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## **The Public Ought to Know: Is juvenile curfew really necessary for youth?**

By Corey Bearak

As October began, I attended a St. Albans meeting where southeast Queens Councilman Leroy Comrie (D-St. Albans) was the featured speaker. During the question-and-answer period that followed, a New York City police officer in the audience asked about legislation introduced by western Queens Councilman Dennis Gallagher (R-Middle Village) to impose a juvenile curfew from midnight until 6 a.m. (12:30 a.m. to 6 a.m. from June 30 through Labor Day).

The discussion that Tuesday evening left me conflicted about the merits of the bill and whether the energy directed at its development and consideration might be better used on programs aimed at our youth (and their parents).

Int. No. 458, also sponsored by Council members James Oddo of Staten Island and Tracy Boyland of Brooklyn, would restrict the activities of youths up to age 18. It also imposes sanctions on both the youths and their parent(s) or guardian(s) if the juvenile is "present in or remaining in any public place or on the premises of any establishment within the city during the restricted hours."

Owners and operators of a store or other establishment who "knowingly allows a juvenile to remain on the premises during restricted hours" also would face the music. The law does allow a young worker with a note from their employer to leave work after a curfew and head directly home; it also allows an adult, at least age 21, authorized by the parent or guardian to accompany a youth out beyond curfew time.

Evidently, there exists some problem in a western portion of my borough.

Why else look at such strict limit on one's ability to move about and "hang out?" Aaron Jackson of the Grand Council of the Guardians, the umbrella group of black law enforcement fraternal organizations including the NYPD Guardians, spoke about the proposed local law at Community Board 13 in October. Some board members raised concerns about how the law might be applied, perhaps selectively in certain communities. While many young people have student or other non-driver identification, they do not always carry it. Some young folk may feel safer on the streets than at home.

Except when I drive, no requirement exists for me to carry identification to get around the city or enter many public places. Despite the fact that the legislation "does not intend a result that is absurd, impossible to execute or unreasonable," younger looking adults who lack or do not carry identification could be picked up, questioned, and detained.

My community board considered this legislation at our Nov. 22 meeting. At that meeting, Councilman Comrie reported that Councilman Gallagher already attended a meeting in southeast Queens to discuss the legislation. Comrie also noted plans for the Council's Committee on Public Safety, chaired by city Councilman Peter Vallone (D-Astoria), to consider the curfew bill at a January 2005 hearing. The board voted to table a decision.

In terms of its proposed sanctions, one can argue it impacts adults more if a child breaks the curfew. A parent or guardian faces a fine up to \$75 for a first offense and up to \$250 for subsequent violations. An owner or operator faces a fine up to \$250. A youth who violates the curfew must perform up to 25 hours of community service for the first offense and up to 50 hours for each additional broken curfew. The legislation does allow for "additional dispositional alternatives provided for under the Family Court Act."

If the legislation became law, it would require a Police Department report to the City Council after six months; as currently drafted it would also "sunset" or automatically become "null and void after Dec. 31, 2005." The current draft would not become effective until 90 days after its enactment and it would include a 60-day phase during which time violators would only receive warnings.

Essentially, this likely means a six-month pilot program - albeit across the city - to test whether a curfew makes sense. An internet search of "curfew" yielded [www.curfew.org](http://www.curfew.org), "a Web site dedicated to fighting youth curfews

across the country." It cites Thomas Jefferson: "A society that will trade a little liberty for a little order will lose both, and deserve neither."

Curfews certainly remain a tool elsewhere. President Bill Clinton proposed a 9 p.m. curfew for teens in 1996. It might even make sense elsewhere. But we live someplace other than elsewhere. Should we not look beyond a curfew?

Corey Bearak is an attorney and adviser on government, community and public affairs. He is also active in Queens civic and political circles. He can be reached via e-mail at [Bearak@aol.com](mailto:Bearak@aol.com). Visit his web site at [CoreyBearak.com](http://CoreyBearak.com).

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