



City of San Antonio

Legislation Details (With Text)

File #: 18-2082

Type: Staff Briefing - Without Ordinance

In control: Public Safety Committee

On agenda: 2/27/2018

Title: Briefing and Possible Action on the Proposed Re-Adoption of the Youth Curfew Ordinance. [Presented by William McManus, Chief of Police]

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
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DEPARTMENT: Police

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Re-adoption of Youth Curfew Ordinance

SUMMARY

Consideration of ordinance to re-adopt the Youth Curfew Ordinance which prohibits unsupervised youths ages 10-16 from public places during certain hours to minimize the likelihood of youths becoming victims of crime or participating in illegal activity that impacts quality of life.

BACKGROUND

On June 4, 2015, the re-adoption of the Youth Curfew Ordinance became effective. The curfew as mandated by Section 370.002 of the Texas Local Government Code requires that a municipality re-adopt the ordinance on every third anniversary of adoption for the purpose of reviewing its effectiveness and conducting public hearings to solicit community feedback.

Enforcement

Since 2015, there have been a total of 228 curfew violations as detailed in the table below.

Year	Night-time Violations	Day-time Violations
2015	106	11
2016	39	16
2017	32	24
TOTAL	177	51

It is important to note that all law enforcement agencies within Bexar County issue citations for youth curfew violations to include school district police departments. To provide context, in 2017, a total of 117 curfew citations were issued, of which SAPD accounted for 56 citations which represents 48% of all citations issued. The table below provides additional information on the agencies that issued curfew citations:

Agency	Citations Issued
San Antonio Police Department	56
Harlandale ISD	31
Edgewood ISD	17
South San ISD	7
San Antonio Park Police	6
TOTAL	117

The re-adoption of the youth curfew will continue to provide the SAPD, and area law enforcement agencies, with a valuable tool to:

- Reduce juvenile victimization
- Encourage regular school attendance
- Enhance parental supervision of children

Diversion Program

The Municipal Court offers a Class C Diversion Program for juveniles charged with non-traffic related Class C misdemeanor offenses to provide juveniles with an opportunity to prevent the filing of a criminal case. Once it is determined that a juvenile qualifies for the diversion program, the juvenile and parent are sent a notice to appear in court at which time the family meets with a case manager to confirm interest in participating in the program.

The Diversionary Contract confirms the agreement of the juvenile to meet the conditions of the program which may include assignment to classes and the completion of community service as directed by the case manager to be completed within 90 days. Throughout the 90 day period, the case manager will monitor the juvenile's progress and upon the successful completion of the program will notify the prosecutor to ensure the criminal case is not filed. The table below provides the status of the 117 citations issued last year:

Status	Number of Cases	% of Cases
Closed Successfully	42	36%
Closed as Conviction	6	5%
Deferred Disposition	8	7%
Plea Bargain	1	1%

Arrestment Setting	54	46%
Transferred - Bexar County	6	5%

Exceptions

The curfew will be in effect Sunday through Saturday between the hours of 11:00pm and 6:00am and Monday through Friday between the hours of 9:00am and 2:30pm when school is in session. Exceptions are granted for minors that are:

- Accompanied by a parent or other adult approved by parents
- On an emergency errand at the direction of his or her parent
- Attending or traveling to/from a school, government or religious activity
- Engaged in, or coming from lawful employment or volunteer work
- Exercising First Amendment rights to include free exercise of religion, freedom of speech and freedom of assembly
- Married, had been married or had disabilities of minorities removed in accordance with Chapter 31 of the Texas Family Code
- High school graduates or received high school equivalency certificate or has permission to be absent from school or to be in a public place from an authorized school official. For children that are home schooled, the parent is deemed a school official.

Penalties

The youth curfew establishes the following penalties for violations:

- Any minor violating the provisions of this article shall be guilty of a Class C misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of V.T.C.A., Family Code tit. 3. The offense will go on the record of the individual, however instructions are provided on the process for expunging the offense upon the eighteenth birthday of the offender.
- Parent(s) or guardian(s) of a minor violating this article shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
- In assessing punishment for either any parent(s), guardian(s) or a minor, the municipal court judges are encouraged to consider the community service program.

Engagement

The SAPD is in the process of soliciting feedback on the youth curfew ordinance from the San Antonio Youth Commission and every school district within the city.

- On February 23, a letter was sent to the superintendent of every school district within the City of San Antonio advising each respective district of the proposed re-adoption of the curfew ordinance. Each district is encouraged to communicate with appropriate personnel to develop a formal response to submit to the SAPD.
- On Saturday, March 31, 2018, Chief McManus is scheduled to make a presentation to the San Antonio Youth Commission, and a group of youth from throughout the city to be invited by the Commission, to provide an overview of the ordinance and obtain feedback.

ISSUE

This ordinance continues the City Council's policy of reviewing the Youth Curfew Ordinance every three years to determine whether the ordinance is re-adopted, amended, or abolished as required by Section 370.002 of the Texas Local Government Code.

RECOMMENDATION

SAPD recommends that City Council authorize the re-adoption of the youth curfew ordinance, acquire feedback from the Youth Commission and school districts, and present the final recommendations to the Public Safety Committee in April 2018.