



City of San Antonio

Agenda Memorandum

File Number:15-2160

Agenda Item Number: 4.

Agenda Date: 4/30/2015

In Control: City Council A Session

DEPARTMENT: Police

DEPARTMENT HEAD: Anthony L. Treviño, Interim Chief of Police

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Re-adoption of the Youth Curfew Ordinance

SUMMARY:

This ordinance will reauthorize the City's Youth Curfew Ordinance which restricts unsupervised youths ages 10 -16 from public places during certain hours and helps to keep juveniles off the street in order to prevent and reduce certain crimes from occurring, such as property crimes, graffiti, and disorderly conduct.

BACKGROUND INFORMATION:

On July 25, 1991, the City Council of San Antonio adopted a curfew ordinance restricting unsupervised youths from public places during selected hours. The City Council approved the renewal of the curfew ordinance on May 17, 2012 restricting unsupervised youths from public places during selected time frames. The Texas Local Government Code requires that before every third anniversary of the adoption of the juvenile curfew ordinance, the governing body of the home rule city must review the ordinance's effect on the community and on the problems the ordinance was intended to remedy, and conduct public hearings on the need to continue the ordinance. It also set forth that the City must abolish, continue, or modify the ordinance, or else the ordinance will automatically expire.

Several major Texas cities have similar curfew restrictions for minors. Austin, Corpus Christi, Dallas, and Houston all have curfew ordinances in place. In each location, the curfew applies to individuals under the age of seventeen. The weekday evening curfew time frame in each city is from 11:00 pm to 6:00 am. With the exception of Austin, the other cities also have a weekday morning curfew which begins at 9:00 am and lasts until at least 2:30 pm. The San Antonio youth curfew ordinance is in line with the other major Texas cities.

If an officer observes an individual who appears to be in violation of the curfew ordinance, upon verifying his/her age, the officer may issue a citation or warning for the violation, or generate a police report depending on the circumstances. The officer would then contact an adult guardian to take custody of the minor. If no guardian is available, the officer would return the minor to the San Antonio Police Juvenile Processing Office whereby he/she would remain secure until an adult guardian was located.

Over the last three years, the average number of curfew violations generated was 125. Over the same period, the average number of curfew warnings generated per year was 252. The number of citations generated during the morning and evening curfew hours is split evenly, with approximately 51% of the citations being issued in the evening and 49% issued during the morning and early afternoon hours. There are multiple agencies which utilize the ordinance, which include the San Antonio Police Department (SAPD), San Antonio Park Police Department, and multiple school district police departments.

The curfew will be in effect from Sunday through Saturday between the hours of 11:00 pm and 6:00 am, and Monday through Friday between the hours of 9:00 am and 2:30 pm while school is in session. The following are certain exemptions to the curfew ordinance:

- the juvenile is accompanied by a parent or approved guardian;
- the juvenile was on an emergency errand directed by a parent or guardian;
- the juvenile is going to or from a school, government, or religious sponsored event without detour or stop;
- the juvenile is going to or from an employer or location of volunteer work at a recognized charity institution without detour or stop;
- the juvenile is on the sidewalk of the place where the juvenile resides or where they have permission from their parent or guardian to be;
- the juvenile is in a motor vehicle involved in intrastate/interstate transportation or transportation for which passage through the curfew area is the most direct route;
- the juvenile is exercising their Constitutional right of free speech, religion, or assembly;
- the juvenile is married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; and
- the juvenile was out past curfew during the scheduled vacation or holiday period observed by the school in which the minor is enrolled, or the minor has graduated from high school or received a high school equivalency certificate, or the minor has permission to be absent from school or be in a public place from an authorized school official. In the case of a juvenile who is being home schooled, the parent shall be deemed the school official.

The SAPD met with various stakeholders to review the effects of the youth curfew. Included in the discussion were liaisons with Municipal Court, SAPD Juvenile Processing Office, SAPD Gang Detail, San Antonio Park Police, and various School District Police Departments. It was determined the curfew ordinance was an important tool to accomplish law enforcement objectives and no modifications to the ordinance needed to be made.

This youth curfew ordinance renewal review was discussed by the Public Safety Committee on March 4th, 2015. The committee voted to forward the proposal to the full City Council for consideration. A public hearing was held by full Council on April 8th. City Council will consider re-adoption of the youth curfew ordinance at the conclusion of the second and final public hearing.

ISSUE:

This ordinance continues the City Council's policy of reviewing the youth curfew ordinance every three years in order to determine whether or not the ordinance needs to be reauthorized, amended, or abolished as required by the Texas Local Government Code.

ALTERNATIVES:

City Council may choose to abolish, continue, or modify the ordinance, or do nothing in which case the ordinance will automatically expire.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Staff recommends the Public Safety Committee approve readopting the youth curfew ordinance and send to the full City Council for approval.