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CITY OF OAKLAND



ONE FRANK OGAWA PLAZA • 2ND FLOOR • OAKLAND, CALIFORNIA 94612

Noel Gallo

(510) 238-7005

City Council Member, District 5

FAX: (510) 238-6129

TTY/TDD: (510) 839-6451

Date: October 27, 2013

To: Members of the Public Safety Committee

Subject: A DISCUSSION AND POSSIBLE ACTION ON COUNCILMEMBER GALLO'S PROPOSAL TO PREPARE FOR COUNCIL'S CONSIDERATION AND ADOPTION A JUVENILE PROTECTION CURFEW ORDINANCE TO HELP REMEDY THE VICTIMIZATION, EXPLOITATION, AND CRIMINAL ACTIVITIES THAT ADVERSELY IMPACT YOUTH IN THE CITY OF OAKLAND USING AS A FRAMEWORK THE DRAFT JUVENILE CURFEW ORDINANCE CITY COUNCIL CONSIDERED AT ITS MEETING OF OCTOBER 4, 2011

Attached is briefing material for discussion and possible action to prepare for council's consideration, the adoption of a juvenile protection curfew ordinance. This item is scheduled for the Public Safety Committee on Tuesday, November 12, 2013.

Enclosed for your reference and consideration are the following documents:

1. Councilmember Gallo's policy statement and preliminary recommendations on provisions to be discussed for inclusion in the ordinance to be proposed to the full Council for adoption;
2. The earlier youth curfew ordinance and council reports from councilmember Larry Reid, in his capacity as the former City Council President, and councilmember Ignacio De La Fuente, former council member for District 5, submitted to the Council in 2011;
3. Oakland Police Department crime statistics on youth-related crime for the past two years;
4. City of Oakland year end crime reports for 2010, 2011 and 2012;
5. 2012 homicide statistics reported on line at <http://quickfacts.census.gov/qfd/states/06/0653000.html>;
6. School Dropouts by Ethnic Designation by Grade Report from the Cal. Dept. of Education, Data Reporting Office;
7. Suspension, Expulsion, and Truancy Report for 2011-12 from the Cal. Dept. of Education, Data Reporting Office;
8. Truancy Report from the Cal. Dept. of Education.

The violence and crime committed by and against our young people in the City continues to adversely impact their lives and the safety of the City as a whole. A Juvenile Protection Curfew Ordinance can serve as an additional tool for the City and all other stakeholders to combine our efforts to successfully reduce crime.



Noel Gallo
Public Safety Committee Chairperson

Protecting the Children and Youth of Oakland

Juvenile Protection Curfew Ordinance

By Noel Gallo, Oakland City Councilmember

GOAL: Renewal and modification of the Juvenile Protection Curfew Ordinance and authorizing its implementation to begin immediately to remedy the victimization, exploitation, and criminal activities that adversely impact youth in Oakland.

BACKGROUND: Our purpose is to promote for the safety and well-being of our children and youth (persons under the age of 18) whose inexperience renders them particularly vulnerable to participation in unlawful activities (i.e. drugs and gang) and victimization by older perpetrators of crime; and to promote the general welfare and protect the general public through the reduction of juvenile violence and crime within Oakland, and assist in fostering and strengthening parental responsibility for their children. Similar legislation was introduced unsuccessfully by Oakland City Council Members Larry Reid and former Member Ignacio de la Fuente on October 4, 2011.

Hundreds of U.S. Cities have implemented curfew laws to restrict juveniles to be outdoors or in public places during certain hours of the day. Such laws aim to establish a safer community and to better protect young adults and children from becoming victims of crime or becoming involved in delinquent behaviors. It is important for the City Council and our families to come together to clearly define and know the purpose of the Juvenile Protection Curfew, how it will be enforced, and what alternative programs there will be for our young people.

What is the Proposed Juvenile Protection Curfew?

The Juvenile Protection Curfew states that persons under the age of 18 cannot remain in or on a street, park or other outdoor public place, in a vehicle or on the premises of any establishment within Oakland during curfew hours, unless they are involved in certain "exempted" activities.

What are the Proposed Curfew Hours?

- 10:00 P.M. – 6:00 A.M., 7 days a week (Monday through Sunday)
- Between the hours of 8:30 A.M. – 1:30 P.M. on school days

Reasons for the Daytime Curfew Hours:

- A high rate of truancy exists in the city that significantly contributes to the number of incidences of juvenile crime, juvenile violence, and juvenile gang activity occurring during school hours
- The establishment of daytime curfew hours for minors will help combat truancy thereby reducing juvenile crime, juvenile violence and juvenile gang activity

What Activities are Exempted from the Proposed Ordinance?

Persons under the age of 18 do not violate the law during curfew hours if they are:

- Accompanied by a person or guardian or any person age 21 or older
- Completing an errand at the direction of a parent or guardian, without detour or stop
- In a motor vehicle involved in interstate travel
- Working or returning home from a job, without detour or stop
- Involved in an emergency
- Attending an official school, religious or other recreational activity sponsored by the City of Oakland, a civic organization, or other similar group that takes responsibility for juvenile (this includes traveling to and from the activity)
- Exercising their First Amendment rights protected by the US Constitution, including the free exercise of speech, religion, and rights of assembly.
- An emancipated minor

Truancy / School Exemptions from Proposed Curfew Ordinance:

- The school in which the minor was enrolled or otherwise required to attend was not in session.
- The minor was on the premises of the school in which the minor was enrolled or otherwise required to attend.
- The minor was participating in a school approved work study program, or was going to work study program or returning to home or school from the work study program without any detour or stop.

- The minor was on lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program.
- The minor was on an excused absence from school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or in the case of a home-schooled minor, the minor’s parent or guardian.
- The minor was a high school graduate or had received a high school equivalent certification.

The Juvenile Protection Curfew would:

- Make it unlawful for any minor to be present in any public place or on the premises of any establishment within the City of Oakland during curfew hours.
- Make it unlawful for any parent or legal guardian of a minor knowingly to permit, or by insufficient control to allow the minor to be present in any public place or on the premises of any establishment within Oakland during curfew hours.
- Make it unlawful for the operator or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

In an effort to prevent children and youth from involvement in unsafe and illegal activities that can lead to victimization and even death, the proposed ordinance will address the following crimes:

Crime	Curfew Ordinance
Prostitution and Human Trafficking	This ordinance is a mechanism to get sexually exploited minors off the street during hours when street prostitution is most prevalent and provide them with much needed services.
Loitering	The ordinance would allow counselors to engage youth, find out why they were out during curfew hours, and provide activities and services to them and their parents/guardians.
Robbery	Robberies committed by youth are increasing throughout the City. This ordinance would provide a means for OPD to engage youth.
Drug Activity	This ordinance is a mechanism to assist in reducing drug activities.

Consequences for Juvenile Curfew Violations:

- Imposition of community services or required enrollment in after-school programs
- Restriction of driver's license privileges
- Possible detention in jail or juvenile hall
- The curfew hours are 10:00 P.M. – 6:00 A.M., Monday through Sunday and 8:30 A.M. - 1:30 P.M., Monday through Friday on school days.
- Officers must ensure that the juvenile does not have a defense to prosecution before enforcement is taken.
- Parents may be issued a citation for allowing a juvenile to violate the proposed ordinance.
- Business owners and operators may be cited for allowing juveniles to remain on premises during curfew hours.
- The penalty for violation of the ordinance is a fine of up to \$500.

Juvenile Curfews, Selective Enforcement, and Leniency:

The Juvenile Curfew Ordinance will include a provision giving local law enforcement the ability to choose more lenient and socially constructive curfew enforcement policies (compared to automatic citations or arrest of offending minors). These alternatives might include issuing a warning, recommending a counseling program, or simply taking the minor home.

If a violation is observed, the juvenile may be:

- Warned;
- Issued a field Interrogation report;
- Sent home;
- Taken home; or to the Youth Action Office (Fire Department Station, schools, Recreation Center, Non-profit Office, Library, or Church)
- Issued a citation; or
- Taken into custody.

Curfew Responsibility of Parent or Guardian:

It shall be unlawful for the parent or guardian or other adult person having the care, custody or supervision of a juvenile to permit such juvenile to be, remain or loiter in, about or upon any place in the City of Oakland away from the dwelling house or usual place of abode of said juvenile in violation of sections; provided, however that the provisions of this section do not apply when the juvenile is an emancipated minor, or when the juvenile is accompanied by his parent, guardian or other person having the care, custody or supervision of the juvenile; or where the juvenile is on an emergency errand, or where the juvenile is on reasonable, legitimate and specific business or activity directed or permitted by his parent, guardian or other person having the care, custody or supervision of such juvenile.

Community-Wide Effort to Support the Curfew Ordinance:

Community organizations, faith-base networks, schools, neighborhoods, and families have an opportunity to step in and save a child's and youth's life. A curfew is critical to reducing the risks posed by teens and younger children hanging out late at night in some of Oakland's most dangerous neighborhoods. We envision and public-private partnership with non-profit groups, public agencies, schools, churches, and other governmental agencies that can provide a facility where curfew violators are processed and await pick-up from parents or legal guardians.

"MAKING CURFEW IS IMPORTANT FOR YOUR SAFETY. AND IT CAN KEEP YOU OUT OF TROUBLE"

NO. 2

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OAKLAND

2011 SEP 22 PM 6:09

CITY OF OAKLAND



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94612

Ignacio De La Fuente
City Council Member, District 5

(510) 238-7005
FAX:(510) 238-6129

Larry Reid
City Council President

TO: Oakland City Council
FROM: Councilmember De La Fuente and Council President Larry Reid
DATE: 10/4/11

RE: Adopt an Ordinance establishing a juvenile protection curfew to apply to youth under the age of 18 (1) between the hours of 10:00 PM and 5:00 AM Sunday through Thursday and 11:30 PM to 5:00 AM Friday and Saturday (2) between the hours of 8:30 AM and 1:30 PM on school days and (3) directing the City Administrator and the Chief of Police to come back to the City Council within 30 days with an implementation plan

Colleagues-

The proposed ordinance enacts a Juvenile Protection Curfew that would:

1. Make it unlawful for any minor to be present in any public place or on the premises of any establishment within the City of Oakland during curfew hours.
2. Make it unlawful for any parent or legal guardian of a minor knowingly to permit, or by insufficient control to allow the minor to be present in any public place or on the premises of any establishment within the City of Oakland during curfew hours.
3. Make it unlawful for the operator or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

Item: _____
ORA/City Council
October 4, 2011

“Curfew hours” are defined as

1. 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; and
2. 11:30 p.m. on any Friday or Saturday until 5:00 a.m. the following day.
3. 8:30 a.m. on any school day until 1:30 p.m. the same day

Over the years curfews have raised a number of legal issues and constitutional challenges. In 1991 the City Council of Dallas, Texas adopted its curfew ordinance which was subsequently challenged by the ACLU and upheld by the U. S Court of Appeals for the Fifth Circuit in 1993. The court stated in its ruling that the ordinance was properly aimed, that is, narrowly tailored to “...allow the city to meet its stated goals while respecting the rights of the affected minors.”

As established by the Dallas ordinance, the following exemptions are included in this proposed ordinance so as to meet address the specific needs in the least restrictive means possible. It is a defense to prosecution under Subsection 9.12.110.A, 9.12.110.B, or 9.12.110.C of the ordinance that the minor was:

1. accompanied by the minor’s parent or guardian, or by a responsible adult;
2. on an errand at the direction of the minor’s parent or legal guardian, or the responsible adult, without any detour or stop;
3. in a motor vehicle involved in interstate travel;
4. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
5. involved in an emergency;
6. on the sidewalk abutting the minor’s residence;
7. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Oakland, a civic organization, or another similar entity that takes responsibility for the minor;
8. exercising First Amendment rights protected by the United States Constitution; or
9. Emancipated pursuant to law.

BACKGROUND

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. A 1997 survey gathered information from 347 cities with a population over 30,000. Findings of the survey include:

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.

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.

Examples of city comments from the survey include:

- **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.

A 2010 study conducted by Patrick Kline of UC Berkeley titled, "The Impact of Juvenile Curfew Laws," looked at 65 cities and compared arrest behavior of various age groups within a city before and after curfew enactment. The study found that "overall, curfews appear to have important effect 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."

Dallas, Texas

The Dallas Police department conducted an assessment of the effectiveness of the juvenile curfew after 3 months of enforcement. They found that juvenile victimization during curfew hours dropped 17.7 percent while juvenile arrests during curfew hours decreased 14.6 percent.

Long Beach, California

In 1994, in an attempt to meet the needs of the city's growing population and thwart-escalating gang activity, Long Beach officials established a 10 p.m. to 6 a.m. curfew law. The ordinance led to a 14-percent decrease in the average number of crimes committed per hour in 1994, compared with 1993. During the same time period, gang-related shootings decreased nearly 23 percent.

New Orleans, Louisiana

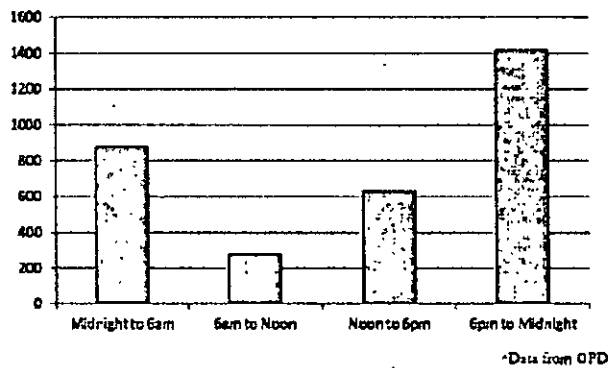
New Orleans, which has enacted one of the strictest curfew ordinances in the country, also reports a significant decrease in juvenile crime since its curfew ordinance went into effect in May 1994. The dusk-to-dawn curfew, enacted in response to an escalating level of violent crime involving juveniles as both perpetrators and victims, was influential in decreasing the incidence of youth crime arrests by 27 percent the year after its adoption. In that same time period, armed robbery arrests decreased by 33 percent and auto theft arrests decreased by 42 percent.

Homicides and Shootings in Oakland

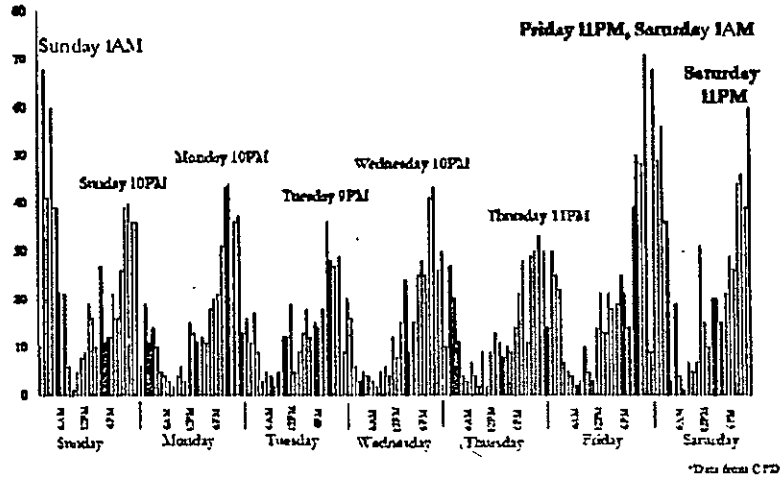
A 2008-2010 Measure Y study of the Demographics of Homicide and Shooting Victims revealed the following: In 2008, there were 11 homicide victims under the age of 18. In 2009, there were 09 homicide victims under the age of 18. In 2010, there were 10 homicide victims under the age of 18.¹ The 2008-2010 study also revealed that young people under the age of 18 accounted for 12% of shooting victims.¹

The two following tables are taken from the same study:

**Homicides and Shootings by Time of Day
2008-2010**



Number of Homicides and Shootings by Day and Time
2008-2010



A 2009 report by Urban Strategies Council which analyzed the 125 murders that took place that year, found that the deadliest hours in Oakland in 2008 were at night between 8:00 PM and 4:00 AM with 66.5 percent of homicides occurring during this 8 hour period.²

ACTION REQUESTED OF THE COUNCIL

As the violence continues to escalate in our City and the homicide numbers continue to climb, taking the lives of young people in our City, we submit to you this proposed ordinance as an additional tool for our police department to use in their efforts to reduce crime. We also ask the City Administrator and the Chief of Police to come back to us with an implementation plan for this youth protection curfew.

Respectfully submitted,

Council President Larry Reid
Prepared by Ray Leon

Council President Pro Tempore
Ignacio De La Fuente
Prepared by Claudia Burgos

ATTACHMENTS:

- Attachment A – Long Beach Ordinance
- Attachment B – San Jose Ordinance

Attachments C & D -As requested by Vice Mayor Brooks during the September 22nd Rules and Legislation Committee meeting, Attachments C and D are included with this report.

¹ Measure Y – The Demographics of Homicide and Shooting Victims 2008-2010

² Urban Strategies Council - Homicides in Oakland 2008 Homicide Report: An Analysis of Homicides in Oakland From January through December, 2008

³ The Impact of Juvenile Curfew Laws by Patrick Kline

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OAKLAND

City Attorney

OAKLAND CITY COUNCIL

2011 SEP 22 PM 6:09

ORDINANCE NO. _____ C.M.S.

DRAFT

INTRODUCED BY COUNCILMEMBER IGNACIO DE LA FUENTE & COUNCIL
PRESIDENT LARRY REID

AN ORDINANCE (1) ADDING ARTICLE II TO CHAPTER 9.12 OF THE OAKLAND MUNICIPAL CODE (OMC) TO ESTABLISH A JUVENILE PROTECTION CURFEW PROGRAM AND (2) AMENDING OMC SECTION 1.28.020 TO CODIFY THE PENALTIES FOR VIOLATIONS OF THE CURFEW ORDINANCE , AND (3) REPEALING OAKLAND MUNICIPAL CODE SECTIONS 9.12.020 AND 9.12.030 PROHIBITING MINORS FROM LOITERING IN PUBLIC PLACES

WHEREAS, the City Council has determined that there has been an increase in juvenile violence, juvenile gang activity, and crime by persons under the age of eighteen (18) years ("Minors") in the City of Oakland; and

WHEREAS, Oakland Municipal Code sections 9.12.020 and 9.12.030 which intended to address loitering offenses committed by minors, were passed around 1947 and since then have been outdated by new case law and should therefore be repealed; and

WHEREAS, minors are particularly susceptible by their lack of maturity and experience to participate in unlawful, gang-related activities and to become victims of adult perpetrators of crime; and

WHEREAS, a significant amount of serious crime (burglaries, robberies, assaults, rapes, etc.) is committed by and against minors during late night hours in the City of Oakland; and

WHEREAS, there has been an increase in minors committing shootings and other crimes during late night hours in the City of Oakland; and

WHEREAS, the involvement of minors – as perpetrators and victims – in offenses dealing with human trafficking and prostitution continue to increase; and

WHEREAS, a significant amount of serious crime is also committed by adults during the late night hours in the City of Oakland thereby compromising the public's safety and in particular the safety of minors, and

WHEREAS, the California Legislature has found that a significant number of injury vehicle accidents involving minors occur between 9:00 p.m. and 5:00 a.m. and, for the safety of minors and others on the streets, has restricted driving privileges so that for the

first 12 months of issuance of a driver's license, a minor may not transport passengers under age 20, and may not drive between the hours of 11:00 p.m. and 5:00 a.m. without a parent or other adult driver, as specified in Section 12814.6 of the California Vehicle Code; and

WHEREAS, reducing the number of minors in public places in the City of Oakland during late night hours will reduce the instances in which minors are at risk of committing serious crimes or become themselves the victims of serious crimes, and reduce the opportunity for minors to be involved in narcotics, prostitution and gang activity involving other youth or adults; and

WHEREAS reducing the number of minors in public places in the City of Oakland during late night hours will allow the Oakland Police Department to deploy its personnel to focus on investigating and preventing serious crimes committed by adults during the late night hours; and

WHEREAS, by addressing the presence of youth in public places during late night/early morning hours the City of Oakland seeks to provide for the protection of minors from violence committed by minors and adults, to enforce parental control over and responsibility for children, to protect the general public, to reduce the incidence of juvenile criminal activities and the victimization of juveniles, and to reduce the incidence of night/early morning time juvenile injury motor vehicle accidents; and

WHEREAS, the City Council finds and determines that passage of a youth curfew ordinance will protect the welfare of minors by:

1. Reducing the likelihood that minors will be victims of criminal acts during the curfew hours;
2. Reducing the likelihood that minors will become involved in committing criminal acts; and
3. Reducing the likelihood that minors will be exposed to narcotics trafficking and gang activity involving adults during the curfew hours; and
4. Reducing the likelihood that minors will be involved in night time injury motor vehicle collisions; and
5. Aiding parents and legal guardians in carrying out their responsibility to exercise reasonable supervision of minors entrusted to their care; and

WHEREAS, OMC Chapter 1.28 sets forth the classification of OMC violations as misdemeanors or infractions; and

WHEREAS, the Juvenile Protection Curfew Ordinance grants discretion to the prosecuting attorney to charge certain misdemeanor violations as infractions and creates a new infraction offense; and

WHEREAS, OMC Chapter 1.28 should be amended to codify the discretion granted to the prosecuting attorney, now, therefore

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. Oakland Municipal Code Chapter 9.12, Article II is added to read as follows:

Article II Juvenile Protection Curfew

§9.12.100 Definitions for Curfew Provisions

For purposes of this Article:

A. "Curfew hours" means:

- 1. 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day; and
- 2. 11:30 p.m. on any Friday or Saturday until 5:00 a.m. the following day.
- 3. 8:30 a.m on any school day until 1:30 pm the same day

B. "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, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

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

D. "Legal Guardian" means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

E. "Minor" means any person under eighteen (18) years of age.

F. "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

G. "Parent" means a person who is a natural parent, adoptive parent, or a person who is a step-parent of another person.

H. "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, parks, plazas, playgrounds, sidewalks, alleys, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

- I. "Responsible adult" means a person at least eighteen (18) years of age, temporarily authorized by a parent or legal guardian to have the care and custody of a minor.
- J. "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

§9.12.110 Curfew Offenses

- A. It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City of Oakland during curfew hours.
- B. It is unlawful for any parent or legal guardian of a minor knowingly to permit, or by insufficient control to allow the minor to be present in any public place or on the premises of any establishment within the City of Oakland during curfew hours.
- C. It is unlawful for the operator or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.
- D. It is a defense to prosecution under Subsection 9.12.110.A, 9.12.110.B, or 9.12.110.C that the minor was:
 - 1. accompanied by the minor's parent or guardian, or by a responsible adult;
 - 2. on an errand at the direction of the minor's parent or legal guardian, or the responsible adult, without any detour or stop;
 - 3. in a motor vehicle involved in interstate travel;
 - 4. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - 5. involved in an emergency;
 - 6. on the sidewalk abutting the minor's residence;
 - 7. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Oakland, a civic organization, or another similar entity that takes responsibility for the minor;
 - 8. exercising First Amendment rights protected by the United States Constitution; or
 - 9. emancipated pursuant to law.
- E. It is a defense to prosecution under Subsection 9.12.110.C that the operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.
- F. Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an

offense has occurred and that, based on any responses and other circumstances, no defense under Subsection 9.12.110.D or 9.12.110.E is present or applicable.

- G. A person who violates a provision of this Article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.

§9.12.120 Penalty

- A. Any minor violating the provisions of Subsection 9.12.110.A shall be guilty of an infraction, and shall be dealt with in accordance with juvenile court law and procedure.
- B. If a minor violates the curfew two (2) times within a six (6) month period the prosecuting agency will have the discretion to elevate the infraction to a misdemeanor.
- C. Any adult violating the provisions of Subsection 9.12.110.B or C shall be guilty of a misdemeanor or an infraction pursuant to the provisions of Section 1.28.020 of this Code and will be cited.
- D. The applicable fines for violations of this Chapter shall be imposed in accordance with Chapter 1.28 of this Code.

Section 3. Severability

This Article shall be enforced to the full extent of the authority of the City of Oakland. The Subsections, paragraphs, sentences and words of this Section are deemed severable, so that, if any Section, Subsection, paragraph, sentence or word of this Section is found to be invalid or beyond the authority of the City of Oakland, such finding shall not affect the applicability and enforcement of the remaining portions of this Section

Section 4. Oakland Municipal Code Chapter 1.28.020 is amended to add the following subsection to the list of infraction offenses:

§1.28.020.A.2.k. Section 9.12.110.A – Juvenile Protection Curfew:

Section 5. Oakland Municipal Code section 9.12.020 and 9.12.030 are repealed to remove the following:

~~9.12.020 Minors in public places:~~

~~Every person under the age of eighteen (18) years who loiters in or about any public street or other public place or any place open to the public in the city, between the hour of ten p.m. and the time of sunrise of the following day when not accompanied by his or her parent, guardian or other adult person having the legal care, custody or control of such person, or spouse of such person over twenty-one (21) years of age, is guilty of a misdemeanor.~~

~~9-12-030 Responsibility of parents, guardians and other persons:~~

~~Every parent, guardian, or other person having the legal care, custody, or control of any person under the age of eighteen (18) years who permits such person to violate the provisions of Section 9-12-020, is guilty of a misdemeanor.~~

Section 6. This Ordinance shall become effective immediately upon final adoption if it receives six or more affirmative votes in final adoption as provided by Section 216 of the City Charter; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

AN ORDINANCE (1) ADDING CHAPTER 9.12 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH A YOUTH PROTECTION CURFEW AND (2) REPEALING SECTIONS 9.12.020 AND 9.12.030 (MINORS LOITERING IN PUBLIC PLACES)

NOTICE AND DIGEST

This Ordinance adds Oakland Municipal Code Chapter 9.12 and establishes a Youth Protection Curfew. The curfew prohibits persons under 18 years of age from being in any public place or establishment in the City of Oakland, between the hours of 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 5:00 a.m. of the following day, and 11:30 p.m. on any Friday or Saturday until 5:00 a.m. the following day. And between the hours of 8:30 a.m and 1:30 p.m on school days. It also prohibits parents or legal guardians from allowing minors under their control to violate this Ordinance. Additionally, it prohibits a business establishment from knowingly allowing minors to remain on its premises during curfew hours. Finally, this ordinance repeals sections 9.12.020 and 9.12.030 of the Oakland Municipal Code (minors loitering in public).

Attachment A.

Long Beach, California, Municipal Code >> - Volume 1 >> Title 9 - PUBLIC PEACE, MORALS AND WELFARE >> VII. - Offenses by or Against Minors >> Chapter 9.58 - LOITERING >>

Chapter 9.58 - LOITERING

Sections:

9.58.010 - Prohibition against juvenile being in public place between the hours of ten p.m. until six a.m. the following day.

9.58.020 - Prohibition against juvenile being in public place between the hours of eight-thirty a.m. until one-thirty p.m.

9.58.010 - Prohibition against juvenile being in public place between the hours of ten p.m. until six a.m. the following day.

- A. Curfew.** It is unlawful for any minor under the age of eighteen (18) years to remain in or upon any "public place," as defined in Section 9.02.090, between the hours of ten p.m. until six a.m. the following day.
- B. Exceptions.** The provisions of subsection A of this section shall not apply when
1. The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;
 2. The minor is on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 3. The minor is in a motor vehicle involved in interstate travel;
 4. The minor is engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 5. The minor is involved in an emergency requiring immediate action to prevent serious bodily injury or loss of life;
 6. The minor is on the sidewalk abutting the minor's residence;
 7. The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or the minor is 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 city, a civic organization, or another similar entity that takes responsibility for the minor;
 8. The minor is exercising First Amendment rights protected by the United States Constitution;
 9. The minor is emancipated pursuant to law.
- C. Enforcement.** Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception under subsection B of this section is present.

(Ord. C-7488 § 1, 1997; Ord. C-6803 § 1, 1988; Ord. C-5938 § 1, 1983).

9.58.020 - Prohibition against juvenile being in public place between the hours of eight-thirty a.m. until one-thirty p.m.

- A. Curfew.** It is unlawful for any minor under the age of eighteen (18) years, who is subject to compulsory education or to compulsory continuing education, to remain in or upon any "public place," as defined in Section 9.02.090 of this code, between the hours of eight-thirty a.m. until one-thirty p.m. on days when such minor's school is in session.
- B. Exceptions.** The provisions of subsection A of this section shall not apply when
1. The minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor;
 - The minor is on an emergency errand at the direction of the minor's parent or guardian, without

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2. any detour or stop;
 3. The minor is in a motor vehicle involved in interstate travel;
 4. The minor is engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 5. The minor is involved in an emergency requiring immediate action to prevent serious bodily injury or loss of life;
 6. The minor is going or coming to or from a medical appointment;
 7. The minor has permission to leave campus for lunch or other school-related activity and has in his or her possession a valid, school-issued, off-campus permit;
 8. The minor is attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or the minor is 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 city, a civic organization, or another similar entity that takes responsibility for the minor;
 9. The minor is exercising First Amendment rights protected by the United States Constitution;
 10. The minor is emancipated pursuant to law;
 11. The minor is not required by his or her school vacation, track or curriculum schedule to be in school.
- C. Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no exception under subsection B of this section is present.

(ORD-06-0025 § 1, 2006; Ord C-7386 § 1, 1996).

Print

Attachment B

San Jose, CA.Code of Ordinances

Chapter 10.28 YOUTH PROTECTION CURFEW ORDINANCE

Parts:

- 1 Definitions
- 2 Regulations

Part 1 DEFINITIONS

Sections:

- 10.28.010 Definitions.
- 10.28.020 Curfew hours.
- 10.28.030 Emergency.
- 10.28.040 Establishment.
- 10.28.050 Guardian.
- 10.28.060 Minor.
- 10.28.070 Parent.
- 10.28.080 Public place.
- 10.28.090 Serious bodily injury.

10.28.010 Definitions.

The definitions set forth in this part shall govern the application and interpretation of this chapter. (Ords. 24648, 25397.)

10.28.020 Curfew hours.

"Curfew hours" means:

- A. The hours between 10:00 p.m. to 5:00 a.m. for minors under the age of sixteen years; or
- B. The hours between 11:30 p.m. to 5:00 a.m. for minors under the age of eighteen years;

(Ords. 24648, 24826, 25397.)

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10.28.030 Emergency.

"Emergency" means an unforeseen circumstance or circumstances or the resulting situation that calls for immediate action to prevent serious bodily injury or loss of life. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(Ords. 24648, 25397.)

10.28.040 Establishment.

"Establishment" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or recreation.

(Ords. 24648, 25397.)

10.28.050 Guardian.

"Guardian" means:

- A. A person who, under court order, is the guardian of the person of a minor; or
- B. A public or private agency with whom a minor has been placed by a court; or
- C. A person who is at least eighteen years of age and authorized by a parent or guardian to have the care and custody of a minor

(Ords. 24648, 25397.)

10.28.060 Minor.

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

(Ords. 24648, 25397.)

10.28.070 Parent.

"Parent" means a person who is a natural parent, adoptive parent, or step-parent of a minor;

(Ords. 24648, 25397.)

10.28.080 Public place.

"Public place" means:

- A. Any out-of-door area to which the public or a substantial group of the public has access; including, but not limited to, streets, highways, sidewalks, alleys; parks, playgrounds; or other public grounds; and
- B. The out-of-doors common areas of establishments, including, but not limited to, entry ways and parking lots.

(Ords. 24648, 25397.)

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10.28.090 Serious bodily injury.

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

(Ords. 24648, 25397.)

Part 2 REGULATIONS

Sections:

- 10.28.100 Prohibition.
- 10.28.110 Exemptions.
- 10.28.120 Constitutional rights.
- 10.28.130 Enforcement procedure.

10.28.100 Prohibition.

A. It is unlawful for any minor under the age of sixteen years to be in any public place within the city during curfew hours, except as provided under Section 10.28.110.

B. It is unlawful for any minor under the age of eighteen years to be in any public place within the city during curfew hours, except as provided under Section 10.28.110.

(Ords. 24648, 24826, 25397.)

10.28.110 Exemptions.

A minor under the age of eighteen years shall not be in violation of this chapter if, at the time the minor was stopped by a police officer, the minor was:

- A. Accompanied by the minor's parent or guardian;
- B. On an errand at the direction of the minor's parent or guardian, without detour or stop;
- C. Driving or riding in a motor vehicle or riding on public transportation; or being in a motor vehicle or being on public transportation;
- D. Engaged in a lawful volunteer or paid employment activity or going to or returning home from a lawful volunteer or paid employment activity, without detour or stop;
- E. Acting in response to an emergency;
- F. On the sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to the minor's residence;
- G. Attending or going to or returning home, without detour or stop, from a school; religious, cultural, sports, amusement, entertainment, or recreation activity; or any organized rally, demonstration, meeting or similar activity;

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H. Waiting at a train or bus station for transportation;

I. Emancipated in accordance with the California Family Code or other applicable state law.

(Ords. 24648, 24826, 25397.)

10.28.120 Constitutional rights.

Nothing in this chapter shall be interpreted to preclude minors from being in a public place for the purpose of exercising the rights guaranteed by the First Amendment of the United States Constitution and by Article I, Sections 2, 3, and 4 of the California Constitution, including the free exercise of religion, freedom of speech, the right of assembly, and the right to petition.

(Ord. 25397.)

10.28.130 Enforcement procedure.

A. Before taking any enforcement action under Section 10.28.100, a police officer shall ask the apparent offender's age and reason for being in the public place.

B. The officer shall not take enforcement action under this chapter unless the officer has probable cause to believe that neither Section 10.28.120 nor any exemption under Section 10.28.110 applies.

(Ords. 24648, 25397.)

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CENTER ON JUVENILE AND CRIMINAL JUSTICE

www.cjcj.org

Center on Juvenile and Criminal Justice, 54 Dore Street, San Francisco, CA 94103

Tel: (415) 621-5661 | Fax: (415) 621-5466

The Impact of Juvenile Curfew Laws in California

[Press Release] [Executive Summary]

CONTACT: Daniel Macallair
E-mail: [dmacallair@cjcj.org]
Tel: (415) 621-5661 x310

Abstract

In recent years cities and localities across the country have expanded the use of youth curfews to address growing public concern about juvenile crime and violence. By reducing the number of youths on the street during certain hours, curfews are assumed to lesson the number of circumstances in which youth crime can occur. It is also assumed that curfews reduce youth crime by deterring youths from being on the streets at certain hours out of fear of being arrested. Curfews have been widely-cited by policy makers as an effective tool for reducing youth crime. However, despite these assertions, virtually no comprehensive analysis of the effects of these laws has been completed. This study analyzes arrest data from jurisdictions throughout California. It is hypothesized that jurisdictions with strict curfew enforcement will experience lower overall, and serious crime arrests, than jurisdictions with less strict curfew enforcement. Also, because of their emphasis on youth curfew enforcement, jurisdictions with strict youth curfews will have accelerated rates of youth crime reduction in relation to adult crime trends.

Introduction

National and California leaders, including President Bill Clinton, Governor Pete Wilson, and Attorney General Dan Lungren, have endorsed implementation and enforcement of stronger "status" laws (those imposed on children and youths but not on adults, such as laws criminalizing running away from home, truancy, underage drinking, incorrigibility, and presence in public during certain hours). The last of these, nighttime and schoolday curfews, have won the most attention and have been cited by Clinton and Lungren for their potential to reduce juvenile crime (Krikorian, 1996; Riccardi, 1997). Strict curfew enforcement follows deterrence theory, which argues that "certain, swift, and severe punishments" will cause juveniles to rationally weigh consequences and commit fewer criminal acts (Lundman, 1993, p.150). Defenders argue that such laws protect youth and the public from violence and criminality and deter violators from more serious offenses (Reufle, Reynolds and Brantley, 1997). Detractors warn that arresting youth for acts that would not be crimes if committed by adults violates basic constitutional guarantees, leads to antagonism between non-criminal youth and law enforcement, and is an inefficient way to deter crime (Harvard Law Review Association, 1997).

Curfews also employ elements of incapacitation theory, though only if narrowly applied. Incapacitation theory holds that most youth crime is caused by a small number of juveniles who can be identified and

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restrained. Curfews used to incapacitate would be selectively applied only to juveniles who are repeat offenders, not to all youths. Boston has implemented incapacitory curfews targeting only youths on probation and, initially at least, claims success in preventing homicide. Incapacitory curfews are not evaluated in this paper since California curfews apply to all youths (Lundman 1993).

Instead of presenting controlled data, advocates on both sides have made anecdotal statements to the media such as, "Monrovia, California's, curfew adoption resulted in a 54% decline in daytime burglaries (Riccardi, 1997)." This assertion requires scrutiny since Monrovia had already experienced a 40% decline in juvenile burglaries (and had only 13 juveniles arrested for burglary per year) prior to the curfew's adoption (Criminal Justice Statistics Center, 1978-96). The decline was also not compared to that of cities which did not enforce curfews.

Recently, the U.S. Conference of Mayors surveyed the nation's 1,010 cities with populations more than 30,000, asking if law enforcement authorities would credit their curfews for any recent improvements in juvenile crime. Only one-third, or 347, of the cities responded to this invitation. Of those, 88% claimed their curfew enforcement was responsible for reducing youth crime - even though, the Los Angeles Times reported, the survey "did not include a statistical analysis of the effect curfews have had on crime" (Wilgoren and Fiore, 1997). Recently, the Los Angeles Police Department reported that vigorous curfew enforcement, including 101 task forces of 3,600 officers who wrote 4,800 curfew citations to youths in six months, had no effect on reported crime or juvenile violent crime. This report also did not include a scientific comparison with areas that did not enforce curfews (Lait 1998). Surprisingly, given that curfew arrests of California youth have risen fourfold, (from 5,400 in 1989 to 21,200 in 1996), it appears that no systematic study of California's experience with enforcement of status crime and curfew laws has been undertaken to shed light on whether they deter crime. A search turned up only 25 studies of curfews nationwide (only three in California) since 1990. These reached mixed, often diametrically opposite, conclusions, primarily because all examined philosophical issues rather than analytical studies. None adopted a scientific approach of analyzing the effects of curfew enforcement on juvenile crime over time; nearly all focused on just one jurisdiction rather than examining numerous and diverse experiences with curfews; and none compared jurisdictions which enforced curfews to those which did not (Reufle, Reynolds and Brantley, 1997; Harvard Law Review Association, 1997). Without long term, large scale, and controlled statistical analyses, it is impossible to reach even preliminary conclusions as to whether curfew enforcement reduces, increases, or has no effect compared to the myriad other factors that influence juvenile crime rates. The lack of systematic analysis is all the more surprising given that data is readily available to test the effects of curfews on youth crime.

Methodology

Statistics on crimes by type, age of arrestee, year, and county are taken directly from the tabulations by the California Department of Justice's Law Enforcement Information Center (LEIC), annually reported statewide by Crime & Delinquency in California and county wide in "California: Criminal Justice Profile 1980-1994," and statewide and by county in the 1995 and 1996 updates. This study uses the LEIC's definition of "youth" (age 10-17) and "adult" (age 18-69) and estimates of population for each group in the calculation of crime rates. The categories of youth crime examined are: all arrests, felonies, violent felonies, homicides, property felonies, and misdemeanors (Division of Law Enforcement, 1978-95; Criminal Justice Statistics Center, 1978-1996). "All arrests" and "misdemeanors" do not include arrests for status (including curfew) violations. Population figures are from the California Department of Finance's Demographic Research Unit.

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Whether a particular police strategy (i.e., enforcement of curfews) is related to higher or lower levels of youth violence is examined by means of a standard correlation analysis of annual changes in arrest rates (called "differencing"). Correlation by the differencing method factors out the artificial patterns natural to trending series by comparing the year-to-year changes in rates of curfew enforcement with year-to-year changes in rates of other crime. This analysis examines whether year-by-year increases or decreases in the rates of police enforcement of curfews affects the corresponding rates of youth crime. Correlations determine whether Item A is related to Item B positively (A rises as B rises, A falls as B falls), negatively (A rises as B falls, A falls as B rises), or not at all.

The formula produces a statistic in which a perfect positive correlation is 1.00, a perfect negative correlation is -1.00, and no correlation is 0. If stronger enforcement of curfew laws against youths over the 1980-96 period is significantly negatively correlated with rates of youth crime in a particular county (that is, more curfew arrests were accompanied or followed by lower levels of youth crime), it could be argued as a working hypothesis that law enforcement strategy reduced crime.

Since curfew laws do not apply to adults, we might expect that enforcement of these laws would affect youth crime rates but not adult crime rates. Thus, both raw youth crime rates and net youth crime rates (expressed as a ratio to adult crime rates) for each year, type of crime, and state/county/city jurisdiction are compared. Three different analyses are conducted:

(1) Statewide curfew arrest rates and crime rates separated by race/ethnicity for all youths in aggregate and for California's four major groups (White non-Hispanic, Hispanic, Black non-Hispanic, and Asian/other non-Hispanic) are compared for the 1978-96 period, the maximum time for which reliable statistics exist. The analysis of six types of crime for all groups in aggregate plus the four racial groups yields 30 separate correlations (six times five) for raw youth crime rates, and 30 for youth crime rates net of adult crime rates.

A statewide comparison of total crime arrests and curfew arrests is also provided. This analysis is intended to examine a possible relationship between raw curfew arrests and overall arrest patterns.

It might be argued that gross statewide statistics would fail to capture local variations. Therefore, two local analyses are also performed:

(2) County curfew arrest rates and youth crime rates are compared for the 12 most populous counties for the 1980-96 period; again, the maximum time for which reliable figures are available for all counties. The counties examined are Alameda, Contra Costa, Fresno, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, Santa Clara, and Ventura (see appendix tables). Together, these counties totaled 22 million in population in 1995 and accounted for 90% of the state's arrests. This analysis of 12 counties for six types of crime yields 72 separate correlations for raw, and 72 for net, youth crime rates. San Jose and San Francisco are compared separately.

(3) Local curfew and youth crime rates and trends for all cities over 100,000 population in Los Angeles and Orange counties, 21 in all, are compared for the 1990-96 period (see appendix tables for list). This analysis examines felony crime rates and burglary rates, the latter due to the fact that burglary is often cited as particularly affected by curfew and status law crackdowns. This analysis of 21 cities for two major types of crime (felonies and burglaries) yields 42 separate correlations over time for the 1990-96 period, and 12 separate correlations for

the two types of crime for each of the six years, 1990 through 1995, the latter the most recent available. A separate analysis of Monrovia is presented as a case study.

Results

Statistical analysis provides no support for the proposition that stricter curfew enforcement reduces youth crime either absolutely or relative to adults, by location, by city, or by type of crime. Curfew enforcement generally had no discernible effect on youth crime. In those few instances in which a significant effect was found, it was more likely to be positive (that is, greater curfew enforcement was associated with higher rates of juvenile crime) than negative.

(1) Statewide analysis.

Of the 30 correlations of statewide rates of youth crime by race/ethnicity for the 1978-96 period, seven were significantly positive, none were significantly negative, and 23 showed no effect (see table one). Of the 30 correlations of net youth crime rates compared to adult rates, four were significantly positive, none were negative, and 26 were not significant.

Greater curfew enforcement was associated with significantly higher absolute rates of misdemeanor arrest for whites, Hispanics, Asians, and all youth in aggregate. Curfew enforcement was also associated with higher rates of violent crime by Asian youth and with higher rates of all types of arrest (subtracting curfew arrests) among white and Asian youth. No significant effect was found on rates of juvenile arrests for property crime, violent crime, homicide, all felonies, or all offenses.

When stricter curfew enforcement in each year was compared to juvenile crime rates in the following year (on the theory that perhaps curfew laws have delayed effects), no significant effects were found for either absolute or net rates of juvenile crime (compared to adults'). In only two of 60 comparisons were significant results found, and both were positive. Conclusion: curfew enforcement does not reduce youth crime over time for any racial/ethnic group on a statewide basis.

(2) Correlations by county over time and by locale.

Of 72 correlations for absolute rates of six types of crime in the 12 largest counties for 1980-96; five were significantly positive, none were negative, and 67 were not significant. A similar pattern emerged when 72 correlations for net rate of six types of crime in the 12 largest counties for 1980-96 were examined. Four were significantly positive, none were negative, and 68 were not significant.

Curfew arrest rates were positively correlated with youth misdemeanor arrest rates as a whole, both on an absolute and net basis. Riverside and San Diego counties showed significant increases in juvenile misdemeanor arrests correlated with greater curfew enforcement, while San Diego showed a greater increase in violence arrests, and San Francisco in felony and total arrests. Orange County showed significantly higher net rates of youth property crime and total arrests compared to adult rates associated with greater curfew enforcement; Riverside showed higher net levels of juvenile misdemeanor arrests and Santa Clara County had higher rates of youth homicide. No county showed a significant decrease in any kind of youth crime, either on an absolute or net basis, associated with greater curfew enforcement.

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(3) County-by-county comparisons.

It might be argued that in locales with stronger status/curfew law enforcement, youth crime levels (rates) would be reduced. California counties are laboratories for the study of this question. Compared to the state average, Fresno (2.1 times higher), San Diego (1.8), Los Angeles (1.6), Ventura (1.6) and Santa Clara (1.2) counties have curfew arrest rates dozens of times higher than San Francisco (0), Sacramento (0.01), Alameda (0.09) and Riverside (0.25). Youth violent crime levels in 1995-96 varied sixfold, from 1,779 per 100,000 youths in San Francisco County to 285 in Riverside. Youth property felony rates range from 1,727 in San Francisco and 1,685 in Fresno to 689 in Riverside (San Francisco's rates are elevated because it is the only county wholly comprised of a city). Relative to adults, the youth felony arrest rate is 1.51 times higher in Santa Clara and 1.44 times higher in Fresno, twice the net youth felony rate of Riverside (0.75). Rates of status crime arrests varied twentyfold, from 1,363 per 100,000 in Fresno County and 1,300 in San Diego to 60 in Sacramento.

If strong curfew enforcement reduces youth crime, net youth crime rates relative to adult crime rates in high curfew enforcement counties should be lower than in low curfew enforcement counties. Again, this is not the case. In 1995-96, greater rates of curfew enforcement are associated with higher levels of youth property crime and no significant effect on other types of crime. In particular, much publicized curfew crackdowns in Fresno, San Diego and Santa Clara counties were followed by higher levels of youth crime in every category, both absolutely and relative to adult crime. Conversely, low enforcement counties such as Riverside and Sacramento have lower rates of youth crime relative to adult crime. Other counties show mixed results. Overall, no significant trends are evident.

(4) Correlations by city over time and location.

Cities in Los Angeles and Orange Counties show widely varying patterns of curfew enforcement. Burbank, Fullerton, and West Covina display high rates of status and curfew arrest; Pasadena and Anaheim very low rates; Los Angeles and Huntington Beach show rapidly increasing rates in the mid-1990s after low rates of enforcement in the early part of the decade. Even given these dramatic differences, no consistent effects of curfew arrest on local youth crime could be found. While more significant results were found due to small numbers and extreme values produced by certain cities, they were more likely to show curfew and status crime enforcement associated with higher levels of youth felony and burglary arrest than with lower levels. Monrovia in particular showed youth crime increases associated with its daytime curfew.

Of the 42 correlations of curfew arrest rates with youth crime rates in 21 major Los Angeles and Orange County cities for 1990-95, nine were significantly positive, seven were negative, and 26 were not statistically significant.

Similar results were found for the 12 correlations comparing local status and youth felony and burglary arrest rates by year for 1990 through 1995.

The year-by-year analysis shows that in no case did cities with stricter curfew enforcement show lower than expected levels of juvenile crime compared to corresponding adult crime rates; the opposite was more likely to be the case.

Discussion

Statistical analysis does not support the claim that curfew and other status enforcement reduces any type of juvenile crime, either on an absolute (raw) basis or relative to adult crime rates. The consistency of results of these three different kinds of analysis of curfew laws point to the ineffectiveness of these measures in reducing youth crime. California counties display a number of interesting extremes.

In 1996, for example, Los Angeles arrested 10,800 youths for curfew violations, ten times more than in 1987. Supporters cite the 30% decline in youth crime from 1990 to 1994. Yet adult crime declined at the same rate, in almost identical fashion, for each category. The bottom line was that LA's rate of youth felonies relative to adults' (which had previously fallen rapidly from 1980 to 1987) was the same in 1996 as it was a decade earlier.

Also, a comparison of San Francisco and San Jose reveals similar patterns. Despite San Jose's much touted curfew law, no effect on youth crime trends can be demonstrated. The San Jose figures contrast with San Francisco, where curfew arrests were almost nonexistent during this same period. As San Francisco's curfew arrests went down, its juvenile arrest rate declined.

Finally, of much greater significance in crime control is the fact that rates of serious crime among youths are strongly correlated with those of adults around them, both by local area and over time. Significant positive correlations (that is, youth and adult crime rates rise and fall together) were found between rates of youth and adult violent, property, felony, and homicide arrests for the 12 largest counties and for the state as a whole (see table 7) (Criminal Justice Statistics Center, 1978-1996).

Youth and adult felony rates were correlated for all four major racial groups, as were violent and property crime arrests for all racial groups except whites, homicide rates for whites and Hispanics, and misdemeanor rates for Asians. Where adult crime rises or falls, youth crime rises or falls in tandem; where adults display a high rate of violent crime arrests, youths also display a high rate of violent crime arrests.

Law enforcement authorities have stated that they enforce curfew laws evenhandedly. For most major counties, this appears to be true. Arrest rates of white (non-Hispanic) youth are reasonably similar to those of Hispanics, blacks, and Asians. However, four large counties display discrepant racial/ethnic statistics. In Ventura County, curfew arrests of Hispanic and black youths are 8.4 times and 7.4 times higher, respectively, than those of white youths. In Fresno and Santa Clara counties, Hispanic youths are five times, and black youths three times, more likely to be arrested for curfew violations than are white youths. Los Angeles authorities arrest Hispanic and black youths for curfew violations at rates two to three times that of whites.

It could also be argued that greater curfew enforcement evidences more proactive policing which, in turn, might result in more juvenile arrests for other offenses. In this sense, curfews would be seen as serving an incapacitation goal by selectively detaining youths likely to commit crime. Although this possibility cannot be categorically refuted with this data, it seems implausible as a general explanation. First, the chief effect of greater curfew enforcement is not its effect on youth crime: If curfew arrests signaled more proactive policing, and greater police contacts with curfew violators who may also be offenders in other regards, we would expect a consistent increase in non-curfew arrests coincident with curfew arrests. This is not the case; the effects are inconsistent. Second, in Monrovia, the months showing higher levels of curfew arrests coincided not only with more juvenile arrests for other offenses, but with higher levels of criminal activity as measured by crimes reported to police. More reported crime is the opposite of the effect expected if curfews served an incapacitating goal. Finally, examination of a random sample of Monrovia's police logs of several dozen curfew citations reveals only one that could have coincided with arrest for an additional offense, and

it is not clear which offense provided police attention.

Conclusion

In recent years curfew laws are frequently cited by public officials and law enforcement authorities as essential elements in reducing crime in their communities. Despite widespread endorsement of this policy approach, virtually no substantive analysis, prior to this study, has been completed that tests the hypothesis that tougher curfew enforcement reduces juvenile crime. Through an analysis of official data, this research compared the relative crime rates of jurisdictions with strict curfew enforcement and jurisdictions with less curfew enforcement. In addition, the study examined the effects of curfew enforcement on specific types of crime and the impact of curfew enforcement on juvenile crime rates relative to adults.

The current available data provides no basis to the belief that curfew laws are an effective way for communities to prevent youth crime and keep young people safe. On virtually every measure, no discernable effect on juvenile crime was observed. In fact, in many jurisdictions serious juvenile crime increased at the very time officials were touting the crime reduction effects of strict curfew enforcement.

Curfews also may be regarded as a "panacea" approach to juvenile crime. Panacea approaches, especially those perceived to entail little cost, usually have been found satisfying to proponents but wanting in terms of effect. For example, independent replications of Scared Straight, a program that employs verbal confrontations of juvenile delinquents by menacing prisoners, disputed the program's 90% success rate claim. Finckenauer's evaluations found that not only did Scared Straight sessions (which involved swaggering convicts loudly threatening youths with violence and mayhem should they be imprisoned) fail to deter delinquency, the only question was whether the session provoked increased criminality (1982).

The research suggests that the solutions to juvenile crime often championed by law enforcement agencies and public officials must be closely examined. Based on the current evidence, a crime reduction strategy founded solely on law enforcement intervention has little effect and suggests that solutions are more complex and multifaceted. Future policy and research should focus on the potential crime reduction effects of prevention strategies that provide a comprehensive array of services, opportunities, and interventions. While this approach is likely to require a substantial infusion of public resources, the long term benefits may prove worth the investment.

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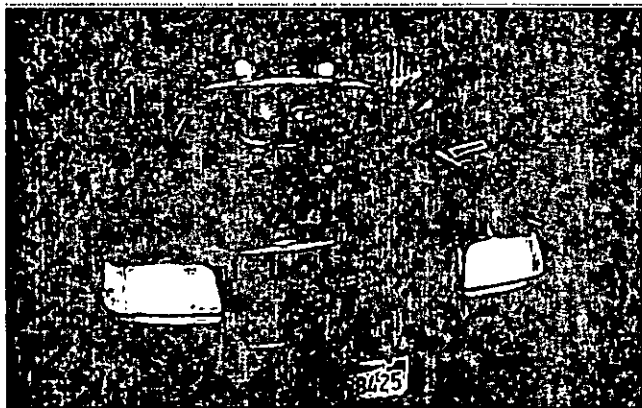
September 07, 2011

Attachment D

Why Curfews Don't Work

There's been a big push recently to enact a youth curfew in Oakland, but there's little evidence that they're effective; plus they waste police resources.

By Robert Gammon



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in the aftermath of the tragic daytime shooting of three-year-old Carlos Nava this summer, Oakland Councilmen Larry Reid and Ignacio De La Puente renewed their call for a youth curfew in the city. Even though the suspects in Nava's killing are adults, the councilmen contend that Oakland police need as many law enforcement tools as possible to cope with this year's spike in violent crime. Their proposal, which would make it illegal for youth under the age of eighteen to be out past 10 p.m. without a parent or guardian, also has been endorsed recently by the *Oakland Tribune* editorial board, and has been pushed by *Tribune* columnist Tammerlin Drummond and San Francisco *Chronicle* columnist Chip Johnson.

However, a closer look at youth curfews reveals that there's little evidence that they lower juvenile crime rates in other cities, and instead can waste precious police resources. Some civil rights and juvenile crime experts, including Alameda County Probation Chief David Muhammad, also say that youth curfews have the potential to damage already strained relationships between police and black and Latino youth, and if not implemented properly, can lead to racial profiling. In addition, curfews must be worded carefully, or they will be overturned by the courts as unconstitutional. The City of San Diego, for example, has twice had its youth curfew invalidated by appellate courts for violating young people's basic rights.

Over the years, there have been very few studies on the effectiveness of youth curfews, even though hundreds of cities have adopted such laws. A February 2009 memo that the Oakland Police Department co-authored with Reid's office had to reach back to the early- and mid-1990s to find drops in juvenile crime in three cities with youth curfews — Dallas, Denver, and Long Beach. Each of those cities reported decreases in youth crime in the year immediately following the adoption of curfews. However, the OPD memo did not report whether those cities also experienced drops in adult crime during the same period, so it's unclear whether the curfews were actually responsible for declines in youth crime.

According to Daniel Macallair, executive director of the Center on Juvenile and Criminal Justice in San Francisco, it's a common problem when examining

curfews. His organization is one of the few to thoroughly analyze curfews. The 1999 study, published in *Western Criminology Review*, analyzed adult and juvenile crime statistics from 1980 to 1996 in California cities with youth curfews. It found that there was no correlation between youth curfews and crime by or against juveniles, even in cities that strictly enforced their curfew laws.

Moreover, cities that experienced drops in juvenile crime after adopting curfews also saw similar declines in adult crime during the same time periods, meaning that the curfews were likely unrelated to the downward crime trends. In addition, cities with curfews that experienced juvenile crime drops typically were also surrounded by other cities that saw the same declines and had no curfew laws. "It's a common misconception," Macallair said, regarding the belief that curfews work. "According to the studies, there's just no relationship between youth curfews and crime reduction. None. Nothing demonstrates that curfews have had any impact on crime."

In an interview, De La Fuente said he doesn't view curfews as a panacea. Instead, he said he sees them as another crime-fighting weapon that Oakland police need at their disposal. "No one is saying that curfews will stop crime by themselves," De La Fuente said. "But it's one of many things — like gang injunctions and monitoring parolees. We need to do something. We are in a crisis. People are dying."

De La Fuente said he hopes to get the curfew proposal before the city council later this month. In early 2009, the last time he and Reid proposed a curfew, it failed to get out of the council's Public Safety Committee because of widespread opposition. But the proposal may have a better chance this time because the Nava killing, along with several other shocking murders this year, may galvanize support for it.

But if there's little evidence that youth curfews work, are they worth it? Juvenile crime experts say that the problem with enforcing curfews is that it requires police officers to divert valuable time from crime prevention and patrol. If an officer, for example, comes across a teen who is out past 10 p.m., the officer is required to either take the kid home or to a late-night, police department-run youth center. According to the 2009 OPD memo, each such occurrence likely would take up to sixty minutes of the officer's time.

And it could be much longer than that if the cop decides to arrest a repeat violator of the curfew ordinance. In that case, it could take several hours to fill out a police report, and then transfer the youth to Alameda County Juvenile Hall in San Leandro, where the youth likely will be released as soon as a parent or guardian comes to get him or her — unless the youth was also arrested for a more serious crime, noted Probation Chief Muhammad, whose department operates Juvenile Hall.

Oakland police spokeswoman Holly Joshi said that Police Chief Anthony Batts, who has also pushed for a curfew, was out of town until September 12 and unavailable for an interview for this story. Batts' direct supervisor, City Administrator Deanna Santana, declined to comment on her experiences with curfews in San Jose when she was an assistant city manager there. Santana's current boss, Mayor Jean Quan, opposes curfews, and has been criticized by De La Fuente and the *Chronicle's* Chip Johnson for her stance. Joshi said that no other police department official was prepared to comment on the curfew idea because the department has not yet drafted an official proposal.

In 2009, however, the department apparently realized the costs of enforcing a curfew and the headaches it would create for patrol officers. So the department proposed to enforce the curfew, if adopted, only twelve times a year during special police sweeps using off-duty cops who would be paid overtime. "OPD does not currently have the capacity to run daily operations," the 2009 memo

explained. As a result, the department planned to deploy one sergeant at \$81.62 an hour, and eight officers at \$70.74 an hour during the seven-hour sweeps. The department estimated that the cost of twelve sweeps, along with operating late-night curfew centers, would be \$75,290.36. It should be noted that at the time, the department had 800 cops, compared to about 650 now, and thus would likely propose sweeps again to enforce a curfew since it now has fewer officers on patrol and can't afford to divert them to arresting kids who are out late. The city's finances also have nosedived during the interim, so it's unclear how Oakland would pay for such sweeps today.

Another flaw in the 2009 OPD proposal was that it failed to consider that youth are much more likely to commit crimes during the day or early evening. According to Macallair, crime statistics show that youths are most likely to commit crimes from 3 p.m. to 6 p.m., when they get out of school. According to the 2009 OPD memo, just 23 percent of youth crime occurs between 10 p.m. and 6 a.m., when a curfew would be in effect. By contrast, 77 percent of youth crime in Oakland occurs during the day or evening when there would be no curfew.

Youth curfews also target the wrong people. According to the FBI, up to 90 percent of serious crimes in the United States are committed by adults each year. In addition, when juveniles break the law, it tends to be less serious. Muhammad noted that of 400 youths arrested on average each month in Alameda County, only 125 are brought to Juvenile Hall. The rest are released to their parents or guardians because the crimes the youths are suspected of committing aren't serious enough to warrant being locked up. In short, instituting a curfew in Oakland is unlikely to impact this year's rise in violent crime.

A curfew, if targeted mostly at youth in West and East Oakland, also runs the risk of further harming the already poor relationship that many youth of color in the city have with police. In the 2009 OPD memo, the department said it would train officers to not engage in racial profiling, but the memo also said that the sweeps would target "specific" areas "Based on prevailing crime trends of juveniles as either victims or suspects." In other words: West and East Oakland. "They're not going to do this on Lakeshore [Avenue], stopping kids from Piedmont High; they're not going to be doing this in Rockridge, stopping kids from Berkeley High," noted Jim Chanin, an East Bay civil rights attorney.

Some civil rights advocates also contend that curfews are actually designed not to get kids off the street at night, but to give police officers a legal reason to approach them, and then possibly arrest them for other minor offenses. "It's all about giving police probable cause to stop people," Chanin said. The 2009 OPD memo noted that even though the department only planned to enforce a curfew during special sweeps, individual officers were still free to enforce it on their own.

Finally, there's the issue of whether curfews are constitutional. Over the past two decades, appellate courts throughout the nation have overturned youth curfews for violating the basic rights of young people. In February 2010, a state appellate court threw out San Diego's curfew ordinance for a second time, ruling that it was too broad and unlawfully infringed on the rights of youths to participate in legitimate, legal activities after 10 p.m. The San Diego City Council later rewrote its curfew law again in attempt to pass muster with the courts.

So why do cities continue to turn to curfews when they present so many problems? Juvenile crime experts say it's somewhat common for politicians and pundits to push for curfews during violent crime waves. At such times, people desperately want to do something to stanch the bloodshed. And

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curfews, on the surface, seem like a logical answer. After all, who thinks kids should be out on the streets at all hours of the night?

But from Muhammad's perspective, there are more effective ways to deal with juvenile crime. He said, for example, that if probation, parole, police, and school officials worked closely with crime-prevention groups they would be able to identify and target the relatively small number of young people who are committing most of the violent crime in the city — "without casting this broad net that ensnares people who shouldn't be."

2010	Suspect	Victim	Total	Arrests
Homicide (187)	6	21	27	6
Attempt Hmicide (664/187)	3	9	12	3
Shootings (245 a2)	133	115	248	18
Robbery strong arm (211)	477	142	619	99
Robbery armed (211)	551	103	654	39
Attempt Robbery (664/211)	208	42	250	36
Burglary (459)	302	46	348	100
Auto Burg	18	10	28	13
Attmpt Burg (664/459)	67	2	69	18
Carjacking (215)	75	9	84	31
ADW		5	5	0
Home Inv (212.5)	42	44	86	9
Attmpt Hm Inv (664/212.5)	1	4	5	2
Shoot inhabited dwelling/veh (245)	17	19	36	6
Shoot uninhabited dwelling/veh	11	7	18	3
Willful dischr of weapon	13	1	14	2
Total	1924	579	2503	385

2012	Suspect	Victim	Total	Arrests
Homicide (187)	11	14	25	4
Attempt Hmicide (664/187)	0	7	7	1
Shootings (245 a2)	*142	113	113	8
Robbery strong arm (211)	**500	150	150	38
Robbery armed (211)	622	158	780	31
Attempt Robbery (664/211)	165	33	198	14
Burglary (459)	258	53	311	28
Auto Burg	31	24	55	6
Attmpt Burg (664/459)	61	4	65	3
Carjacking (215)	35	7	42	8
ADW	7	2	9	1
Home Inv (212.5)	24	17	41	5
Attmpt Hm Inv (664/212.5)	6		6	0
Shoot inhabited dwelling/veh (245)	90	54	144	0
Shoot uninhabited dwelling/veh	3	12	15	0
Willful dischr of weapon	28	5	33	1
Total	1341	653	1994	148

2011	Suspect	Victim	Total	Arrests
Homicide (187)	15	7	22	5
Attempt Hmicide (664/187)	9	19	28	6
Shootings (245 a2)	110	137	247	10
Robbery (211)	363	128	491	54
Robbery armed (211)	562	108	670	52
Attempt Robbery (664/211)	178	24	202	14
Burglary (459)	237	47	284	58
Auto Burg	17	8	25	0
Attmpt Burg (664/459)	38	0	38	3
Carjacking (215)	42	7	49	4
ADW	3	5	8	3
Home Inv (212.5)	44	29	73	6
Attmpt Hm Inv (664/212.5)	1	2	3	0
Shoot inhabited dwelling/veh (245)	28	24	52	1
Shoot uninhabited dwelling/veh	8	10	18	0
Willful dischr of weapon	8	4	12	2
Total	1663	559	2222	218

Jan-14Oct 2013	Suspect	Victim	Total	Arrests
Homicide (187)	15	17	32	2
Attempt Hmicide (664/187)	1	2	3	2
Shootings (245 a2)	104	101	205	4
Robbery (211)	333	94	427	21
Robbery armed (211)	641	142	783	43
Attempt Robbery (664/211)	130	22	152	6
Burglary (459)	193	30	223	31
Auto Burg	20	17	37	7
Attmpt Burg (664/459)	19	3	22	0
Carjacking (215)	46	5	51	13
ADW	0	2	2	0
Home Inv (212.5)	36	12	48	1
Attmpt Hm Inv (664/212.5)	0	0	0	0
Shoot inhabited dwelling/veh (245)	9	30	39	1
Shoot uninhabited dwelling/veh	6	13	19	0
Willful dischr of weapon	10	8	18	4
Total	1563	498	2061	135

* (3) 245 (a) 2 against police

** 1 bank robbery

No. 3

OAKLAND POLICE 2010 YEAR END CRIME REPORT

This report is run by the date the crimes occurred. Because both reporting of crimes and data entry can be a month or more behind, not all crimes have been recorded yet. This can create a false reduction in crime in both property and violent crimes. For a more accurate week to week or month to month or current period to same period in a previous year comparison, it is best to compare periods that are between 30 and 60 days prior to the current date. The only certified crime statistics are the UCRs

Part 1 Crimes All totals include attempts except homicides.	YTD 2007	YTD 2008	YTD 2009	YTD 2010	% Change YTD	3 Year Average	Over/ Under
Murder - 187(A)PC [UCR Count]	120	118	101	90	-11%	103	(13)
Non-UCR Murders				3	0%	1	2
Aggravated Assault	2,937	2,998	2,572	2,430	-6%	2,667	(237)
Firearm - 245(A)(2)PC	498	514	366	441	-21%	441	3
Other Than Firearm - 245(A)(1)PC	838	771	744	675	-9%	730	(55)
Firearm - Other	438	450	371	456	23%	426	30
Domestic Violence - 273.5 PC	487	504	527	415	-21%	483	(67)
Child Abuse	387	434	258	177	-31%	290	(113)
Elder Abuse	17	15	18	17	-6%	17	0
Firearm Assault on Officer	3	7	5	3	-40%	5	(2)
Assault on Officer - Other	62	43	51	36	-29%	43	(7)
Misc. Assault	207	260	232	207	-11%	233	(26)
Rape	246	214	217	191	-12%	207	(16)
Robbery	3,677	3,590	3,242	3,149	-3%	3,327	(178)
Firearm	1,564	1,582	1,308	1,345	3%	1,412	(67)
Knife or Cutting Instrument	142	143	129	126	-2%	133	(7)
Strong Armed	1,386	1,308	1,334	1,208	-9%	1,283	(75)
Other Dangerous Weapon	135	105	79	64	-19%	83	(19)
Residential Robbery - 212.5(A)PC	136	129	128	183	43%	147	36
Carjacking - 215(A) PC	314	323	264	223	-16%	270	(47)
Burglary	8,274	7,702	8,815	7,951	-10%	8,156	(205)
Auto	3,903	3,452	4,149	3,289	-21%	3,630	(341)
Residential	2,754	2,881	3,285	3,674	12%	3,280	394
Commercial	1,073	796	566	522	-28%	628	(106)
Other (Includes boats, aircraft, etc.)	262	250	274	216	-21%	247	(31)
Unknown	282	323	541	250	-54%	371	(121)
Motor Vehicle Theft	9,821	8,048	6,270	4,458	-29%	6,259	(1,801)
Larceny	5,917	6,228	6,126	5,231	-15%	5,862	(631)
Receive/Possess/Sell Stolen Property	103	132	94	78	-17%	101	(23)
Other Larcenies	5,814	6,096	6,032	5,153	-15%	5,760	(607)
Arson	268	283	210	142	-32%	212	(70)
Total Part One Crimes	31,265	29,182	27,557	23,641	-14%	26,793	(3,152)
Part 2 Crimes of Focus	YTD	YTD	YTD	YTD	% Change	3 Year	Over/ Under
Includes Attempts	2007	2008	2009	2010	YTD	Average	
Weapons - Possessing/Carrying	781	837	753	696	-8%	762	(66)
Drug Possession & Sales	3,811	4,458	3,872	2,892	-25%	3,741	(849)
Assaults - Simple	2,931	2,877	2,893	2,791	-4%	2,854	(63)
Domestic Battery	2,511	2,452	2,516	2,453	-3%	2,474	(21)
Elder Abuse	69	31	12	9	-25%	17	(8)
Child Abuse	172	178	138	154	12%	157	(3)
Assault on Officer - Other	179	216	227	175	-23%	206	(31)
Prostitution & Commercialized Vice	285	334	642	499	-22%	492	7
Non-Rape Sex Crimes	942	754	650	613	-6%	672	(59)
Total Part Two Crimes	8,750	9,260	8,810	7,491	-15%	8,520	(1,029)

CITY OF OAKLAND YEAR END CRIME REPORT 2011

12/25/2011 - 12/31/2011

This report is run by the date the crimes occurred. Because both reporting of crimes and data entry can be a month or more behind, not all crimes have been recorded yet. This can create a false reduction in crime in both property and violent crimes. For a more accurate week to week or month to month or current period to same period in a previous year comparison, it is best to compare periods that are between 30 and 60 days prior to the current date. The only certified crime statistics are the UCRs.

Part I Crimes All totals include attempts except homicides.	Weekly Total	YTD 2007	YTD 2008	YTD 2009	YTD 2010	YTD 2011	% Change YTD	3 Year Average	Over/ Under
Murder - 187(A)(C) UCR Count	3	120	116	104	90	103	14%	99	(4)
Non-UCR Murders			11			8			
Aggravated Assault	42	2,939	2,999	2,578	2,473	2,455	-1%	2,502	(47)
Firearm - 245(A)(2)PC	11	499	515	369	446	552	24%	456	96
Other Than Firearm - 245(A)(1)PC	11	838	771	745	684	667	-2%	699	(32)
Firearm - Other	6	439	450	371	472	535	13%	459	76
Domestic Violence - 273.5 PC	6	487	504	527	420	300	-29%	416	(116)
Child Abuse	3	387	434	260	183	141	-23%	195	(54)
Elder Abuse	-	17	15	18	18	16	-1%	17	(1)
Firearm Assault on Officer	-	3	7	5	3	2	-33%	3	(1)
Assault on Officer - Other	3	62	43	51	37	41	11%	43	(2)
Misc. Assault	2	207	260	232	210	201	-4%	214	(13)
Rape	1	247	215	222	199	165	-17%	195	(30)
Robbery	38	3,677	3,590	3,244	3,194	3,285	3%	3,241	44
Firearm	20	1,564	1,582	1,308	1,366	1,564	14%	1,413	151
Knife or Cutting Instrument	1	142	143	130	128	115	-10%	124	(9)
Strong Armed	11	1,386	1,308	1,334	1,224	1,192	-3%	1,250	(58)
Other Dangerous Weapon	-	135	105	79	64	46	-28%	61	(17)
Residential Robbery - 212.5(A)PC	3	136	129	129	185	181	-2%	165	16
Carjacking - 215(A) PC	3	314	323	264	227	187	-10%	226	(39)
Burglary	123	8,274	7,703	8,816	8,189	8,559	5%	8,521	38
Auto	59	3,903	3,453	4,149	3,390	3,661	8%	3,733	(72)
Residential	58	2,756	2,886	3,294	3,782	3,842	2%	3,639	203
Commercial	5	1,079	797	572	538	552	3%	554	(2)
Other (Includes boats, aircraft, etc.)	1	258	247	267	223	147	-34%	212	(65)
Unknown	-	278	320	534	256	357	39%	382	(25)
Motor Vehicle Theft	110	9,822	8,048	6,272	4,582	5,911	29%	5,588	323
Larceny	41	5,921	6,231	6,139	5,462	5,557	2%	5,719	(162)
Receive/Possess/Sell Stolen Property	1	103	132	94	80	68	-15%	81	(13)
Other Larcenies	40	5,818	6,099	6,045	5,382	5,489	2%	5,639	(150)
Arson	3	268	283	210	144	130	-10%	161	(31)
Total Part One Crimes	359	31,273	29,187	27,586	24,333	26,157	7%	26,025	132
Part 2 Crimes of Focus Includes Attempts	Weekly Total	YTD 2007	YTD 2008	YTD 2009	YTD 2010	YTD 2011	% Change YTD	3 Year Average	Over/ Under
Weapons - Possessing/Carrying	13	781	837	755	706	605	-14%	689	(84)
Drug Possession & Sales	22	3,811	4,459	3,870	2,908	1,732	-40%	2,837	(1,105)
Assaults - Simple	50	2,931	2,878	2,895	2,819	2,598	-8%	2,774	(173)
Domestic Battery	48	2,511	2,453	2,516	2,475	2,419	-2%	2,470	(51)
Elder Abuse	-	69	31	12	10	11	10%	11	
Child Abuse	1	172	178	139	158	68	-57%	122	(54)
Assault on Officer - Other	1	179	216	228	176	100	-43%	168	(68)
Prostitution & Commercialized Vice	2	285	334	643	511	261	-49%	472	(211)
Non-Rape Sex Crimes	2	947	760	659	659	556	-16%	625	(69)
Total Part Two Crimes	89	8,755	9,268	8,822	7,603	5,752	-24%	7,392	(1,640)
TOTAL CRIMES	448	40,028	38,455	36,408	31,936	31,909	0%	33,418	(1,509)

CITY OF OAKLAND WEEKLY CRIME REPORT

2012 YEAR END REPORT

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Part 1 Crimes All totals include attempts except homicides.	YTD 2008	YTD 2009	YTD 2010	YTD 2011	YTD 2012	% Change YTD	3-Year Average	Over/ Under
Murder - 187(A)PC [UCR Count]	118	104	90	103	126	22%	106	20
Non-UCR Murders	11	3	1	1	4	Int	1	3
Aggravated Assault	3,000	2,580	2,475	2,495	2,762	11%	2,577	185
Firearm - 245(A)(2)PC	515	369	447	548	555	1%	517	38
Other Than Firearm - 245(A)(1)PC	772	745	684	678	672	-1%	678	(7)
Firearm - Other	450	371	472	555	772	39%	600	172
Domestic Violence - 273.5 PC	504	528	420	304	340	12%	355	(15)
Child Abuse	434	260	183	146	153	5%	161	(8)
Elder Abuse	15	18	18	17	20	18%	18	2
Firearm Assault on Officer	7	5	3	2	6	200%	4	2
Assault on Officer - Other	43	51	37	42	23	-45%	34	(11)
Misc. Assault	260	233	211	203	222	9%	212	10
Rape	215	222	200	178	214	20%	197	17
Robbery	3,590	3,245	3,195	3,319	4,126	24%	3,547	579
Firearm	1,582	1,308	1,367	1,577	2,159	37%	1,701	458
Knife or Cutting Instrument	143	130	128	118	130	10%	125	5
Strong Armed	1,308	1,335	1,224	1,206	1,397	16%	1,276	121
Other Dangerous Weapon	105	79	64	49	83	69%	65	18
Residential Robbery - 212.5(A)PC	129	129	185	181	180	-1%	182	(2)
Carjacking - 215(A) PC	323	264	227	188	177	-6%	197	(20)
Burglary	7,703	8,818	8,205	8,797	12,549	43%	9,850	2,699
Auto	3,453	4,151	3,398	3,707	6,555	77%	4,553	2,002
Residential	2,898	3,306	3,793	3,940	4,870	24%	4,201	669
Commercial	800	576	542	555	690	24%	596	94
Other (includes boats, aircraft, etc.)	243	263	216	173	199	15%	196	3
Unknown	309	522	256	422	235	-44%	304	(9)
Motor Vehicle Theft	8,049	6,273	4,586	5,999	7,020	17%	5,868	1,152
Larceny	6,232	6,145	5,478	5,786	6,006	4%	5,757	249
Receive/Possess/Sell Stolen Property	131	94	80	68	60	-12%	69	(9)
Other Larcenies	6,101	6,051	5,398	5,718	5,946	4%	5,687	259
Arson	283	210	144	133	157	18%	145	12
Total Part One Crimes	29,190	27,598	24,373	26,807	32,951	23%	28,044	4,907
Part 2 Crimes of Focus Includes Attempts	YTD 2008	YTD 2009	YTD 2010	YTD 2011	YTD 2012	% Change YTD	3-Year Average	Over/ Under
Weapons - Possessing/Carrying	837	755	706	7607	452	-26%	588	(136)
Drug Possession & Sales	4,459	3,869	2,908	1,732	1,326	-23%	1,989	(663)
Assaults - Simple	2,878	2,896	2,823	2,626	2,829	8%	2,759	70
Domestic Battery	2,453	2,517	2,478	2,442	2,630	8%	2,517	113
Elder Abuse	31	12	10	12	12	0%	11	1
Child Abuse	178	139	159	71	104	46%	111	(7)
Assault on Officer - Other	216	228	176	101	83	-18%	120	(37)
Prostitution & Commercialized Vice	334	643	512	266	167	-37%	315	(148)
Non-Rape Sex Crimes	8764	667	663	595	568	-5%	609	(41)
Total Part Two Crimes	9,272	8,830	7,612	5,826	5,342	-8%	6,260	(918)
TOTAL CRIMES	38,462	36,428	31,985	32,633	38,293	17%	34,304	3,989

2012 statistics

City	Oakland	Oakland less 13%	Fresno	San Francisco	Richmond	Atlanta, GA
population	400,740	400,740	505,882	825,863	106,516	443,775
homicides	131	113.97	51	68	18	85
homicides per 1000	0.33	0.28	0.10	0.08	0.17	0.19
median income	50,500		40,533	69,863	44,210	43,903
poverty rate	19.6%		23.4%	15.2%	17.5%	23.2%
unemployment	7.80%		12.50%	7.80%	12.00%	8.80%
diversity	27%B, 25%W, 24%H, 18%A		49%H, 29%W, 12%A, 7%B	42%W 33%A, 15%H, 6%B	41%H, 24%B, 18%W, 12%A	54%B, 35%W, 6%H, 3%A
number police	618		970	1771	297	1859
police per 1000	1.54		1.92	2.14	2.79	4.19

<http://quickfacts.census.gov/qfd/states/06/0653000.html>

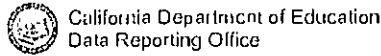
<http://www.city-data.com/crime>

Oakland Homicide rate by Year

year	number	rate
2012	131	0.33
2011	110	0.27
2010	95	0.24
2009	104	0.26
2008	116	0.29
2007	120	0.30
2006	145	0.36

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Dropouts by Ethnic Designation by Grade

2011-12 Oakland Unified
For All Students

Report Dropouts by Grade, Ethnicity
Year 2011-12
School Select a School
Subgroup All Students
Gender All

Please note the footnote explanation below regarding dropout calculations for alternative schools.

Ethnic Category	Adjusted Grade 7 Dropouts	Adjusted Grade 8 Dropouts	Adjusted Grade 9 Dropouts	Adjusted Grade 10 Dropouts	Adjusted Grade 11 Dropouts	Adjusted Grade 12 Dropouts	Adjusted Ungraded Secondary Dropouts	Adjusted Grade 9-12 Dropout Total	Grade 9-12 Enrollment Total	Annual Adjusted Grade 9-12 Dropout Rate
Hispanic or Latino of Any Race	23	15	52	70	83	171	0	376	4,595	8.2%
American Indian/Alaska Native, Not Hispanic	1	0	3	4	1	6	0	14	79	17.7%
Asian, Not Hispanic	9	1	11	24	19	62	1	117	1,954	6.0%
Pacific Islander, Not Hispanic	1	0	0	0	4	4	0	8	168	4.8%
Filipino, Not Hispanic	0	0	0	3	2	0	0	5	103	4.9%
African American, Not Hispanic	36	23	43	85	99	223	0	450	4,172	10.8%
White, Not Hispanic	11	2	8	4	9	12	0	33	778	4.2%
Two or More Races, Not Hispanic	0	1	2	0	0	4	0	6	159	3.8%
None Reported	1	0	4	4	5	7	0	20	143	14.0%

	Adjusted Grade 7 Dropouts	Adjusted Grade 8 Dropouts	Adjusted Grade 9 Dropouts	Adjusted Grade 10 Dropouts	Adjusted Grade 11 Dropouts	Adjusted Grade 12 Dropouts	Adjusted Ungraded Secondary Dropouts	Adjusted Grade 9-12 Dropout Total	Grade 9-12 Enrollment Total	Annual Adjusted Grade 9-12 Dropout Rate
District Total	82	42	123	194	222	489	1	1,029	12,151	8.5%
County Total	188	134	278	408	518	1,515	12	2,731	67,226	4.1%
Statewide Total	3,367	3,023	8,394	10,874	15,237	44,589	319	79,413	1,984,774	4.0%

Dropout counts are derived from student-level data starting in 2006-07.

Subgroup data

Please note that the reports for the following subgroups: English learners, special education, migrant education, and socioeconomically disadvantaged contain incomplete comparison information. The baseline data was collected in October of 2006. Since this was the first time enrollment was collected at the student level, in many cases schools and districts simply did not report if students were in one or more of these four subgroups. Since then, the data regarding these four subgroups is much more complete.

LEP NCLB Definition includes English Learners and Fluent-English Proficient students that have not yet tested at the proficient or above level for three years on the California Standards Test (CST) English Language Arts (ELA) test.

Alternative School Dropout Rates

Dropout rate calculations are not posted for schools that are operated by County Offices of Education because of constraints in interpreting these calculations with high mobility schools. Caution must also be used when calculating or analyzing dropout rates for other schools with high mobility including alternative schools, dropout recovery high schools, or schools eligible or participating in the Alternative Schools Accountability Model (ASAM).

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The dropout rate calculations posted on the CDE Web site compare the counts of dropouts over the entire school year with a single day enrollment count on CBEDS Information Day (first Wednesday of October). By design, alternative schools and dropout recovery high schools may serve many students over the course of a school year. Students may stay in these schools for short periods of time with the intent of returning to their local comprehensive high schools. Calculating dropout rates for schools with a high volume of short term students may result in overstated rates in excess of 100 percent because the point-in-time enrollment count will significantly understate the actual enrollment over time.

It may also be inappropriate to compare dropout rates for alternative schools and dropout recovery high schools to local comprehensive high schools. In many cases, alternative schools serve only those students who are already at the greatest risk of dropping out of school because of their prior academic challenges.

Dropout Formulae

1-year Rate Formula: $(\text{Adjusted Gr. 9-12 Dropouts} / \text{Gr. 9-12 Enrollment}) * 100$

** Asterisks in the 1-year rate indicate that one or more grade levels have zero enrollment and a rate can not be calculated.

-- Dashes are used in the 1-year rate column for schools operated by county offices of education or state juvenile schools

Dropout terms

Adjusted Dropouts - Reported Grade 9-12 Dropout Total minus Reenrolled Grade 9-12 Dropouts plus Grade 9-12 Lost Transfers.

Reenrolled Dropouts - Students initially reported as dropouts but subsequently found to be enrolled in another California public school district

Lost Transfers - Students reported as having transferred to another California public school but not found enrolled in another California public school or students reported as exiting for the summer, but not found enrolled in the fall.

General notes

Data from direct funded charter school(s) are included with data from the district that chartered the school.

In 2002-03 the California Department of Education started using the [National Center for Education Statistics dropout criteria](#).

Report Generated: 10/28/2013 5:11:30 PM
Source: California Longitudinal Pupil Achievement Data System (CALPADS)
Data as of: 2013-05-30

Web Policy

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California Department of Education
Data Reporting Office

CDE » DataQuest » Suspension, Expulsion, and Truancy Report

Suspension, Expulsion, and Truancy Report For 2011-12

Total Offenses Committed Oakland Unified (0161259)

Report: Total Offenses Committed
Year: 2011-12
District: 0161259 -- Oakland Unified

Glossary

General Description of this Report

This report provides a total count of California Education Code section violations committed by students and reported to CALPADS for all incidents¹ during the academic year, not just the most severe offense. This report also includes a student-level disciplinary outcome (suspension or expulsion²) associated with the incidents in which these offenses occurred.

¹An incident is defined as one or more students committing one or more offenses on the same date at the same time.

²Expulsion counts include all expulsions, even those expulsions where the term of the expulsion has been shortened or the enforcement of the expulsion has been suspended.

List of distinct and independently reporting charters that did not certify their 2011-12 CALPADS End-of-Year 3 - Discipline submission

Oakland Unified Report

EdCodeSection	Offense Description	Total Number of Offenses Involved in Expulsions	Total Number of Offenses Involved in Suspensions	Total Number of Offenses Involved in Other Actions
48900(a)(1)	Caused, Attempted, or Threatened Physical Injury	3	2,148	22
48900(a)(2)	Used Force or Violence	1	1,406	12
48900(b)	Possession, Sale, Furnishing a Firearm or Knife	3	24	2
48900(c)	Possession, Use, Sale, or Furnishing a Controlled Substance, Alcohol, Intoxicant	6	329	3
48900(d)	Offering, Arranging, or Negotiating Sale of Controlled Substances, Alcohol, Intoxicants	0	2	0
48900(f)	Property Damage	1	188	8
48900(g)	Property Theft	1	159	3
48900(h)	Possession or Use of Tobacco Products	0	63	2
48900(j)	Obscene Acts, Profanity, and Vulgarly	2	580	14
48900(j)	Offering, Arranging, or Negotiating Sale of Drug Paraphernalia	0	40	0
48900(k)	Disruption, Defiance	19	3,285	53
48900(l)	Received Stolen Property	0	15	0
48900(m)	Possession of an Imitation Firearm	3	40	1
48900(o)	Harassment, Intimidation of a Witness	0	11	0
48900(p)	Offering, Arranging, or Negotiating Sale of Soma	0	2	0
48900(q)	Hazing	0	3	0
48900(r)	Bullying	1	78	2
48900.2	Sexual Harassment	0	87	3
48900.3	Committed an act of Hate Violence	0	10	0
48900.4	Harassment or Intimidation	0	291	7
48900.7	Made Terrorist Threats	1	24	1
48915(a)(1)	Caused Physical Injury	0	2	0
48915(a)(2)	Possession of a Knife or Dangerous Object	13	162	1
48915(a)(3)	Possession of Controlled Substance	0	8	0

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48915(a)(4)	Robbery or Extortion	2	29	2
48915(c)(3)	Sale of Controlled Substance	1	20	0
48915(c)(4)	Sexual Assault	1	10	1

Report Total

Level	Code	Total Number of Offenses Involved in Expulsions	Total Number of Offenses Involved in Suspensions	Total Number of Offenses Involved in Other Actions
Oakland Unified	0161250	58	9,016	137

Download Data Download a semicolon-delimited file of this data to your computer. You will need to select "Save" after selecting the "Download Data" button. Once the file is saved to your computer it may be imported into another software program for analysis.

Viewing this Report

This report is compiled using student-level data reported to the California Longitudinal Pupil Achievement Data System (CALPADS). The student-level data enables an accurate count of the number of suspensions and expulsions and an identification of all of the offenses committed as part of the incident.

For this report, all student offenses are aggregated by the incident-level outcome for each student involved in the incident. If a student committed three offenses in an incident for which they were suspended, a suspension is counted for each offense listed in the report even though the student was suspended only once for the incident. As a result, the total number of disciplinary outcomes in this report exceeds the actual number disciplinary outcomes during the academic year. For the actual numbers of suspensions and expulsions associated with an incident, please consult the Suspension and Expulsion reports.

The "Total Number of Offenses Involved in Expulsions" column provides the total number of offenses committed by students involved in incidents for which they were expelled.

The "Total Number of Offenses Involved in Suspensions" column provides the total number of offenses committed by students involved in incidents for which they were suspended.

The "Total Number of Offenses Involved in Other Actions" column provides the total number of offenses committed by students involved in incidents for which they were not removed from school.

The total counts in this report cannot be compared to totals previously collected and reported through the Uniform Management Information Reporting System (UMIRS). In UMIRS, LEAs reported the total number of offenses committed by offense type, and the LEAs likely were not able to report only the most severe offense committed per incident, resulting in students being counted more than once for the same incident. Thus it is not advisable to compare this report with a UMIRS report, as the two are different and do not contain comparable data.

Availability of UMIRS Reports

Student discipline reports for the 2010-11 Academic Year and prior, often referred to as the UMIRS Reports, will remain accessible on DataQuest. However, the California Department of Education (CDE) no longer collects student discipline/UMIRS data via the Consolidated Application (ConApp) or the Consolidated Application Reporting System (CARS).

Type: All Students

Report generated: 10/28/2013 5:03 PM
Source: California Longitudinal Pupil Achievement Data System (CALPADS)

Web Policy

Truancy

Information and resources that define truancy and truancy penalties and other related information.

Definition of a Truant

The California Legislature defined a truant in very precise language. In summary, it states that a student missing more than 30 minutes of instruction without an excuse three times during the school year must be classified as a truant and reported to the proper school authority. This classification and referral helps emphasize the importance of school attendance and is intended to help minimize interference with instruction. Effective January 1, 2013, the law was amended to authorize school administrators to excuse school absences due to the pupil's circumstances, even if the excuse is not one of the valid excuses listed in the California Education Code (EC) or the uniform standards established by the governing board of the district. The EC section that defines a truant reads as follows:

- EC Section 48260 (a) A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the attendance supervisor or to the superintendent of the school district.
- (b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.
- (c) For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil's circumstances, are deemed to constitute a valid excuse.

Definition of a Chronic Truant

Effective January 1, 2011, EC Section 48263.6 Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for ten percent or more of the school days in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with EC sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

First Notification Mandate

In addition to the reporting requirement, the law states that the school district must notify the parent or guardian of the truant by the most cost-effective method possible, and that the notification must include specific information related to the student's unexcused absences. The EC Section regarding notification reads as follows:

- EC Section 48260.5. Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian, by using the most cost-effective method possible, which may include electronic mail or a telephone call.
- (a) That the pupil is a truant
- (b) That the parent or guardian is obligated to compel the attendance of the pupil at school.
- (c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
- (d) That alternative educational programs are available in the district
- (e) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- (f) That the pupil may be subject to prosecution under Section 48264
- (g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.
- (h) That it is recommended the parent or guardian accompany the pupil to school and attend classes with the pupil for one day.

Habitual Truant Mandate

The law further requires that after a student has been reported as a truant three or more times in one school year and after an appropriate school employee has made a conscientious effort to hold at least one meeting with the parent and the student, the student is deemed a *habitual* truant. The intent is to provide solutions for students who failed to respond to the normal avenues of school intervention, and the most cost-effective method possible should be used to notify the parent or guardian about the meeting at the school. The EC Section outlining habitual truancy reads as follows:

- EC Section 48262: Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent or guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 43260 or Section 48261. For the

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purposes of this section, a conscientious effort means attempting to communicate with the parents of the pupil at least once using the most cost-effective method possible, which may include electronic mail or a telephone call

Interventions

When a student is a *habitual* truant, or is irregular in attendance at school, or is habitually insubordinate or disorderly during school, the student may be referred to a school attendance review board (SARB) or to the county probation department pursuant to EC Section 48263. The student may also be referred to a probation officer or district attorney mediation program pursuant to EC Section 48263.5. The intent of these laws is to provide intensive guidance to meet the special needs of students with school attendance problems or school behavior problems pursuant to EC Section 48320. These interventions are designed to divert students with serious attendance and behavioral problems from the juvenile justice system and to reduce the number of students who drop out of school.

Penalties (Student)

The law provides schools and school districts with discretion regarding student penalties for truancy as long as they are consistent with state law. The penalties for truancy for students defined in EC Section 48264.5 become progressively severe from the first time a truancy report is required through the fourth time a truancy report is required. The EC Section regarding penalties for students who are truant reads as follows.

EC Section 48264.5: Any minor who is required to be reported as a truant pursuant to Section 48260 or 48261 may be required to attend makeup classes conducted on one day of a weekend pursuant to subdivision (c) of Section 37223 and is subject to the following:

- (a) The first time a truancy report is required, the pupil may be personally given a written warning by any peace officer specified in Section 830.1 of the *Penal Code*. A record of written warning may be kept at the school for a period of not less than two years, or until the pupil graduates or transfers, from that school. If the pupil transfers, the record may be forwarded to any school receiving the pupil's school records. A record of the written warning may be maintained by the law enforcement agency in accordance with that law enforcement agency's policies and procedures.
- (b) The second time a truancy report is required within the same school year, the pupil may be assigned by the school to an after school or weekend study program located within the same county as the pupil's school. If the pupil fails to successfully complete the assigned study program, the pupil shall be subject to subdivision (c).
- (c) The third time a truancy report is required within the same school year, the pupil shall be classified a habitual truant, as defined in Section 48262, and may be referred to and required to attend, an attendance review board or a truancy mediation program pursuant to Section 48263 or pursuant to Section 601.3 of the *Welfare and Institutions Code*. If the district does not have a truancy mediation program, the pupil may be required to attend a comparable program deemed acceptable by the school district's attendance supervisor. If the pupil does not successfully complete the truancy mediation program or other similar program, the pupil shall be subject to subdivision (d).
- (d) The fourth time a truancy is required to be reported within the same school year, the pupil shall be within the jurisdiction of the juvenile court which may adjudge the pupil to be a ward of the court pursuant to Section 601 of the *Welfare and Institutions Code*. If the pupil is adjudged a ward of the juvenile court, the pupil shall be required to do one or more of the following:
 - (1) Performance at court-approved community services sponsored by either a public or private nonprofit agency for not less than 20 hours but not more than 40 hours over a period not to exceed 90 days, during a time other than the pupil's hours of school attendance or employment. The probation officer shall report to the court the failure to comply with this paragraph.
 - (2) Payment of a fine by the pupil of not more than one hundred dollars (\$100) for which a parent or guardian of the pupil may be jointly liable.
 - (3) Attendance of a court-approved truancy prevention program.
 - (4) Suspension or revocation of driving privileges pursuant to Section 13202.7 of the *Vehicle Code*. This subdivision shall apply only to a pupil who has attended a school attendance review board program, or a truancy mediation program pursuant to subdivision (c).

Education Code Penalties (Parent)

Penalties against parents apply when any parent, guardian, or other person having control or charge of any student fails to compel the student to attend school. The penalties against parents in EC Section 48293 (a) become progressively severe with a second and third conviction. The EC Section regarding penalties for parents of a truant reads as follows:

EC Section 48293 (a) Any parent, guardian, or other person having control or charge of any pupil who fails to comply with this chapter, unless excused or exempted there from, is guilty of an infraction and shall be punished as follows:

- (1) Upon a first conviction, by a fine of not more than one hundred dollars (\$100).
- (2) Upon a second conviction, by a fine of not more than two hundred fifty dollars (\$250).
- (3) Upon a third or subsequent conviction, if the person has willfully refused to comply with this section, by a fine of not more than five hundred dollars (\$500), in lieu of the fines prescribed in paragraphs (1), (2), and (3), the court may order the person to be placed in a parent education and counseling program.

EC Section 48293 (b) A judgment that a person convicted of an infraction be punished as prescribed in subdivision (a) may also provide for the payment of the fine within a specified time or in specified installments, or for participation in the program. A judgment granting a defendant time to pay the fine or prescribing the days of attendance in a program shall order that if the defendant fails to pay the fine, or any installment thereof, on the

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date it is due, he or she shall appear in court on that date for further proceedings. Willful violation of this order is punishable as contempt.

EC Section 48293 (c): The court may also order that the person convicted of the violation of subdivision (a) immediately enroll or re-enroll the pupil in the appropriate school or educational program and provide proof of enrollment to the court. Willful violation of an order under this subdivision is punishable as civil contempt with a fine of up to one thousand dollars (\$1,000). An order of contempt under this subdivision shall not include imprisonment.

Penal Code Penalties (Parent)

In addition to the EC penalties for parents in Section 48293, Penal Code Section 270.1 is effective January 1, 2011 and provides penalties for a parent or guardian of a pupil of six years of age or more who is in kindergarten or any of the grades from one to eight.

Penal Code Section 270.1 (a) A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades one to eight, inclusive, and who is subject to compulsory full-time education or compulsory continuation education, whose child is a chronic truant as defined in Section 48263.6 of the EC, who has failed to reasonably supervise and encourage the pupil's school attendance, and who has been offered language accessible support services to address the pupil's truancy, is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. A parent or guardian guilty of a misdemeanor under this subdivision may participate in the deferred entry of judgment program defined in subdivision (b).

(b) A superior court may establish a deferred entry of judgment program that includes the components listed in paragraphs (1) to (7), inclusive, to adjudicate cases involving parents or guardians of elementary school pupils who are chronic truants as defined in Section 48263.6 of the EC.

(1) A dedicated court calendar.

(2) Leadership by a judge of the superior court in that county.

(3) Meetings, scheduled and held periodically, with school district representatives designated by the chronic truant's school district of enrollment. Those representatives may include school psychologists, school counselors, teachers, school administrators, or other educational service providers deemed appropriate by the school district.

(4) Service referrals for parents or guardians, as appropriate to each case that may include, but are not limited to, all of the following:

(A) Case management.

(B) Mental and physical health services.

(C) Parenting classes and support.

(D) Substance abuse treatment.

(E) Child care and housing.

(5) A clear statement that, in lieu of trial, the court may grant deferred entry of judgment with respect to the current crime or crimes charged if the defendant pleads guilty to each charge and waives time for the pronouncement of judgment and that, upon the defendant's compliance with the terms and conditions set forth by the court and agreed to by the defendant upon the entry of his or her plea, and upon the motion of the prosecuting attorney, the court will dismiss the charge or charges against the defendant and the same procedures specified for successful completion of a drug diversion program or a deferred entry of judgment program pursuant to Section 851.90 and the provisions of Section 1203.4 shall apply.

(6) A clear statement that failure to comply with any condition under the program may result in the prosecuting attorney or the court making a motion for entry of judgment, whereupon the court will render a finding of guilty to the charge or charges pled, enter judgment, and schedule a sentencing hearing as otherwise provided in this code.

(7) An explanation of criminal record retention and disposition resulting from participation in the deferred entry of judgment program and the defendant's rights relative to answering questions about his or her arrest and deferred entry of judgment following successful completion of the program.

(c) Funding for the deferred entry of judgment program pursuant to this section shall be derived solely from non-state sources.

(d) A parent or guardian of an elementary school pupil who is a chronic truant, as defined in Section 48263.6 of the EC, may not be punished for a violation of both this section and the provisions of Section 272 that involve criminal liability for parents and guardians of truant children.

(e) If any district attorney chooses to charge a defendant with a violation of subdivision (a) and the defendant is found by the prosecuting attorney to be eligible or ineligible for deferred entry of judgment, the prosecuting attorney shall file with the court a declaration in writing, or state for the record, the grounds upon which that determination is based.

SEC 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Truancy Rate

The truancy rate of a school is determined by the number of students in a school who are classified as truants pursuant to EC Section 48260 during the school year compared to the enrollment of the school as reported to the California Basic Educational Data System (CBEEDS) in October of that school year. For example, if the school has an enrollment of 600 students, it will have a 50 percent truancy rate if it has 300 students classified as truants during the year.