



## San Francisco's Youth Crime Decline: Will Curfew Help or Hinder?

Following the Mayor's announcement to enforce an extant, but rarely policed curfew in San Francisco, many juvenile justice service providers wondered whether the policy responded to a clear problem. While communities are justifiably concerned for the safety of their children, and their neighborhoods, it is questionable whether a nighttime curfew for children under 14 on the streets between midnight and 6am will do but exacerbate misconceptions about juvenile crime.

CJCJ evaluated the crime and violence trends among youth in San Francisco over the past 30 years, 10 years and 3 years.<sup>1</sup> These numbers present a reality that contrasts with the premise motivating many policymakers to take "tough-on-crime" stands against juvenile offending. That premise is out-dated, as is demonstrated by the consistent downward trend in juvenile crime. Instead, policymakers should reconsider their platforms in light of the low rates of youth crime in San Francisco.

To evaluate the appropriateness of San Francisco's curfew from a crime prevention standpoint, CJCJ reviewed the age demographic of the juvenile population at the Youth Guidance Center, San Francisco's juvenile hall, for each month since January 2006, and for years 2004 and 2005.<sup>2</sup>

Finally, because early police contact can lead to labeling of a child as criminal, thus creating a harmful self-perception and community attitude that can obstruct

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<sup>1</sup> Juvenile arrests by offense are collected by local law enforcement agencies under the Uniform Crime Reporting System and reported by California Department of Justice's Criminal Justice Statistics Center in *Criminal Justice Profiles* for each county and city. Information may be accessed at <http://caag.state.ca.us/cjsc>.

<sup>2</sup> San Francisco Juvenile Probation Department releases monthly reports on its detained population, and the numbers of youth referred to probation. In addition, JPD issues an annual statistical report. Reports may be accessed at <http://www.sfgov.org/juvprobation>.

proper support and encouragement, it is imperative that appropriate measures are followed to ensure that children are not handled as criminals for curfew violations or other status offenses. The procedures employed by the San Francisco Police Department are reviewed and evaluated for its propriety in responding to juveniles.

### San Francisco: All youth crime down over ten years

Over the last 30 years, San Francisco has demonstrated major declines in youth offending. In the last decade, these reductions have been even more pronounced. Since 1995, youth crime of every type has decreased.

Violent crime rose from the 1970s to the 1990s, then fell abruptly until 2004. In 2005, the violent crime rate rose again due to an increase in robbery arrests. The apparently large decreases for rape and homicide are due to the volatile nature of small numbers; the erratic pattern for drug arrests appears due to changes in policing.

San Francisco shows dramatic declines in juvenile misdemeanors over the last decade, which may reflect a combination of shifts toward redefining certain offenses as felonies and in decreased arrests for trivial offenses. A large decline in juvenile arrests from 2003 to 2004 was followed by an increase from 2004 to 2005.

Overall, youth crime trends in San Francisco over the last 30 years have declined, invalidating claims that youth crime is escalating.

**Table 1: SAN FRANCISCO, arrest rates/100,000 population age 10-17**

Year	All offenses	Felonies	Violence	Murder	Rape	Robbery	Assault	Property	Drug	Misd
1976	7,067.6	3,391.5	875.0	4.2	21.1	496.0	353.7	2,337.5	67.6	3,676.1
1995	7,616.7	4,273.5	1,612.2	14.6	25.6	996.2	575.8	1,407.4	1,012.6	3,343.1
2000	6,248.3	3,071.9	1,181.7	4.1	6.1	708.6	462.8	698.4	729.1	3,176.4
2001	5,873.6	2,752.1	1,064.7	4.2	10.4	672.5	377.7	703.6	448.3	3,121.5
2002	5,221.1	2,718.7	1,048.4	16.6	8.3	570.0	453.5	657.3	530.4	2,502.4
2003	4,675.9	2,474.2	1,084.3	6.2	4.1	561.8	512.2	598.9	400.7	2,201.6
2004	3,864.4	2,135.9	893.0	2.1	0.0	532.9	358.0	463.0	327.2	1,728.5
2005	4,183.8	2,581.0	955.5	2.1	2.1	589.8	361.7	571.3	322.6	1,602.8
2005 v 1976	-40.8%	-23.9%	9.2%	-51.4%	-90.3%	18.9%	2.3%	-75.6%	377.0%	-56.4%
2005 v 1995	-45.1%	-39.6%	-40.7%	-85.9%	-92.0%	-40.8%	-37.2%	-59.4%	-68.1%	-52.1%
2005 v 2002	-19.9%	-5.1%	-8.9%	-87.7%	-75.3%	3.5%	-20.2%	-13.1%	-39.2%	-35.9%

Youth Demographics in Juvenile Hall: How old are the offenders?

From January 2006 through August 2006, only one 11-year old and twelve 12-year olds have been detained in juvenile hall. Cumulatively, this accounts for only 1.6% of the youth in custody. During the same period, 39 13-year olds have been detained. They represent 4.8% of the juveniles held in the hall during 2006.

The extremely low number of 11-year olds is on target to be much lower in 2006 than in the previous two years, 2004 and 2005. In 2004, juvenile hall held thirteen 11-year olds in custody throughout the year, comprising .7% of the total population. In 2005, there were only 11, for .6% of the all detained youth.

Over the past two years, 12-year olds have accounted for 1.9% of the 2004 juvenile hall population and 2.4% of the 2005 population. The low number of 12-year olds detained as of August 31, 2006 indicates that 12-year olds will be detained in this year than the previous two. Based on the number of 13-year olds detained over 2006, Youth Guidance Center's 13-year old population will be approximately equal to that of the last two years.

**Table 2: Youth Guidance Center Demographic Data by Age, 2004- 2006\***

Age	2004 Population	2004 Percent	2005 Population	2005 Percent	2006 Population*	2006 Percent
11	13	0.68%	11	0.60%	1	0.1%
12	37	1.94%	46	2.40%	12	1.5%
13	91	4.78%	102	5.30%	39	4.8%
14	193	10.13%	173	9.00%	96	11.9%
15	324	17.01%	320	16.60%	144	17.8%
16	440	23.10%	435	22.50%	240	29.6%
17	423	22.20%	477	24.70%	235	29.0%
18	325	17.06%	316	16.40%	**	**
18+	59	3.10%	50	2.60%	43	5.3%
TOTAL	1905	100%	1930	100%	810	100%

\* Data is compiled from monthly reports through August 31, 2006.

\*\* JPD's monthly reports do not compile data on 18-year olds and 18+-year olds separately.

## San Francisco Police Department Policy: Youth in Lockup

A curfew violation cannot be charged as a criminal violation under Welfare and Institutions code section 601. It is a status offense, so called because it is the status of the youth that makes the proscribed conduct illegal, rather than the conduct itself. Status offenses include truancy, incorrigibility, running away and curfew violations.

Although a curfew violation is not a criminal offense, the California courts have issued decisions in the past that allow local police to take a child into custody for commission of a status offense. The child may then be taken to a curfew center,

police station or other facility where the minor must wait for a parent's arrival.<sup>3</sup> In San Francisco, the Police Department's General Order 7.01 states that officers should not "bring juveniles in temporary custody into any facility containing a lock-up for adults. This includes district stations." Unfortunately, the same policy makes an exception for the purpose of "investigation, facilitating release or arranging transfer" of the juvenile.

The Office of Citizen Complaints assisted in the development of a revised DGO 7.01 which would require police officers to make reasonable efforts to investigate, facilitate release or arrange transfer of juveniles either from the field or from juvenile-centered facilities. The revised order was taken off the Police Commission agenda in August for review by the city attorney. At the time of writing, the SFPD has not presented the revised order to the Police Commission. Had the new order been implemented, the Department bulletin issued to enforce the curfew and take the children affected to district stations for processing would not have been permissible.

## Conclusion

Youth interaction with police officers and early exposure to the criminal justice system can lead to increased delinquency and other negative behavioral reactions. This result has been linked to both witnessing parental arrest and arrest of the minor, and is accompanied by anxiety, guilt, shame and fear.<sup>4</sup> If studies consistently show the negative implications of police interaction with minors, then it is time policymakers respond with programs that will aid children at risk of involvement within the criminal justice system. Many such local, community-based programs have been identified and extensively analyzed by the San Francisco Juvenile Probation Department. Unfortunately, funding has been cut to these programs, even while the Mayor is proposing 2.5 million dollars for police intervention in the County.

While young children on the streets may eventually become a part of the larger population of older adolescents in detention, the case for renewing efforts to enforce curfew against those youth under 14 is tenuous. Police officers can and will pick up young children when they are on the street between midnight and 6am. It is better to use scarce police resources on preventing crime by assisting community efforts to reach out to adolescents in need and train officers to work effectively with youth and their families. Positive police interaction with juveniles at the community level will foster greater trust and respect for laws than increased negative attention to minors who are already at risk of offending.

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<sup>3</sup> In re Ian C. (2001) 87 Cal. App. 4th 856.

<sup>4</sup> Simmons, Charlene Wear, "Children of Incarcerated Parents," California Research Bureau, March 2000.

San Francisco must respond to the facts of youth crime as it establishes juvenile justice policy. Declines in youth offending must be acknowledged, and analysis undertaken to better understand the reasons behind these changes.

The Center on Juvenile and Criminal Justice provides this information to assist in the development of sound criminal justice policy. For more information, please visit [www.cjcj.org](http://www.cjcj.org). Additional data on youth crime rates in California's eight largest cities and their surrounding counties is presented in CJCJ's recent report, "California Youth Crime Declines: The Untold Story."