

PS ITEM 1
September 15, 2011
Worksession 1

MEMORANDUM

TO: Public Safety Committee

FROM: Amanda Mihill, Legislative Attorney
Michael Faden, Senior Legislative Attorney

SUBJECT: **Worksession 1:** Expedited Bill 25-11, Offenses – Curfew – Established

Expedited Bill 25-11, Offenses – Curfew – Established, sponsored by the Council President at the request of the County Executive, was introduced on July 12, 2011. A public hearing was held on July 26, at which speakers articulated strong positions for and against this Bill. See select testimony and correspondence on ©24-46.

Bill 25-11 would establish a curfew for minors, prohibit certain activities during the curfew, allow certain defenses, and specify enforcement procedures and penalties. According to the County Executive's transmittal memorandum, Bill 25-11 is intended to address issues relating to increased gang activity, violence, and crime involving minors in the County. The Executive noted that Bill 25-11 is similar to current laws in Prince George's County and the District of Columbia.

On July 28, Council staff sent a set of questions on Bill 25-11 to Executive staff requesting background information, including crime statistics, information about potential alternatives, and effectiveness of curfews in other jurisdictions. Just before this packet went to print, the Executive provided the responses attached at ©47.¹ Council staff has not had an opportunity to review the responses; we will offer comments at and after the worksession.

This initial worksession will allow Committee members to review Bill 25-11 and the Executive's proposed amendments and receive information from Executive staff. This worksession is also an opportunity for Committee members to seek additional information from the Executive. A second Committee worksession is tentatively scheduled for **November 3** at 9:30 a.m.

Background/Summary

As introduced, Bill 25-11 would establish a curfew for minors between 11 p.m. and 5 a.m. on Sunday through Thursday and from 12:01 a.m. until 5 a.m. on Saturday and Sunday (©3, lines 32-34). During the curfew hours, a minor must not **remain** in any county public place or establishment (©4, lines 75-76). Executive staff confirmed that a minor could be cited for a curfew violation only

¹We did not reprint Executive attachments F and G because they were already in this packet.

after a police officer has told the minor to move along and the minor refused. "Public place" is defined as "a place to which the public, or a substantial group of the public, has access" (©4, lines 62-65). "Establishment" is defined as any privately-owned place of business to which the public is invited, including any place of amusement or entertainment" (©3, lines 42-44). Bill 25-11 would also prohibit a minor's parent from knowingly (or by insufficient control) permitting a minor to remain in any public place or establishment during curfew hours and prohibit the owner or operator of an establishment from knowingly allowing a minor to remain at an establishment during curfew hours (©4-5, lines 77-86; ©5, lines 87-95).

Bill 25-11 lists many situations in which a minor may lawfully remain during curfew hours (©5-6, lines 96-126). These exceptions are if the minor is:

- 1) accompanied by the minor's parent;
- 2) accompanied by an adult authorized by the minor's parent to accompany the minor for a specified period of time and purpose in a specified area;
- 3) on an errand at the direction of the minor's parent, without any detour or stop, until 12:30 a.m.;
- 4) in a motor vehicle, train, or bus in interstate travel through the County or starting or ending in the County;
- 5) engaged in employment, or going to, or returning home from, employment, without any detour or stop. The minor must carry a valid work permit issued under State law;
- 6) responding to an emergency;
- 7) on the property where the minor resides;
- 8) on the sidewalk that abuts the minor's residence, or that abuts the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
- 9) attending an official school, religious, or other recreational activity sponsored by the County, a civic organization, or a similar entity that takes responsibility for the minor, or going to, or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civic organization, or a similar entity that takes responsibility for the minor; or
- 10) exercising First Amendment rights protected by the U. S. Constitution.

Additionally, an owner or operator would not be in violation of Bill 25-11 if the owner or operator notified the Police Department that a minor was in the establishment during curfew hours and refused to leave (©6, lines 127-130).

Bill 25-11 also specifies enforcement procedures and penalties. Under the bill, after asking an apparent offender's age, if a police officer finds that a minor is committing a curfew violation, the police officer must take the minor to the nearest police facility and detain the minor until the minor can be released into a parent's custody. If no parent is available, the police can take the minor to the minor's residence or place the minor in custody of the Department of Health and Human Services (DHHS), who may release the minor at the end of curfew hours (©6-7, lines 131-156).

Violation of Bill 25-11 would be a Class A violation for a parent or owner/operator of an establishment. A civil Class A violation would carry a \$500 fine for a first offense and a \$750 fine for a repeat offense. A criminal Class A violation would carry a maximum fine of \$1,000 and a 6-

month maximum jail term. Bill 25-11 as introduced would also allow the Court to require a parent who violates the law to complete parenting classes. A minor who violates the curfew may be required to perform up to 25 hours of community service (©7-8, lines 157-167).

Executive Amendments

On August 31, the County Executive submitted proposed amendments to Bill 25-11 (see redraft on ©11-21). *Council staff suggests that this redraft be treated as substantively the Bill before the Committee, subject to further technical polishing.* The following Executive amendments are of particular note:

Enforcement procedures/penalties. The penalties for violating Bill 25-11 as introduced are detailed on page 2 (©7-8, lines 157-167). The Executive's proposed amendments would make a violation of Bill 25-11 a Class B civil citation for any minor, parent, or owner/operator (©20, lines 152-153; ©20-21, lines 169-170). The maximum fine for a Class B violation is \$100 for an initial offense and \$150 for a repeat offense. In his amendments memo, the Executive noted that the State's Attorney believes that if arrest authority is required in a specific situation, a police office can use existing authority in state law requiring individuals to obey lawful police orders. A representative of the State's Attorney is expected to attend this worksession.

In addition, the Executive's amendments would delete the authority for a Court to require a parent to complete parenting classes and order a minor to perform community service (©21, lines 171-176). The County Attorney's office concluded that the County does not have the authority to empower courts to impose these requirements.

Finally, the Executive's amendments would delete language authorizing the police to take an offending minor to a police facility and allowing the police to release the minor into the custody of DHHS (©20-21, lines 147-164).

Exceptions. The Executive recommended several amendments to the exceptions to the curfew. As we noted on page 2, the bill includes a list of situations where a minor would not be found in violation of the curfew. The State's Attorney recommended that the bill be amended to clarify that these are affirmative defenses (©18, lines 99-100; ©19, line 134); Council staff is not sure that this change in terminology makes any legal difference, but it is more confusing to the non-lawyer. The Executive also recommended that this list of exceptions include a minor who is attending or returning home from "an event at a place of public entertainment" (©19, lines 131-132). The Executive also recommended that the exception related to employment be amended to not require the minor to carry a work permit (©19, lines 111-113).

Other amendments. The Executive's proposed amendments would:

- alter the findings and purpose clauses to reflect the purpose of reducing juvenile violence, gang activity, and crime (and removing language indicating there has been an increase in these activities) and preventing disturbances of the public peace (©15, lines 4, 21-22);
- amend the definition of "emergency" (©16, lines 39-41);

- delete the phrase “insufficient control” from the prohibitions related to a parent, therefore narrowing the circumstances under which a parent could be found in violation of Bill 25-11 (©17, lines 79-80); and
- delete the definition of knowingly because it is a legal term that is defined in case law (©18, lines 83-89, 92-98).

“Executive authority” amendment

Councilmember Floreen indicated that she expects to offer an amendment to convert the Bill’s youth curfew requirement (see Executive’s proposed subsection (c) on ©4-5, lines 76-98) to a conditional provision that only takes effect after the County Executive has imposed a youth curfew, by Executive order published in the County Register, after receiving the advice of the Police Chief, for:

- the entire County or one or more designated areas of the County; and
- a certain time period that does not exceed a specified limit (e.g. 6 months or one year).

This time limit would assure a regular review of the need for and effectiveness of any curfew. Council staff will provide a draft of this amendment for the next Committee worksession.

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Expedited Bill No. 25-11
Concerning: Offenses – Curfew –
Established
Revised: 7/11/2011 Draft No. 1
Introduced: July 12, 2011
Expires: January 12, 2013
Enacted:
Executive:
Effective:
Sunset Date: None
Ch. , Laws of Mont. Co.

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) establish a curfew for minors;
- (2) make certain findings;
- (3) prohibit certain activities during the curfew;
- (4) provide for certain defenses;
- (5) establish enforcement procedures and penalties; and
- (6) generally amend County law relating to offenses and curfews.

By adding

Montgomery County Code
Chapter 32, Offenses – Victim Advocate
Section 32-23A

Boldface	<i>Heading or defined term.</i>
Underlining	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
Double underlining	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 Sec 1. Sections 32-23A is added as follows:

2 32-23A. Curfew.

3 (a) Findings and Purpose.

- 4 (1) There has been an increase in juvenile violence, juvenile gang
5 activity, and crime by minors in the County.
- 6 (2) Minors are particularly susceptible, because of their lack of
7 maturity and experience, to participate in unlawful and gang-
8 related activities and to be the victims of crime.
- 9 (3) The County is obligated to provide for:
- 10 (A) the protection of minors from each other and from other
11 persons;
- 12 (B) the enforcement of parental control over, and
13 responsibility for, children;
- 14 (C) the protection of the general public; and
- 15 (D) the reduction of the incidence of juvenile criminal
16 activities.
- 17 (4) A curfew for minors is in the interest of the public health,
18 safety, and general welfare and will help to attain these
19 objectives and to diminish the impact of unwanted conduct on
20 County residents.
- 21 (5) A curfew law will protect the welfare of minors by:
- 22 (A) reducing the likelihood that minors will be the victims of
23 criminal acts during the curfew hours;
- 24 (B) reducing the likelihood that minors will become involved
25 in criminal acts or exposed to trafficking in controlled
26 substances during the curfew hours; and
- 27 (C) aiding parents in carrying out their responsibility to

28 exercise reasonable supervision of minors entrusted to their
29 care.

30 **(b) Definitions.**

31 In this Section, the following terms have the meanings indicated:

32 Curfew hours means from 11 p.m. on any Sunday, Monday, Tuesday,
33 Wednesday, or Thursday, until 5 a.m. the following day, and from
34 12:01 a.m. until 5 a.m. on any Saturday or Sunday.

35 Drug trafficking means the act of engaging in any prohibited activity
36 related to controlled dangerous substances as defined in State law.

37 Emergency means an unforeseen combination of circumstances or the
38 resulting state that calls for immediate action. Emergency includes a
39 fire, natural disaster, automobile accident, or any situation that
40 requires immediate action to prevent serious bodily injury or loss of
41 life.

42 Establishment means any privately-owned place of business to which
43 the public is invited, including any place of amusement or
44 entertainment.

45 Minor means any person under 18 years old, but does not include a
46 judicially emancipated minor or a married minor.

47 Operator means any individual, firm, association, partnership, or
48 corporation that operates, manages, or conducts an establishment.

49 Operator includes the members or partners of an association or
50 partnership and the officers of a corporation.

51 Parent means:

- 52 (1) natural parent;
53 (2) adoptive parent;
54 (3) step-parent;

- 55 (4) any person who has legal custody or is the guardian of a minor
56 by court order or marriage;
- 57 (5) any person who is at least 21 years old who is authorized by a
58 natural parent, adoptive parent, step-parent, or custodial parent
59 of a child to act as a caretaker for the child; or
- 60 (6) a public or private agency with whom a minor has been placed
61 by a court.

62 *Public place* means any place to which the public, or a substantial
63 group of the public, has access. *Public place* includes any street,
64 highway, and common area of a school, hospital, apartment house,
65 office building, transport facility, or shop.

66 *Remain* means to linger, stay, or fail to leave a public place or
67 establishment when requested to do so by a police officer or the
68 owner, operator, or other person in control of the public place or
69 establishment.

70 *Serious bodily injury* means bodily injury that creates a substantial
71 risk of death or that causes death, serious permanent disfigurement, or
72 protracted loss or impairment of the function of any bodily member or
73 organ.

74 (c) **Prohibitions.**

- 75 (1) **Minor.** A minor must not remain in any public place or
76 establishment in the County during curfew hours.
- 77 (2) **Parent.** A parent of a minor must not knowingly permit, or by
78 insufficient control allow, the minor to remain in any public
79 place or any establishment in the County during curfew hours.
80 The term "knowingly" includes knowledge that a parent should
81 reasonably be expected to have concerning the location of a

82 minor in that parent's legal custody. This requirement is
83 intended to hold a neglectful or careless parent to a reasonable
84 community standard of parental responsibility through an
85 objective test. It is, therefore, no defense that a parent did not
86 know of the activities, conduct, or location of the minor.

87 (3) **Owner or Operator.** The owner or operator of an
88 establishment must not knowingly allow a minor to remain at
89 an establishment in the County during curfew hours. The term
90 “knowingly” includes knowledge that an owner or operator
91 should reasonably be expected to have concerning the patrons
92 of the establishment. The standard for “knowingly” must be
93 whether a reasonable person in the position of the owner or
94 operator should have known that the patron was a minor
95 committing a curfew violation.

96 (d) **Defenses.**

- 97 (1) It is not a violation of this Section if a minor during curfew
98 hours was:
99 (A) accompanied by the minor's parent;
100 (B) accompanied by an adult authorized by the minor's
101 parent to accompany the minor for a specified period of
102 time and purpose in a specified area;
103 (C) on an errand at the direction of the minor's parent,
104 without any detour or stop, until 12:30 a.m.;
105 (D) in a motor vehicle, train, or bus in interstate travel
106 through the County or starting or ending in the County;
107 (E) engaged in employment, or going to, or returning home
108 from employment, without any detour or stop. The

- 109 minor must carry a valid work permit issued under State
110 law;
- 111 (F) responding to an emergency;
112 (G) on the property where the minor resides;
113 (H) on the sidewalk that abuts the minor's residence, or that
114 abuts the residence of a next-door neighbor if the
115 neighbor did not complain to the Police Department
116 about the minor's presence;
- 117 (I) attending an official school, religious, or other
118 recreational activity sponsored by the County, a civic
119 organization, or a similar entity that takes responsibility
120 for the minor, or going to, or returning home from,
121 without any detour or stop, an official school, religious,
122 or other recreational activity supervised by adults and
123 sponsored by the County, a civic organization, or a
124 similar entity that takes responsibility for the minor; or
- 125 (J) exercising First Amendment rights protected by the
126 United States Constitution.
- 127 (2) It is not a violation of subsection (c)(3) if the owner or operator
128 of an establishment promptly notified the Police Department
129 that a minor was present in the establishment during curfew
130 hours and refused to leave.
- 131 (e) **Enforcement procedures.**
- 132 (1) Before taking any enforcement action under this Section, a
133 police officer must ask an apparent minor's age and reason for
134 being in the public place or establishment. The officer must not
135 issue a citation or make an arrest under this Section unless the

- 136 officer reasonably believes that:
- 137 (A) an offense has occurred; and
- 138 (B) based on any response and other circumstances, no
139 condition in subsection (d) applies.
- 140 (2) If a police officer finds that a minor is committing a curfew
141 offense, the police officer must take the minor to the nearest
142 available Police facility, substation, or other area designated by
143 the Police Department, and detain the minor until the minor can
144 be released to the custody of the minor's parent or an adult
145 acting in loco parentis.
- 146 (3) The minor's parent or an adult acting in loco parentis with
147 respect to the minor must be called to the Police facility,
148 substation or other designated area to take custody of the minor.
149 A minor who is released to a person acting in loco parentis with
150 respect to the minor must not be taken into custody for violation
151 of this Section while returning home with the person acting in
152 loco parentis. If no person claims responsibility for the minor,
153 the police may take the minor to the minor's residence or place
154 the minor in the custody of the Department of Health and
155 Human Services, who may release the minor at 5 a.m. the next
156 morning.
- 157 (f) **Penalties.**
- 158 (1) Any parent or any owner or operator of an establishment who
159 violates this Section has committed a separate offense for each
160 day, or part of a day, during which the violation is committed,
161 continued, or permitted. Each offense is a Class A violation.
- 162 (2) The Court may also require one or more parent of a minor, after

163 each conviction for violating this Section to complete parenting
164 classes.

165 (3) A minor found to have violated this Section by the Juvenile
166 Court may be ordered to perform up to 25 hours of community
167 service for each violation.

168 Sec 2. Expedited Effective Date.

169 The Council declares that this Act is necessary for the immediate protection
170 of the public interest. This Act takes effect on the date when it becomes law.

171 *Approved:*

172

Valerie Ervin, President, County Council Date

173 *Approved:*

174

Isiah Leggett, County Executive Date

175 This is a correct copy of Council action.

176

Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

*Bill 25-11
Offenses – Curfew - Minors*

DESCRIPTION:	This bill imposes a curfew on youth under the age of 18 years from Midnight to 5:00 am on Saturday and Sunday and from 11:00 pm to 5:00 am on the remaining days of the week.
PROBLEM:	This bill is intended to address issues relating to increased gang activity, violence, and crime involving minors in the County.
GOALS AND OBJECTIVES:	Youth under the age of 18 are particularly susceptible, because of their lack of maturity and experience, to participate in unlawful and gang-related activities and to be the victim of older perpetrators of crime. Enactment of this bill will protect the welfare of minors by: (1) reducing the likelihood that minors will be the victims of criminal acts during curfew hours; (2) reducing the likelihood that minors will become involved in criminal acts or exposed to criminal acts during curfew hours; and (3) aid parents in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care. The bill will also protect the general public from juvenile related criminal activity.
COORDINATION:	Department of Police, Office of the State's Attorney
FISCAL IMPACT:	
ECONOMIC IMPACT:	
EVALUATION:	
EXPERIENCE ELSEWHERE:	This bill is similar to laws that currently exist in the District of Columbia and Prince George's County.
SOURCE OF INFORMATION:	Police Chief Tom Manger Assistant Chief Administrative Officer Kathleen Boucher, 240-777-2593
APPLICATION WITHIN MUNICIPALITIES:	All except Gaithersburg, Garrett Park, Kensington, Laytonsville, Poolesville, Rockville, Somerset, Washington Grove
PENALTIES:	Class A



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

RECEIVED
MONTGOMERY COUNTY
COUNCIL

M E M O R A N D U M

July 11, 2011

TO: Valerie Ervin, President
Montgomery County Council

FROM: Isiah Leggett, County Executive 

SUBJECT: Proposed Legislation Establishing a Curfew for Minors

I am transmitting for Council introduction an expedited bill that creates a curfew for youth under the age of 18 years, as well as a Legislative Request Report for the bill. This bill is similar to curfew laws that already exist in Prince George's County and the District of Columbia.

This bill is intended to address issues relating to increased gang activity, violence, and crime involving minors in the County. It imposes a curfew from Midnight to 5:00 am on Saturday and Sunday and from 11:00 pm to 5:00 am on the remaining days of the week.

Youth under the age of 18 are particularly susceptible, because of their lack of maturity and experience, to participate in unlawful and gang-related activities and to be the victim of older perpetrators of crime. Enactment of this bill will protect the welfare of minors by: (1) reducing the likelihood that minors will be the victims of criminal acts during curfew hours; (2) reducing the likelihood that minors will become involved in criminal acts or exposed to criminal acts during curfew hours; and (3) aid parents in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care. The bill will also protect the general public from juvenile related criminal activity.

I would greatly appreciate Council's expedited review of this bill. If you have any questions about the bill, please contact Assistant Chief Administrative Officer Kathleen Boucher at 240-777-2593 or Kathleen.boucher@montgomerycountymd.gov.

Attachment



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

August 31, 2011

TO: Valerie Ervin
Council President

FROM: Isiah Leggett 
County Executive

SUBJECT: Recommended amendments to Bill 25-11, Offenses – Curfew – Established

I want to thank the Council for introducing Bill 25-11, Offenses – Curfew – Established on my behalf on July 12 and promptly holding a public hearing on the bill on July 26. Based on testimony provided at the public hearing and feedback I have received from the State's Attorney and other County residents, I would like to recommend a number of amendments to clarify the intent of the bill and the manner in which it would be implemented. I am attaching an amended version of the bill that reflects all of my recommended amendments. Each of the amendments is discussed in more detail below.

Legislative Intent

I recommend that language be added to clarify that the intent of the bill is to reduce juvenile violence, juvenile gang activity, and juvenile crime in the County and prevent disturbances of the public peace, in addition to protecting minors from each other and other persons and enforcing parental responsibility for children (see lines 4 and 21-22).

Civil Citation

The bill currently specifies that a curfew violation is a Class A violation but does not specify whether the violation is criminal or civil. This is similar to other existing County Code provisions relating to certain types of offenses, which can be enforced either criminally or civilly. However, based on advice from the State's Attorney, I recommend that the bill be amended to make a curfew violation a Class B civil offense that is punishable by a maximum fine of \$100 for a first offense and \$150 for a second offense (see lines 138-170). If arrest authority is needed in a situation involving a curfew violation, the State's Attorney believes that a police officer could use existing authority granted under §10-201(c)(3) of the Criminal Law Article to arrest an individual who disobeys an order made by a police officer to prevent a disturbance of the public peace.

Valerie Ervin, Council President
August 31, 2011
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Penalties

I recommend that the bill be amended to delete language that allows a court to require a parent of a minor who violates the curfew law to complete parenting classes and to order a minor to perform up to 25 hours of community services (see lines 171-176). According to the County Attorney's office, the County does not have authority under State law to authorize courts to impose these types of requirements. However, courts already have authority under State law to impose them in some circumstances (e.g., as conditions of probation before judgment).

Emergency

Under the bill, a minor may not be cited for a curfew violation if the minor is responding to an emergency. I recommend that the definition of "emergency" be clarified by deleting language that could be construed to make the definition internally inconsistent (see lines 39-41).

Parental Responsibility

The bill prohibits a parent from "knowingly" or "by insufficient control" allowing a minor to remain in any public place or establishment during curfew hours. Based on advice from the State's Attorney, I recommend deleting the reference to "insufficient control" because it is too vague (see lines 79-80).

Definition of "Knowingly"

Based on advice from the State's Attorney, I recommend deleting the definition of "knowingly" from the bill because this is a legal term of art that is defined in case law and does not need to be defined in the County Code (see lines 83-89 and lines 92-98).

Affirmative Defenses

The bill includes a broad list of circumstances under which a minor may be in a public place or establishment during curfew hours, including situations when a minor is:

- (1) accompanied by a parent;
- (2) accompanied by an adult authorized by the minor's parent to accompany the minor;

Valerie Ervin, Council President
August 31, 2011
Page 3

- (3) on an errand at the direction of the minor's parent without any detour or stop, until 12:30 a.m.;
- (4) in a motor vehicle, train, or bus in interstate travel through the County or starting or ending in the County;
- (5) engaging in employment, or going to, or returning home from employment, without any detour or stop (while carrying a valid work permit issued under State law);
- (6) responding to an emergency;
- (7) on the property where the minor resides;
- (8) on a sidewalk that abuts the minor's residence or the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
- (9) going to, attending, or returning home from an official school, religious, or recreational activity sponsored by the County, a civic organization, or a similar entity that takes responsibility for the minor at the event; or
- (10) exercising First Amendment rights protected by the United States Constitution.

Based on advice from the State's Attorney, I recommend that the bill be amended to clarify that all of the circumstances in this list constitute affirmative defenses to a curfew violation (see lines 100 and 134). I also recommend that this list be expanded to include a minor who is attending or returning home from, without any detour, an event at a place of public entertainment, including a movie, concert, play, or sporting event (see lines 131-133). Finally, I recommend that the requirement to carry a valid work permit referenced in item (5) above be deleted as unnecessarily restrictive because possession of a work permit is only one way for a police officer to confirm that a minor is involved in a work related activity (see lines 111-113).

Thank you for your consideration of these recommended amendments.

c: Tom Manger, Police Chief
John McCarthy, State's Attorney
Marc Hansen, County Attorney
Kathleen Boucher, ACAO

Expedited Bill No. 25-11
Concerning: Offenses – Curfew –
Established
Revised: 7/11/2011 Draft No. 2
Introduced: July 12, 2011
Expires: January 12, 2013
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. , Laws of Mont. Co.

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) establish a curfew for minors;
- (2) make certain findings;
- (3) prohibit certain activities during the curfew;
- (4) provide for certain defenses;
- (5) establish enforcement procedures and penalties; and
- (6) generally amend County law relating to offenses and curfews.

By adding

Montgomery County Code
Chapter 32, Offenses – Victim Advocate
Section 32-23A

Boldface	<i>Heading or defined term.</i>
Underlining	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
Double underlining	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 Sec 1. Sections 32-23A is added as follows:

2 32-23A. Curfew.

3 (a) Findings and Purpose.

4 (1) ~~If there has been an increase in]~~ A curfew for minors will help
5 reduce juvenile violence, juvenile gang activity, and crime by
6 minors in the County.

7 (2) Minors are particularly susceptible, because of their lack of
8 maturity and experience, to participate in unlawful and gang-
9 related activities and to be the victims of crime.

10 (3) The County ~~is obligated to~~ should provide for:

11 (A) the protection of minors from each other and from other
12 persons;

13 (B) the enforcement of parental control over, and
14 responsibility for, children;

15 (C) the protection of the general public; and

16 (D) the reduction of the incidence of juvenile criminal
17 activities.

18 (4) A curfew for minors is in the interest of the public health,
19 safety, and general welfare and will help to attain these
20 objectives and to diminish the impact of unwanted conduct on
21 County residents, including the prevention of disturbances to
22 the public peace.

23 (5) A curfew law will protect the welfare of minors by:

24 (A) reducing the likelihood that minors will be the victims of
25 criminal acts during the curfew hours;

26 (B) reducing the likelihood that minors will become involved
27 in criminal acts or exposed to trafficking in controlled

28 substances during the curfew hours; and

29 (C) aiding parents in carrying out their responsibility to
30 exercise reasonable supervision of minors entrusted to their
31 care.

32 (b) **Definitions.**

33 In this Section, the following terms have the meanings indicated:

34 Curfew hours means from 11 p.m. on any Sunday, Monday, Tuesday,
35 Wednesday, or Thursday, until 5 a.m. the following day, and from
36 12:01 a.m. until 5 a.m. on any Saturday or Sunday.

37 Drug trafficking means the act of engaging in any prohibited activity
38 related to controlled dangerous substances as defined in State law.

39 Emergency means [an unforeseen combination of circumstances or
40 the resulting state that calls for immediate action. Emergency
41 includes] a fire, natural disaster, automobile accident, or any situation
42 that requires immediate action to prevent serious bodily injury or loss
43 of life.

44 Establishment means any privately-owned place of business to which
45 the public is invited, including any place of amusement or
46 entertainment.

47 Minor means any person under 18 years old, but does not include a
48 judicially emancipated minor or a married minor.

49 Operator means any individual, firm, association, partnership, or
50 corporation that operates, manages, or conducts an establishment.

51 Operator includes the members or partners of an association or
52 partnership and the officers of a corporation.

53 Parent means:

54 (1) natural parent;

(16)

- 55 (2) adoptive parent;
- 56 (3) step-parent;
- 57 (4) any person who has legal custody or is the guardian of a minor
58 by court order or marriage;
- 59 (5) any person who is at least 21 years old who is authorized by a
60 natural parent, adoptive parent, step-parent, or custodial parent
61 of a child to act as a caretaker for the child; or
- 62 (6) a public or private agency with whom a minor has been placed
63 by a court.

64 *Public place* means any place to which the public, or a substantial
65 group of the public, has access. Public place includes any street,
66 highway, and common area of a school, hospital, apartment house,
67 office building, transport facility, or shop.

68 *Remain* means to linger, stay, or fail to leave a public place or
69 establishment when requested to do so by a police officer or the
70 owner, operator, or other person in control of the public place or
71 establishment.

72 *Serious bodily injury* means bodily injury that creates a substantial
73 risk of death or that causes death, serious permanent disfigurement, or
74 protracted loss or impairment of the function of any bodily member or
75 organ.

76 (c) **Prohibitions.**

- 77 (1) **Minor.** A minor must not remain in any public place or
78 establishment in the County during curfew hours.
- 79 (2) **Parent.** A parent of a minor must not knowingly [permit, or
80 by insufficient control] allow, the minor to remain in any
81 public place or any establishment in the County during curfew

82 hours. [[The term "knowingly" includes knowledge that a
 83 parent should reasonably be expected to have concerning the
 84 location of a minor in that parent's legal custody. This
 85 requirement is intended to hold a neglectful or careless parent to
 86 a reasonable community standard of parental responsibility
 87 through an objective test. It is, therefore, no defense that a
 88 parent did not know of the activities, conduct, or location of the
 89 minor.]]

90 (3) **Owner or Operator.** The owner or operator of an
 91 establishment must not knowingly allow a minor to remain at
 92 an establishment in the County during curfew hours. [[The
 93 term "knowingly" includes knowledge that an owner or
 94 operator should reasonably be expected to have concerning the
 95 patrons of the establishment. The standard for "knowingly"
 96 must be whether a reasonable person in the position of the
 97 owner or operator should have known that the patron was a
 98 minor committing a curfew violation.]]

99 (d) **Affirmative Defenses.**

- 100 (1) It is [[not]] an affirmative defense to a violation of this Section
 101 if a minor during curfew hours was:
 102 (A) accompanied by the minor's parent;
 103 (B) accompanied by an adult authorized by the minor's
 104 parent to accompany the minor for a specified period of
 105 time and purpose in a specified area;
 106 (C) on an errand at the direction of the minor's parent,
 107 without any detour or stop, until 12:30 a.m.;
 108 (D) in a motor vehicle, train, or bus in interstate travel (8)

- 109 through the County or starting or ending in the County;
110 (E) engaged in employment, or going to, or returning home
111 from, employment, without any detour or stop. [[The
112 minor must carry a valid work permit issued under State
113 law]];
- 114 (F) responding to an emergency;
115 (G) on the property where the minor resides;
116 (H) on the sidewalk that abuts the minor's residence, or that
117 abuts the residence of a next-door neighbor if the
118 neighbor did not complain to the Police Department
119 about the minor's presence;
- 120 (I) attending or returning home from, without any detour,
121 an official school, religious, or [[other]] recreational
122 activity sponsored by the County, a civic organization,
123 or a similar entity that takes responsibility for the minor
124 at the event [[, or going to, or returning home from,
125 without any detour or stop, an official school, religious,
126 or other recreational activity supervised by adults and
127 sponsored by the County, a civic organization, or a
128 similar entity that takes responsibility for the minor; or]]
129 (J) exercising First Amendment rights protected by the
130 United States Constitution[[, or]];
- 131 (K) attending or returning home from, without any detour,
132 an event at a place of public entertainment, including a
133 movie, concert, play, or sporting event.
- 134 (2) It is [[not]] an affirmative defense to a violation of subsection
135 (c)(3) if the owner or operator of an establishment promptly 

(e) Enforcement procedures.

- (1) Before taking any enforcement action under this Section, a police officer must ask an apparent minor's age and reason for being in the public place or establishment. The officer must not issue a citation [[or make an arrest]] under this Section unless the officer reasonably believes that:

(A) an offense has occurred; and

(B) based on any response and other circumstances, no condition in subsection (d) applies.

(2) If a police officer finds that a minor is committing a curfew offense, the police officer [[must take the minor to the nearest available Police facility, substation, or other area designated by the Police Department, and detain the minor until the minor can be released to the custody of the minor's parent or an adult acting in loco parentis]] may issue a civil citation and order the minor to go home promptly.

(3) The minor's parent or an adult acting in loco parentis with respect to the minor must be called to the Police facility, substation or other designated area to take custody of the minor. A minor who is released to a person acting in loco parentis with respect to the minor must not be taken into custody for violation of this Section while returning home with the person acting in loco parentis. If no person claims responsibility for the minor, the police may take the minor to the minor's residence or place the minor in the custody of the Department of Health and

Human Services, who may release the minor at 5 a.m. the next morning.]

(f) Penalties.

- (1) Any minor, parent, or any owner or operator of an establishment who violates this Section has committed a separate offense for each day, or part of a day, during which the violation is committed, continued, or permitted. Each offense is a Class [[A]] B violation.

II(2) The Court may also require one or more parent of a minor, after each conviction for violating this Section to complete parenting classes.

(3) A minor found to have violated this Section by the Juvenile Court may be ordered to perform up to 25 hours of community service for each violation.]

Sec 2. Expedited Effective Date.

The Council declares that this Act is necessary for the immediate protection

of the public interest. This Act takes effect on the date when it becomes law.

180 Approved:

Valerie Ervin, President, County Council

Date

182 Approved:

Isiah Leggett, County Executive

Date



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
Isiah
County Executive

Jennifer A. Hughes
Jennifer A.
Director

MEMORANDUM

September 9, 2011

TO: Valerie Ervin, President, County Council

FROM: Jennifer A. Hughes, Director

SUBJECT: Expedited Council Bill 25-11, Offenses, - Curfew - Established

The purpose of this memorandum is to transmit a fiscal and economic impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

Expedited Bill 25-11 was introduced on July 12, 2011 by the Council President at the request of the County Executive. This Bill would establish a curfew for minors, make certain findings; prohibit certain activities during the curfew; provide for certain defenses; establish enforcement procedures and penalties; and generally amend County law relating to offenses and curfew. A public hearing on Expedited Bill 25-11 was held by the County Council on July 26, 2011 at 1:30 p.m. On August 31, 2011, the County Executive submitted several recommended amendments to modify certain provisions of this Bill including:

1. Definition of a curfew violation as a Class B civil offense punishable by a maximum fine of \$100 for a first offense and \$150 for a second offense.
2. Expansion of the list of exemptions to the prohibitions against minor remaining in public place or establishment during curfew hours to include a minor who is attending or returning home from, without any detour, an event or place of public entertainment, including a movie, concert, play or sporting event.
3. Deletion of the bill's provision that allows the Police to place a minor who has violated curfew in the custody of the Department of Health and Human Services, who, in turn, can release the minor at 5:00 a.m. the next morning.

FISCAL AND ECONOMIC SUMMARY

Enactment of this bill, as modified, was reviewed by the Department of Police, the Department of Correction and Rehabilitation, the Department of Health and Human Resources, the Department of Economic Development, and the Office of State's Attorney and they have determined that the Bill, as modified, will not result in any fiscal impact to the County in terms of requiring additional personnel and operational resources.

Office of the Director

101 Monroe Street, 14th Floor • Rockville, Maryland 20850 • 240-777-2800
www.montgomerycountymd.gov



Valerie Ervin, President, County Council
September 9, 2011
Page 2

The Department of Finance has determined that this legislation will have no quantifiable impact on employment, personal income, investment, property values or other economic variables.

Finance contacted the various Chambers of Commerce (County, Bethesda-Chevy Chase, and Silver Spring) for specific information and concerns about the economic impacts. They expressed some concern about the impact on arts and entertainment businesses and restaurants. However, Finance was unable to quantify any impact and the amendment recommended by the County Executive to allow minors to attend and return from a place of entertainment (such as a movie, concert, play, or sporting event) during curfew hours should mitigate those concerns.

The following contributed to and concurred with this analysis: Terrence Pierce, Department of Police, Dave Platt and Michael Coveyou, Department of Finance, Kim Mayo, Department of Health and Human Resources, Tina Benjamin, Department of Economic Development; Lisa Russo, Office of the State's Attorney, Robert Green, Department of Correction and Rehabilitation, and Ed Piesen, Office of Management and Budget.

JAH:ep

c: Kathleen Boucher, Assistant Chief Administrative Officer
Joseph Beach, Director, Department of Finance
J. Thomas Manger, Chief of Police
Uma S. Ahluwalia, Director, Department of Health and Human Services
Arthur Wallenstein, Director, Department of Correction and Rehabilitation
John McCarthy, State's Attorney
Gabriel Albornoz, Director, Department of Recreation
Robert Green, Department of Correction and Rehabilitation
David Platt, Department of Finance
Michael Coveyou, Department of Finance
Lisa Russo, Office of the State's Attorney
Kim Mayo, Department of Health and Human Resources
Tina Benjamin, Department of Economic Development
Ed Piesen, Office of Management and Budget
Amy Wilson, Office of Management and Budget

Expedited Bill 25-11, Offenses – Curfew – Established**Public Hearing****July 26, 2011****Testimony of Police Chief Tom Manger on behalf of the County Executive**

Good afternoon. My name is Tom Manger and I am the Montgomery County Police Chief. I am here to testify in support of Expedited Bill 25-11 on behalf of County Executive Isiah Leggett. First, I want to thank Council President Ervin for introducing the bill and scheduling this hearing in such an expeditious manner. It is a very important bill and we are grateful for your assistance in beginning the conversation about the need for a youth curfew in Montgomery County.

Bill 25-11 seeks to improve the safety of juveniles, in particular, and our communities, in general, by reducing juvenile victimization, reducing juvenile-related crime and helping parents with their children -- goals that I know we all share. The bill establishes curfew hours for individuals under the age of 18 from 11:00 pm to 5:00 am for Sunday through Thursday and midnight to 5:00 am on Friday and Saturday. The bill does several useful things to help maintain public order during these hours. First it prohibits minors from remaining in a public place or establishment during the prescribed hours after being requested to leave by a police officer or owner or operator of an establishment. Second, it establishes expectations and penalties for parents or guardians who knowingly allow curfew breaking to occur for juveniles under their control. Third, it includes a number of reasonable exemptions that allow minors to be in public places or establishments during curfew hours, including minors who are (1) accompanied by an adult (2) running an errand at the discretion of a parent until 12:30 am (3) engaged in employment (4) responding to an emergency or (5) attending an official school, religious, or other recreational activity.

The County Executive is open to discussing whether the list of exemptions in the bill needs to be expanded or whether any other component of the bill needs to be modified to strike a better balance between our public safety goals and the legitimate activities and interests of minors during curfew hours.

Predatory gang activity is inter-jurisdictional; it crosses municipal and county boundaries and management of this issue requires coordination among the jurisdictions. If Montgomery County enacts a curfew bill, it will follow in the footsteps of many other jurisdictions, including our neighbors, Prince George's County and the District of Columbia. It is important to note that the existence of curfew laws in those two jurisdictions influences some youth to choose Montgomery County as their late night gathering place. This happened recently in Silver Spring over the July 4th weekend. On Friday July 1, a large group of about 70 youth congregated in the Central Business District. As police sought to gain control of the situation, the large group broke into smaller groups and began moving around the area, avoiding police but alternatively fighting

with each other, and ultimately resulting in a serious stabbing. Despite the immediate and high number of responding officers, the situation was difficult to control. It was later learned in police interviews that many of the youth had flocked to Silver Spring because of the curfews in Prince Georges and the District of Columbia.

The need for a curfew is not evidenced just by the disturbing events on July 1. The following are examples of some of the incidents that have occurred in the last few days involving youth during the proposed curfew hours, engaging in or being victims of violent crime.

Today, July 26th, at approximately 12:45 am, on Henning Road in Bethesda, 3 juveniles were arrested after they were observed attempting to break into a car. Our officers later went to one of their homes and seized a loaded handgun. All live in the area of North Bethesda.

On Sunday, July 24th, at 3:00 am, in Potomac, 2 juveniles along with an adult were arrested after they attempted to break into Wayside Elementary School on Glen Road.

On Saturday July 23, the previous night, at about 3:00 am, 2 juveniles were walking near Broad Aces Elementary School. A group of juveniles in a car confronted the juveniles who were walking. Gang signs were flashed and one of the juveniles was stabbed. This incident is under investigation.

A couple of days earlier in Olney, on July 21st, officers were called to the McDonalds at about 12:30 am where a group of juveniles were fighting. It later was learned that this involved a drug deal and that several of the juveniles involved had been robbed. At least one juvenile was stabbed.

We have an issue and we need to manage and curtail it. Despite budget hardships, we have retained many positive youth programs. However, our programs will not prevent youth displaced by curfews in other jurisdictions from coming to our downtowns and creating problems as occurred on July 1.

These recent events and other earlier signs indicate the need for immediate action. Montgomery County, its businesses and residents have made enormous investments of time, money and effort to create vibrant, culturally rich and interesting venues to which all are welcome. However, the violence that occurred over the July 4th weekend, the above-described occurrences, as well as other less serious predatory activity, cannot be left unchecked or our investment will be for naught. Preventing problems is easier and less costly than fixing full-blown problems that have the potential to cause great social and economic harm.

As noted, crimes against juveniles occur throughout the County and are not concentrated in one or two Districts or locations. Similarly arrests of juveniles are also spread throughout the County. Between 2009 and 2010, juvenile arrests increased from 2,035 (16% of all arrests) to 3,222 (25% of all arrests). The County continues to experience gang-related crime. Without

accounting for the number of gang members that visit Montgomery County, an estimated approximately 1300 gang members currently reside in the County. We also know that those gang members are well aware that Montgomery County does not have a curfew. A curfew law may not be a panacea for these problems but it would be a valuable law enforcement tool, and, given current police intelligence and the existence of such laws in our neighboring jurisdictions, this law would make the County less attractive place for curfew-displaced youths from neighboring jurisdictions.

Perhaps nothing we do in law enforcement is as important as working to increase the safety of our juvenile population. Studies show that juveniles who are the victims of crime are more likely to have difficulties later in life. We work closely with our social service partners to address the issues of juvenile crime and success is a combination of effective enforcement, intervention and prevention tools. We know we can't "enforce" our way out of every problem but we also know that effective enforcement tools coupled with police discretion can help us remove a juvenile or a group of juveniles from a situation that could potentially turn violent or result in illegal or harmful conduct. Today, when our officers call parents after making contact with a juvenile in a potentially problematic situation the parents are usually grateful and relieved they have been contacted. A curfew law would allow us to act preemptively to intercede in some situations before things get out of control and young people are hurt or worse. It will also bring us in contact with parents to ensure that they are cognizant of their child's conduct and whereabouts.

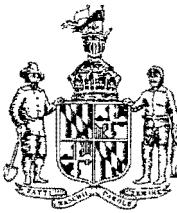
As a parent and a Police Chief, I do not want to limit the legitimate opportunities for entertainment and interaction for our young people. Nor do I want to stand idly by and not have at our disposal a tool which can help us manage situations before they turn ugly.

I thank the Council for its support of our efforts to address juvenile crime and its consideration of our need for the new tool created by Bill 25-11.

(20)

KIRILL REZNIK
39th Legislative District
Montgomery County

Health and Government
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Valerie Ervin, President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

RE: Testimony before County Council on Expected Bill 25-11

Madam President and members of the County Council, thank you for the opportunity to appear before you in strong opposition to Expedited Bill 25-11, a bill to establish a curfew for youth under 18 years of age in Montgomery County. For the record, my name is Kirill Reznik, and I am a State Delegate who represents District 39 in the Maryland General Assembly.

In the short time I have before you, I would like to highlight 3 brief points in opposition of this proposed County law.

The first point is financial. Though teenagers do not pack the financial wallop of their parents or even their 20-something peers, limiting their ability to stay out late at night and patronize movie theaters, all-night diners, video game arcades (yes there is still one in the county), and other businesses, will not help small businesses in our County recover any quicker. In fact, forcing small business owners, through this bill, to police their own establishments is counter-productive. Two weeks ago, my wife and I went to the midnight premier of the last Harry Potter movie. Normally, we patronize movie theaters closer to our home in the upcounty, but they were all sold out. We went to the movie theater at the White Flint Mall. I'm a little embarrassed to admit, we were the oldest people in the theater. Most of the patrons were unaccompanied minors. Under this law, imagine the revenue loss, both to the businesses and to the County's own coffers.

The second point, is the sheer impracticality of this law. Are we really considering asking police officers to distinguish between 17 year olds and 19 year olds; harassing adults who look like underage minors, burdening the police processing facilities and HHS with good kids who are out late at night, forcing parents into parenting classes because their kids are out late or businesses into curfew police when they would much rather sell another movie ticket and hamburger? Are we really willing to fine families, assign community service, and otherwise create, if not a criminal record, than a court record, for an otherwise good teenager that could eventually follow them to college and a professional career?

If the real goal here is to reduce crime, then let's use the tools you have, laws against trespassing, nuisance, vandalism, loitering, etc. If teenagers are causing trouble, the patrons, neighbors, and business owners can still call the police. And if these tools are not sufficient, then strengthen them, but do not use a chainsaw to remove a splinter.

Which brings me to my last point. There is an underlying civil rights issue here that initially sparked my ire and brought me before you. In no other aspects of crime prevention would we ever consider discriminating against a whole subset of the population to reduce crime that was being perpetrated by a tiny fracture of that group. Without even seeing current crime statistics, I would bet that men commit crimes far more than women. Why not impose a curfew on all men? But this body would never even think to impose such limits based on gender, or race, religion or national origin. Then why age? A cynic might think that is might have something to do with the fact that none of the people in question are eligible to vote for the people making the laws. However, I can assure you

that the 5,000+ individuals signed up on Facebook in protest of this bill and all of the teenagers sitting here today will all be eligible voters by 2014, and because they are as young as they are, I can also assure you that their memories are probably better than ours.

The leadership of this County claim without reservation that we produce the best students from the best high schools in the country. If that is the case, then we should have enough faith in them to be out past 11pm. If there are concerns with crime, then we need to put resources into what actually works; more education, more after-school and job training programs, and stepped up police presence where crime takes place, and not trample on the constitutional rights of an entire class of people because of the actions of a small few.

This bill is unnecessary, it is demeaning to the youth of our County, and it deserves a "no" vote.

Thank you for your time.





10

**Testimony of
The Greater Silver Spring Chamber of Commerce
Public Hearing – Expedited Bill 25-11, Offenses – Curfew - Established
Montgomery County Council
Tuesday, July 26, 2011**

Council President Ervin, members of the Council, good afternoon. For the record, my name is Jane Redicker and I am President of the Greater Silver Spring Chamber of Commerce. I am here today to express the Chamber's support for Expedited Bill 25-11, which would establish a curfew for minors in Montgomery County.

We agree with the County Executive and the Montgomery County Police that this legislation is necessary to address the increase in juvenile violence, juvenile gang activity, and crime by minors in our County. We also agree that a curfew law will serve to protect the welfare of minors by reducing the likelihood that minors will be the victims of criminal acts during the curfew hours and reducing the likelihood that minors will become involved in criminal acts or exposed to trafficking in controlled substances during the curfew hours. And, we agree that a curfew law will serve to help protect the general public from juvenile related criminal activity.

Similar laws exist in Washington D.C. and Prince George's County, and we understand from County Police that this creates challenges for Montgomery County, particularly for those areas that abut these neighboring jurisdictions. We agree that enacting a law that closely mirrors the practice in these jurisdictions makes sense. It's worth noting that this legislation is not intended to give police a mandate to "round up" every minor out after the curfew hours. It is meant to be a tool for police to help address youth crime and gang activity.

When the U.S. Conference of Mayors studied cities in which nighttime curfews had been implemented, they found that ninety-three percent of the survey cities (257) saw nighttime curfews as a useful tool for police officers. Many felt that curfews represented a proactive way to combat youth violence. They said curfews are a good prevention tool, keeping the good kids good and keeping the at-risk kids from becoming victims or victimizers.

We do recommend that the bill be amended to mirror the provision in the District of Columbia that provides for a later hour during summer months. In addition, we recognize that many of our youth patronize businesses where events may begin before the curfew hours but end after (e.g. movie theaters, concert venues). Therefore, we also recommend that the provisions of the bill which exempt youth attending -- or on their way home from -- an official school, religious, or other recreational activity sponsored by the County or a civic organization, be amended so as to also cover these private business venues. We understand that this is consistent with the practice in Prince George's County.

Our Chamber applauds the efforts of the Montgomery County Police in keeping our County safe and secure, and helping making it an attractive place to live, work, and play. We strongly support this effort to give them just one more tool to curb youth crime and to keep our youth safe from crime during the hours covered by the curfew. We urge you to support Bill 25-11.



DRAFT for July 26, 2011 hearing

11115 Fawsett Road, Potomac, MD 20854 301-983-9738 email – hotyakker@gmail.com

Montgomery County Civic Federation
Testimony to on Bill 25-11 - 1, Offenses - Curfew - Established

I am Peggy Dennis, President of the Montgomery County Civic Federation. The following comments were approved for transmittal to Council by majority vote of our Executive Committee members.

The Montgomery County Civic Federation supports Bill 25-11 albeit with reservations and *caveats*. The bill is intended to address issues relating to increased gang activity, violence, and criminal activity involving minors in the County. We support the bill because:

- It is similar to existing laws in Prince Georges County and the District of Columbia. To the extent that groups of youth are coming to and remaining in Montgomery County after curfew hours in their own jurisdictions, those curfew hours must be having some effect, albeit not a positive one for Montgomery County. Consistency with laws in neighboring jurisdictions may prove to be beneficial to our youths and public safety.
- It will give the Montgomery County Police an additional tool to deal with individual minors or groups including minors who are perpetrating offenses.
- It will give parents a strong justification for requiring that their kids be at home or somewhere inside in order to meet "the curfew." It will no longer be just a case of saying "you have to be home by the curfew because I say so" but because the law says so.
- It may help diminish the acts of vandalism by youth to property, automobiles and mail boxes which have plagued some neighborhoods for years.

At the same time, we have reservations about how the bill was seemingly introduced in great haste and with no public discussion. We do not believe it will be a "silver bullet," and we think it may prove as difficult to enforce, especially when it comes to large groups of youth, as the laws we already have on the books. Jim Zepp, our Public Safety Committee Chairman and a resident of Silver Spring, has studied the curfew issue and existing laws, and he "remains concerned that the curfew will be mostly a symbolic gesture or political cover rather than providing any significant solutions to the range of problems facing Downtown Silver Spring. We also have reservations about some provisions of the bill as currently written. On the other hand, if it is used sparingly, judiciously and solely as an additional measure to discourage and

deal with gang activity, crimes and violence perpetrated by minors during curfew hours, then it may prove beneficial.

The exemptions (circumstances under which minors would not be subject to the Teen Curfew law) seem generally reasonable with the following caveats:

- The exemption covering youth “engaged in employment, or going or returning home from employment, without any detour or stop, must have a **valid work permit** issued under State law” seems unreasonable. Many young people work occasionally as babysitters late into the night and are capable of walking themselves home when finished. They will not and should not have to have “work permits” to do this. We presume however that police would have no cause to stop and question a young person quietly walking home and breaking no laws anyway.
- The exemption for youth who are “exercising First Amendment rights protected by the United States Constitution” should not be used as an “out” by those who disturb the peace with profanity and violent language. The exercise of First Amendment rights should not trump laws against disturbing the peace no matter what the age of the person involved.
- We ask that an exemption be added for minors who are returning home unaccompanied by adults from late night entertainment venues such as live concerts and movies. The great majority of well-behaved, law abiding youth should not have their attendance at these events curtailed because of the bad behavior of a tiny minority.

Having introduced this bill in great haste, we hope we will see an extensive period for public comment and an additional public hearing to allow for the thoughtful discussion the measure merits. We also hope the Council and Executive will go beyond simply passing this legislation, and address the fundamental issues of gang activity, violence, and crimes involving minors, both as perpetrators and as victims. An excellent start would be to delve deeper into the incident or incidents that prompted this legislation. We cannot hope to prevent gang activity, violence and crime involving minors without forthright discussion of all the pertinent facts.

Testimony of Woody Brosnan, vice chairman of Safe Silver Spring
9101 Louis Ave., Silver Spring, Md. 20910
240-481-0309

July 26, 2011

Thank you for allowing me to testify. Safe Silver Spring is a non-profit organization dedicated to keeping Silver Spring a community where people of all backgrounds and ages can prosper and enjoy themselves in safety.

Gangs threaten this safety. Most Silver Spring neighborhoods are gang-free but members of regional gangs do prey on the community, partially because of the popularity of our entertainment district and the availability of transit. In one recent incident, two gangs organized a late-night rumble in downtown Silver Spring, forcing a massive police response that left neighborhoods as far as Wheaton and Bethesda depleted of patrols. Our police need tools to try to break up such gatherings before violence erupts.

We support the idea of a teen curfew but the current proposal needs some important modifications before we can fully endorse it.

The curfew should apply to youths 16 and under, not 17 and under. This would conform the age to the curfew in Prince George's County and the District of Columbia. We also believe there should be reasonable exception to allow youths to attend movies and concerts that extend through the curfew hour.

We believe the Youth Advisory Council should be consulted on this and other possible exceptions before the curfew is put in place. There also needs to be appropriate monitoring to ensure the curfew is not being used for racial profiling.

We urge the Council and other county officials to work with their counterparts in DC and Prince George's County on a common curfew. Area teens need one set of rules to follow when they cross jurisdictions on the Metro. This will be even more important when we build the Purple Line.

Gangs are no longer isolated to home neighborhoods either. Using text messages and email they can organize flash mobs anywhere in the area. Safe Silver Spring has called for a regional anti-gang summit to plan a regional strategy for combating gangs.

A curfew alone is not the answer to ensuring a safe environment for teens.

We need positive youth development programs, continued and expanded truancy court programs, and a teen center in Silver Spring.

We need a system of public security cameras covering key intersections in the Central Business District. Chief Manger has told us that most entertainment districts have them. Had this system been in place it is possible that some of the gang members involved in the July 1-2 incident could have been charged with crimes later.

The business community also should resist the temptation to make an extra buck by enticing teenagers to be out after midnight. This last Saturday night there were 10 PG or G-rated movies at the Regal Majestic in Silver Spring that started after 11 p.m. The latest was a 12:50 a.m. showing of Captain America that did not end until after the trains and buses had stopped running.

Let me just close on an historical note.

For more than 100 years the Progressive Movement in the United States has been associated with the goal of protecting children. It was the progressives who passed laws to get children out of coal mines and textile mills. Progressives pushed for universal education so that every child would have a chance to succeed.

Protecting children, sometimes even from their own foolishness, is progressive.

**Testimony of
The Silver Spring Urban District Advisory Committee
Public Hearing – Expedited Bill 25-11, Offenses-Curfew-Established
Montgomery County Council
Tuesday, July 26th 2011**

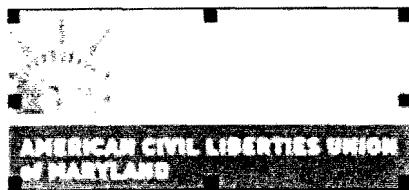
Council President Ervin, members of the Council, good afternoon. For the record, my name is Julie Statland and I am the Chair of The Silver Spring Urban District Advisory Committee. I am here today on behalf of my committee to express our support for Expedited Bill 25-11, which would establish a curfew for minors in Montgomery County.

On July 21st we voted and unanimously agree with the County Executive and Montgomery County Police that this legislation is necessary to address the increase in juvenile violence, juvenile gang activity, and crime by minors in our County. Our board consists of representatives of small business owners, optional method developers, and Citizens of Silver Spring, several of who are parents of minor children, all either live and/or work in Montgomery County.

When educated that similar laws exist in Washington DC and Prince Georges County, jurisdictions directly adjacent to Silver Spring, our committee determined it makes sense to enact a law that closely mirrors the practices in these jurisdictions. We must avoid adverse selection, and take preventative measures ensure our county does not become THE default hot spot and target area for gang activity and crime by minors who have more difficulty in their home jurisdictions because of the curfew. We recognize there are already some remedies such as a 12:00 curfew on driving with the provisional license. Unfortunately this has not deterred gangs and other unsupervised youth from hopping on the metro to cross over into our county where no curfew exists.

We do recommend the bill be amended to mirror the provision in the District of Columbia that provides for later hours during the summer months. We also recommend provisions allowing youth to be able to continue to enjoy events that may end after the curfew, such as movies, (in my day, a phrase I never thought I would say, the late night movie was Rocky Horror Picture show, now it is Harry Potter and our Halloween Zombie walk) concerts, and social gatherings at local restaurants after a school plays, sports or other recreational activity sponsored by the county, school, or civic organization. The objective here is not to penalize good kids or prevent youth in our county from enjoying themselves, the objective is to give our county a tool to help prevent crime and keep our county and our youth safe.

The Silver Spring Urban District Advisory Committee Strongly Supports the efforts of our Montgomery County Police and Executive in keeping our County safe and secure. We urge you to support bill 25-11.



Testimony for the County Council for Montgomery County, Maryland

Expedited Bill 25-11, Offenses -Curfew-Established

July 26, 2011

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OPPOSE

The American Civil Liberties Union of Maryland (ACLU-MD) opposes Expedited Bill 25-11, a bill to establish a curfew for minors in Montgomery County, Maryland. The ACLU-MD is the Maryland state affiliate office of the American Civil Liberties Union (ACLU), one of the nation's oldest civil liberties and civil rights organizations. The ACLU-MD was founded in 1931, and currently has approximately 14,000 members and supporters statewide. Our mission is to ensure that all people in the State are free to think and speak as they choose and can lead their lives free from discrimination and unwarranted government intrusion. The Bill of Rights and the Maryland Declaration of Rights guide our work, and we act without partisanship to achieve these goals.

The ACLU believes juvenile curfew laws are unconstitutional because they violate the rights of both young people and their parents. Like adults, young people are entitled to what our nation's founders called the "inalienable" right of liberty. Liberty includes the right to sit outdoors on a hot summer night, to go jogging early in the morning before school, or to walk home after visiting friends and family. Such activities do no harm to anyone, and thus cannot be made a crime. Curfew laws also violate the rights of parents to raise their children as they think best. Parents may set curfews for their children, and also may decide when to allow their children to stay out later. The government has no business overruling a parent's judgment in this area.

While legal decisions about the constitutionality of juvenile curfew laws have gone both ways in courts throughout the country, the most recent decision in Maryland came in *Ashton v. Brown*, 339 Md. 70 (1995), where the Court of Appeals struck down the City of Frederick's juvenile curfew. Because that law was found to be unconstitutionally vague, the Court declined to address the merits of the plaintiffs' claims, leaving for another day the question of whether *any* juvenile curfew law could survive a direct challenge under the Maryland Constitution. Earlier in the same case, the Court of Special Appeals held Frederick's law was an unjustifiable infringement on the fundamental rights of young people to exercise their constitutionally protected liberty interests and subverted parents' role in raising their children. *Brown v. Ashton*, 93 Md. App. 25 (Md. Ct. Spec. App. 1992).

Even if curfew laws were constitutional, they would be bad public policy because the majority of studies show no correlation in preventing juvenile crime. In an

extensive study of the empirical research on juvenile curfews supported by the National Institute of Justice, the author concluded that “the evidence does not support the argument that curfews prevent crime and victimization.” Kenneth Adams, The Effectiveness of Juvenile Curfews at Crime Prevention, ANNALS, The American Academy of Political and Social Science, 587 (May 2003). Studies in particular of the curfew laws in the nearby areas of the District of Columbia and Prince George’s County have found little to no evidence that they have prevented crime. See Danny Cole, The Effect of a Curfew Law on Juvenile Crime in Washington, D.C., 27 American Journal of Criminal Justice, no. 2, 217 (Spring 2003) (The curfew law did not reduce total juvenile arrests); Caterina Gouvis, Evaluation of the Youth Curfew in Prince George’s County, Maryland, Final Report, The Urban Institute (2000), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/200519.pdf>. (Impact of the law on the target group of youth and on overall victimization was small and not statistically significant; victimization of those between the ages of 22 and 25 reduced but unclear if resulted from curfew law or other crime initiatives).

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While proponents sometimes argue that curfew laws prevent crime because police do not need to wait for illegal conduct to occur in order to act, we think this argument demonstrates precisely what is wrong with curfew laws. They allow police to pick up a child who is engaged in wholly innocent conduct – doing nothing whatsoever wrong. This is utterly antithetical to a free society.

Additionally, a number of studies have found that juvenile curfews have a stunningly disproportionate impact on minority children. In New Orleans, for example, African-American youth are arrested at 19 times the rate of whites. Mary Lou O’Neil, Youth Curfews in the United States: The Creation of Public Spheres for Some Young People, 5 J. of Youth Stud., no. 1, 49, 61 (2002) (citing to Brian Privor, Dusk ‘Til Dawn: Children’s Rights and the Effectiveness of Juvenile Curfew Ordinances, 79 B. U. L. Rev. 415 (1999)). In the case of *Ashton v. Brown*, 339 Md. 70 (1995), discussed above, the disparate racial impact of the law was one of the issues raised. O’Neil reports that “[a]lthough the court did not decide this issue, arrest records for Frederick, MD showed that ‘the proportion of African-Americans arrested for curfew violations was substantially greater than the proportion of African-Americans to the population at large’ (*Aston* [sic] v. *Brown*, 1995, note 5).” O’Neil, *supra*, at 61. See also, Adams, *supra* at 154 (“available research suggests a pattern of disproportionate curfew enforcement against minorities”); J. David Hirschel, Charles W. Dean, and Doris Dumond, Juvenile Curfews and Race: A Cautionary Note, 12 Crim. Just. Pol’y Rev., 197, 208 (2001) (African-Americans are overrepresented among curfew violators in comparison with their representation in the general population).

Some of the reasons posited for this racial disparity are that curfew laws “have a discriminatory effect on children from lower socio-economic backgrounds [and c]hildren in large cities with curfews disproportionately tend to be minorities” who often do not possess recreational spaces like the “backyards, porches, or basements” of wealthy communities. Deirdre E. Norton, Why Criminalize Children? Looking Beyond the Express Policies Driving Juvenile Curfew Legislation, 4 N.Y.U. J. Legis. & Pub. Pol’y 175, 195-196 (2000). Norton also

stated that since there is already racial profiling in many communities, “minority juveniles may be stopped more frequently in a legitimate effort to enforce laws or under that [curfew] pretext.” Norton, *supra*, at 197.

It would be a waste of the County’s resources to force police to spend their time investigating and arresting young people who are doing nothing harmful, when they could instead be pursuing people of all ages who are committing real crimes. The Montgomery County police already possess ample authority under Maryland law to do the job the citizenry wants them to do. Nothing would be gained, but much could be lost, through the County’s enactment of a juvenile curfew law.

Montgomery County would surely be better served by using its resources to create services for young people, support for their families, and adequate policing for the community as a whole, particularly in this challenging economic climate that has already resulted in significant cuts to exactly these types of programs. We urge you to oppose this juvenile curfew bill.

AMERICAN CIVIL
LIBERTIES UNION OF
MARYLAND

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Good afternoon Council President Ervin, Vice President Berliner, and other honorable Councilmembers,

My name is Alan Xie and I am the current Student Member of the Board of Education. I, along with my fellow students, parents, and public officials come before you today to oppose Expedited Bill 25-11. I regret to inform you that the other 5,000 members of our party are currently occupied with their respective summer programs, internships, and jobs and will be unable to attend today's hearing.

Time and again, curfews have been proven ineffective at addressing the myriad of social ills that cause juvenile delinquency. Since they occur at night, they also fail to address the majority of juvenile crime, which occurs in the late afternoon.

When striking down a curfew in Rochester, the New York Court of Appeals noted that "minors are far more likely to commit or be victims of crime outside curfew hours and that it is adults, rather than the minors, who commit and are victims of the vast majority of violent crime – 83.6% and 87.8% respectively – during curfew hours."

One 18-year long study performed by sociologist Michael Males at the University of California found no statistically significant correlation between increased curfew enforcement and decreased juvenile crime. This study is one of many that refute curfew effectiveness, corresponding with a dearth of empirical curfew support.

Recently, many curfew supporters have relied purely on anecdotal evidence, repeatedly citing the recent Fourth of July Silver Spring incident, while others have cited inaccurate surveys. If one considers the statistics, it is clear Montgomery County does not require a curfew. One day after the curfew's proposal, County Police Chief J. Thomas Manger reported a 4.6% decrease in total reported crime and a 3.6% decrease in Part II Crimes, a category that includes juvenile offenses. If citizens of Prince George's County or D.C. are violating their jurisdiction's laws, then collaboration with their law enforcement agencies to ensure enforcement of such laws is more than sufficient. The incarceration of all minors in Montgomery County is wholly unnecessary.

Profligate and irresponsible expenditure of taxpayer resources on curfew enforcement is unacceptable, especially given our current economic situation and the decrease in crime. Moreover, the proposed curfew will inevitably discourage patronage from minors at local businesses, resulting in lost revenue and damage to our local economy.

Many are also concerned about curfew enforcement. At a recent student government meeting, many middle school students expressed concerns regarding the vagueness of the law, questioning whether children would be detained without probable cause. They also cited a potential violation of the Fourth Amendment's guarantees against unreasonable search and seizure.

It is incontrovertible that the safety and protection of all citizens in Montgomery County is our greatest goal. As I have demonstrated, a curfew is the least effective manner of achieving such goals. In February 2010, hundreds of youth attend a Youth Town Hall in this very room and testified on behalf of youth programs, saying that these programs kept kids "off the streets" during crucial late afternoon hours.

Please do not criminalize an entire demographic without considering the negative implications that accompany such an action. Our children are the future, and maybe it's time for us to conquer our irrational fear of the dark, and begin to listen to what they have to say.



**Fraternal Order of Police
Montgomery County Lodge #35**

Testimony Opposing Bill 25-11

July 26, 2011

The Fraternal Order of Police Montgomery County Lodge #35 is the exclusive representative of police officers from the rank of Police Officer Candidate through Sergeant. We are here to offer testimony against Bill 25-11.

The very concept of a curfew is disrespectful to the vast majority of law abiding young members of our community. It is a horrible lesson in civics to punish the majority for the offenses of a few. To restrict the freedom and rights of the youth of Poolesville based upon events occurring in neighborhoods on the border of the District of Columbia is patently unfair. It will be a drain on already strained police resources and may expose our youth to even greater harm.

If there are problems in certain neighborhoods, the solution is to spend police resources on the problems there and not waste police resources on non-problems in other neighborhoods. When looking to other jurisdictions for practices we need to look at crime trends and patterns and take into account the social and economic conditions which feed into their problems, especially those conditions that do not exist here. We are not Detroit, Michigan. Well crafted, narrowly tailored curfews in areas of high crime may be options. But blanket solutions to specific problems result in the suppression of the individual rights of members of our community for no other reason than their age.

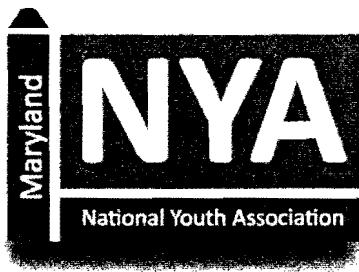
Enforcement of a curfew misdirects scarce police resources. There already exist laws allowing police officers to do their jobs. The pursuit of curfew enforcement will tie up officers who would otherwise enforce criminal and traffic laws or respond to other calls for service. Police officers will become babysitters for those whose only offense was to be out of their house beyond a given hour.

Police officers when they are working should be free and available to the entire community, to all ages, for emergencies and assistance. Currently, there is nothing preventing an officer from confronting any individual youth or group of youths at night when the officer feels the situation requires inquiry. We do it regularly.

Our children will be more vulnerable if they conceal their activities from parents and those tasked with protecting their safety. Neighboring jurisdictions without curfews will become magnets for late night activities taking our children even farther from home.

It is said, "The more laws, the more offenders." Banning lawful activities of residents of our County based upon their age is not a solution to problems of real crime. We join in opposing Bill 25-11. Parents are the appropriate authority to determine their children's level of freedom and responsibility, not government.

25-11



National
Youth
Association
Of Maryland

July 26, 2011
Montgomery County Council
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Council,

I am John Mannes and I serve as the Maryland State Director of the National Youth Association. The National Youth Association or NYA serves as the leading voice for students in issues like education reform, environmental reform, and youth-related bills. Today, as a resident of Montgomery County, I can think of no larger youth related bill that has inspired students to take part in their political system than the bill presented for discussion today. At this time there are over 6,000 students and community members that have signed up to show their disagreement with this bill and to be kept in the loop on its legislative progress. As you know better than I, hundreds of emails have been sent out explaining every reason humanly possible why this bill will be a failure and do nothing to increase youth safety, the safety of our community, or the values of our up and coming youth. The youth Curfew Bill, which is in essence, inimical to what we believe all of Montgomery County stands for. Yes on my level, this bill may mean missing a fun night with friends, leaving a sporting event early or even a midnight

(4C)

movie premiere, but in the end that is not very convincing since it doesn't address the opposing viewpoint. It seems to me that in the end the residents who support this bill believe that youth are too immature to see that this bill is for our own good. Respectfully, I couldn't disagree more. I see the goal, and more so I support the goal, I just don't see how this bill is relevant. It is rushed, lacks sufficient research and doesn't address the root of the problem. When I first heard about this bill, I would almost have expected it to come along with some sort of pilot program or data, and I guess it did, Montgomery County crime is down 4.6 percent. I realize this doesn't really apply as we are talking about juvenile crime, but yet another example of how rushed this bill is, no juvenile statistics have been released. Furthermore, if there is no reason for a minor to be out at 3 am in the morning, why should an adult. An adult is less likely to stab someone coming out of a movie premiere at 3 am? The District of Columbia and Prince Georges County have similar implemented legislation. In a quote from a Greater Greater Washington blog post by Lynda Laughlin from 2009, 14 years after the implementation of the Juvenile Curfew Act of 1995 in the District of Columbia, "***While crime in the District is generally decreasing, crimes committed by juveniles remains a significant problem across many DC neighborhoods. Some crimes committed by juveniles appear to be growing in their intensity and violence.***"¹ Because this bill is meant to be modeled after the bills in Prince Georges County and the District, I think it is fair to bring in this quote from a study from the National Criminal Justice Service done in response to the Prince Georges Curfew bill. The study's conclusion, "***The time series analysis revealed there was little support for the hypothesis that the Prince George's County curfew reduced violent victimization of youth***"² This was the only other main effort of this bill.

¹ Laughlin, Lynda. "Task Force Addressing Juvenile Crime in DC." *Greater Greater Washington*. 17 Mar. 2009. Web. 24 July 2011. <<http://greatergreaterwashington.org/post/1807/task-force-addressing-juvenile-crime-in-dc/>>.

² Gouvis, Caterina. *Evaluation of the Youth Curfew in Prince George's County, Maryland, Final Report*. Rep. no. 200519. The Urban Institute, 7 July 2000. Web. 24 July 2011. <<https://www.urban.org/research-papers/1131190/evaluation-youth-curfew-prince-georges-county-maryland-final-report>>.

Not just to reduce the crimes done by youth but the crimes done to youth. Although I wish this bill was a magic bullet, it's not. It will not reduce crime, it won't give police another, "Tool in their toolbox", it will only superficialy solve problems and result in a further breakdown of the relationship between, youth, police, and the politicians who are suposed to be fighting on their behalf. I want to thank the council for hearing our concerns with this bill and hope the council does its reasearch before acting toward our common goal.

Thank You,



John Mannes

Maryland State Director Of The National Youth Association

Before the Montgomery County Council

Testimony of
Alex Koroknay-Palicz
On behalf of the
National Youth Rights Association
on
Youth Curfew

July 26, 2011

Over the last two weeks I have been asked the same question many times: "What good reason is there for teens to be out after 11?"

There are a number of good reasons for a young person to be out late. Abigail has mentioned that she goes swing dancing which lets out after 11 and I know some teens, especially with the oppressive heat we get here from time to time, like to go jogging late at night when it is cooler out. Or perhaps a 16 year old is up late studying for an exam the next day and wants to go for a midnight stroll to clear her head. Or maybe some teens are having a slumber party and want to run over to CVS and pick up a tub of ice cream. When I was in middle school, sometimes in the summer I'd stay up late playing video games with friends and we'd occasionally walk 3 blocks down to the 7-11 to buy Slurpees. We never did anything wrong or were in any danger.

But the heart of the question assumes that only activities that are "productive" should be allowed. Have we come so far as a society that recreation and fun are purely reserved for adults? Is there something sinister about a 17-year-old heading out to the Tastee Diner at 1 am to get a cheeseburger with some friends? We have no problem with adults going out to eat that late. What about that cheeseburger becomes immoral when it is in the hands of a teenager?

As long as they aren't committing an actual crime, I don't see anything wrong with a teenager going out to a restaurant late at night, or bowling, or even standing in a public plaza talking with their friends. Adults meet each other and talk to each other at bars and clubs, where do teens go? They go outside since they have no other options. Previous generations hung out at the drive-in. If there is anyone who has any say in how a young person spends their free time it should be their parents, not the police.

The question flips the debate on its head. The burden of proof is not on teenagers. They should not have to give you a good reason why they want to walk outside. The burden of proof is on the Council. You need a very good reason to arrest teens for committing no crime. You need a very good reason to put an entire generation under house arrest. And there isn't one.

Study after study show that curfews do NOTHING to reduce crime. If a teen is robbing someone or harassing someone, then arrest them. There are already laws against that. But you cannot presume that all teens out late are criminals. As Councilmember Elrich said, 99% of teens do nothing wrong. Why pass a law that penalizes 100% of teens? But crime isn't even a problem; it has been falling for years.

So cutting through all the rhetoric, what is the "good reason" for passing this curfew? Quite simply it comes down to members of our community being afraid of seeing teens out in public. Especially black teens.

Montgomery County sees itself as a diverse, multi-cultural and tolerant community. An accepting community. This curfew law flies in the face of that image. The law is not based on crime prevention, or good parenting, or science, it is based on fear. Fear of youth and fear of minority teens in particular.

Is that a good reason for this law?

Alex Koroknay-Palicz
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(214)



Peter Franchot
Comptroller

September 13, 2011

Members of the Montgomery County Council
100 Maryland Avenue, 6th floor
Rockville, MD 20850

Dear Council Members :

As a longtime resident of Montgomery County – one who raised a family here while representing the 20th Legislative District for more than two decades in Annapolis – I have been following the debate over proposed teen curfew legislation as a vested community stakeholder. As Maryland’s Chief Fiscal Officer, I also feel an obligation to offer my perspective on issues that substantially affect our state’s economic vitality and our ability to sustain good-paying jobs, public revenues and private sector investment. It is with each of those roles in mind that I offer my strong and resounding support of the curfew legislation as it is currently proposed.

My wife and I moved to Takoma Park because we felt it was an extraordinary place in so many ways. Over the years, we have enjoyed all that Montgomery County has to offer and we believe, now more than ever, that it is a special place to live and raise a family. Much of that can be attributed to our longstanding tradition of identifying and addressing our challenges in a timely manner.

For example, we simply cannot ignore the rise in disruptive and dangerous activities in town centers throughout Montgomery County. It has often been said that “nothing good happens after midnight,” and in this case I wholeheartedly agree. Recent reports of crime, teen violence and gang-related activity send a chilling message to the entire region at a time when our local businesses are struggling to survive our nation’s extended economic downturn.

Whether it is the young family out for dinner and a movie in Downtown Silver Spring, a couple enjoying a live performance in Downtown Bethesda, or a responsible teenager working nights at the Rockville Town Center, the consumers and workers who are vital to the health of Montgomery County’s economy will understandably go elsewhere out of a concern for their well-being and that of their families. We are all proud of the time and effort that has gone into creating these vibrant centers of commerce; however, they simply will not remain competitive if we allow them to be perceived as unsafe and unwelcoming.

Letter to Members of the Montgomery County Council

September 13, 2011

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As you know, I was actively involved in the renaissance of Downtown Silver Spring, and have watched with great pride as it has become a regional hub for shopping, fine dining, live entertainment and the performing arts. I know the extraordinary challenges that had to be overcome to arrive at this point, and how hard our business, elected officials and civic leaders worked to make it happen. The same is obviously true for communities in Rockville, Bethesda, Gaithersburg, Germantown and other places that have dynamic town centers, just as it is for everyone who has worked tirelessly through the years to preserve the character of their residential communities.

There is no doubt that we want our children to enjoy all that our county has to offer and to be able to do so in a safe and welcoming environment. As our neighbors in Baltimore, Prince George's County and the District of Columbia have shown, you can foster a dynamic and engaging community for kids while still decisively ensuring public safety. With the important modifications that have been made to the initial draft, this legislation represents an even-handed and pragmatic response to issues that, left unaddressed, could severely compromise those very qualities that have made Montgomery County such an appealing destination for so many.

For the protection of our children, our families and our communities, I urge the Montgomery County Council to pass this crucial piece of legislation. Thank you in advance for your consideration, and for your exceptional service to Montgomery County.

Sincerely,



Peter Franchot
Comptroller of Maryland

cc: The Honorable Isiah Leggett
The Honorable Valerie Ervin
The Honorable Phil M. Andrews



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

September 13, 2011

TO: Valerie Ervin, Council President

FROM: Isiah Leggett, County Executive

SUBJECT: Bill 25-11, Offenses - Curfew – Established

This memorandum responds to questions regarding Bill 25-11, Offenses - Curfew – Established that Council staff forwarded to Executive staff on behalf of the Council on July 28, 2011, August 15, 2011 and August 19, 2011, respectively. Thank you for the opportunity to provide this input. I look forward to working with Council as it moves forward with its consideration of this bill.

1. Please explain in detail the justification for imposing this type of measure?

Establishing a limited youth curfew in the County is a proactive step that is intended to help reduce juvenile violence, juvenile gang activity, and juvenile crime in the County, prevent disturbances of the public peace, protect minors from each other and other persons, and support parental responsibility for children.

A youth curfew will help police head off juvenile crimes before they occur, protect minors from being lured into participating in criminal activity or becoming the victim of crimes, and promote parental involvement in a child's upbringing. The youth curfew established by Bill 25-11 is a balanced approach that includes various exemptions for youth who are engaged in necessary and worthwhile activities during curfew hours.

Montgomery County is particularly vulnerable to becoming a place where youth congregate in large numbers late at night because Prince George's County and the District of Columbia already have curfew laws. One recent example of that vulnerability was an incident over the July 4th weekend which involved a large group of about 70 youth who congregated in the Silver Spring Central Business District (CBD). As police sought to gain control of the situation, the large group broke into smaller groups and began moving around the area, avoiding the police but alternatively fighting with each other and ultimately resulting in a serious stabbing. Despite the immediate and high number of responding officers the situation was difficult to control. It was later learned in police interviews that many of the youth had flocked to Silver Spring because of the curfews in Prince George's County and the District of Columbia.

Valerie Ervin, Council President

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The public safety challenges associated with youth who congregate late at night in public places are not limited to areas of our County that are easily accessible from neighboring jurisdictions or to situations involving youth from other jurisdictions. The recent "mass theft" which occurred in August involving approximately 25 County youth at a 7-Eleven store in Germantown just before 2:00 a.m. is a glaring example of the challenges that exist in various parts of the County.

Police are not able under current law to adequately manage large groups of teens that gather for the purpose of intimidation, violence, or criminal activity. A limited youth curfew law is an important tool to help police officers prevent problems that arise out of these challenging situations. A curfew would help prevent our youth, other residents, and businesses from becoming victims of unlawful behavior close to and during the curfew hours. Preventing problems is easier and less costly than fixing problems after they escalate.

Bill 25-11 would give County police officers the same tool that Prince George's County and District of Columbia police officers have to prevent unlawful behavior and victimization. It would help the County manage the influx of youth coming from those curfew-regulated jurisdictions who engage in criminal activity as well as problems that arise when large groups of our own County youth congregate late at night. It would protect minors from being lured into crime or becoming a victim of crime. A by-product of the curfew law could be assisting parents and guardians who have difficulty getting their teens to adhere to family-established curfews.

2. **What data do we have on juvenile crime in the county? Is it trending up? What about crime against juveniles? What data do we have on the time of day that crimes committee by or against juveniles occur?**

In recent years the number of juvenile arrests and the number of juvenile arrests as a percent of total arrests have increased in the County. The total number of juvenile arrests increased from 1,548 in 2006 to 2,626 in 2010 (see Attachment A). During that same time, the total number of adult arrests declined. As a result, juvenile arrests as a percent of total arrests increased from 12% in 2006 to 21% in 2010 (see Attachment A).

Between 2009 and 2010, the total number of juvenile arrests increased by 730. As shown in the table below, that increase is due in large part to the increase in the number of juveniles arrested for larceny, assault, and controlled dangerous substance (CDS) offenses.

	2009	2010	Change
Larceny	438	691	57.8%
Assault	143	293	104%
CDS	440	594	35%

Valerie Ervin, Council President
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Page 3

The number of adult arrests during curfew hours remained fairly steady in 2009, 2010, and 2011, with a slight decrease from 2,046 to 1,972 between 2009 and 2010. See **Attachment B**. Regardless of that decrease, these numbers indicate that there is significant adult criminal activity during curfew hours which poses a risk to the safety of minors who may become victims or be lured into participating in criminal activity. Juvenile arrests during curfew hours decreased somewhat from 774 to 646 between 2009 and 2010 but are still at unacceptably high levels. See **Attachment B**.

With one caveat, **Attachment B** shows the number of arrests (adult and juvenile) for all crimes that were made during the proposed curfew hours in 2009, 2010, and the first seven months of 2011. In the aggregate, there were 5,139 adult arrests and 1,766 juvenile arrests made between January 2009 and July 2011 during the 6-hour period between 11:00 p.m. and 5:00 a.m.

The one caveat relates to available data for juvenile arrests as captured in the Juvenile Justice Information System (JJIS). The actual time of arrest is not captured in JJIS, only the "start time" of the crime. Typically, for crimes such as robbery or assault, the nature of the crime allows for collection of better data regarding the exact time of the crime. Arrests for "crimes against a person" are more contemporaneous with the occurrence of the crimes so the "arrest time" is more likely to be accurately related to the "start time" for the crimes. However, for a crime such as burglary or theft, the exact time of the occurrence is not known and a suspect typically is not seen. For these types of crimes, if an arrest is made at any time, the "arrest time" is shown as the "start time" for the event. For example, if a report shows that a burglary occurred between 8:00 a.m. and 5:00 p.m. and the juvenile was arrested at midnight, the arrest would not be reflected in **Attachment B**. On the other hand, if a burglary or theft occurred at midnight and the juvenile was arrested at 8:00 a.m., the arrest would be reflected in **Attachment B**.

Attachment C provides a strict "apples to apples" comparison of available data by showing the number of arrests (adult and juvenile) for all crimes except burglary and theft that were made during the proposed curfew hours in 2009, 2010, and the seven months of 2011. In the aggregate, there were 4,609 adult arrests and 1,515 juvenile arrests made between January 2009 and the first seven months of 2011 during the 6-hour period between 11:00 p.m. and 5:00 a.m.

In addition to adult and juvenile arrests that occur during curfew hours, police officers receive thousands of calls for service each year during the proposed curfew hours that result in written reports of crime for which no arrest is made or for which criminal or civil citations are issued without an arrest. **Attachment D** shows data relating to calls for service in 2009, 2010, and first seven months of 2011 between 11:00 p.m. and 5:00 p.m.

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In terms of data relating to juveniles who are victims of crime, the table below shows that for 2008, 2009, and 2010, juveniles accounted for approximately 4% of all victims who reported incidents of crime in the County.

	All Victims	Juv. Victims	% Juv. Victims
2008	58,992	2,475	4.2%
2009	55,292	2,075	3.8%
2010	49,537	2,009	4.1%

This table is based on CJIS incident data for all reported events with an event classification of less than 2900 (and excludes reported incidents that were later determined to be unfounded). For a list of event classification codes, see **Attachment H**.

The following table shows the number of reported robbery incidents with a juvenile victim that occurred between 11:00 p.m. and 5:00 a.m. during 2008, 2009, and 2010:

	2008	2009	2010
Robbery incidents with a juvenile victim occurring between 11:00 p.m. and 5:00 am	35	32	32

This table reflects the number of robbery incidents with at least one juvenile victim. It does not reflect the actual number of juvenile victims of robbery incidents because an incident could have more than one victim.

The following table shows the number of assault incidents with a juvenile victim that occurred between 11:00 p.m. and 5:00 a.m. in 2008, 2009 and 2010.

	2008	2009	2010
Assault incidents with a juvenile victim occurring between 11:00 p.m. and 5:00 am	100	71	97

This table reflects the number of assault incidents with at least one juvenile victim. It does not reflect the actual number of juvenile victims of assault incidents because an incident could have more than one victim.

3. What alternative strategies exist to combat the issues the bill is designed to address? Have other alternatives been tried? What was the result?

Nothing other than a youth curfew law will eliminate the vulnerability that exists for Montgomery County because Prince George's County and the District of Columbia have curfew laws that incentivize youth to congregate in Montgomery County late at night. Nothing other than a youth curfew law gives police officers the authority to require youth who are congregating late at night in large groups to go home. However, a youth curfew is only one tool for addressing challenges relating to juvenile crime and victimization. It is not a panacea.

It is incumbent upon the County to take all reasonable steps to reduce the personal, social, and economic costs associated with criminal activity. A youth curfew is not a substitute for vigorous and creative law enforcement activities and positive youth development programs. However, it is a widely accepted and cost effective tool for helping to reduce juvenile crime and protect juveniles from becoming the victims of crime.

The County is involved in numerous efforts to support positive youth development and to serve youth along the continuum of prevention, intervention, and suppression. The Police Department, Department of Health and Human Services (DHHS), Recreation Department, State's Attorney's Office, Montgomery County Public Schools (MCPS), and Department of Corrections and Rehabilitation all have a role in these efforts. Although significant budget constraints in recent years have restricted important components of many County programs relating to positive youth development, my goal is to return to more vigorous programs as soon as possible.

In recent years, Executive staff participated in various Council briefings on the County's efforts to support positive youth development, including the: (1) November 10, 2009 full Council briefing on programs and activities aimed at decreasing incidents of juvenile crime, increasing student performance, and creating a better environment for County youth; (2) June 24, 2010 joint briefing of the Public Safety and Health and Human Services Committees on coordination of prevention, intervention, and suppression efforts for individuals who are or have been gang-involved; and (3) October 21, 2010 joint briefing of the Public Safety and Health and Human Services Committees on coordination of gang prevention activities, including strategies and services provided to youth and their families to prevent gang involvement at all levels. For further information relating to the programs and activities discussed at these meetings, see the following Council staff packets:

November 10, 2009 – Council Briefing
http://www.montgomerycountymd.gov/content/council/pdf/agenda/col/2009/091110/20091110_10.pdf

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June 24, 2010 – PS/HHS Committee Meeting

http://www.montgomerycountymd.gov/content/council/pdf/agenda/cm/2010/100624/20100624_PSHHS1.pdf

October 21, 2010 – PS/HHS Committee Meeting

http://www.montgomerycountymd.gov/content/council/pdf/agenda/cm/2010/101021/20101021_HHSPS1.pdf

The Police Department uses a variety of crime prevention, intervention, and suppression strategies throughout the County. These strategies are targeted to the challenges and needs that exist in particular areas of the County. The Police Department's resources have been constrained by our fiscal challenges in recent years but I am committed to implementing the Police Department Staffing Plan developed several years ago as soon as fiscal conditions allow. That plan calls for a phased-in increase in the total number of police officers from a previous low of 1,100 to a high of 1,350. Although budget difficulties have precluded the County from attaining that goal over the recommended five-year period, the County now has approximately 1,150 police officers and I am committed to reaching the goal of 1,350 police officers as soon as possible. This would allow the County to reinvigorate important programs relating to our youth, including our community liaison officers and school resource officers.

DHHS has taken a leadership role in three programs that are particular relevant here: (1) the Countywide Youth Violence Prevention Coordinator (YVPC) Strategy; (2) the Central Business District (CBD) Intervention Strategy; and (3) the Regional Intervention Strategy.

The YVPC Strategy includes a Street Outreach Network (SON) comprised of 4 full-time staff that have engaged a total of 380 gang-involved youth in the past two years. The SON staff have targeted hot spot communities like Maple Avenue, Bel Pre, Briggs Chaney, Lockwood, White Oak, Downtown Silver Spring, Wheaton, Rockville, Gaithersburg, Montgomery Village, Germantown, and Damascus. These strategies include weekly projects that engage youth in positive, life affirming activities such as:

- DJ/Life Skills Program which serves 40 youth per week;
- Boxing/Life Skills Program that serves about 20 youth per week;
- Graffiti alternative/Life Skills Program which serves about 15 youth per week;
- Young Women's Support and Empowerment Group which serves about 20 youth per week; and
- Soccer/Team building/Life Skills Program that serves about 30 youth per week.

In addition, SON staff maintains daily engagement in County schools, malls, recreation centers, libraries, youth programs, homes and neighborhood of gang-involved youth. Finally, one part-time grant-funded SON staff member provides 2 weekly job training and readiness sessions to 20 youth. This initiative began in March of this year under ARRA grant funds. Currently eight youth have been successfully hired and continue to maintain employment.

The YVPC continues to educate youth and parents about the consequences of gang activity throughout the County. This work is done in partnership with a detective from the County Gang Unit. In addition, the YVPC continues to work with many community partners and community associations in order to build their capacity to address gang and youth violence throughout the County. The YVPC has provided workshops and trainings to over 200 parents in MCPS on accessing intervention services in the County. The YVPC has provided workshops on the consequences of gang life and bad choices to over 100 youth in MCPS.

As a result of a couple of high profile incidents that occurred last summer in the Silver Spring CBD, the YVPC along with SON staff were engaged by you to be a part of a multi-agency response team to address these incidents. A CBD Intervention Strategy was initiated which included SON staff doing targeted engagement of youth from Maple Avenue Crew, Hampshire Towers (HT), and 38 Mob from Briggs Chaney. The SON also sought to implement community-based intervention projects in Takoma Park and the Briggs Chaney Community; however, SON staff faced logistical issues that made it extremely difficult to maintain those efforts consistently. In addition, the Crossroads Youth Opportunity Center (CYOC) focused on serving youth from these communities as well. Last year prior to the high profile incidents which led to development of the CBD Intervention Strategy, the CYOC served about 8 youth from these communities. SON staff now serve 44 youth from these communities. Through these efforts the ongoing disputes between these communities de-escalated.

In addition to the CBD Intervention Strategy, HHS developed a Regional Intervention Strategy which calls for the YVPC to meet on a quarterly basis with counterparts from Prince George's, the District of Columbia, and Northern Virginia in order to discuss regional activity by these particular groups. In addition, there was a proposal to have street workers meet on a quarterly basis to share information and develop strategies to address the regional nature of this activity. Due to the many budgetary challenges faced by all of the partner jurisdictions, this effort became logistically difficult to maintain, although the coordinators from each jurisdiction continue to meet on a quarterly basis. As a result of increased conflict between Montgomery County youth and District of Columbia youth, the SON and District of Columbia intervention workers will be meeting bi-weekly starting this fall to develop a regional strategy for engaging youth and reducing conflicts among the various groups.

The Department of Recreation has carried out successful evening programs targeted to adolescent youth for a number of years. Programs targeted to at-risk adolescent youth have included battle of the bands, dances, hosting post-prom parties, midnight basketball, midnight soccer, late movies, pool parties, and more. These events have been credited by law enforcement personnel, youth advocates, and youth themselves for providing positive and supervised activities that have led to a reduction in juvenile delinquency.

At the height of its budget, the Department of Recreation had dedicated staffing who were charged with administering a wide variety of teen programming which included weekend and evening activities every month throughout the County. However, as a result of the budget challenges over the last four years and reductions to the Department's budget, these programs and staffing have been significantly scaled back. The program budget for after-hour events in FY12 was cut completely. These programs are well regarded deterrents to juvenile delinquency and I support the reestablishment of these efforts with appropriate resources as the County's fiscal situation improves. In the meantime, the Department is leveraging some existing resources to carry out an evening indoor league during the winter months and has established a Youth Café model in partnership with Councilmember Navarro and DHHS.

4. **How will the law be enforced when a movie or show at the Fillmore lets out late (near or after curfew hour). Are minors allowed to walk home? Are they allowed to walk to the Metro to get home? Are the Police really only looking to use this when a group is hanging out rather than moving along?**

I submitted recommended amendments to Bill 25-11 to the Council on August 31, 2011. See Attachment G. Those amendments included a recommendation to expand the list of exemptions to the curfew to include a minor who is attending or returning home from, without any detour, an event at a place of public entertainment, including a movie, concert, play, or sporting event. Under this amendment, if a movie or show at the Fillmore lets out close to or after the start of the curfew, youth will be allowed to walk directly home or to the Metro to go home.

Under Bill 25-11, a police officer may issue a citation for a curfew violation only after (1) the officer determines that an individual is under the age of 18 and not engaged in activities that are exempt from the curfew, and (2) the juvenile refuses to go home after being asked to do so. In situations where an officer finds a need to enforce the curfew violation, the officer would try to ascertain what the juvenile is doing. If the juvenile can explain his or her presence and is either eligible for a curfew exemption or on the way home, the officer would be expected allow the juvenile to go on his or her way.

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5. Related to question #4, should there be an exception for movies, concerts, and other entertainment activities?

See answer to Question 4.

The County does not have authority to require a municipality to adopt a curfew law. However, if Bill 25-11 is enacted, it would apply by default in some municipalities unless they pass laws rejecting it. According to the County Attorney, Bill 25-11 would apply by default in all municipalities except Gaithersburg, Garrett Park, Kensington, Laytonsville, Poolesville, Rockville, Somerset, and Washington Grove. These eight municipalities could pass laws to make Bill 25-11 applicable in their jurisdictions. Likewise, any municipality to which Bill 25-11 would apply by default could pass a law to reject it.

6. If the law as proposed requires a minor to be charged with a criminal offense, should the County seek State legislation to make violation of a curfew by a minor an offense that remains a juvenile matter rather than creating a permanent arrest record?

The bill currently specifies that a curfew violation is a Class A violation but does not specify whether the violation is criminal or civil. This is similar to other existing County Code provisions relating to certain types of offenses, which can be enforced either criminally or civilly. However, based on advice from the State's Attorney, I have recommended that the bill be amended to make a curfew violation a Class B civil offense that is punishable by a maximum fine of \$100 for a first offense and \$150 for a second offense. See Attachment G. If arrest authority is needed in a situation involving a curfew violation, the State's Attorney believes that a police officer could use existing authority granted under §10-201(c)(3) of the Criminal Law Article to arrest an individual who disobeys an order made by a police officer to prevent a disturbance of the public peace.

7. The bill allows the Police to place a minor who has violated curfew in the custody of the Department of Health and Human Services, who can release the minor at 5:00 a.m. the next morning. Is this feasible? How would this work? Where would HHS keep them?

According to the County Attorney, the County does not have authority under State law to take a juvenile into custody for a curfew violation unless, the violation is a criminal offense and the police officer is using arrest authority. As discussed in my answer to Question 7, I have recommended that the bill be amended to make a curfew violation a civil offense. That amendment includes deletion of any language in Bill 25-11 that relates to placing a juvenile in the custody of DHHS.

**8. Have curfews been effective in other jurisdictions that have adopted them?
What has been the effect in Prince George's County and the District of Columbia?**

Many cities have adopted youth curfew laws. **Attachment E** shows the results of a 1997 survey of 347 cities with a population over 30,000 conducted by the U.S. Conference of Mayors. Four out of five cities in that survey (276) had a nighttime curfew. Of those cities:

- 90% (247 cities) said that enforcing a nighttime curfew is a good use of a police officer's time;
- 93% (257 cities) said that a nighttime curfew is a useful tool for police officers; and
- 88% (236 cities) said that nighttime curfew enforcement helps to make streets safer for residents.

The survey included comments from numerous city officials which reflected a belief that a curfew is a proactive way to combat youth violence, involve parents, deter future crime, prevent "gathering" (which also meant fewer calls for service to the police), keep the "good" kids good and the at-risk kids from becoming victims or victimizers, reduce late-night traffic, make residents feel safer, make it easier to find runaways, make it harder for criminals to hide from the police during curfew hours because there are fewer people with which to blend in, reduce graffiti and vandalism, and reduce opportunities for gang recruitment and gang activities.

In 2000, the Regional Community Policing Institute at Wichita State University conducted a survey of 446 police departments serving populations of at least 15,000. See <http://webs.wichita.edu/depttools/depttoolsmemberfiles/rcpi/Policy%20Papers/Curfew%20Research.pdf>. This report concluded that "[t]he data strongly support the belief among respondents that curfews were an effective tool for reducing various crimes." Most noteworthy, according to the report, was that 93.5% of respondents agreed that curfews had an effect on reducing vandalism, 89.1% agreed they had reduced graffiti, 85.7% agreed curfews contributed to the reduction of gang activity, 84.7% agreed that curfews reduced rates of nighttime burglary, and 81.1% agreed that curfew enforcement had reduced auto theft.

Numerous jurisdictions have reported success after implementing curfew laws. Dallas and New Orleans provide two examples of such self-reporting. The Dallas Police Department reported that three months after the enactment of a curfew law juvenile victimization during curfew hours declined by 17.7% and juvenile arrests during curfew hours dropped by 14.6%. New Orleans reported that a dusk-to-dawn curfew enacted in that city was influential in decreasing the incidents of juvenile arrests by 27% in the year after its adoption.

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The study available through the following link provides an example of research that supports the effectiveness of curfew laws:

http://www.econ.berkeley.edu/~pkline/papers/curfews_resubmit.pdf. *The Impact of Juvenile Curfew Laws on Arrests of Youth and Adults* (August 2011), Patrick Kline, UC Berkeley/NBER.

This study reviewed data from 54 cities with curfew laws and concluded that: "Overall, curfews appear to have important effects on the criminal behavior of youth. The arrest data suggest that being subject to a curfew reduces the number of violent and property crimes committed by juveniles below the curfew age by approximately 10% in the year after enactment, with the effects intensifying substantially in subsequent years for violent crimes."

However, it is important to note that the scientific and statistical research on the effectiveness of curfew laws is mixed and studies can be found to support both sides of the issue. Numerous stakeholders and academics have noted that there has been no comprehensive statistically valid study regarding the effectiveness of curfew laws. Such a study would be extremely difficult to conduct, time consuming, and expensive because it would have to account for all of the different variables relating to: (1) demographics of particular jurisdictions (population size, income, employment rates, age distribution, etc.); (2) differences in the curfew laws in various jurisdictions (curfew hours, age of individuals subject to the curfew, exceptions, etc.); and (3) crime rates in any given jurisdiction (laws in place in neighboring jurisdictions, other law enforcement initiatives, etc.). In considering the existence of studies on both sides of the issue, one court noted that this reality "simply illustrates that proving broad sociological propositions by statistics is a dubious business." See *Schleifer et. al. v. City of Charlottesville*, 159 F.3d 843, 849 (4th Cir. 1998). In this regard, it is important to note that courts do not require legislative bodies to have scientific or statistical "proof" before acting on a policy decision. Legislative bodies may act on the basis of information from many sources, including (but not limited to) local crime data, surveys of public opinion, news reports, national crime data, and experience in other jurisdictions.

With regard to Prince George's County, a 2003 study showed that arrests of curfew-age youth decreased after the curfew was implemented but concluded that it could not prove with certainty that the curfew was the cause of the decrease in juvenile arrests. For a copy of that study, see following link: <https://www.ncjrs.gov/pdffiles1/nij/grants/200520.pdf>. With regard to the District of Columbia, Police Chief Cathy Lanier advised me that the District experienced a 50% reduction in juvenile victims of violent crime in public spaces and a 43% reduction in juveniles arrested during curfew hours after the District imposed a 10:00 p.m. curfew during a 2006 crime emergency. Although a number of public safety initiatives were launched during that emergency, the decreases in juvenile victims and juvenile arrests during the curfew were significantly higher than the decreases during non-curfew hours. During non-

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curfew hours, the District experienced only a 3% reduction in juvenile arrests and a 5% reduction in juvenile victims of violent crime in public spaces.

On a related note, Chief Lanier and Prince George's County Police Chief Mark Magaw both personally advised me last week that their respective curfew laws are very important law enforcement tools in their respective jurisdictions.

10. One option could be to limit the curfew to certain parts of the County. Is this a feasible option? If so, which portions of the County would you apply the curfew?

I believe that the curfew law should apply Countywide. A curfew that applies in only certain parts of the County would simply incentivize some youth to congregate in the parts of the County that do not have a curfew. The problem would shift across the street, just outside the CBD, or to other parts of the County.

Crimes committed by or against juveniles occur throughout the County and are not concentrated in one or two police districts or locations. The County estimates that approximately 1300 gang members currently reside in the County and gang-related crime can occur anywhere. The County, its businesses and residents have made enormous investments of time, money and effort to create vibrant, culturally rich and interesting venues to which all are welcome. However, the violence that occurred in Silver Spring over the July 4th weekend, the mass theft that occurred in Germantown in August, and other types of criminal activity and victimization can occur anywhere.

11. What is the estimated fiscal impact of Bill 25-11?

Bill 25-11 would have no fiscal impact on the County. See **Attachment F** for the Fiscal and Economic Impact Statement prepared by the Office of Management and Budget for this bill.

12. What is the estimated economic impact of Bill 25-11?

It is not expected that Bill 25-11 will have an economic impact on private businesses in the County. See **Attachment F** for the Fiscal and Economic Impact Statement prepared by the Office of Management and Budget for this bill.

13. To our knowledge, there are 2 court cases about curfews that are particularly on point: *Schleifer v. Charlottesville* (4th circuit) and *Ashton v. Brown* (Maryland Ct of Appeals). How does Bill 25-11 match up with the criteria in those cases?

Bill 25-11 is similar to the curfew law upheld by the Fourth Circuit in *Schleifer v. Charlottesville*, 159 F.3d 843 (4th Cir. 1998). In that case, the Fourth Circuit upheld a Charlottesville curfew law that provided exceptions for activities where minors were accompanied by a parent, in supervised activities, in interstate travel, on property abutting parents' residence, emergencies, and when exercising their First Amendment rights. The court held that minors' rights were not coextensive with that of adults. It also held that parents did not have an unqualified right to raise their children that could trump every government regulation. The law was reasonably related to the important governmental interests of preventing crime, protecting juveniles, and strengthening parental responsibility. It was reasonable to apply the restrictions to minors. The ordinance was not void for vagueness because it fairly provided minimal guidelines to govern enforcement and gave reasonable notice of the proscribed conduct.

Bill 25-11 is also similar to the District of Columbia curfew law that was upheld in *Hutchins v. District of Columbia*, 188 F.3d 531 (D.C. Cir. 1999) (*en banc*).

Bill 25-11 does not suffer from the infirmity that doomed the Frederick City curfew law in *Ashton v. Brown*, 339 Md. 70 (1995). In that case, the Maryland Court of Appeals struck down a Frederick City curfew law that contained an exception for "a child attending a cultural, scholastic, athletic, or recreational activity supervised by a bona fide organization." The court found that the term "bona fide organization" was unconstitutionally vague. Bill 25-11 does not include a similarly vague exception. It contains an exception for a minor who is "in attendance at an official school, religious, or other recreational activity sponsored by the County, a civic organization, or another similar entity that takes responsibility for the minor" or who is "returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civic organization, or another similar entity that takes responsibility for the minor."

14. Do you have any suggested amendments to the Bill?

As mentioned previously in my answers to Questions 4, 5, 7, and 8, I submitted recommended amendments to Council on August 31, 2011. See Attachment G.

15. Please specify exactly how this law will be enforced? Will it be based on age or behavior, or both?

Enforcement will be based on age, behavior, and any other factors in the totality of circumstances that lead a police officer to develop a reasonable belief that an individual is under 18 and not exempt from the curfew. When an officer is on patrol and sees someone who appears to be under age, the officer can ask that person his or her age. If the individual indicates that he or she is a minor or the officer is able to form a reasonable belief that he or she is a minor based on other factors (e.g., statements of witnesses, appearance, etc.), the officer will order that person to go home. If the individual does not go home after being asked to do so, the officer may issue a civil citation. If the individual still refuses to go home after being issued a civil citation, the officer may arrest the individual for failure to obey a lawful order of a police officer made to prevent a disturbance of the public peace.

I firmly believe that the vast majority of youth under the age of 18 in the County would comply with a curfew law. This would have a positive impact on our community in all of the ways that were referenced by city officials in the U.S. Conference of Mayors survey discussed above. As reflected in that survey, it would reduce the number of youth gatherings which lead to calls for service to the police, keep the "good" kids good and the at-risk kids from becoming victims or victimizers, reduce late-night traffic, make residents feel safer, make it easier to find runaways, make it harder for criminals to hide from the police during curfew hours because there are fewer people with which to blend in, reduce graffiti and vandalism, and reduce opportunities for gang recruitment and gang activities.

16. Please provide detail on the process you will undergo once you remove a child from the street. Does HHS take over at some point? If so, what costs? are involved? Is it feasible to require the Police take a minor in violation of curfew to the Police Station?

See responses to Questions 6 and 7.

I have recommended that the bill be amended to make a curfew violation a civil offense. See Attachment G. Since the County does not have authority to take an individual into custody for a civil offense, I have also recommended deletion of the language that relates to placing a juvenile in the custody of DHHS.

17. Will this law push juvenile crime to earlier hours?

We have no conclusive evidence that this will occur.

18. How will you verify the exception “running errands?” Will you need to contact a parent/guardian? What if you cannot?

Verification of the errand exception will be situational. If a minor says “I’m going to the drug store for my Mom” and the child is loitering on a street corner nowhere near a drug store, the officer would likely have reasonable cause to order the minor to go home and, if the minor does not do so, to issue a civil citation. Parents can also be called to verify whether a minor is running an errand.

19. Please clarify what it means to “remain” on the premises? Is the violation the act of being out past curfew, or is the violation the act of remaining once asked to leave by police?

A minor violates the curfew law by remaining during curfew hours in a public place or private establishment to which the public is invited after being asked to go home. The term “remain” is defined in the bill to mean “to linger, stay, or fail to leave a public place or establishment when requested to do so by a police officer or the owner, operator, or other person in control of the public place or establishment.”

20. Please explain steps you will take to ensure that this law would not encourage racial profiling.

This question seems to assume that Bill 25-11 encourages racial profiling or that our Police Department would engage in racial profiling if Bill 25-11 is enacted. There is no evidence to support either of these assumptions. Our Police Department has not historically had a problem with racial profiling. There is no reason to believe that the enactment of a youth curfew law will prompt members of the Police Department to engage in this unlawful practice in the future.

In fact, a curfew law would lend itself to profiling strictly by age. Remember, profiling, in and of itself, is not illegal. Police officers criminally profile people everyday based on their behavior and the totality of the circumstances of their actions (e.g., when, where, and how things are happening). Proper training of police officers is the key to avoiding unlawful profiling. At recruit training and during in-service training each year, we provide our officers with a foundation which allows them to understand when they can stop someone, when they can compel someone to identify themselves, and when they can arrest someone. Strong policies are in place which prohibit the use of race, gender, ethnicity, or religion as a reason to stop, search or arrest someone.

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The County goes to great lengths to hire the right people to be police officers. We test for many personality and character traits and eliminate anyone for employment that demonstrates any identifiable bias that would indicate a propensity for abusing law enforcement authority or otherwise harming the public interest. I have confidence in our hiring process and the integrity and character of our police officers. To insinuate that a youth curfew law, or any other law, would lead these same police officers to suddenly engage in unlawful racial or ethnic profiling is unfair to our employees and without basis in fact.

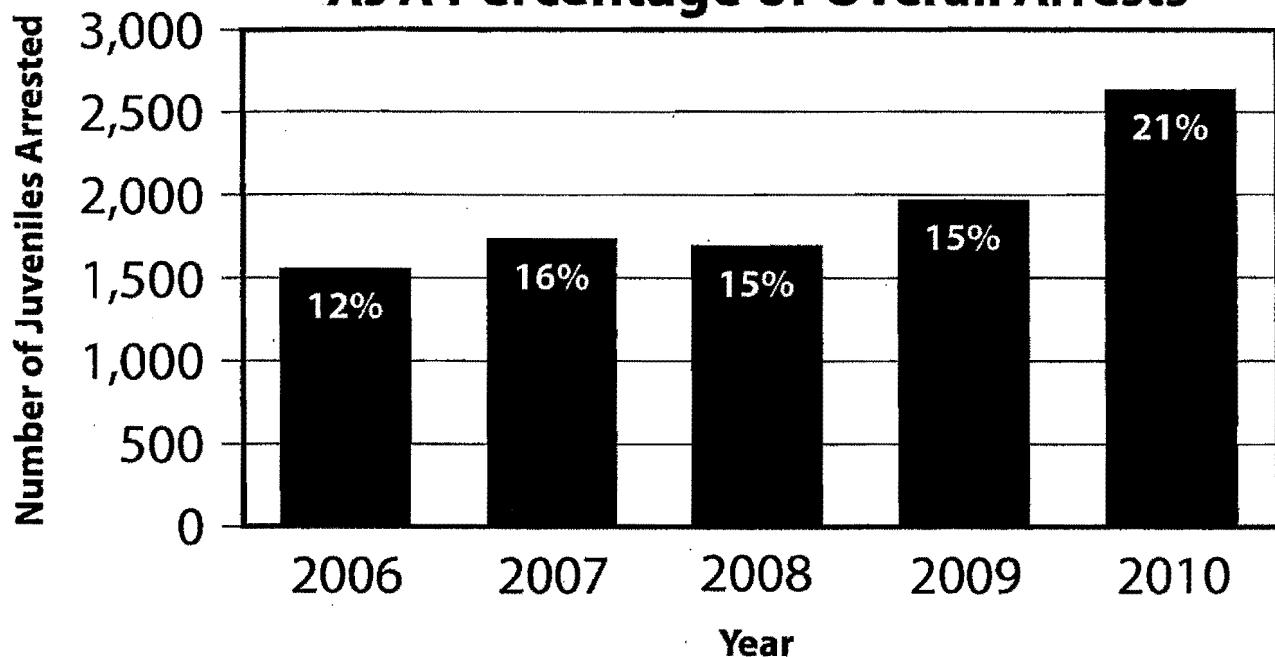
The Police Department intends to develop guidelines governing enforcement of the curfew law to assist in training police officers and ensuring fair and consistent enforcement throughout the County. The County will continue to seek to hire the right people, train them well, set high standards, investigate complaints of misconduct with due diligence, and if warranted, punish those who do not live up to required standards.

21. It is my understanding that the curfew proposal allows for discretion in enforcement. In other words, the police department does not intend to enforce a ban on all minors being out in public, but rather intends to enforce the curfew selectively in response to problematic situations. First, can the executive branch please spell out this intent more clearly? Second, can the executive branch discuss any constitutional issues that arise, and how they are resolved, from laws that are intended to be enforced in this manner. Related to the second question, can the executive branch propose any safeguards that could accompany the curfew to monitor whether it is being enforced in a fair manner, for example using related examples around racial profiling – gathering of information about stops, reports, etc.

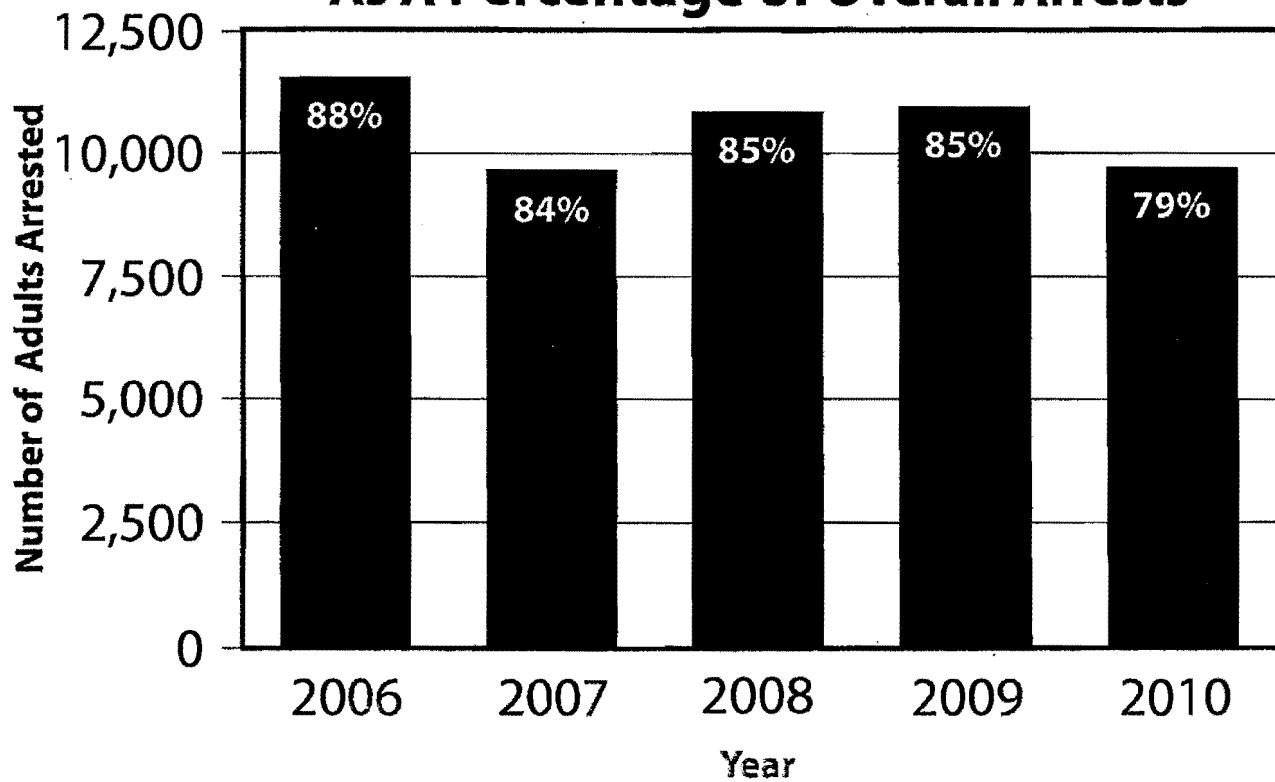
Every criminal law reposes some discretion in those who must enforce it. The Police Department intends to develop guidelines governing the exercise of discretion in the context of enforcing the curfew law to assist in training police officers and ensuring fair and consistent enforcement throughout the County. Bill 25-11 and my recommended amendments to the bill were written in consultation with the County Attorney to avoid any constitutional issues. As discussed above in the response to Question 13, Bill 25-11 is similar to other curfew laws that have been upheld by the courts. I am open to exploring any amendments that Council believes are necessary to ensure that Bill 25-11 is enforced in a fair and objective manner, including a requirement to collect and report relevant data.

ATTACHMENT A

**Juvenile Criminal Arrests 2006-2010
As A Percentage of Overall Arrests**

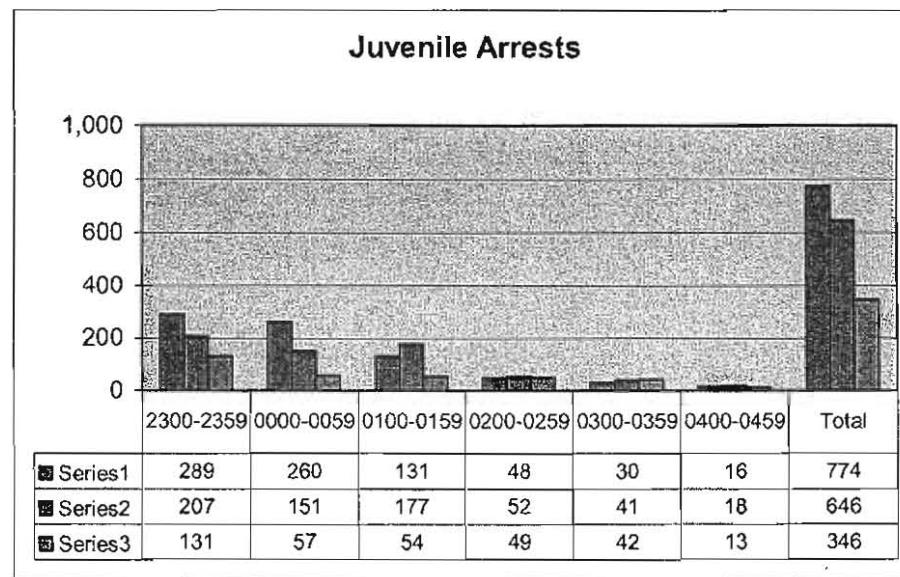
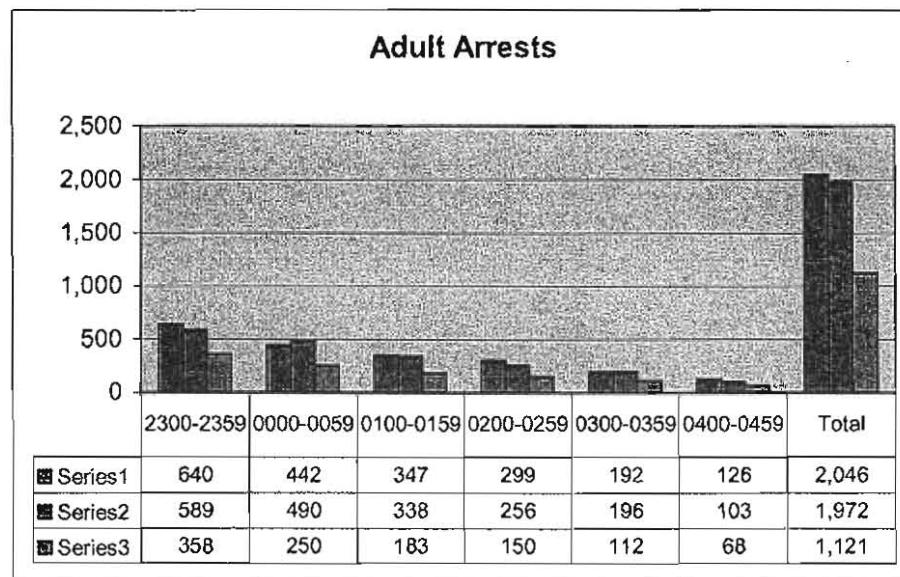


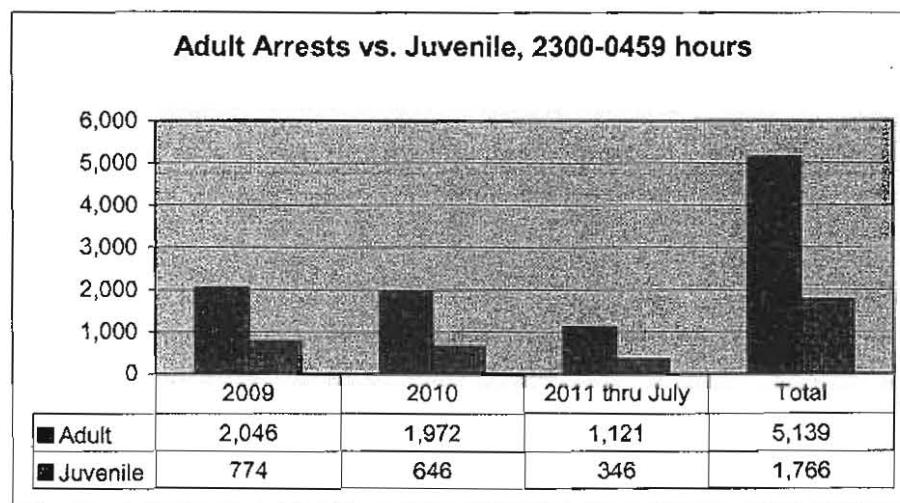
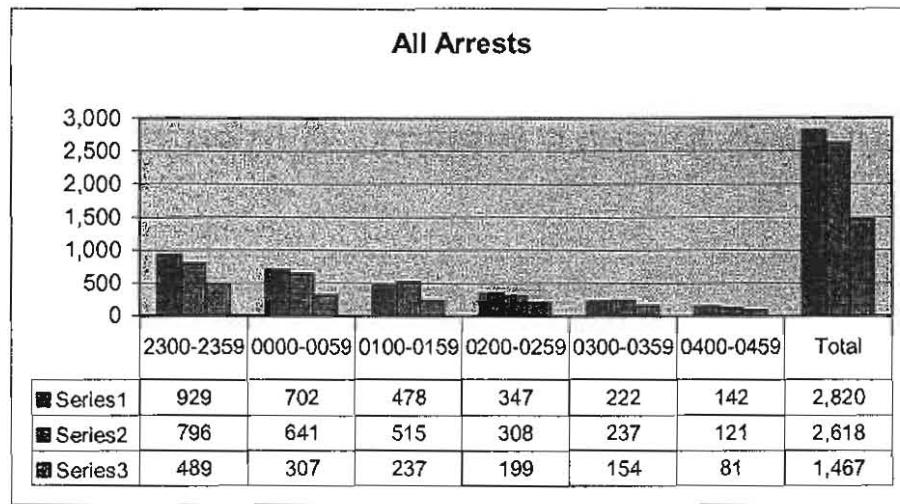
**Adult Criminal Arrests 2006-2010
As A Percentage of Overall Arrests**



ATTACHMENT B

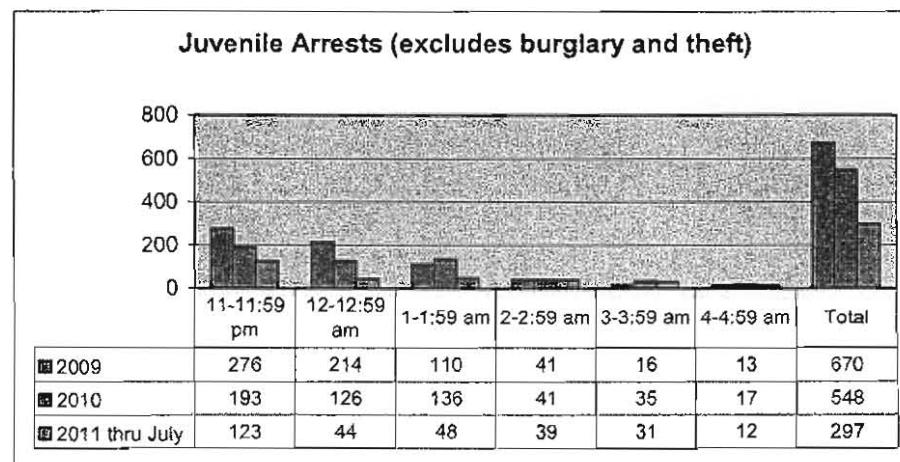
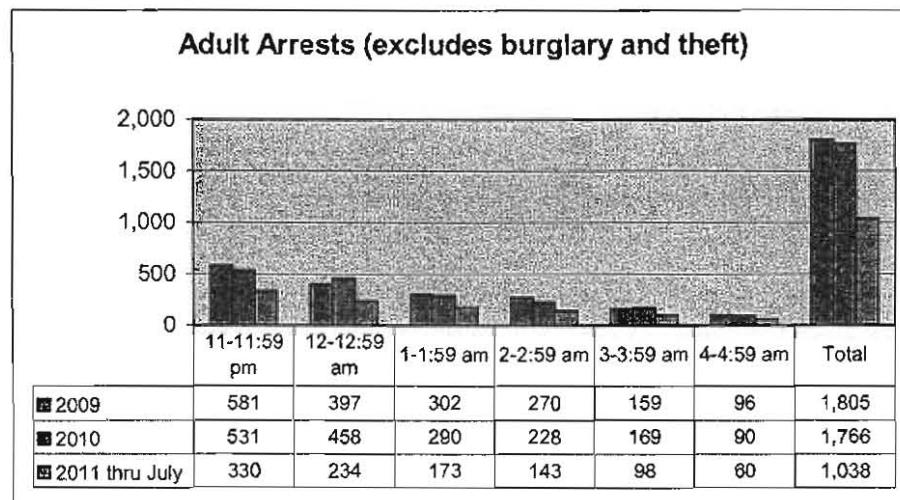
ADULT AND JUVENILE ARRESTS: 11:00 PM TO 5:00 AM

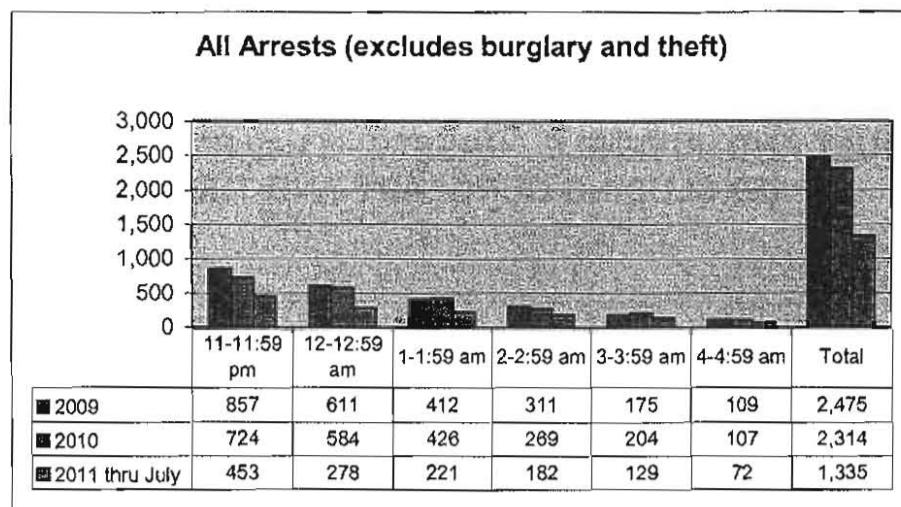




ATTACHMENT C

ADULT AND JUVENILE ARRESTS: 11:00 PM TO 5:00 AM (EXCLUDING BURGLARY AND THEFT)

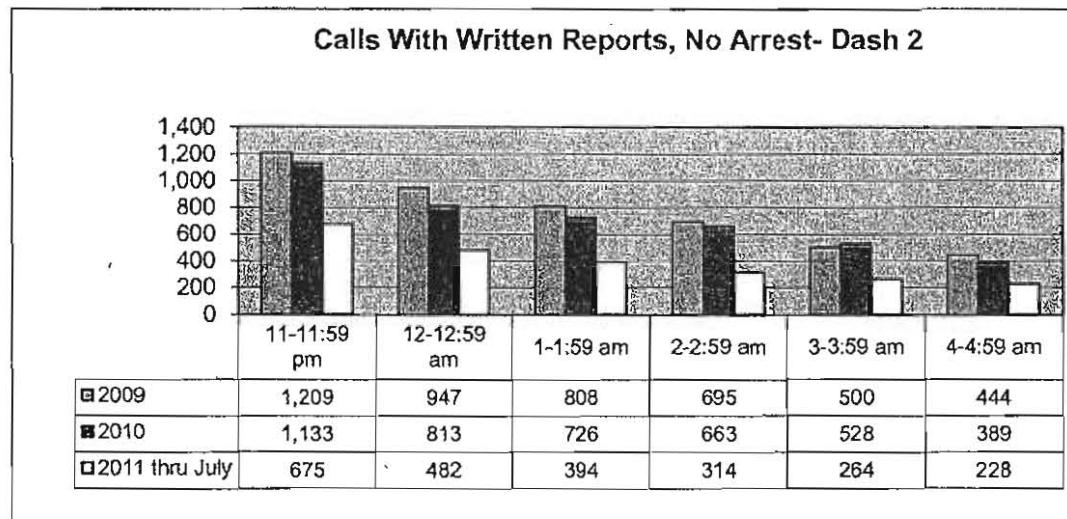
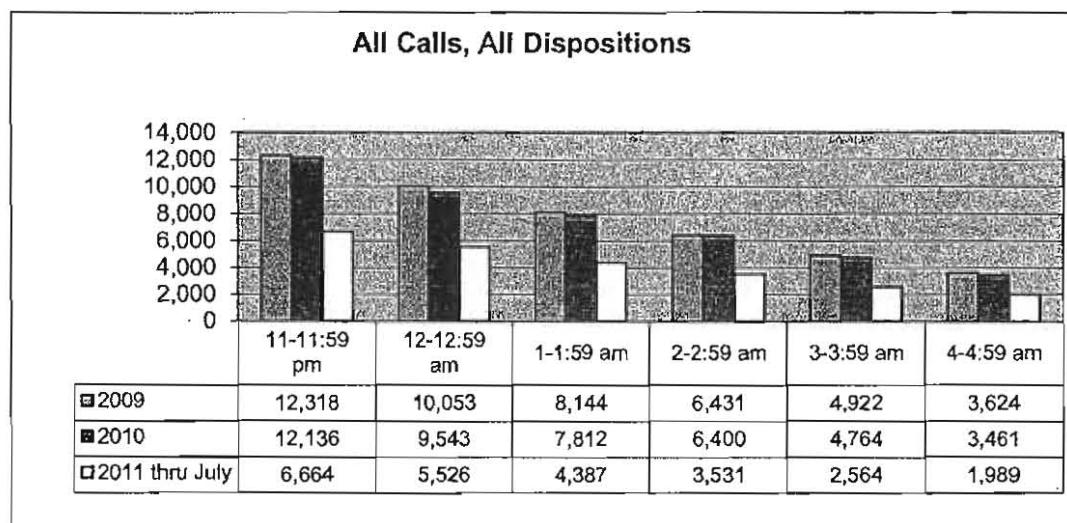


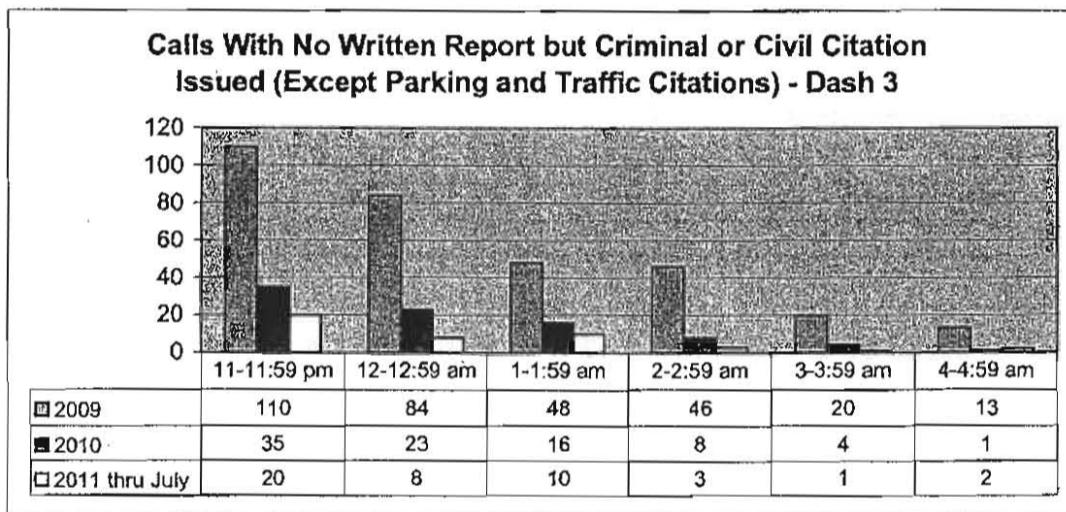
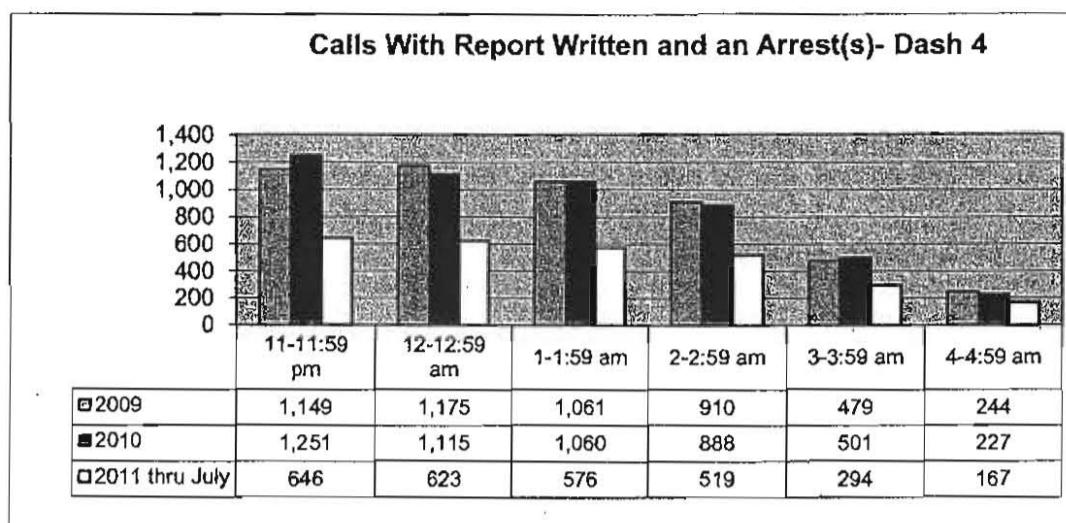


ATTACHMENT D

CALLS FOR SERVICE: 11 PM TO 5 AM

This data came from an export of records in the dispatch system and contains calls requiring a dispatched police response, events found by officers on patrol that were given a call disposition code, and "no-dispatch" report numbers obtained for other events reported after the fact. Simply put, it is anything a police officer deals with between 11PM and 5AM except for routine traffic stops and events that citizens report using our on-line self reporting service (no police response). Also, a few calls within the city of Takoma Park may be included due to our CAD system limitations.





*2010 and 2011 stats above are lower due to policy change. All criminal and civil citations must now have a written report which changes the clearance code to Dash 4.

A Status Report on Youth Curfews in America's Cities

A 347-City Survey

Many cities have imposed youth curfews in recent years. A 1995 survey by The U.S. Conference of Mayors found that 272 cities, 70 percent of those surveyed, had a nighttime curfew. Fifty-seven percent of these cities considered their curfew effective.

Since that survey was done the trend toward establishing curfews—both nighttime and daytime—has continued and more is known about their impact. This report updates the 1995 survey and provides additional information on the effectiveness of those curfews.

The 1997 survey gathered information from 347 cities with a population over 30,000. Mayors and city officials were asked for information on:

1. the use of both daytime and nighttime curfews,
2. perceptions of whether curfew enforcement is a good use of police officers' time,
3. perceptions of whether curfews make streets safer at night, cut down on daytime truancy,
4. effectiveness of curfew enforcement in curbing gang violence or gang activities,
5. increases or decreases in crime rates since curfews have been in effect,
6. police department costs associated with curfew enforcement,
7. problems encountered in implementing curfews and
8. constitutional challenges to curfews.

Among the findings of the survey:

- **Four out of five of the survey cities (276) have a nighttime youth curfew. Of these cities, 26 percent (76) also have a daytime curfew.** *Click [here](#) for a list of cities which have curfews.*
- **Nine out of 10 of the cities (247) said that enforcing a curfew is a good use of a police officer's time.** Many respondents felt that curfews represented a proactive way to combat youth violence. They saw curfews as a way to involve parents, as a deterrent to future crime, and as a way to keep juveniles from being victimized. In addition, they commented that a curfew gives the police probable cause to stop someone they think is suspicious. Examples of city comments:
 - **Tulsa:** There is generally no useful purpose for a juvenile to be out late at night. Enforcement of curfews serves to protect them from being victimized by the criminal element.
 - **Charlotte:** This is a good tool to protect children. Most parents didn't even know their children were outside the home.
 - **Jacksonville (NC):** It provides officers with "probable cause" to stop the youth.
 - **Claremont:** It frees up officers' time during the curfew hours to do other police work. Kids don't go out because they know they will get in trouble.

- **Anchorage:** Parents are contacted each time a juvenile is picked up, often eliminating repeat occurrences.
- **St. Peters (MO):** It assists in providing a method of controlling juveniles when adult supervision is lacking. Less time is spent by officers in getting them off the street than responding to problems they create.
- **Toledo:** It provides officers an opportunity to intervene with potential issues before problems develop. Periodic sweeps remind the public about the law officer. Curfew enforcement has, in large part, become a part of routine enforcement.

Twenty-six cities (10 percent) did not feel that curfew enforcement is a good use of a police officer's time. They commented that police have higher priorities than chasing curfew breakers, and that there is too much paperwork involved, tying up a police officer's time when he or she should be using that time to pursue more serious offenders. Some suggested that random sweeps seem to be more effective in keeping offenders off balance, as they are never sure when the police will be around. Finally, several commented that there is nowhere to take the young people when they are picked up because many parents aren't home. Examples of city comments:

- **San Francisco:** Offenses occur before curfew hours. Therefore, the curfew is ineffective.
- **Billings:** There is no place to take the kids. Often the parents are not home.
- **Roanoke:** There is no punishment for the law. The law is on the books but there is no punishment.
- **Freeport (IL):** It ties up the police and keeps them "babysitting" all day long.
- **Richmond (CA):** Curfews treat all youth as violators. It turns off good kids and is unfair to them.
- **Ninety-three percent of the survey cities (257) said that a nighttime curfew is a useful tool for police officers.** The city officials commented that curfews help to reduce the incidence of juveniles becoming victims by preventing "gathering," which also means more calls for the police. They said that a curfew compels parents to be more responsible and gives them a specific reason to tell their children they cannot be out after a certain time, and they said that curfews are a good prevention tool, keeping the good kids good and keeping the at-risk kids from becoming victims or victimizers. Examples of city comments:
 - **Orlando:** Since we have had the curfew we have seen dramatic declines in youth-related crimes.
 - **Murray (UT):** Prevention is nine-tenths of the cure.
 - **Fresno:** Because of the curfew there is less gathering. Less gathering means fewer calls for police.
 - **South Bend:** Few first time violators are repeat offenders.
 - **Maui:** It compels parents to be responsible.

Nineteen cities said that a nighttime curfew was not a useful tool, explaining that it removes parental control as the city, in effect, becomes the parent. They also commented that more crime happens during non-curfew hours due to curfew enforcement. Examples of city comments:

- **Kauai:** It causes more crime during non-curfew hours.
- **Richland (WA):** All youth, not just delinquents, are affected by a curfew.
- **Wausau:** We need to avoid harassment and need to avoid focussing on minorities or specific neighborhoods.
- All of the 72 cities which have a daytime curfew report that it has cut down on truancy. They said that it reduces daytime burglary, holds parents accountable and keeps kids in school. Examples of city comments:
 - **Columbus (OH):** Seventeen hundred truants have been processed, less than seven percent have been re-fined (as repeat offenders).
 - **Allentown:** Since the inception of our daytime curfew, students know there are consequences to their actions. It has had a favorable impact on school attendance.
 - **Torrance:** It discourages truants' trips en masse to "hang-outs." With this curfew, students must stay at home or risk detention.
 - **Philadelphia:** Daytime curfew enforcement causes the minor to attend school, which can only benefit the minor.
 - **Roswell:** It cuts down on graffiti, vandalism and truancy. It keeps kids at home or in school where they are safe.
- Eighty-eight percent (236) of the cities said that curfew enforcement helps to make streets safer for residents. The officials commented that there is less traffic late at night; residents feel safer; it is easier to find runaways; it is harder for criminals to hide from the police during curfew hours because there are fewer people to blend in with; graffiti and vandalism are reduced; and parents are helped to feel responsible. Examples of city comments:
 - **Canton:** Police find more runaways and missing juveniles, reducing the number of delinquencies.
 - **Tulsa:** The criminal element has to work harder to "hide" from cops.
 - **Inglewood:** It does, in fact, make it safer. There is less traffic at night.
 - **Corpus Christi:** The daytime curfew has cut down on the truancy problem considerably simply because school-aged kids observed wandering the streets or in locations away from school are easily detected, and they have come to know that.

Thirty-three cities (12 percent) said that curfews have no impact on street safety, commenting that it is people over 17 who create the more serious crimes, and that they do not always enforce the curfew due to lack of funds or lack of interest. Examples of city comments:

- **Memphis:** Most evening crimes are committed by adults.
- **Chillicothe (MO):** Those over 17 are still out causing most of the trouble.
- **Tallahassee:** Several studies have indicated that curfews displace crime to other times of the day without having any real impact over the long run.
- **Eighty-three percent (222) of the cities said that a curfew helps to curb gang violence.** City officials believe it is a tool to reach "wanna-be" gang members and keep recruitment to a minimum; it prevents gang members from gathering; it gives the police a legal reason to contact individuals or the group; it tells kids their movements are being monitored and lessens gang activities during curfew hours. They also said that curfews help the police to identify gang members and come in contact with them at an earlier stage, help to curb young peoples' activities before they become more violent, and help the police to seize the guns and drugs of gang members, thus impairing their ability to fight. Finally, the curfew helps to educate parents to the signs of gang membership and activity. Examples of city comments:
 - **Moline (IL):** Gang activity stops after curfew hours begin.
 - **Dearborn:** It curbs activities before they get to a more violent level.
 - **Shaker Heights:** If you address inappropriate behavior, you will minimize the opportunity for it to escalate into violence. In other words, if you catch youths early it is more likely they can become valuable members of society.
 - **Napa:** I have never seen a gang member who wasn't a truant first. Curbing truancy curbs gang violence.
 - **Houston:** We have had an increase in drug and weapons seizures from gangs. Seizing these things lowers gangs' ability to fight.
- **Seventeen percent (46) of the cities said that curfews had no impact on gang-related activities.** These cities said that most hardcore gang member do not pay attention to curfews; most gang activities occur before curfews go into effect; and gangs are not afraid of curfew laws because they know there will be no punishment. Examples of city comments:
 - **Ogden:** Curfews do little to curb activities of hardcore gang members.
 - **Rochester (MN):** Gangs aren't afraid of curfews because the punishment is little or nothing.
 - **Memphis:** Most gang activities happen before curfew hours.
- **Fifty-six percent (154) of the survey cities have had a youth curfew in effect for 10 years or less. Officials in 53 percent of these cities have had a decrease in juvenile crime which they attribute to the curfew. Eleven percent have seen the number of juvenile crimes stay the same; 10 percent have had an increase in juvenile-related crimes.** Because most of the remaining cities have had curfews in effect for a short time, no data on the impact on juvenile crime was available.

Twenty-six cities with a nighttime curfew only were able to provide data on the percent reduction

in juvenile crime. Juvenile crime was reduced by an average of 21 percent in these cities, ranging from a two percent decrease in Charlotte, three percent in Waterloo, five percent in Bloomington (IL) and Fort Worth and seven percent in Killeen (TX) to a 40 percent reduction in Inglewood and Idaho Falls, 42 percent in San Jose and 50 percent in Orlando.

Twenty-two cities with both a nighttime and daytime curfew were able to provide data on the percent reduction in juvenile crime, which was reduced by an average of 21 percent in these cities. The percent reduction ranged from two percent in Richmond (GA), five percent in Lombard (IL) and eight percent in Fairfield (CA) to 50 percent in Hayward and 70 percent in Charleston (SC).

Six cities reported that juvenile crime increased after their curfew was introduced, by an average of 14.5 percent across these cities. The increases ranged from three percent in Billings and Tulsa and 10 percent in St. Charles to 25 percent in Grand Forks and 26 percent in Fargo. It should be noted that many cities reported that when they initially implemented the curfew or began to rigorously enforce an existing curfew, the number of crimes increased for a period of six months to a year. Following this, however, they saw a significant decline in juvenile crime.

- **Twenty-three percent (61) of the cities said there were increased costs related to curfew enforcement.** These costs related primarily to increased police officer time and detention centers. Examples of city comments:

- **Chandler (AZ):** There was an increase in costs in paperwork, court appearances and fees and officers' time spent processing and convicting the youth.
- **San Jose:** We had to add \$1 million in new police payroll to enforce our curfew.
- **Shreveport:** We received a grant from the federal government to help defray the costs of a detention center, but the federal funds decrease each year, and after four years the city will have to pay all of the costs.
- **Upland (CA):** Our gang task force has caused an increase in costs.
- **New Orleans:** There have been cost increases associated with overtime for police in order to enforce the curfew properly.
- **Cleveland:** The increase in enforcement of the curfew has caused more costs for police to appear in court.

- **Twenty-three percent (62) also reported problems in implementing their curfew.** These problems include concerns about violating young peoples' rights or targeting minorities, parental opposition, and officials within the criminal justice system not taking the curfew seriously. Examples of city comments:

- **Denver:** In one of our middle class neighborhoods it was proposed that we put up a detention center, and this met with strenuous opposition.
- **Los Angeles:** The problem is convincing liberal politicians that it doesn't violate kids' rights and convincing police officers that it is productive.
- **Chicago:** The problem is getting judges to take curfew cases seriously.

- **Cincinnati:** The curfew laws need to be monitored to make sure that African-Americans aren't targeted. You have to make sure you are trying to keep it fair and legal.
- **Plano:** A small segment of our population feel it is the parents' responsibility to say when a child should be indoors.
- **Buena Park:** Several home schooling groups challenged it as being unfair to their children.
- **Five percent (14) of the cities said there have been constitutional challenges either to the curfew itself or to its wording.** Those cities with a challenge are Allentown, Bellingham, Dallas, El Cajon, Escondido, Lompoc, North Miami Beach, Orlando, Philadelphia, Poway (CA), Santa Ana, Tulsa, Wenatchee (WA) and West Covina. In two additional cities—Fort Lauderdale and Rio Rancho (NM)—a challenge to the curfew has been threatened.
- For the 276 cities with curfews:
 - Five percent have had the curfew for less than one year.
 - Eight percent have had the curfew for one year.
 - Eleven percent have had the curfew for two years.
 - Eleven percent have had the curfew for three years.
 - Four percent have had the curfew for four years.
 - Eight percent have had the curfew for five years.
 - Nine percent have had the curfew for six to 10 years.
 - Forty-four percent have had the curfew for more than 10 years.

Survey Cities Which Have A Curfew

The 276 survey cities with a curfew are listed below. Those with an * have both a daytime and a nighttime curfew; the rest have a nighttime curfew only.

ALABAMA	Birmingham *	Gadsden	
ALASKA	Anchorage		
ARIZONA	Chandler Gilbert Glendale	Phoenix Surprise Tempe	Tucson Yuma
ARKANSAS	Fort Smith	North Little Rock *	Pine Bluff *
CALIFORNIA	Anaheim Antioch Bakersfield Brea Buena Park * Burbank * Claremont * Colton *	Gardena * Hayward * Inglewood La Habra * Lancaster * Lodi Lompoc * Long Beach *	Poway * Riverside * San Clemente San Francisco San Jose * San Ramon Santa Ana Santa Barbara *

	Concord Covina * Culver City El Cajon * Escondido * Fairfield * Fontana * Fountain Valley Fresno	Los Angeles Manhattan Beach * Modesto Montebello * Monterey * Napa * Newark Oxnard * Pittsburg	Santa Cruz Santa Rosa Stockton * Thousand Oaks Torrence * Tulare Upland * West Covina *
COLORADO	Aurora Denver	Loveland Pueblo	Thornton Westminster
CONNECTICUT	New Britain	West Haven	
FLORIDA	Fort Lauderdale * Garden Grove Jacksonville	Miami Beach North Miami Orlando	Pembroke Pines Port Orange
GEORGIA	Augusta * East Point *	Macon	Roswell
HAWAII	Honolulu	Kaua'i	Wailuku Maui
IDAHO	Boise	Idaho Falls	
IOWA	Cedar Rapids	Waterloo	
ILLINOIS	Arlington Heights Aurora Bartlett Bloomington Bolingbrook * Buffalo Grove Carbondale Champaign Chicago Decatur	Elk Grove * Evanston Freeport Glencoe Highland Park Lansing * Lombard * Moline Mount Prospect Naperville	Normal Palatine Paris Park Ridge * Pekin * Rockford Schaumburg Waukegan * Wheeling
INDIANA	Carmel Columbia City Elkhart	Fort Wayne Marion Michigan City	New Albany South Bend
KANSAS	Hutchinson	Olathe	Wichita *
KENTUCKY	Frankfort	Lexington	Louisville
LOUISIANA	Houma Lake Charles	New Orleans *	Shreveport
MAINE	Augusta		

MASSACHUSETTS	Chicopee Lowell	Lynn Malden	Methuen Revere
MARYLAND	Hagerstown		
MICHIGAN	Allen Park Battle Creek Dearborn Dearborn Heights Detroit *	East Point Farmington Hills Holland Jackson Lansing	Livonia Midland Muskegon St. Claire Shores Wyoming
MINNESOTA	Blaine Brooklyn Park Burnsville	Maplewood Minneapolis *	Minnetonka Rochester
MISSISSIPPI	Biloxi * Greenville *	Natchez *	Tupelo *
MISSOURI	Chesterfield Chillicothe Kansas City	St. Charles St. Joseph	St. Peters University City
MONTANA	Billings	Great Falls	
NEBRASKA	Bellevue		
NEVADA	Las Vegas		
NEW HAMPSHIRE	Nashua		
NEW JERSEY	Elizabeth Gloucester	Jersey City *	Newark
NEW MEXICO	Rio Rancho *	Roswell *	
NEW YORK	Buffalo Jamestown	Schenectady	Troy
NORTH CAROLINA	Charlotte	Jacksonville	
NORTH DAKOTA	Fargo	Grand Forks	
OHIO	Akron * Canton Chillicothe Cincinnati Cleveland * Columbus *	Elyria Euclid Fairborn Lima (Recently lost day) Mansfield	Parma * Shaker Heights Toledo University Heights Waynesville
OKLAHOMA	Lawton	Oklahoma City	Tulsa
OREGON	Beaverton		

PENNSYLVANIA	Allentown *	Lancaster McKeesport Philadelphia *	Pittsburgh * Wilkes-Barre
PUERTO RICO	Caguas	San Juan	
RHODE ISLAND	North Providence	Pawtucket	
SOUTH CAROLINA	Charleston	Columbia	Rock Hill
SOUTH DAKOTA	Rapid City		
TENNESSEE	Chattanooga Germantown	Hendersonville Knoxville *	Memphis
TEXAS	Arlington * Austin * Corpus Christi * Fort Worth Galveston *	Houston * Killeen League City * Mesquite Plano	San Angelo San Antonio * Temple * Waco Wichita Falls
UTAH	Murray Ogden	Salt Lake City	Sandy
VIRGINIA	Cheasapeake Newport News	Norfolk Richmond *	Roanoke Virginia Beach
WASHINGTON	Bellingham	Longview	Wenatchee *
WEST VIRGINIA	Parkersburg		
WISCONSIN	Beloit * Brookfield Green Bay	Greenfield Manitowoc	Sheboygan West Allis
WYOMING	Casper	Cheyenne	

Survey Cities Which Do Not Have A Curfew

The 71 survey cities listed below do not have a youth curfew.

ALABAMA	Decatur	Huntsville	Mobile
ARKANSAS	Fayetteville	Hot Springs	
CALIFORNIA	Dublin Livermore Oakland	Rancho Palos Verdes Richmond San Luis Obispo	Santa Clara Sunnyvale

COLORADO	Fort Collins	Greeley	Lakewood
CONNECTICUT	Middletown New Haven	Stamford	Wallingford
FLORIDA	Boca Raton Bradenton Clearwater Fort Myers	Holy Hill Miramar Palm Bay Port St. Lucie	St. Petersburg Sarasota Tallahassee Tamarac
ILLINOIS	Galesburg		
IOWA	Des Moines		
KANSAS	Topeka		
MASSACHUSETTS	Attleboro Boston	Haverhill	Salem
MICHIGAN	Port Huron	Rochester Hills	
NEBRASKA	Lincoln	Omaha	
NEW JERSEY	Bridgewater Edison	Fort Lee	West Orange
NEW YORK	Freeport Mount Vernon	New Rochelle White Plains	Yonkers
NORTH CAROLINA	Greensboro Wilmington	Wilson	Winston-Salem
OHIO	Centerville	Kettering	
RHODE ISLAND	Cranston	Providence	
TEXAS	Abilene Denton	Longview	Lufkin
VIRGINIA	Alexandria	Lynchburg	
WASHINGTON	Auburn Richland	Seattle	Spokane
WISCONSIN	Wausau		

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ATTACHMENT H

CAD Call DISPOSITION CODES*** Indicates written report is optional**

0100 HOMICIDE <i>(does not include attempted homicide)</i>	0800 ASSAULT	2400 Disorderly Conduct 2411 Unlawful Assembly *2412 Loitering *2413 General Disorderly	*2939 Homeland Security Event *2941 Lost Property *2942 Mental Illness/EEP *2943 Missing Person <i>(includes runaways)</i> 2946 Recovered Prop. <i>(from Mont. Co. only)</i> 2947 Recovered Prop. <i>(from other jurisdiction)</i> 2948 SANE Collection/Stranger 2949 SANE Collection/Non-stranger *2951 Family Trouble *2952 Suspicious Situation *2953 Emergency Shelter Care *29xx Alarm Call 296x Bank/Credit Union 297x Other Commercial 298x Residential 1 Accidental/Error 2 Malfunction 3 Weather 4 Unknown Cause 5 Cleared by ECC or Patrol Supervisor with no dispatch 6 Duplicate Call 7 Alarm company cancelled call Other Miscellaneous Calls Dispatched Follow-up of Previously Reported Event <i>(do not clear as report made)</i>			
0200 RAPE	0900 ARSON 0910 Occupied Structure 0920 Unoccupied Structure 0930 Vehicle	2600 SUICIDE				
0300 ROBBERY 0310 Highway/Road/Alley 0320 Commercial (not 30, 40, or 60) 0330 Gas Station 0340 Convenience Store 0350 Resid. (home invasion only) 0360 Bank 0370 Other 0380 Carjacking	1000 FORGERY-COUNTERFEITING 1011 Identity Theft 1012 All Other	2700 OTHER OFFENSES (NOT TRAFFIC) 2711 Blackmail/Extortion 2712 Ex-Parte/Protective Order Violation 2713 Escapee *2714 False Alarm 2715 False Report of a Crime *2716 Fire Code Violation *2717 Fireworks				
0400 AGGRAVATED ASSAULT <i>(1st degree only)</i>	1300 STOLEN PROPERTY	2718 Harassment/Stalking 2719 Home Improvement Violation 2720 Impersonating a Police Officer 2721 Kidnapping *2722 Littering/Trash Dumping *2723 Panhandling *2724 Pornography 2725 Threatening/Annoying Phone Calls *2726 Trespassing *2727 Vendor Violation *2728 All Other Non-Traffic Criminal 2729 Fugitive from Justice <i>(outside of MD)</i>				
0500 BURGLARY <u>Night time, 2100-0600 hours</u> 0511 Night Residential 0512 Night Commercial 0513 Night School <u>Day time, 0600-2000 hours</u> 0521 Day Residential 0522 Day Commercial 0523 Day School <u>Multi-day or Time Unknown</u> 0531 Unk Time Residential 0532 Unk Time Commercial 0533 Unk Time School	1400 DAMAGED/DESTROYED PROPERTY 1410 All Other 1420 Graffiti	1500 WEAPON OFFENSES/EXPLOSIVE DEVICE OR THREAT 1511 All Others 1512 Bomb threat 1513 Explosive Device	1600 VICE CRIMES <i>(Gambling/Prostitution/Other)</i>	2800 MISCELLANEOUS TRAFFIC OFFENSES *2811 Abandoned Vehicle 2812 Driving Under the Influence *2813 All Other Traffic Hazard	3000 DEER COMPLAINTS *3011 Dead/Injured Deer in Road *3012 Deer-Other	
0600 LARCENY 0610 Pickpocket 0620 Purse Snatch 0630 Shoplifting 0640 From Vehicle 0650 Vehicle Part 0660 Bike 0670 From Building (not burglary) 0680 From Coin/Vending Machine 0690 All Other	1711 All Other 1712 Indecent Exposure 1714 Peeping Tom	1700 SEX OFFENSES <i>(does not include rape/attempts rape)</i>	2900 MISCELLANEOUS CALLS 291x Sudden Death 1 Accidental, Non-Traffic 2 Drowning 3 Natural 4 Undetermined	3100 HUNTING VIOLATIONS		
0700 AUTO THEFT/UNAUTHORIZED USE <i>(Includes rental car violation & joyriding)</i>	1800 CDS LAWS	2000 FAMILY/CUSTODIAL OFFENSES	2920 Accidental Drug Overdose (non-fatal) 2931 Animal Bite *2932 Animal Complaint *2934 Drunk *2935 Fire, Non-Arson *2937 Injury, Non-Traffic *2938 Police Information	5xxx TRAFFIC COLLISIONS 53xx Fatal 54xx Personal Injury *55xx Property Damage 1x Public Road/Street/Highway 2x Pkg. Lot/Garage, Public or Pvt. 3x Other Private Property 1 Collision 2 Hit & Run 3 Deer Collision 4 MCP Vehicle Involved		
Dash 1 Event verified and adjusted; no report, no arrest.	Dash 2 Event verified, report made; no arrest.	Dash 3 Event verified, no report, no physical arrest; traffic or parking citation issued.	Dash 4 Event verified, report made, arrest or charge made (to include criminal/civil citation).	Dash 5 Event not verified; no report.	Dash 6 Event unfounded; no report.	Dash 7 Event investigated and turned over to other police agency; no MCPD report.