

***College Station
Police Department
Proposed Juvenile Curfew
Ordinance***

Why are we here?

- **Make Council members aware that a juvenile curfew ordinance is being explored.**
- **Provide preliminary information regarding why such an ordinance may become necessary.**
- **Seek Council direction.**

Purpose

- **Protection of Juveniles from Harm**
- **Protection of the Health, Safety, and Welfare of the General Public**
- **Reduce Juvenile Violent Crime**
- **Reduce Juvenile Property Crime**
- **Reduce Juvenile Gang Activity**

Application

- **Applies to Persons under 17 Years of Age**
- **Curfew Hours: 12:00 A.M. – 5:00 A.M.**
- **Enforced (7) Days a Week**
- **Equally Enforced Throughout the City**
- **Citation Not Mandatory**
- **Maximum Fine \$500.00**

Juvenile Contacts FY 2005

AGE	Actor	Arrest	Comp	Runaway	Suspect	CTW	Victim	Witness	Total
10	2	4	1	0	7	1	4	72	101
11	0	7	1	0	7	3	10	52	91
12	5	18	0	0	23	15	19	33	125
13	9	27	1	1	36	21	14	27	149
14	9	36	3	3	42	23	27	27	184
15	18	74	2	7	68	37	36	15	272
16	11	62	3	5	77	35	44	4	257
Total	54	228	11	16	260	135	154	230	1179

Sample Ordinance

- **1. A juvenile commits an offense if he or she remains in any public place or on the premises of any establishment within the city during curfew hours or fails to return home by a direct route from such public place or establishment after being asked to leave by a police officer or the owner, operator or other person in control of the premises.**
- **2. A parent of a juvenile commits an offense if he or she knowingly permits, or by insufficient control allows, the juvenile to remain in any public place or on the premises of any establishment within the city during curfew hours.**
- **3. The owner or operator of an establishment, commits an offense if he or she knowingly allows a juvenile to remain upon the premises of the establishment during curfew hours.**

Exceptions

- **Accompanied by Parent**
- **Errand at Direction of Parent-Direct Route**
- **Interstate Travel**
- **Employment Activity**
- **Emergency**
- **Sidewalk Abutting Residence**
- **Married**
- **Practicing First Amendment Rights**
- **Activity Supervised by Adults Sponsored by School, Government Entity, Church, Civic /Charitable- Take Responsibility for Juvenile with Parental Consent**

National League of Cities Survey

- **69% (337) Nighttime Curfew**
- **96%- Effective Vs. Juvenile Crime**
- **94%- Streets Safer**
- **72%- Helps Curb Gang Violence**
- **10%- Problems Enacting Curfew**
- **15%- Increased Costs**

490 U.S. Cities:

106 Central

231 Suburban

153 Rural

Pros

- **Compels Parents to be Responsible**
- **Less Gathering = Less Calls for Service**
- **Frees Police Time During Curfew**
- **Increased Drug/Weapon Seizures**
- **Provides Probable Cause for Contact**
- **Runaways/Missing Juvenile Recoveries**
- **Many Parents In the Dark**
- **Graffiti Reduction**
- **Enhances Enforcement of Curfew Violations of Probationers**

Cons

- **Many Offenses Occur Before Curfew**
- **All Youth Affected- Not Just Violators**
- **Effectiveness Not Empirical**
- **Gangs Not Concerned with Curfews**
- **Increased Personnel Costs**
- **Legal Challenge (5%)**
- **Parental Right to Dictate when Child is Indoors**

Court Decisions

- **“States have a strong and legitimate interest in the welfare of their young citizens, whose immaturity, inexperience, and lack of judgment may sometimes impair their ability to exercise their rights wisely” Hodgson v. Minnesota**
- **“The conduct of minors may be constitutionally regulated to a greater extent than those of adults” Bykofsky v. Borough of Middletown**

Strict Scrutiny Test

- **To pass constitutional muster, laws that impinge on fundamental constitutional rights must pass two-pronged test that requires jurisdictions to:**
 - **1. Demonstrate that there is a compelling State interest; and**
 - **2. Narrowly tailor the means to achieve the law's objective.**

Public Education

- **Media**
- **Civic Organizations**
- **Schools**
- **Churches**
- **Notices**
- **Warnings**
- **Key: Communication (in advance)**

Where Do We Go From Here?

- **Do Nothing.**
- **Continue To Monitor The Situation, Gather Information And Report Back To City Council At A Later Date.**
- **Other Actions As Directed By City Council.**