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CITY OF OAKLAND



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Date: October 27, 2013

To: Members of the Public Safety Committee

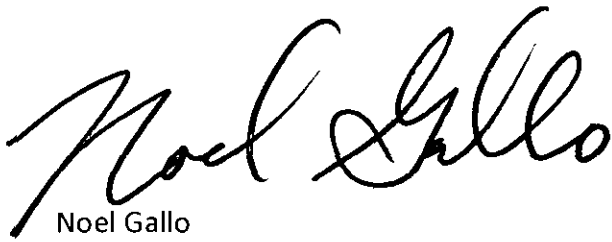
Subject: A DISCUSSION AND POSSIBLE ACTION ON COUNCILMEMBER GALLO'S PROPOSAL TO PREPARE FOR COUNCIL'S CONSIDERATION AND ADOPTION A JUVENILE PROTECTION CURFEW ORDINANCE TO HELP REMEDY THE VICTIMIZATION, EXPLOITATION, AND CRIMINAL ACTIVITIES THAT ADVERSELY IMPACT YOUTH IN THE CITY OF OAKLAND USING AS A 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.
9. San Jose's Juvenile Protection Curfew Ordinance and data on San Jose's gang related incidents broken down by age of offenders and victims to serve as an example.
10. Oakland Unified School District's attendance and graduation data for 2010-2011 and 2011-2012 found in the report *Oakland Achieves: A Public Education Progress Report* and online at <http://www.urbanstrategies.org/AAMAI/index.php/attendance-research-project>

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.

A handwritten signature in black ink that reads "Noel Gallo". The signature is written in a cursive, flowing style.

Noel Gallo
Public Safety Committee Chairperson

SAN JOSE JUVENILE PROTECTION CURFEW

Curfew Ordinance

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.

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"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.)

10.28.030 Emergency.

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"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.

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.

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.

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

(Ords. 24648, 25397.)

10.28.070 Parent.

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"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.

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.)

10.28.090 Serious bodily injury.

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

**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.

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.

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;

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;

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.

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.

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.

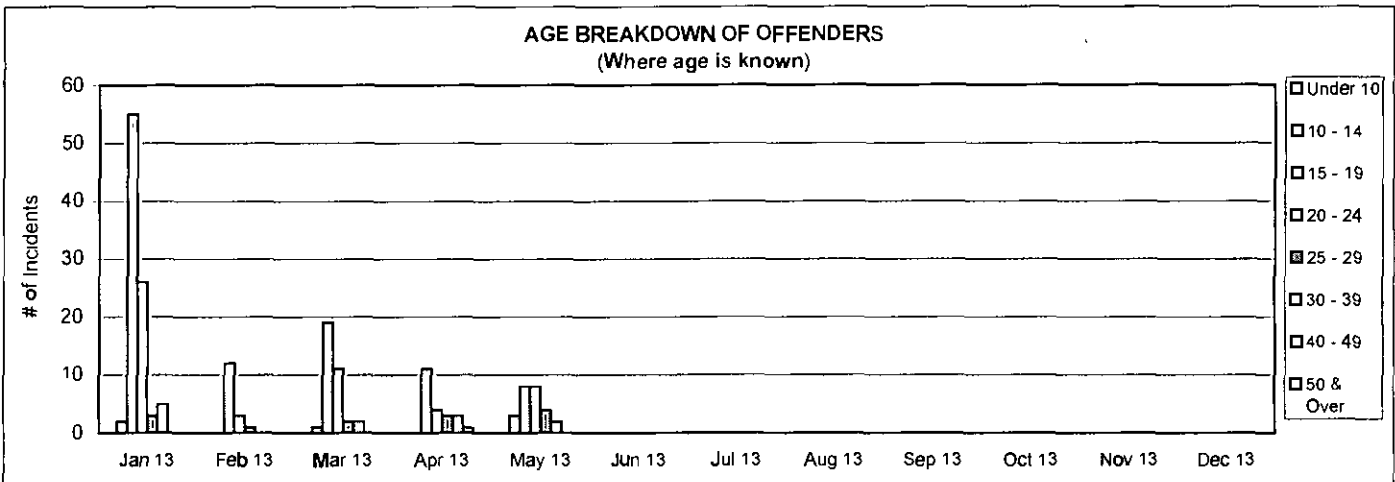
B. The officer shall not take enforcement action under this chapter unless the officer has probable cause to believe that neither Section 10.28.120 nor any exemption under Section 10.28.110 applies.

(Ords. 24648, 25397.)

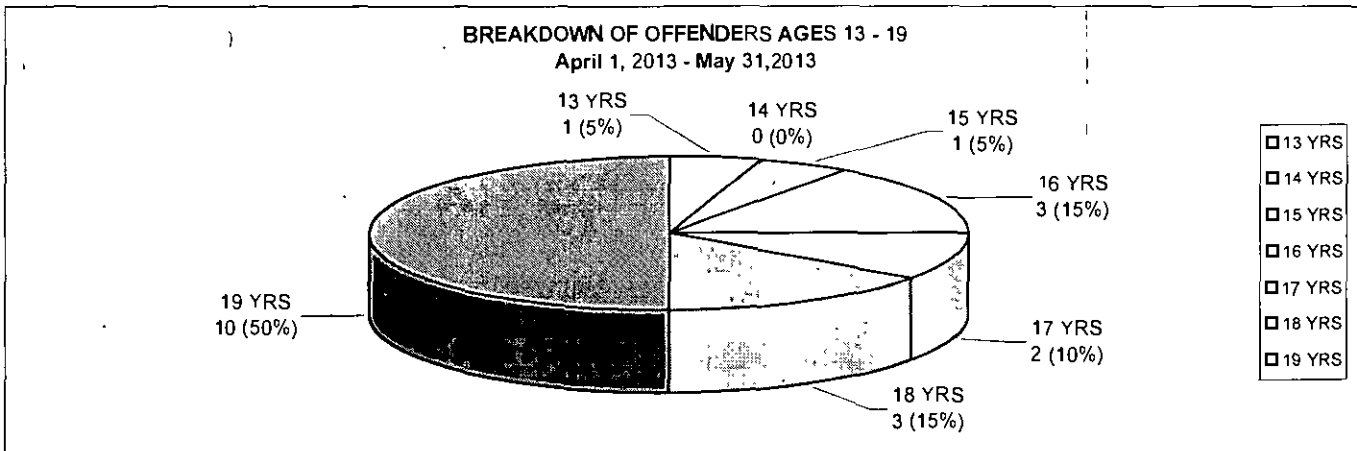
**GANG RELATED INCIDENTS
AGE BREAKDOWN OF OFFENDERS
Calendar Year 2013**

No. 9

OFFENDER BREAKDOWN													
Age Range	Jan 13	Feb 13	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Grand Total
Under 10													0
10 - 14	2		1		3								6
15 - 19	55	12	19	11	8								105
20 - 24	26	3	11	4	8								52
25 - 29	3	1	2	3	4								13
30 - 39	5		2	3	2								12
40 - 49				1									1
50 & Over													0
UNK	14	45	12	43	31								145
TOTAL	105	61	47	65	56	0	0	0	0	0	0	0	334
TOTAL JUVENILES	23	7	13	4	5	0	0	0	0	0	0	0	52
TOTAL ADULTS	82	54	34	61	51	0	0	0	0	0	0	0	282



BREAKDOWN OF OFFENDER AGE RANGE 13 - 19													
Age	Jan 13	Feb 13	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Grand Total
13			1		1								2
14	2												2
15	1	3	2	1									7
16	8	1	3	1	2								15
17	12	3	7	2									24
18	22	1	2	3									28
19	12	4	5	4	6								31
TOTAL	57	12	20	11	9	0	0	0	0	0	0	0	109

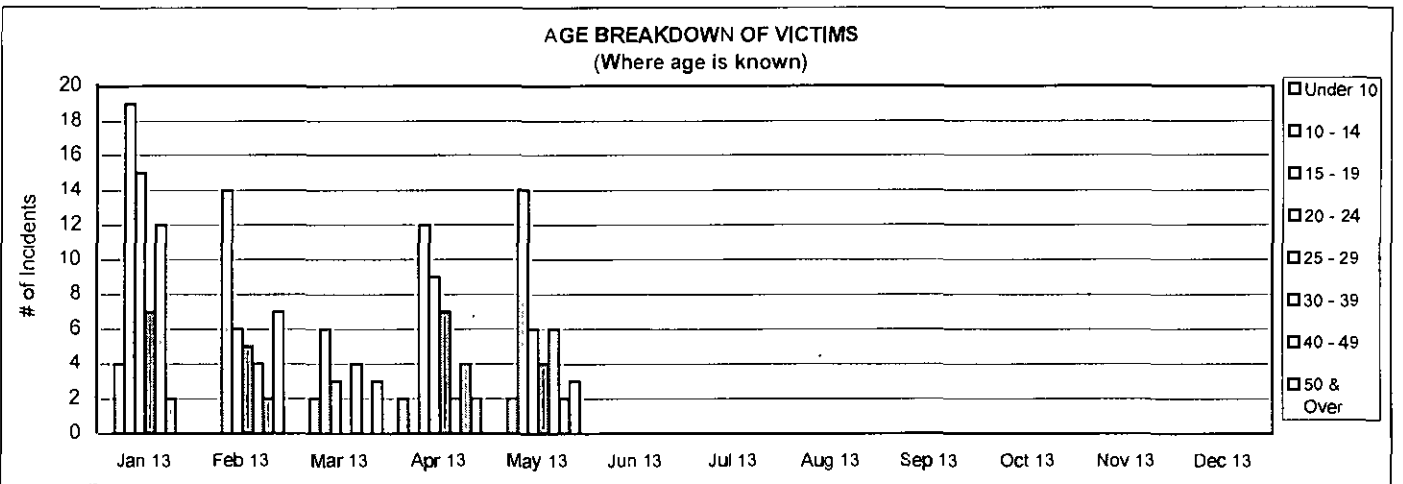


Note. One case may have multiple offenders. Conversely, a case may not have a victim as both parties were arrested/ cited or victim is a business

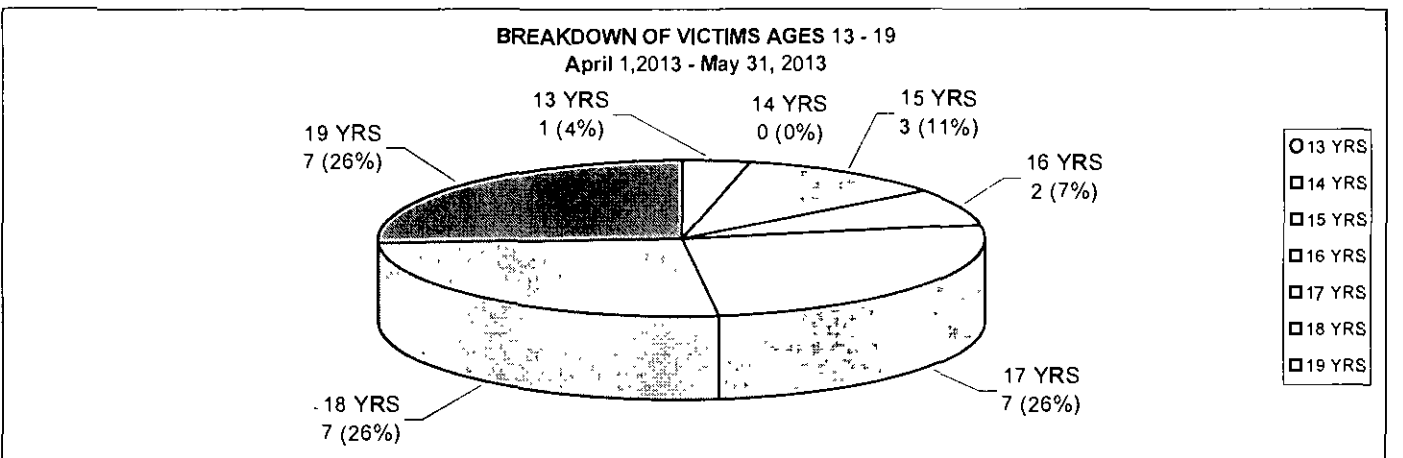
**GANG RELATED INCIDENTS
AGE BREAKDOWN OF VICTIMS
Calendar Year 2013**

No. 9

VICTIM BREAKDOWN													
Age Range	Jan 13	Feb 13	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Grand Total
Under 10				2									2
10 - 14	4		2		2								8
15 - 19	19	14	6	12	14								65
20 - 24	15	6	3	9	6								39
25 - 29	7	5		7	4								23
30 - 39	12	4	4	2	6								28
40 - 49	2	2		4	2								10
50 & Over		7	3	2	3								15
UNK	6	2	1	7	2								18
TOTAL	65	40	19	45	39	0	0	0	0	0	0	0	208
TOTAL JUVENILES	13	9	6	9	7	0	0	0	0	0	0	0	44
TOTAL ADULTS	52	31	13	36	32	0	0	0	0	0	0	0	164



BREAKDOWN OF VICTIM AGE RANGE 13 - 19													
Age	Jan 13	Feb 13	Mar 13	Apr 13	May 13	Jun 13	Jul 13	Aug 13	Sep 13	Oct 13	Nov 13	Dec 13	Grand Total
13					1								1
14	2		2										4
15	1	4	1	3									9
16	4	4	2		2								12
17	4	1	1	4	3								13
18	4	3	1	4	3								15
19	6	2	1	1	6								16
TOTAL	21	14	8	12	15	0	0	0	0	0	0	0	70



Note One case may have multiple offenders Conversely, a case may not have a victim as both parties were arrested/ cited or victim is a business

Poor Attendance Results in Lost Revenue and Lower Achievement

In 2010-11, OUSD students missed 302,598 school days. Schools receive about \$30 per day that a student attends school. So from a funding perspective, student absences lost Oakland public schools roughly \$9,258,000 during the 2010-11 school year.

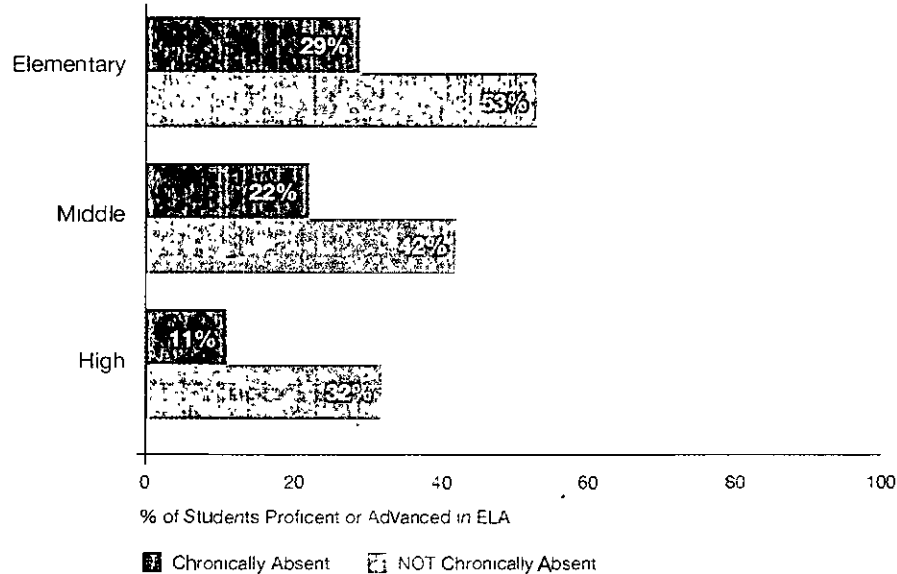
If every child in Oakland attended one more day of school, Oakland public schools would have received approximately \$1,425,000 more in revenue in 2010-11.

Attendance also affects student achievement. Chronically absent students, those who miss 10 percent or more of school days (both excused and unexcused absences), are much less likely to score proficient or higher on the CST for English-language arts (ELA) in all grade levels. Twelve percent of OUSD students were chronically absent during the 2010-11 school year.

To learn more about school attendance and OUSD's initiative to improve attendance in partnership with Attendance Works, please visit <http://www.attendanceworks.org/what-works/oakland/>

ELA Proficiency: Chronically Absent Students vs. Other Students, 2011-12

Figure 5



Source: Urban Strategies Council Analysis of OUSD Data

Why It Matters

- Regardless of students' gender, ethnicity, or socioeconomic background, chronic absenteeism in kindergarten is linked to lower academic achievement in 1st grade.¹
- Seventeen percent of students who were chronically absent in both kindergarten and 1st grade were proficient readers by the end of 3rd grade as compared to 64 percent of students who regularly attended school.²

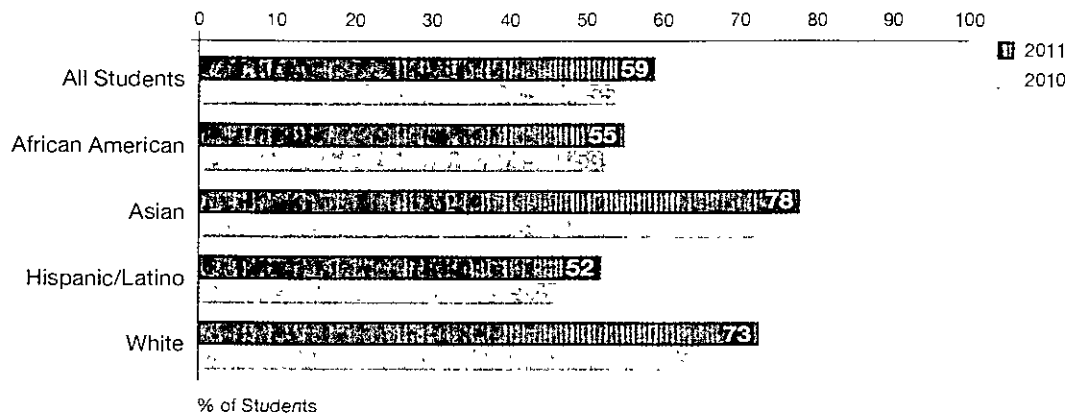


Fifty-Nine Percent of the Class of 2011 Graduated on Time

Of the 2,751 Oakland students who entered 9th grade in 2007, 1,627 graduated from high school on time in 2011. These students with diplomas will likely earn higher salaries, have jobs that offer health insurance, experience higher rates of employment, and enjoy better health.¹³ We must do more to give all of our students better life prospects.

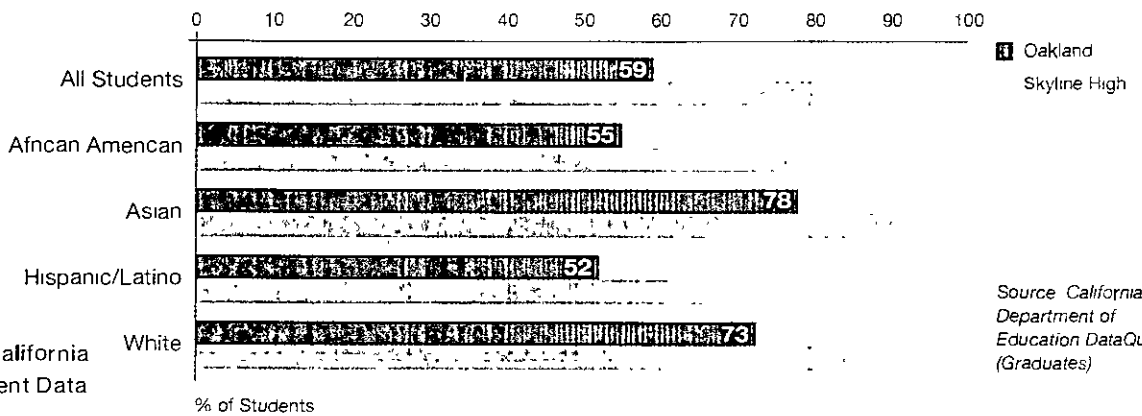
Oakland's Cohort Graduation Rate by Race/Ethnicity, 2010 and 2011

Figure 14



Skyline High School's Cohort Graduation Rate by Race/Ethnicity, 2011

Figure 15



Source: California Department of Education DataQuest (Graduates)

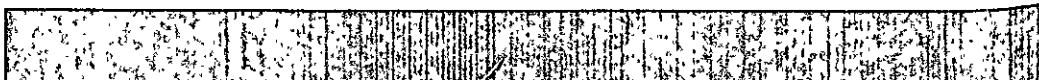
The Story Behind the Data: California Longitudinal Pupil Achievement Data System

The California Department of Education (CDE) launched the California Longitudinal Pupil Achievement Data System (CALPADS) in 2009. Through CALPADS, CDE collects student-level data on all public school students over time. CDE now calculates high school graduation rates based on cohorts, which are groups of students that have the potential to graduate during a given four-year period. The new system accounts for transfers between California public schools as well as for students who exit the California system altogether. Consequently, we know with confidence how many students are finishing high school within four years and what's happening to those who don't.¹⁷

In recent years, Skyline High School has achieved promising results. Eighty-one percent of Skyline's students graduated within four years in 2012, up from 64 percent in 2011. Skyline's African American graduation rate was about 25 percentage points higher than the district's African American rate. Similarly, there was an 18 percentage point gap between Skyline's Hispanic/Latino graduation rate and Oakland's rate for the subgroup.

Why It Matters

- Almost 24 percent of the adult population without a high school diploma live in poverty, compared to 11 percent of high school graduates and 3.6 percent of college graduates.¹⁴
- Nearly three-quarters of state prison inmates did not finish high school.¹⁵
- The median annual earnings of Americans aged 25 and older who did not complete high school are less than \$18,500, while those who completed high school typically earn more than \$26,000.¹⁶



59 percent of Oakland students who entered the 9th grade in 2007 graduated in 2011.

1,124 students did not graduate from high school on time or at all.

Chronic Absence Rates in OUSD 2010-11

