

Source: City Manager

Agenda Item No: REP 104-13

To: **City Council**

From: **City Manager and Staff**

Council Meeting Date: Jul 1, 2013

Re: Tools and Strategies for Addressing Youth and Gang Violence

EXECUTIVE SUMMARY:

Cities across the country have used youth curfews to address growing public concern about juvenile crime and violence. By reducing the number of youth on the street during certain hours, curfews are assumed to lower the risk factors associated with youth crime. In addition to preventing crime, the curfews are also argued to protect youth from dangerous situations. Curfews have been widely cited by policy makers as an effective tool for reducing crime while academic research shows mixed results. A multi-layered approach is suggested to reduce juvenile crime, including graffiti removal and prevention, after school and evening programs, employment programs, mentorship, and early childhood intervention. Although these tools may not completely eradicate the issue, it may provide a starting point in crime prevention. We also recommend that an evidence-based process carried out by a select group of professionals, experts, and key stakeholders be used to determine how and what tools and strategies will best work for Columbia.

DISCUSSION:

Past City Efforts

Gang violence, juvenile crime, and the relationship between the two are unfortunately not new issues for Columbia and the city has responded with various programs and strategies. In the last 10 years there have been several responses to increased incidents of violence and spikes in the local crime rates. In 2002 and 2003 the Council considered implementing a citywide curfew for persons under the age 17. A proposed curfew ordinance was withdrawn in June of 2003. In 2004 the 4th Squad was revived to improve enforcement and relations between police and residents in the central city. 2006 to 2007 saw a noticeable rise in crime rates that prompted the city to create a multi-agency Violent Crimes Task Force. In general the city has reacted to youth violence with increased enforcement and police attention in specific areas of the city. The goals of these efforts go beyond enforcement and have focused on creating a better relationship between law enforcement and citizens.

Tools and Strategies for Reducing Youth Violence and Gang Crime

There is a good reason to link youth violence and gang prevention efforts together, as gangs often recruit new members at a very young age. Below is a list of common tools and strategies that are used across the world to prevent youth violence. We have provided a brief summary of the research and uses of these strategies and tools, as well as, a recommendation for how they could work in Columbia. We have also provided a brief list of academic research articles related to each strategy and tool. Many of these articles are literature reviews and meta-analysis that review the body of academic literature surrounding the tool or strategy.

Curfew

Curfews are justified by the need to keep juveniles away from crime, violence, and gang activities. According to several studies, law enforcement professionals generally view a juvenile curfew ordinance as an effective means to combat late evening crime. Curfews are also intended to protect youth from becoming victims of crime. Curfews are typically imposed on persons under seventeen between the hours of 11:00 PM-12:00 AM to 5:00-5:30 AM, hours vary from city to city and on weekends. During curfew hours juveniles are not allowed in any public places or any privately owned business. There are exceptions to the curfew that include going to and from a religious service, employment, and etc. (see attached 2003 Council Ordinance and Reports).

Juvenile curfew ordinances are common and have a long history in the United States. According to research, by 1999, 72 of the 98 cities sampled with populations greater than 180,000 had established juvenile curfew laws. In order to pass constitutional muster, laws that impinge on fundamental constitutional rights must pass a two-pronged strict scrutiny test that requires jurisdictions to demonstrate that there is a compelling State interest, and narrowly tailor the means to achieve the law's objective. These legal concerns were addressed by the city's Law Department in the 2002 and 2003 reports for a curfew.

Kansas City and St. Louis have curfew ordinances as do many other communities throughout Missouri. In response to juvenile crime incidents the Kansas City Police Department began aggressively ticketing youth who are violating curfew in the Westport and Plaza areas. The ordinance applies citywide but Kansas City enforces the ordinance primarily in concentrated areas where juvenile crime occurs. According to the St. Louis Police Department, the curfew is enforced in problem areas or when police receive a call that there is a violation. If Columbia adopts a juvenile curfew the Police Department anticipates the downtown area will be a major source of violations. Additional information about other cities that have implemented curfews can be found in Table 1.

Although the impact of curfews on crime and delinquency nationally is debated many local governments have reported favorable outcomes including reductions in crime during curfew hours. Studies that have focused on only cities that have a curfew have found significant decreases in juvenile crime while studies that have compared cities with curfews to those without have found mixed results. It is important to keep in mind that in many of the successful curfew case studies the curfew was part of a larger public campaign to reduce youth and gang violence. It is hard to determine if the curfew alone is responsible for the reduction in crime or all of the other components that went into the campaign including the added public attention from awareness efforts and media attention.

As with any new program we recommend a program evaluation process for any considered curfew ordinance. This would involve gathering juvenile crime statistics for the years before the ordinance is implemented and for the years after with a mandated and regular reporting schedule concerning the effectiveness of the ordinance. It would also be prudent to measure the long term effects of the curfew by examining any impact on crimes committed by young adults (18-25).

We feel that the conditions and wording of the previously considered ordinance are sufficient for implementing a reasoned and enforceable curfew. We would recommend that any future curfew ordinance pair the curfew enforcement with programming and processes for involving parents and ensuring that youths not become repeat curfew violators. Instead of just being dropped off at their homes or picked up by their parents from the police station, youths would be brought to a facility staffed with volunteers, neighborhood leaders, or even social and psychological professionals. Youths and parents could agree to a process of community service or regular meetings with a mentor or professional instead of dealing with the violation in the court system. This idea is modeled after Denver's SafeNite program. While Denver's curfew can be enforced year round it is actively enforced during the Spring and Summer months when the weather is warmer and when the SafeNite program operates. Violators are brought to the curfew center in a police station where parents can meet them and agree to a program as an alternative to a court process. A program like SafeNite could help make a curfew more amenable to Columbia residents and could also increase the prevention goals of the curfew.

McDowall, David, Colin Loftin, and Brian Wiersema. "The impact of youth curfew laws on juvenile crime rates." *Crime & Delinquency* 46.1 (2000): 76-91.
<http://www.youthrights.org/newnyrasite/wp-content/uploads/downloads/2011/06/impact-of-youth-curfew-laws-on-juv-crime.pdf>

Males, Mike, and Dan Macallair. "An analysis of curfew enforcement and juvenile crime in California." *Western Criminology Review* 1.2 (1999): 1-20.
<https://wcr.sonoma.edu/v1n2/males.html>

Fritsch, Eric J., Tory J. Caeti, and Robert W. Taylor. "Gang suppression through saturation patrol, aggressive curfew, and truancy enforcement: A quasi-experimental test of the Dallas anti-gang initiative." *Crime & Delinquency* 45.1 (1999): 122-139.

Ruefle, William, and Kenneith Mike Reynolds. "Keep them at home: Juvenile curfew ordinances in 200 American cities." *American Journal of Police* 15.1 (1996): 63-84.
<http://elmu.umm.ac.id/file.php/1/jurnal/A/American%2520Journal%2520of%2520Police/Vol15.Issue1.1996/18015ad2.pdf>

Kline, Patrick. "The impact of juvenile curfew laws on arrests of youth and adults." *American law and economics review* 14.1 (2012): 44-67.
http://elsa.berkeley.edu/~pkline/papers/curfews_resubmit.pdf

Graffiti Removal and Abatement

Graffiti exist in many different forms ranging from simple tags or signatures to the use of gang symbols to communicate territory and intimidation. The hypothesized negative impact of graffiti on a neighborhood and public safety is closely related the Broken Windows Theory proposed in 1982 by James Q. Wilson and George L. Kelling. The theory proposes that not maintaining property and not dealing with property code or minor violations can lead to an increase in more serious crimes.

Cities have used a variety of approaches to counter the prevalence of graffiti, especially gang related graffiti. There are two overarching strategies that can be taken when dealing with graffiti: remove it and prevent it. Most cities attack graffiti with both strategies. Graffiti reporting hotlines, neighborhood volunteer groups, and dedicated graffiti removal staff are the most common tools used for the removal graffiti. Graffiti abatement or prevention can be approached by going after graffiti artist or taggers themselves or by creating physical surfaces that are difficult or less desirable to deface. Arresting graffiti offenders can be difficult as it is hard to link one person to multiple incidences of graffiti in an area. A far more effective approach is to provide programs that keep youth from ever becoming involved in graffiti or gangs in the first place. Landscaping, outdoor lighting, rough surfaces, and public art are used to make areas more difficult and less desirable to vandalize.

Columbia addresses graffiti using both removal and prevention strategies. The Office of Neighborhood Services provides a Graffiti Hotline, online reporting of graffiti, and provides cleaning supplies and information for graffiti removal to volunteer groups and neighborhood associations. The city and various businesses, schools, and organizations in Columbia have utilized public art projects on utility boxes and building walls to make spaces less desirable for graffiti. A public awareness campaign about graffiti and its relation to gang violence could stimulate an increase in volunteers organizing graffiti removal and an increase in reporting of graffiti. A public awareness campaign would also need to be paired with increasing the stock of cleaning materials provided to volunteers and possibly city staff and equipment for removing large or difficult pieces of graffiti. Focusing on mobilizing and supporting a volunteer driven effort not only removes graffiti, it can have multiple spillover effects for creating safer and more engaged neighborhoods.

References

Allen, Daniel. "Fighting Graffiti: An Investigation of Causes and Solutions." (2006).
<http://www.cura.umn.edu/sites/cura.advantagelabs.com/files/publications/NPCR-1252.pdf>

Jobes, Patrick C. "Vandalism in Rapidly Developing Rural Areas: Consequences of." *Vandalism: Research, Prevention and Social Policy* (1992): 265.
<http://lup.lub.lu.se/luur/download?func=downloadFile&recordId=802027&fileId=802127#page=173>

After School and Evening Programs

Several studies of curfew enforcement show that additional community collaborations greatly decrease the likelihood of juvenile curfew violations. The combination of curfew, summer jobs program, and evening recreation programs can result in a reduction in juvenile crime during curfew hours. Evening and after school programs provide a positive alternative for youths to spend their time. Currently the city supports this kind of programming through the Health Department funding for several non-profits and Recreation programs at the Armory. Some of these programs and activities could be better directed towards at risk youth and utilize accredited, validated, and evidenced based curriculum that produce positive results for participants.

Many nonprofits have a working relationship with the city, these programs can be utilized as after school and evening programs for juveniles. In addition to after school and evening programs increased involvement in constructive activities, espousing anti drug attitudes, and teaching social skills are needed. Programs such as the Boys and Girls Club, can provide after school activities, and a positive environment for juveniles to foster positive development. Partnering with youth council to develop ideas can also prove to be a successful collaboration tool for youth and the city.

Durlak, Joseph A., Roger P. Weissberg, and Molly Pachan. "A meta-analysis of after-school programs that seek to promote personal and social skills in children and adolescents." *American journal of community psychology* 45.3-4 (2010): 294-309.

<http://txpost.org/sites/txpost.org/files/www/durlak-and-weissberg-a-meta-analysis-of-after-school-programs-that-seek-to-promote-personal-and-social-skills-in-children-and-adolescents1.pdf>

Durlak, Joseph A., et al. "The impact of enhancing students' social and emotional learning: A meta-analysis of school-based universal interventions." *Child development* 82.1 (2011): 405-432.
<http://femhc.org/Portals/2/Publications/ChildrensSummit2012/Play%20and%20Social-Emotional%20Learning/SEL-MetaAnalysis.pdf>

Mentorship

Mentoring programs for disadvantaged children and adolescents are being recognized as an excellent way to use volunteers and deter juvenile violence. Through a mentoring relationship, adult volunteers and participating youth can gain valuable experience and start a meaningful dialogue. Collaborations with local high schools, middle schools, churches and non-profit groups could increase mentorship within the city. A preliminary review of academic research reveals that mentoring can have significant impacts on positive outcomes ranging from school achievement, abstention from drugs and alcohol, to avoidance of violence.

The Health Department provides funding to numerous non-profits and organizations that provide a variety of social services including several mentoring programs for at risk youth. These programs are periodically evaluated by the department via a contract with the Institute of Public Policy in the Harry S. Truman School of Public Affairs. Increasing the funds available to be distributed and requiring the funds be used for high performing mentoring programs could help boost the impact of mentorship programs.

Beier, Sharon R., et al. "The potential role of an adult mentor in influencing high-risk behaviors in adolescents." *Archives of pediatrics & adolescent medicine* 154.4 (2000): 327.
<http://archpedi.jamanetwork.com/article.aspx?articleid=348966>

Rollin, Stephen A., et al. "A school-based violence prevention model for at-risk eighth grade youth." *Psychology in the Schools* 40.4 (2003): 403-416.
http://socialwork.usc.edu/~rastor/chaptersincalifornia/data%20collection/literature_instruments/administrative_2.pdf

http://www.gocolumbiamo.com/Health/HumanServices/Documents/Evaluation/2004_evaluation_report.pdf

http://www.gocolumbiamo.com/Health/HumanServices/Programs/Social_Service/documents/2011EvaluationCYF-finalreport.pdf

Employment Programs

While many after school and evening programs focus on improving social skills and providing a safe environment for youth, employment programs focus on providing youth with the skills needed to enter the workforce. Created in 1982, the City of Columbia's Career Awareness Related Experience (C.A.R.E) program has served Columbia's youth age 14-18. The program focuses first on creating basic work skills and building good work ethic for the future. The young participants work in order to learn the value of a dollar. CARE also provides free tutoring for the participants of the program. During the summer the youth can work on a variety of different settings such as the office, retail, salon, art studio, daycare, school, and outdoor labor. Trainees work 20 hours per week and earn minimum wage during the eight-week program. Wages and liability coverage are paid by the City of Columbia. In addition to the summer program, the city also has a Missouri Options Program Collaboration. According to City statistics, the program increases Columbia's graduation rate and reduces the high school truancy rate. Local Missouri Option students MUST BE referred to the C.A.R.E. program for employment and tutoring assistance by their cooperating Missouri Option teacher. Students work up to 20 hours per week and earn minimum wage until they graduate or find their own employment. About 150 high-risk Missouri Option students have graduated with the assistance of the C.A.R.E. program.

We would recommend a formal program evaluation of the C.A.R.E. program to understand if it is meeting its goals. After the evaluation needed improvements could be made and if desired greater resources could be dedicated to the program.

Early Childhood Intervention

A quick scan of the academic literature regarding the most effective approaches in terms of impact and cost for reducing a whole host of negative youth outcomes brings early intervention to the top. Whether it is access to quality daycare, regular in home visits from specialists, or regular visits to a specialist, action taken in the formative years from birth through elementary school can have a measurable impact on the likelihood that an individual will be arrested, engage in risky sexual behavior, graduate from high school, attend college, earn a higher income, and etc. These programs are often comprehensive, long term, and involve health and social service professionals educating parents, creating stronger bonds between the child, parent(s), and teachers, and ensuring that the child is living in a safe and violence free environment. Although it may seem intensive and costly several studies have determined that it is far more cost effective to deal with these issues earlier in life rather than later. Not only are there numerous studies supporting the use of early childhood prevention programs, but there are also numerous studies concerning how to select and implement these programs in a specific community.

The Public Health Department's Healthy Babies Home Visiting Program offers free monthly visits from a social services specialist. The program can help with: car seats, cribs, clothing, diapers, WIC, food stamps, Medicaid and breastfeeding. Missouri's Children's Trust Fund contributes a portion of funds for this program. The program is moving toward compliance with the national curriculum for the "Partners for a Healthy Baby". To come into compliance and provide the needed quality of care the program will have to cut the number of participants in half from 100 to 50. Bringing the number of participants back to 100 would require 2 additional social workers and additional resources totaling approximately \$150,000.

References

Webster-Stratton, Carolyn, and Ted Taylor. "Nipping early risk factors in the bud: Preventing substance abuse, delinquency, and violence in adolescence through interventions targeted at young children (0-8 years)." *Prevention science* 2.3 (2001): 165-192.

<http://archpedi.jamanetwork.com/article.aspx?articleid=570882>

Kellermann, Arthur L., et al. "PREVENTING YOUTH VIOLENCE: What Works?*" *Annual review of public health* 19.1 (1998): 271-292.

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Bilukha, Oleg, et al. "The effectiveness of early childhood home visitation in preventing violence." *American journal of preventive medicine* 28.1 (2005): 11-39.

<http://www.thecommunityguide.org/violence/viol-AJPM-evrev-home-visit.pdf>

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Rivara, Frederick P., and David P. Farrington. "Prevention of violence: role of the pediatrician." *Archives of pediatrics & adolescent medicine* 149.4 (1995): 421.

<http://archpedi.jamanetwork.com/article.aspx?articleid=517526>

Durlak, Joseph A., and Anne M. Wells. "Primary prevention mental health programs for children and adolescents: A meta-analytic review." *American journal of community psychology* 25.2 (1997): 115-152.

http://hmprg.org/assets/root/PDFs/2012/07/prevention_meta_analysis_durlak_wells_1997.pdf

Eckenrode, John, et al. "Long-term effects of prenatal and infancy nurse home visitation on the life course of youths: 19-year follow-up of a randomized trial." *Archives of pediatrics & adolescent medicine* 164.1 (2010): 9.

<http://archpedi.jamanetwork.com/article.aspx?articleid=382597>

Florida State University, Center for Prevention and Early Intervention Policy, Partners for a Healthy Baby: <http://www.cpeip.fsu.edu/PHB/>

FISCAL IMPACT:**VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

SUGGESTED COUNCIL ACTIONS:**Informational**

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?		Federal or State mandated?	
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?		Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?		Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	
One Time	\$0.00	Requires add'l FTE Personnel?		Primary Vision, Strategy and/or Goal Item #	
Operating/ Ongoing	\$0.00	Requires add'l facilities?		Secondary Vision, Strategy and/or Goal Item #	
		Requires add'l capital equipment?		Fiscal year implementation Task #	

Introduced by Hindman

First Reading 5-5-03

Second Reading 5-19-03

Third Reading 6-2-03

Ordinance No. _____

Council Bill No. B 152-03

AN ORDINANCE

amending Chapter 16 of the City Code to add a new article establishing a juvenile curfew; and fixing the time when this ordinance shall become effective.

WHEREAS, the City Council has determined that there is a serious problem of juveniles congregating late at night and engaging in unlawful and disruptive behavior including fighting, drug sale and use, and noise violations; and

WHEREAS, the Council has determined that a significant number of juveniles participate in large alcohol based parties during the curfew hours set forth in this ordinance; and

WHEREAS, the Council has determined that there are few open businesses or legitimate recreational opportunities for juveniles during the curfew hours set forth in this ordinance; and

WHEREAS, the Council has determined that this juvenile curfew ordinance will reduce juvenile violence and crime, protect juveniles from becoming victims of crime and strengthen parental responsibility for children.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 16 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended by adding the following Article IV:

ARTICLE IV. JUVENILE CURFEW

Sec. 16-300. Purpose.

The purpose of this article is to:

- (1) Promote the general welfare and protect the public by reducing and preventing juvenile violence and crime within the city;

(2) Promote the safety and well-being of citizens under the age of seventeen, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities and being victimized by older criminals; and

(3) Foster and strengthen parental responsibility for children.

Sec. 16-301. Definitions and rules of construction.

The following definitions and rules of construction apply to this article:

"Curfew hours" means:

- a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 5:30 a.m. the following day; and
- b) 11:59 p.m. on any Friday or Saturday until 5:30 a.m. the following day.

"Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident.

"Establishment" means any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, restaurants, bars, stores, or any place of amusement or entertainment.

"Guardian" means:

- a) A person who, under court order, is the guardian of the person of a minor; and
- b) A public or private agency with whom a minor has been placed by a court.

"Knowingly" includes constructive knowledge as well as actual knowledge. A parent or guardian is considered to have the knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the parent's or guardian's legal custody.

"Minor" means any person under seventeen years of age.

"Parent" means a person who is either a natural parent or a parent by adoption.

"Permit" means to give permission to; or to allow by silent consent, by not prohibiting, or by failing to exercise reasonable control.

"Responsible adult" means any person twenty-one years of age or over.

"Public place" means any place, whether publicly or privately owned, which is open to the public.

Sec. 16-302. Offenses.

(a) It shall be unlawful for any minor to be in an establishment or public place during curfew hours.

(b) It shall be unlawful for any parent or guardian of a minor to knowingly permit the minor to be in an establishment or public place during curfew hours.

Sec. 16-303. Defenses.

The following are affirmative defenses to a charge of violating section 16-302:

- (1). The minor was accompanied by a parent, guardian or other responsible adult to whom the minor's parent or guardian had expressly given permission to accompany the minor.
- (2) The minor was engaged in an employment activity or going to or returning home from employment, without any detour or delay.
- (3) The minor was attending an official school, religious or recreational activity supervised by adults or going to or returning from such activities by a direct route without any detour or delay.
- (4) The minor was involved in an emergency.
- (5) The minor was on an errand at the direction of the minor's parent or guardian, without any detour or delay, and was in possession of a note from the parent or guardian describing the errand.
- (6) The minor was in a motor vehicle involved in interstate travel.
- (7) The minor was on the sidewalk abutting the minor's residence.
- (8) The minor was exercising first amendment rights protected by the United States constitution.

Sec. 16-304. Enforcement.

(a) Before taking any enforcement action under this article, a police officer shall attempt to determine the age of the apparent minor offender and the

reason for the individual being in the establishment or public place during curfew hours. The police officer may take enforcement action if the officer reasonably believes that an offense has occurred and no credible defense is available.

(b) If the minor involved in a violation of this article has not been previously issued a warning of curfew violation and if the minor provides the police officer with credible information concerning the name, telephone number and address of the minor's parent or guardian, the police officer shall give the individual a written warning of the curfew violation and order the minor to go home. If the minor fails to provide credible information concerning the name, telephone number and address of the parent or guardian or does not immediately comply with the order to go home, the officer may take the minor into custody and refer the minor to the juvenile authorities.

(c) The parent or guardian of a minor who is issued a first warning under subsection (b) shall be provided with a copy of the written warning of curfew violation either in person or by United States mail. The parent or guardian of a minor who is issued a second warning under subsection (b) shall be provided with a copy of the written warning of curfew violation in person and shall be advised of the penalty for violating section 16-302(b).

(d) No parent or guardian shall be prosecuted for a violation of section 16-302(b) unless the parent or guardian has previously received the warnings described in subsection (c). Failure of the police to follow the enforcement provisions of this section shall be an affirmative defense to a charge of violating section 16-302(b).

(e) If a minor involved in a violation of this article has been previously issued a warning of curfew violation, the minor may be taken into custody and referred to the juvenile authorities.

Sec. 16-305. Penalty.

Any person convicted of violating any of the provisions of this article shall be punished by a fine of not more than one thousand dollars (\$1,000.00).

SECTION 2. This ordinance shall be in full force and effect from and after June 19, 2003.


PASSED this _____ day of _____, 2003.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor

Source

Agenda Item No. B152-03

Law

1TB

TO: City Council

FROM: City Manager and Staff *JB*

DATE: April 25, 2003

RE: Juvenile Curfew Ordinance

SUMMARY

As directed by the City Council, a juvenile curfew ordinance has been drafted for Council consideration. The ordinance would impose a curfew on persons under seventeen between the hours of 11:00 p.m. and 5:30 a.m. on weekdays and between midnight and 5:30 a.m. on weekends.

Juvenile curfew ordinances have been subjected to numerous court challenges. A juvenile curfew ordinance is more likely to be upheld if it is supported by a detailed analysis of the need for the ordinance and if it contains numerous exemptions to avoid restricting the personal liberty of juveniles any more than necessary to accomplish its legislative purpose.

The Police Department has provided juvenile crime statistics and anecdotal information the Department believes justifies the need for a juvenile curfew ordinance. The proposed ordinance contains numerous exemptions copied from ordinances that have been upheld by federal courts.

DISCUSSION

At the August 19, 2002 City Council meeting, staff was directed to prepare a report on the feasibility of passage of a juvenile curfew ordinance. This report (copy attached) was prepared and placed on the October 21, 2002 agenda. The issue has been discussed at several Council work sessions and, as directed by Council, a proposed ordinance has been drafted for Council consideration.

The proposed ordinance would impose a curfew on juveniles (persons under 17) between 11:00 p.m. (midnight on Friday and Saturday) and 5:30 a.m.

During curfew hours juveniles would not be allowed in any public place or in any privately owned place of business. It would also be unlawful for any parent or guardian to knowingly permit a juvenile to violate curfew.

The following affirmative defenses would be available to a charge of violating the curfew ordinance:

1. The juvenile was with a parent, guardian or other responsible adult to whom the juvenile's parent or a guardian had given permission to accompany the minor.
2. The minor was at work or going to or coming from work.

Fiscal Impact

YES

NO

Other Info.

3. The juvenile was attending an official school, religious or recreational activity supervised by adults or going to or from such activities.
4. The juvenile was involved in an emergency.
5. The juvenile was on an errand at the direction of the juvenile's parent or guardian and was in possession of a note from the parent or guardian describing the errand.
6. The juvenile was in a motor vehicle involved in interstate travel.
7. The juvenile was on the sidewalk abutting the juvenile's residence.
8. The juvenile was exercising first amendment rights protected by the United States Constitution.

For a first offense, a juvenile would be given a written warning and a copy of the warning would be mailed to the parent or guardian. For a second or subsequent offense, a juvenile could be taken into custody and referred to the juvenile authorities.

Under the proposed ordinance, the parent or guardian of the juvenile who was issued a second warning of curfew violation would be provided with a copy of the warning in person and advised of the penalty for permitting a minor to violate curfew. If a parent or guardian would be charged with permitting a minor to violate curfew, it would be an affirmative defense that the required warnings were not given.

The maximum penalty for violating the juvenile curfew ordinance by a parent or guardian would be \$1,000.

The Police Department has prepared a report (copy attached) containing juvenile crime statistics and describing some of the problems the department has experienced with juveniles and how a juvenile curfew ordinance would be used in dealing with these problems.

SUGGESTED COUNCIL ACTION

If the Council wishes to establish a juvenile curfew and is satisfied that the need for a juvenile curfew has been adequately documented, the proposed ordinance should be passed.

Source

Agenda Item No. B

Law

1B

TO: City Council

FROM: City Manager and Staff *MB*

DATE: October 14, 2002

RE: Juvenile Curfew Ordinance

SUMMARY

At the August 19, 2002 City Council meeting, staff was directed to prepare a report on what Columbia could do regarding passage of a juvenile curfew ordinance and what other cities are doing.

Columbia could enact a juvenile curfew ordinance but the need for such an ordinance should be carefully documented before enactment and the ordinance should contain sufficient exemptions to safeguard the constitutional rights of juveniles and their parents.

Juvenile curfew ordinances are common, especially among larger cities. Kansas City and St. Louis have curfew ordinances and use them primarily in problem areas.

DISCUSSION

Proponents of juvenile curfew ordinances claim the ordinances protect nondelinquent juveniles from crime and deny delinquent juveniles opportunities to engage in crime. Proponents also claim that curfew ordinances provide police with a legitimate way to disperse late night crowds of juveniles. Proponents argue that curfew ordinances support parents who wish to restrict the late night activities of their children. (Where there are no curfew ordinances, it can be difficult for parents to place restrictions on their children when other juveniles are allowed out late at night.)

Opponents of juvenile curfew ordinances question the effectiveness of such laws and argue that the ordinances violate various constitutional rights of juveniles and their parents. Selective enforcement of juvenile curfew ordinances can also be an issue with ordinance opponents.

Juvenile curfew ordinances are common and have a long history in this country. By the early 20th century, over 3,000 cities had adopted juvenile curfew ordinances. In 1995, nearly 75% of the 200 largest American cities had curfew laws.

Juvenile curfew ordinances typically apply to persons under 17 years of age. The curfew hours in many ordinances vary for weekends and weekdays. Curfew ordinances usually contain numerous exceptions allowing juveniles to be in public during curfew hours: for employment purposes, with a parent or guardian, in emergencies, while participating in school or church activities, etc. Liability is sometimes imposed on parents and the operators of establishments that permit minors to violate the curfew.

In the past 30 years there have been numerous legal challenges to juvenile curfew ordinances, many led by the American Civil Liberties Union. Challenges have been based on a variety of legal theories. Juvenile curfew ordinances have been attacked on first amendment, equal protection and due process grounds. It has been claimed that juvenile curfew ordinances violate juveniles' rights of speech, religion, assembly, association and travel, as well as the right of parents to raise children as they see fit. Particular ordinance provisions have been attacked as vague.

The results of this litigation have been mixed, although the recent trend is to uphold juvenile curfew ordinances. Missouri appellate courts have not decided a juvenile curfew ordinance case; neither has the federal Eighth Circuit Court of Appeals (Missouri is in the Eighth Circuit). The United States Supreme Court has declined to review juvenile curfew ordinance cases.

In order to increase the chances of surviving a court challenge, a juvenile curfew ordinance should be enacted only if it is supported by a detailed analysis of the need for the ordinance and only if it contains numerous exemptions in order to avoid restricting the personal liberty interest of juveniles any more than necessary to accomplish the legislative purpose of the ordinance.

Kansas City and St. Louis have curfew ordinances. Recently the Kansas City Police Department began aggressively ticketing youth who are violating curfew in the Westport Area. The ordinance applies city-wide but Kansas City enforces the ordinance primarily where there are problems with juveniles. St. Louis has a similar curfew ordinance. According to the St. Louis Police Department, the curfew is enforced in problem areas or when the police get a call that there is a violation. The St. Louis Police consider the ordinance a good tool in dealing with chronic behavior problems with the youth in their community.

If Columbia adopts a juvenile curfew ordinance, the Police Department anticipates enforcement on a complaint basis and in areas where juveniles are creating problems, such as the recent problems in the downtown area.

Enforcement of a curfew ordinance against juveniles would be through the Juvenile Court. Officers from the Columbia Police Department

met with Boone County juvenile authorities to discuss implementation of a juvenile curfew ordinance. The juvenile authorities did not take a position for or against a curfew ordinance. They did state that curfew violations would be processed as status offenses. It is anticipated that a curfew law would increase the juvenile authorities' work load but that it could be manageable.

SUGGESTED COUNCIL ACTION

Staff suggests that the Council discuss the issue of passing a juvenile curfew ordinance at a work session.



Juvenile Curfew Ordinance Report

Curfew ordinances are a means to protect non-delinquent juveniles from crime and to deny delinquent juveniles opportunities to engage in crime. They also provide police with a way to disperse late-night crowds of juveniles. Curfew ordinances provide support for parents to restrict the late night activities of their children. Where there are no curfew ordinances in the community, it can be difficult for parents to place restrictions on their children when other juveniles are allowed out late at night.

The Columbia Police Department conducted research in February 2002 on the issues surrounding a proposed curfew ordinance in Columbia. In this research we specifically looked at the constitutional issues surrounding such ordinances and how other cities have implemented similar ordinances. We met with the Boone County Juvenile Office concerning the enforcement of a curfew ordinance and we will make a recommendation for the successful implementation of an ordinance should one be adopted by our city council. Below we discuss each of these components of our research.

Constitutionality

The common constitutional objections to curfew ordinances usually assert that these ordinances violate the equal protection clause in the Fourteenth Amendment of the Constitution. Opponents feel that setting up a suspect classification based on age is unfair. Opponents also feel that such laws violate the rights of free movement and free association, and the right of parents to raise their child in the manner they see fit.

The courts have had several opinions on curfews and have usually attacked curfew ordinances that are too vague. The central debate is between state interests in protecting a child and upholding juvenile constitutional rights, and the parent's right to raise their children as they see fit. The courts have used one particular case to see if a curfew ordinance is legally sound. The case is *Qutb v. Strauss* 11F.3d488 (5th Cir. 1993), which dealt with the Dallas, Texas juvenile curfew ordinance, put into law in 1991. The Federal Court of Appeals decided that a carefully

crafted juvenile curfew ordinance does not violate the equal protection clause and it does not infringe on the parental rights of child rearing. This case in particular has been looked at to determine whether a curfew law is fit to be on the books. Many other cities have since modeled their curfew ordinances after the Dallas ordinance.

Other Cities Use of the Ordinance

The majority of cities that have juvenile curfew laws enforce them as they would any other city ordinance on an at-will and needs-based enforcement. The police departments simply use the curfew as one tool to keep peace in neighborhoods. Very few cities did zero tolerance enforcement of curfew ordinances, as this requires too many resources from the police department. Also, cities that have endorsed zero tolerance on curfew enforcement have drawn sharp criticism from their citizens.

In the past, our city council has considered having a juvenile curfew in certain geographic areas of our city. There have been a small number of cities that have tried to do this, and their ordinances have received criticism from their citizens and from the courts reviewing these ordinances. The court have said a city can limit the geographic area coverage of the curfew if they can prove, by crime statistics, such area is overwhelmed with criminal activity. However, this is difficult to prove and most cities stay away from this. The majority of cities have their curfew laws apply to the city or community as a whole.

Recently, Westport Plaza, in Kansas City has been in the news regarding their curfew ordinance. The Kansas City Police Department is aggressively ticketing youth who are violating curfew in this area. The curfew ordinance, however, is not a new ordinance. The ordinance applies to all of Kansas City. The police just enforce it heavily in that area.

St. Louis has a similar curfew ordinance. When we spoke with St. Louis Police Department they reported that they enforce the curfew in their problem areas or when they get a call that there is a violation. They called the ordinance a good "tool" in dealing with chronic behavior problems with the youth in their community.

In many cities, the curfew ordinances have a parental responsibility clause. This parental responsibility clause is typically put into motion on the third curfew violation. On the third violation, the parent/guardian is issued a summons to appear in municipal court for the curfew violation. The punishment is usually a fine up to \$1000, depending on how persistently the curfew violations are occurring.

Many cities base their curfew hours on the age of the youths and the day of the week. For example, the laws might apply to youths age 16 and younger and the curfew hours might be set for weekdays with different hours on weekend nights. Every curfew law we looked at included a list of exceptions. For example, exceptions were granted from youth traveling to and from employment, attending a school or religious event, or going to the hospital in an emergency situation. Youth who were accompanied by an parent/responsible adult were also not effected by this ordinance. Officers are expected to use common sense when enforcing this ordinance.

Juvenile Crime Statistics in Columbia, Missouri

Breakdown of Juvenile Arrests 11PM through 6 AM

	2000	2001	2002 (Jan- November 1)
Crimes Against Persons	36	22	16
Crimes Against Property	49	63	17
Drug/Alcohol Violations	19	22	20
Other Violations (disorderly conduct, runaway, non-UCR classified)	150	155	100

Implementation of an ordinance in Columbia, Missouri

Our city has a fair amount of juvenile crime, and we could use a curfew ordinance to combat juvenile crime in areas where we have chronic problems. During the last two summers, we have experienced problems with large crowds of juveniles loitering outside downtown bars at their 1:00 am closing time. When the bars close and the adult patrons exit, juveniles have become involved in physical fights with the adult patrons.

In the southern areas of our city, we have chronic complaints about juveniles cruising and congregating on the fast food restaurants and convenience store parking lots during very late evening hours. These complaints occur during the summer months and during the weekends when public schools are in session. Some businesses have been forced to hire off-duty police officers to patrol these lots to deter the juvenile crime.

Last year, we have received complaints from the developers of the Thornbrook subdivision. Their complaint was about late night juvenile drinking parties in the newly constructed area in the southwest area of our city. According to the developers, the juveniles are leaving behind trash and are reportedly committing acts of vandalism to the area. In addition, we have been called to this area to break up large juvenile physical fights. School Resource Officers are receiving information that these high school age students are leaving these parties very early in the morning and are driving under the influence of alcohol.

Every summer on the Fourth of July, we have complaints of fireworks during the late evening to early morning hours. We have found that the great majority of the late night complaints are juveniles wandering the streets shooting fireworks. During the last Fourth of July holiday, our department responded to complaints of large groups of juveniles walking the streets and discharging fireworks at passing motorists, pedestrians, animals, and at residences. This occurred in the Garth and Worley area of our city. When our officers responded to the complaints of the above activity, they had fireworks and rocks thrown at them from the large crowds of juveniles. During the warm months, we also have problems with roaming groups of juveniles in the Beat 50/55 area as late as four in the morning causing problems by starting fights, making noise, and dealing drugs.

Every year we receive complaints about juveniles loitering late at night at local apartment communities that house college students. The juveniles attempt to crash college parties in order to obtain alcoholic beverages. This is a common occurrence at Campusview Apartments and Jefferson Commons Apartments.

Officers from the Columbia Police Department met with Boone County Juvenile Authorities in regards to the proposed ordinance. Local juvenile authorities said they were not for or against the law. They stated they would take curfew violations and process them as status offenses. It is anticipated that a curfew law would increase their workload, but that it could be manageable. The Callaway County Juvenile Officer was also present at the meeting. They have had experience dealing with curfew violations as Fulton has a curfew ordinance. They stated that their office was not overwhelmed by the referrals. They stated that first time offenders were handled informally, but that persistent curfew violators are likely to have other criminal referrals as well. They would adjudicate them together in the juvenile court. The Boone County Juvenile Officer did want to be contacted prior to any curfew ordinance being passed so that they will have time to prepare for this new type of referral.

The Columbia Police Department recommends the following if a curfew ordinance is passed in our community.

- The curfew ordinance should apply to the whole community.
 - ▶ Enforcing one geographic area would be confusing to the community and to the officers.
 - ▶ The constitutionality of this ordinance would be questionable if it applied to only one area of town.
- ▶ A zero tolerance approach should not be encouraged. This ordinance should be used as a tool to combat other criminal behavior.
- ▶ The curfew ordinance should include a warning for first offenses and referrals to the Juvenile Office on subsequent offenses.
- The city council should strongly consider a parental responsibility clause.
- If passed, there should be a strong campaign to make parents and youth in our community aware of the new ordinance.

In this report I have addressed several juvenile crime issues that our department deals with on a regular basis. It is our belief that a juvenile curfew ordinance could be used in our city to

suppress juvenile crime and to improve the quality of life in Columbia. Our department would not be able to enforce a curfew at a zero tolerance level, but could use the curfew as a tool in areas of our city where we experience chronic juvenile crime problems

Table 1-Responding Benchmark Cities with a Curfew

	Boulder, CO	Plano, TX	Lakewood, CO	Naperville, IL	Edmond, OK	Chula Vista, CA	Boise, ID
What ages does it pertain to?	Under 16	Under 17	Under 18	Under 17	Under 18	Under 18	Under 18
What are the hours that it is in effect?	11:00 PM - 5:00 AM	11:00 PM - 6:00 AM Weekdays 12:00 AM - 6:00 AM Sat. & Sun.	11:00 PM - 6:00 AM Weekdays 12:00 AM - 6:00 AM Sat. & Sun.	11:00 PM - 6:00 AM Weekdays 12:00 AM - 6:00 AM Sat. & Sun.	12:00 AM - 6:00 AM all week	10:00 PM - 5:00 AM all week	12:00 AM - 5:00 AM all week
Do the hours differ in the summer vs. during the school year?	No	No	No	No	No	No	No

Exceptions

All communities specifically provide protection of First Amendment rights to free exercise of religion, speech, and assembly in accordance with the US Constitution.

All communities provide exceptions for various situations. Accompanied by a parent / legal guardian, or running errands on their behalf. To and from Work, social and civic sponsored events. Returning home from events such as concerts, movies, theaters etc.

Henderson, NV	Freemont, CA	Irving, Tx	Norman, OK	Garland, TX	Kansas City, MO	Grand Prairie, Tx	Garland, Tx
Under 18	Under 18	Under 17	Under 17	Under 17	Various Ages	Under 17	Under 17
10:00 PM - 5:00 AM Sun. - Thurs and 12:00 AM - 5:00 AM Fri. and Sat.	10:00 PM - 5:00 AM all week	12:00 aM - 6:00 AM Weekdays 1:00 AM - 6:00 AM Sat. & Sun.	11:00 PM - 6:00 AM Weekdays 12:00 AM - 6:00 AM Sat. & Sun.	11:00 PM - 6:00 AM Weekdays 12:00 AM - 6:00 AM Sat. & Sun.	June-Sept: under 15 after 10 PM, 16&17 after 11 PM. Oct-May: under 17 11 PM on weekdays after 12 AM on weekends. Under 18: June-Sept after 9 PM for Plaza, Westport, Downtown, 18th&Vine, Zona Ros	11:00 PM - 6:00 AM Weekdays 12:00 AM - 6:00 AM Sat. & Sun.	11:00 PM - 6:00 AM Weekdays 12:00 AM - 6:00 AM Sat. & Sun.
Yes - during school holidays and summer vacation 12:00 AM-5:00AM	No	No	No	No		No	No