in Pittsburgh only account for 22.9% of the population^{vi}. It is unconscionable to suggest enforcing an ordinance that would result in even more Black youth being disproportionately stopped and arrested. A Johns Hopkins University study published in 2021 in [JAMA Pediatrics](#) found that exposure to police is associated with several detrimental health outcomes for Black kids and teenagers, including mental health issues^{vii}.

Rather than creating more punitive measures in an effort to curb violence, the city should invest in strategies that work in collaboration with other youth-serving organizations across the city. For example, rather than creating curfew detention centers that are open 24/7, the City could build youth community centers that are open 24/7 to provide safe spaces for youth to go after school, in the evenings, or over the weekend. For kids and teens, participation in community-based programs or after-school activities has been shown to reduce the likelihood of criminal behavior and are a better investment of city funds.

There is no question that preventing crime, especially violent crime against young people, is an important goal. But the proposal to enforce the existing curfew ordinance will harm the city's youth, particularly Black youth, while doing little-to-nothing to actually address crime. We urge city council members to oppose this effort and ultimately repeal the curfew ordinance.

Sincerely,

Ghadah Makoshi
Community Advocate, ACLU-PA

ⁱ Wilson, D.B., Gill, C., Olaghere, A. and McClure, D. (2016), Juvenile Curfew Effects on Criminal Behavior and Victimization: A Systematic Review. *Campbell Systematic Reviews*, 12: 1-97. <https://doi.org/10.4073/csr.2016.3>

ⁱⁱ § 604.04 - EXCEPTIONS.

https://library.municode.com/pa/pittsburgh/codes/code_of_ordinances?nodeId=COOR_TITSIXCO_ARTIRERAC_CH6_04CU_S604.04EX

ⁱⁱⁱ Jordan, H., Makoshi, G., (2022) Student Arrests in Allegheny County Schools: The Need for Transparency and Accountability. <https://www.aclupa.org/en/publications/student-arrests-allegheny-county-schools-need-transparency-and-accountability>

^{iv} *OJJDP Statistical Briefing Book*. Online. Available:

<https://www.ojjdp.gov/ojstatbb/offenders/qa03301.asp?qaDate=2019>. Released on April 18, 2022.

^v Burgh's Eye View, Arrests (1/1/2019-12/31/2022) - <https://pittsburghpa.shinyapps.io/BurghsEyeView>

^{vi} Burgh's Eye View, Arrests (1/1/2019-12/31/2022) - <https://pittsburghpa.shinyapps.io/BurghsEyeView>

^{vii} Jindal M, Mistry KB, Trent M, McRae A, Thornton RL. Police Exposures and the Health and Well-being of Black Youth in the US: A Systematic Review. *JAMA Pediatr*. 2022;176(1):78–88. doi:10.1001/jamapediatrics.2021.2929