



City of San Antonio

Legislation Details (With Text)

File #: 18-3496
Type: Miscellaneous Item
In control: City Council A Session
On agenda: 5/31/2018
Title: Public hearing and consideration of an Ordinance approving of and providing for the publication of the City's modified youth curfew ordinance, Chapter 21, Article V of the City Code of San Antonio, Texas. Changes include de-criminalizing violations of ordinance by children; and implementing the Youth Reengagement Initiative. [Erik J. Walsh, Deputy City Manager; William P. McManus, Chief of Police]
Sponsors:
Indexes:
Code sections:
Attachments: 1. DRAFT Youth Curfew Ordinance 052218, 2. Ordinance 2018-05-31-0402, 3. Staff Presentation

| Date | Ver. | Action By | Action | Result |
|-----------|------|------------------------|-------------------|--------|
| 5/31/2018 | 1 | City Council A Session | Motion to Approve | Pass |

DEPARTMENT: Police

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Re-adoption of Youth Curfew Ordinance and Youth Re-engagement Initiative

SUMMARY:

Consideration of San Antonio Police Department's recommendation to re-adopt the Youth Curfew Ordinance with revisions that decriminalizes violations by minors and the implementation of the Youth re-Engagement Initiative in coordination with the Department of Human Services and Municipal Court.

BACKGROUND INFORMATION:

The City's current Youth Curfew Ordinance went into effect on June 4, 2015. Section 370.002 of the Texas Local Government Code requires municipalities to 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. The table below provides information on the number of citations issued in 2017 among responsive Texas cities with youth curfew ordinances:

| City | Citations Issued |
|----------------|-----------------------------|
| El Paso | 487 |
| Corpus Christi | 215 |
| Dallas | 271 |
| Austin | Ordinance Allowed to Expire |

The purpose of instituting a youth curfew is to minimize the likelihood of youth becoming victims of a crime or participating in illegal activity that negatively impacts the community's quality of life. The current ordinance prohibits unsupervised youths ages 10-16 from public places between the hours of 11:00 p.m. to 6:00 a.m. and 9:00am to 2:30pm Monday through Friday when school is in session.

The current ordinance allows the following penalties:

- 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.

Since 2015, there have been a total of 276 curfew violations by all law enforcement agencies within Bexar County, which includes school district police departments. To provide context, the table below provides the total number of citations issued by agency and confirms that the SAPD accounted for 56% of all citations issued during this period.

| Agency | 2015 | 2016 | 2017 | Agency Total |
|-------------------------------|-----------|-----------|------------|--------------|
| SAN ANTONIO POLICE DEPARTMENT | 48 | 25 | 56 | 129 |
| HARLANDALE ISD POLICE DEPT. | 18 | 19 | 31 | 68 |
| EDGEWOOD ISD POLICE DEPT. | 8 | 21 | 17 | 46 |
| SAN ANTONIO PARK POLICE | 14 | 6 | 6 | 26 |
| SOUTH SAN ISD POLICE DEPT. | - | - | 7 | 7 |
| Annual Totals | 88 | 71 | 117 | 276 |

The below provides a demographic breakdown of the individuals issued a curfew citation:

| Gender | |
|---------|-------|
| Male | 59.7% |
| Female | 33.3% |
| Unknown | 6.9% |

| Race | |
|------------------|-------|
| White | 44.1% |
| Hispanic/Latin | 39.6% |
| African American | 9.4% |
| Unknown | 6.9% |

It is important to note that since 2015 there were no individuals cited for multiple curfew violations. All 276 youths issued citations participated in the Municipal Court Diversion Program of which 78 did not successfully complete the program.

The San Antonio Police Department conducted two presentations to the Public Safety Committee during its February and April meetings, respectively for the purpose of soliciting public input with respect to the effectiveness of the ordinance. In addition, Chief McManus and representatives from Municipal Court met with the San Antonio Youth Commission (SAYC), which is comprised of 22 high school students appointed by the Mayor and each council district, to provide an overview of the ordinance and obtain feedback. The SAYC issued a formal response to SAPD regarding the youth curfew ordinance that expressed support for the decriminalization of youths and the creation of penalties for parents. The Commission also expressed support for the Re-engagement Center and the related services and resources that will be dedicated to addressing the factors that contribute to truancy and curfew violations.

To ensure SAPD is responsive to community concerns, the ordinance has been amended to include two new major provisions: (1) it decriminalizes curfew violations by minors; and (2) it creates an asset-based option for youth who are violating the city's curfew to be redirected to a new after-hours Juvenile Case Management Department of the San Antonio Municipal Court/Truancy Court (JCMD).

At the JCMD, the youth will receive intensive trauma-informed case management services by staff trained to work with at-risk youth. Additional follow-up will be conducted by the JCMD to ensure that the youths' educational, social and mental needs are being addressed comprehensively, which includes working with parents/guardians and school district personnel.

The JCMD is a component of an initiative proposed by seven City of San Antonio departments. Led by DHS and the Municipal Court, the City is exploring the creation of a re-engagement center to address the issues that cause youth to engage in inappropriate and/or harmful activities as opposed to just addressing the disruptive behaviors. To this end, DHS proposed at the City Council at the April 4 B Session to allocate consolidated funding resources to provide services for the center.

For FY19, DHS and the Municipal Court are exploring the feasibility of incorporating the Juvenile Case Management Department of the San Antonio Municipal Court/Truancy Court into the City's Re-engagement of Youth Initiative that would be partially supported through the consolidated funding process. DHS and the Municipal Court will seek grant funds to supplement the initiative in FY 2019, additionally funds maybe requested through the FY 2019 City budget process.

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.

ALTERNATIVES:

The City Council may not re-adopt the youth curfew ordinance adopted in June 2015, which would result in the ordinance

expiring.

FISCAL IMPACT:

There is no additional impact to the FY 2018 Adopted Budget to fund a new after-hours Juvenile Case Management Division of the San Antonio Municipal Court/Tuancy Court. Funding for current staff exists in the Municipal Court Juvenile Case Managers Fund budget from June 1 thru September 30, 2018.

RECOMMENDATION:

SAPD recommends that City Council authorize the re-adoption of the youth curfew ordinance that decriminalizes penalties to youth and refer children in violation of the curfew ordinance to the Juvenile Case Management Division of the San Antonio Municipal Court/Tuancy Court.