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The Honorable Dennis Kintigh  
Via email [askdennis@denniskintigh.com](mailto:askdennis@denniskintigh.com)

Re: HB 89 Local Government Curfew Ordinances

Dear Representative Kintigh,

On behalf of the home schooling families in New Mexico, we thank you for your dedicated service to our state. We respect your commitment and dedication.

We agree on so many issues that it truly grieves us to once again have to oppose the curfew ordinance bill. We understand that it doesn't actually enact an ordinance, but instead allows counties and municipalities to establish daytime and nighttime curfew ordinances.

As we have discussed before, curfews limit constitutional freedom from unreasonable search and seizure and they inevitably will restrict home schoolers' freedom to enjoy their flexibility of schedule without fear of being stopped and questioned without cause. There is plenty of evidence already that curfews do not combat truancy. Apparently truancy laws do not combat truancy either or you wouldn't be working on them as well.

We understand why this approach seems logical on the surface, but please consider:

The effectiveness of daytime curfew laws is doubtful. A 1999 study by the Macallairs in the *Western Criminology Review* found that consistently, "curfew enforcement (even the strongest) has no effect on crime, youth crime, or youth safety." Rather, "of much greater significance in crime control is the fact that rates of serious crime among youth are strongly correlated with those of adults around them."<sup>6</sup> It seems that children's participation in crime is less tied to whether or not they're in a traditional school setting during certain hours than to the kind of example and supervision they receive from their parents. Macallair, Males, Mike, and Dan. (1999). An Analysis of Curfew Enforcement and Juvenile Crime in California. *Western Criminology Review*, Retrieved from: <http://wcr.sonoma.edu/v1n2/males.html>.

Adam's later study also confirmed that some curfew laws either have no significant effects on crime, or, as in the case of Cincinnati, have actually caused truancy to increase. He attributes the touted effectiveness of such laws to inaccurate surveying methods and to the high amount of public opinion in support of these laws (54% of parents and 88% of mayors think such laws work to reduce juvenile crime). Adams, Kenneth. (2003). The Effectiveness of Daytime Curfews at Juvenile Crime Prevention. *The Annals of the American Academy of Political and Social Science* 587(136). Retrieved from: <http://ann.sagepub.com/cgi/reprint/587/1/136>.

Every story you share about minors who are vulnerable *because of a lack* of curfew laws can be countered with stories of minors who were made vulnerable *by* curfew laws. We sincerely appreciate your efforts to provide an exemption for home schooled students, but that will not protect them from being detained, questioned, and required to prove their right to be outside their homes.

Once again, we are concerned that homeschooled students will be unfairly targeted. In addition curfews are not effective, either as a deterrent to truancy or youth crime, or to protect safety. And so, once again, we are on opposite sides of this legislation.

If this legislation is considered germane to this session, we will see you in committee hearings. And while we will vigorously oppose HB 89, we hope there will be many other bills on which we can work together.

Respectfully yours,

(Signed) Susan Tsyitee for  
The Board of Directors of CAPE-NM