

Memorandum



DATE: January 30, 2009

TO: Members of the Public Safety Committee

SUBJECT: **Juvenile Curfew Ordinance**

Attached is briefing material on the "Juvenile Curfew Ordinance" to be presented to the Members of the Public Safety Committee on Monday, February 2, 2009.

A handwritten signature in black ink that reads "Ryan S. Evans".

Ryan S. Evans
First Assistant City Manager

alb

Attachment



Juvenile Curfew Ordinance

Renewal with Modification

Public Safety Committee

February 2, 2009



Background

- The Juvenile Curfew Ordinance was adopted in 1991.
- The ordinance was challenged in court in 1992.
- In 1994, the U.S. Supreme Court allowed a lower court decision favorable to the ordinance to stand.
- Enforcement of the ordinance began May 1, 1994.
- State law requires that the ordinance be reviewed and re-approved every 3 years.
- The ordinance was extended by the Council in 1997, 2000, 2003 and again in 2006.

Current Enforcement

- The curfew hours are 11 PM - 6 AM, Sunday through Thursday and 12:01 AM - 6 AM, Friday and Saturday.
- Officers must ensure that the juvenile does not have a defense to prosecution before enforcement is taken.
- Parents may be issued a citation for allowing a juvenile to violate the ordinance.
- Business owners and operators may be cited for allowing juveniles to remain on premises during curfew hours.
- The penalty for violation of the ordinance is a fine of up to \$500.

Proposed Curfew Ordinance Modification

- The following will be added to the existing ordinance under definition of Curfew Hours:
 - **9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday.**

New Defenses to Prosecution in the Ordinance Covering Section 31-33 (a)1c

- The school in which the minor was enrolled or otherwise required to attend was not in session.
- The minor was on the premises of the school in which the minor was enrolled or otherwise required to attend.
- The minor was participating in a school approved work study program, or was going to work study program or returning to home or school from the work study program without any detour or stop.

New Defenses to Prosecution in the Ordinance Covering Section 31-33 (a)1c (cont.)

- The minor was on lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program.
- The minor was on an excused absence from school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or in the case of a home-schooled minor, from the minor's parent or guardian.
- The minor was a high school graduate or had received a high school equivalency certificate.

Enforcement Alternatives

- If a violation is observed, the juvenile may be:
 - Warned;
 - Issued a Field Interrogation Report;
 - Sent home;
 - Taken home; or to nearest school or Youth Action Office
 - Issued a citation; or
 - Taken into custody.

Reason for Daytime Curfew Hours

- A high rate of truancy exists in the city that significantly contributes to the number of incidences of juvenile crime, juvenile violence, and juvenile gang activity occurring during school hours.
- The establishment of daytime curfew hours for minors will help combat truancy, thereby reducing juvenile crime, juvenile violence and juvenile gang activity during school hours.

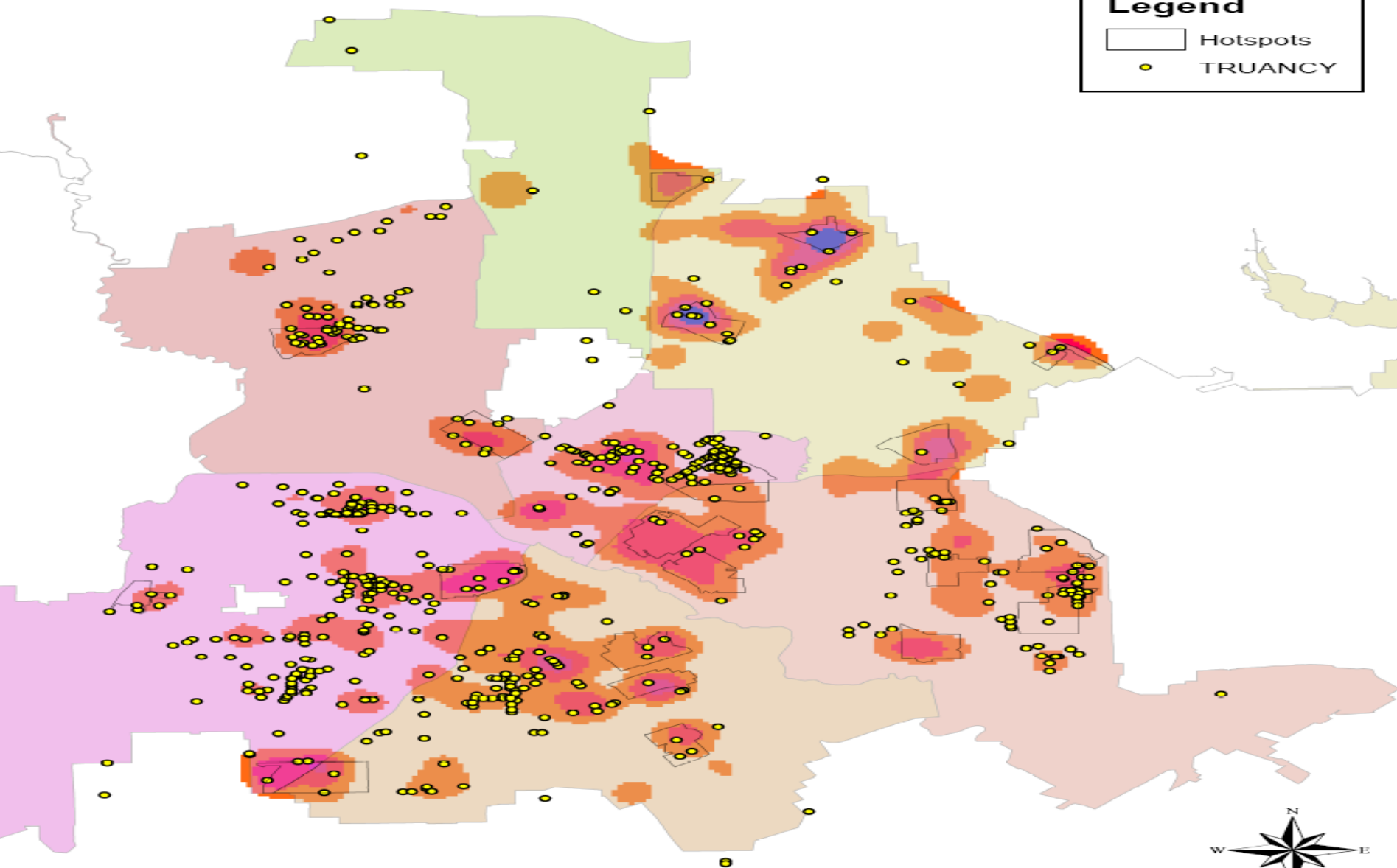
Truancy vs Violent Crime May 2007 to May 2008

School Year (Excludes Jun, Jul, Aug of 2007)

Mon, Tue, Wed, Thu, Fri, 0800 - 1600 hrs

Legend

- Hotspots
- TRUANCY



43,000 Meters



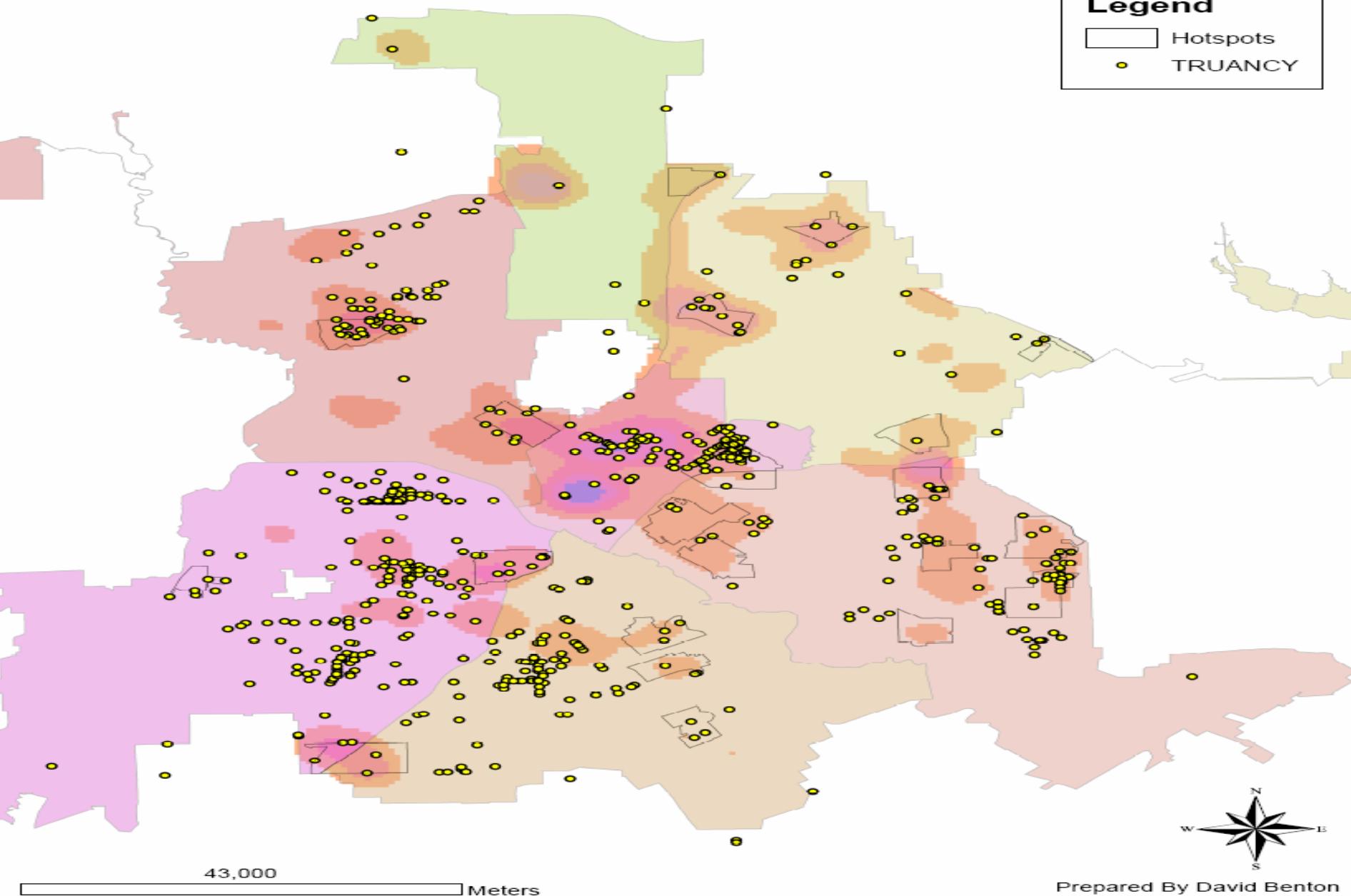
Prepared By David Benton
GIS Analyst

Truancy vs Property Crime May 2007 to May 2008 School Year (Excludes Jun, Jul, Aug of 2007)

Mon, Tue, Wed, Thu, Fri, 0800 - 1600 hrs

Legend

- Hotspots
- TRUANCY



43,000

Meters

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2008 Burglary Arrests

- 2008 Juvenile Arrests for Burglary was 187.
- 2008 Adult Arrests for Burglary was 868.
- Juveniles made up 22% of all Burglary arrests in the city in 2008.
- Of those 187 arrests, 63% occurred during school hours during the week.

Summary

- The Juvenile Curfew Ordinance is a major factor in the reduction of juvenile crime and juvenile victims of crime.
- The ordinance has become a national model for curfew enforcement.
- The original curfew ordinance has been reviewed through the entire judicial system and is constitutional.
- The addition of daytime curfew hours will only enhance the impact of the original curfew ordinance.
- This item will be placed on the February 11, 2009 Council Agenda to call for public hearings for March 25, 2009 for the first public hearing, and again on April 22, 2009 for the second and final public hearing and City Council vote.
- It is recommended that the City Council readopt and modify the City of Dallas Juvenile Curfew Ordinance.

QUESTIONS?