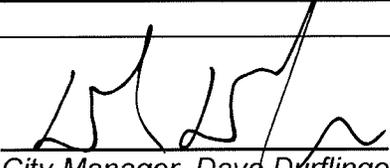


STAFF REPORT
COUNCIL MEETING DATE
August 27, 2012

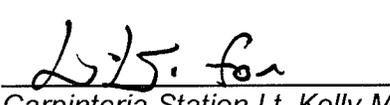
ITEM FOR COUNCIL CONSIDERATION

Initiation of an amendment to the Carpinteria Municipal Code Section 9.40, Curfew, to include a daytime curfew for minors.

Administration


City Manager, Dave Darflinger

Law Enforcement


Carpinteria Station Lt. Kelly Moore

STAFF RECOMMENDATION

Action Item ; Non-Action Item

Direct staff to return with options for establishing daytime curfew regulations as an amendment to CMC 9.40.

Sample Motion: I move to direct staff to prepare a report on options concerning daytime curfew regulations.

I. BACKGROUND

In 2008/09, the City Council held a series of public hearings to develop and consider establishing so-called daytime curfew regulations. The term daytime curfew refers to local regulations established by cities and counties that prohibit minors who are subject to compulsory education laws from loitering in public places during regular school hours. Santa Barbara City and County, Lompoc and Santa Maria, all have had such regulations for some time and similar local laws exist in many jurisdictions throughout the country.

At the 2008/09 City Council hearings, the Santa Barbara County Sheriff's Department, the District Attorney's Office and Carpinteria Unified School District advocated for the City to adopt daytime curfew regulations as a tool to complement other School District and law enforcement measures aimed at preventing and addressing truancy. The City Council also received information through staff reports that established the purpose and potential

benefits of daytime curfews, and information about controversy and concerns related to such regulations in some jurisdictions. The City Council received public testimony for and against such regulations. On February 23, 2009, the City Council voted 3-2 to not to proceed with adoption of a daytime curfew ordinance (see Attachment 1, meeting minutes).

Since the City Council's 2008/09 hearings some conditions have changed. The Santa Barbara County Grand Jury has produced two reports on truancy and the County has established a new Truancy Program position in the District Attorney's office. There are also more student and family services available in Carpinteria through the establishment and success of the Carpinteria Children's Project at Main.

After discussion at its meeting of May 1, 2012, the City Council/School District Board Committee (Stein, Carty) requested that a matter be placed on the City Council agenda that would allow the Council to consider whether or not it wished to again consider the establishment of daytime curfew regulations. Should the City Council determine to proceed, staff would bring the matter back as a regular agenda matter at a future meeting.

II. DISCUSSION

A. What is the problem? It is generally understood that truancy¹ undermines the effectiveness of the state's compulsory education system as well as the education system's related benefits both in communities like Carpinteria and for society in general. Since the City Council last considered this matter, the Santa Barbara County Grand Jury issued two reports on the truancy reduction program in Santa Barbara County. The Grand Jury reports² acknowledge the importance of reducing truancy in the County and advocate for the reestablishment of a County-wide truancy program that is effective in "getting students to school and keeping them there throughout the school day". Components of an effective truancy reduction program, cited by the Grand Jury from a national report, include:

- Parent/guardian involvement or whole family involvement.
- A continuum of supports, including meaningful incentives for good attendance and consequences for poor attendance.
- Collaboration among community actors such as law enforcement, mental health works, mentors, and social service providers, in addition to educators.
- Concrete and measurable goals for program performance and student performance. Good record keeping and on-going evaluation of progress toward those goals.

¹ State law (California Education Code Section 48260(a) defines truancy as: Any pupil subject to compulsory full-time education (6 to 18) or compulsory continuation education who is absent from school without a valid excuse three full days or more (18 period absences) in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof.

² "Where is the Truancy Program in Santa Barbara County?, Truancy is Troubling...for Everyone!" 2010-11 Santa Barbara County Grand Jury, and "Reducing Truancy Throughout the County, A Prudent Investment", Santa Barbara County Grand Jury, 2011-12. <http://www.sbcgj.org/>

Importantly, the Grand Jury report also identified a spike in truancy throughout the county after the elimination of the County District Attorney's Truancy Intervention and Parent Accountability Program in 2008/09. Carpinteria Unified School District (CUSD) truancy statistics also reflect an increase in truancy beginning in 2008 (Attachment 2), after the elimination of the County program, which supported all school districts in the County.

Programs that are effective at lowering truancy inherently benefit the education system because, as the Grand Jury notes, habitual truancy makes it difficult for students to achieve the credits necessary to graduate from high school. The Grand Jury suggests that as a community we should all be interested in reducing truancy because of its negative influence on the future success of young people, and the importance of high school graduation and higher education as requisites to being competitive in an increasingly demanding job market. The Grand Jury reports that:

Nationwide, educators and those who work in the fields of social services, law enforcement, and criminal justice agree that the costs of truancy are numerous and not only financial. These costs may include the truant dropping out of school and/or resorting to crime. Dropping out is often easier than catching up. Truants who drop out exact a high financial cost not only on society, but on themselves. Studies indicate that those who drop out of school cost society an average of over \$200,000 in public social service programs over the course of their lifetimes. For the dropout, his or her standard of living is forever affected as the average dropout earns 40 percent less than a high school graduate. Another study states that chronic truants are 12 times as likely to have committed a serious assault, 21 times as likely to have committed a serious property crime, and almost seven times as likely to have been arrested as non-truants.

Overall, the Grand Jury report reflects what has historically been popular sentiment in communities, i.e., effective truancy reduction programs are needed to keep kids in school and prevent kids from committing crimes or being victims of crime during the school day. Daytime curfew laws have become a popular tool used by cities and counties to support truancy reduction programs.

B. Is truancy a student/public safety issue? It is well established that minors commit crimes and are victims of crime during daytime hours, including times that they are required to be in school. A part of the information presented to the City Council in 2008/09 included a table of daytime juvenile crime information. Attachment 3 to this report updates that information.

Many local jurisdictions and their law enforcement agencies associate truancy with crime and juvenile victimization and include this association as a basis for establishing and maintaining daytime curfews. The logic of this approach is that if kids are in school, they are less likely to be the victims or perpetrators of crime during school hours.

The purposes of daytime curfews adopted by local jurisdictions vary somewhat but can generally be described as:

- Keeping students in school
- Protecting minors from becoming victims of crime
- Protecting the public from becoming victims of crimes committed by juvenile offenders.

Staff reports provided for the Carpinteria City Council's consideration of the daytime curfew ordinance in 2008/09 identified deterring minors' involvement with criminal activity during school hours, either as victims or perpetrators, as a primary purpose of the proposed regulations. The staff reports from 2008/09 also cite reports and information that suggest that daytime curfews can be an effective response to juvenile crime and victimization.

Several recent research reports³ on curfews that include literature reviews conclude that the most rigorous science based studies have not found evidence that curfews, daytime or evening, are effective tools for reducing juvenile crime. This does not mean that truancy does not contribute to crime, nor that daytime curfews cannot be effective tools against crime, but rather that it has not been proven that the particular daytime curfews reviewed have had an effect on the problem of juvenile crime. This suggests that the manner in which a daytime curfew is drafted and enforced must be considered carefully and monitored closely to ensure efficacy.

C. What is being done now about truancy in Carpinteria? As mentioned above, meeting the definition of a truant violates California law. A report⁴ by the California Legislative Analyst's Office (LAO) describes how truancy is determined and what responses are required as follows:

California's compulsory education laws require children between six and eighteen years of age to attend school, with a limited number of specified exceptions. Under state law, a pupil who, without a valid excuse, is absent from school for three full days in one school year, or is tardy or absent for more than 30 minutes during the school day on three occasions in one school year, is considered truant. Once a student is designated a truant, state law requires schools, districts, counties, and courts to intervene to ensure that parents and pupils receive certain services to assist them in complying with attendance laws. When these various interventions fail—meaning parents or guardians still do not send a child to school or a student misses an unlawful amount of school—the matter is referred to the courts. Courts can then use penalties or other measures to seek compliance. Essentially, these various interventions exist to ensure that pupils remain in school and that a pattern is not established that could lead to their dropping out of school later in their educational career.

The CUSD responds to unexcused absences with interventions. School-level interventions include documentation and contacting parents, among other things; district-level intervention may include meeting with parent(s)/guardian(s) and requiring participation in a School Attendance Review Board (SARB) hearing. Outcomes may include referrals to student/family services and/or referral to the County or Court system.

³ "Counterproductive and Wasteful: Los Angeles' Daytime Curfew Pushes Students Away from School and Diverts Resources Away from Real Community Safety", ACLU of Southern California, Public Counsel Law Center, and the Community Rights Campaign, February 2012, "Curfew Violation Literature Review", U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, October 15, 2009, and "Effectiveness of a Proposed Daytime Juvenile Curfew for the City of Memphis", Memphis Shelby Crime Commission, February 2008.

⁴ "A Review of California's Compulsory Education Laws", California Legislative Analyst's Office, February 2004, <http://www.lao.ca.gov/LAOApp/PubDetails.aspx?id=1074>

Historically, some students have been referred to Teen Court. The County may also refer students and their families into mediation services and other programs aimed at addressing the issues that are contributing to a student's truancy. Finally, cases may be referred to the District Attorney for prosecution and the DA may seek court imposed fines, mandatory participation in parent education or counseling programs (often in-lieu of a fine).

In addition to these direct means for addressing truancy, CUSD and the Carpinteria community have many programs in place that serve to encourage and support student attendance and success at school. CUSD activities that can help reduce truancy include:

- Operating school facilities that are safe and attractive, e.g., are well maintained, have good food and closed campuses
- Engaging students through diversity of programs, professional teaching and counseling, extracurricular activities such as sports, clubs, and targeted programs such as Freshman Induction
- Alternative Education and After School Programs
- Communication with students and parents through website and email access, automated telephone calls, counseling and other meetings

The School District and a collaborative of service providers operate the Carpinteria Children's project at Main that aims to provide families with a central place to participate in culturally appropriate educational and enrichment services that lead to school readiness for young children and family strengthening. Also, recently the collaboration has been expanded to provide a "cradle to career" menu of services; dubbed THRIVE, the project website describes the program as providing "comprehensive, integrated, case-managed services at the earliest possible time in a child's critical years of development, through third grade. "Services address needs in health and wellness, pro-social behaviors, and pre-literacy language development. "These comprehensive services and research-based programs are provided through partnerships with local and in-house service agencies. "Some of the Signature Programs being implemented at Main include a Parenting University, including the highly recognized AVANCE Program, Prenatal Centering Programs, the Children's Health and Wellness Center, Early Learning Labs, engagement of all local Early Care and Education providers, and K-3 Intervention Support, to name a few."

Finally, other community based programs that can help reduce truancy include after school programs where tutoring, internet access and other resources are available to students. Carpinteria Cares for Youth, a self-described grass-roots task force was formed uniquely to assist young adults. The group aims to "...support youth and their families through advocacy, education, collaboration, and information dissemination."

D. Are daytime curfews effective at addressing truancy? Daytime Curfew programs have been found to effectively reduce truancy rates.⁵ The daytime curfew regulations developed by the City in 2008/09, would have effectively prohibited youth that are required to be in school from loitering in public areas. By establishing this activity as a violation, law enforcement officers could intervene prior to the student being legally defined as a truant and being subject to the truancy procedures of the district. The benefit of this type of intervention would be to create an opportunity for early involvement by school officials and parents in correcting the behavior. It should be noted that procedures

⁵ "Curfew Violation Literature Review", U.S. Department of Justice Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, October 15, 2009,

for responding to curfew violations may include sanctions and/or programs. It is Staff understands that it is less common for cities and counties to offer programs in response to curfew violations. Where allowed as an alternative to sanctions, intervention services and student and family counseling aimed at avoiding repeat offenses are typical.⁶

E. What are the issues with daytime curfews? Daytime curfews have been around since 1994 and have been both popular and controversial. Staff estimates that approximately 60 California cities and counties have now adopted daytime curfew regulations. Daytime curfews have been challenged on constitutional grounds and based on how they have been applied. Common arguments against daytime curfews and the City's responses regarding such arguments were a part of an October 27, 2008, staff report (**see Attachment 4**). Properly drafted curfew laws have withstood legal challenges. In 2008/09, the City Attorney's office assisted the City in drafting daytime curfew standards that the City Attorney's Office felt were constitutionally valid.

Recently, the City of Los Angeles has made changes in how it implements its daytime curfew law after complaints and a highly critical report⁷ was released. The report includes recommendations (**Attachment 5**) for changes to L.A.'s daytime curfew law that may serve as a reference for the City of Carpinteria in considering a daytime curfew.

F. Conclusion: A daytime curfew law could be an effective part of collaborative efforts between CUSD, community groups, and the City to keep students safe and in school. It is a tool that must be thoughtfully established and carefully managed in order to be legal and effective. Daytime curfew violations can offer an opportunity for early intervention and referral to programs that can provide needed student and/or family services.

III. FINANCIAL CONSIDERATIONS

For many school districts in California reducing truancy is also in their best financial interest because student attendance is a critical factor in the state's funding formula for schools. As a Basic Aid School District, CUSD is one of a small percentage of school districts in California for which student attendance is no longer a primary factor in determining state funding. However, reducing truancy remains critical to CUSD's mission and funding an effective program remains a financial challenge. Superintendent Cordeiro has been a participant in County discussions aimed at reestablishing an effective collaborative/cooperative program. The County recently funded a position in the District Attorney's office that will head its truancy program efforts; however, it is unclear at this time how the funding for case workers and other elements of a county-wide effort to support school districts in addressing truancy will be funded.

When this matter was considered in 2008/09, it was anticipated that patrol deputies would enforce the daytime curfew as a part of their regular patrol and, therefore, that no additional cost to the City would occur as a result of the law.

⁶ "Curfew Violation Literature Review", U.S. Department of Justice, October 15, 2009

⁷ "Counterproductive and Wasteful: Los Angeles' Daytime Curfew Pushes Students Away from School and Diverts Resources Away from Real Community Safety", ACLU of Southern California, Public Counsel Law Center, and the Community Rights Campaign, February 2012

IV. LEGAL ISSUES:

The following is an excerpt from the legal analysis completed by the City Attorney's office and included in staff reports in 2008/09:

The California Courts have ruled that local governments may adopt local rules and penalties related to daytime loitering, subject to certain limitations. For example, the City of Monrovia's ordinance was challenged on the basis that it conflicted with state truancy law. (Harrahill v. City of Monrovia (2002) 104 Cal. App. 4th, 761, review denied.) The Court of Appeals upheld Monrovia's ordinance as a valid exercise of the city's police power. (Id.) There the Court found that the community is entitled to recognize the risks, including juvenile crime and victimization, that are associated with minors the City assumes are being supervised in school, but in fact are not. The Court also found that Monrovia had a "strong and legitimate interest in the welfare of its young citizens, whose immaturity, inexperience and lack of judgment may sometimes impair their ability to exercise their rights wisely." (Id., citing Hodgson v. Minnesota (1990) 497 U.S. 417, 444.)

Given local governments' compelling interest in the health, safety and welfare of minors, a curfew ordinance will be upheld if it is a reasonable time, place and manner restriction. (See e.g., Vo v. City of Garden Grove (2004) 115 Cal. App.4th 425, 432 [upholding a daytime curfew as a reasonable restriction of First Amendment activities because it was content neutral, narrowly tailored to serve a significant governmental interest and provided ample alternative channels for communication]; compare, Nunez v. City of San Diego (1997)114 F.3d 935 [finding a nighttime curfew unlawfully infringed on parents fundamental rights to rear children because the San Diego's ordinance was not narrowly tailored, since it did not provide exceptions for many legitimate activities.]

Should the City Council determine to proceed, staff would ensure that appropriate exceptions for legitimate activities are included in draft local daytime curfew regulations to be considered.

V. PARTIES EXPECTED AT MEETING:

Representatives of the Carpinteria Unified School District

VI. ATTACHMENTS:

1. City Council meeting minutes, February 23, 2009
2. CUSD Truancy information
3. Carpinteria Juvenile Crime information
4. Arguments/Rebuttal Table, City Council staff report, October 27, 2008
5. ACLU Report Recommendations

OTHER BUSINESS

OTHER
BUSINESS

6. Consideration of an amendment to the Carpinteria Municipal Code Section 9.40, Curfew, to add a daytime curfew for minors in order to address juvenile crime and victimization, and make changes to existing nighttime curfew provisions

CMC
AMENDMENT RE
DAYTIME
CURFEW

STAFF RECOMMENDATION: That the City Council pass Ordinance No. 635 to second reading.

DOCUMENTS:

Staff Report dated February 23, 2009 prepared by Lt. Eric Koopmans with attached Ordinance No. 635, City of Carpinteria correspondence to Carpinteria Unified School District dated December 2, 2008 and Minutes of the January 13, 2009 CUSD Board meeting.

The City Manager explained that at its regular meeting of October 27, 2008, the Council received a report indicating that juvenile crime and school absenteeism is a problem in Carpinteria. The Council also received information from the Santa Barbara County Sheriff's Department and the Carpinteria Unified School District (CUSD) suggesting that these issues could be mitigated through the enactment of a daytime curfew. The Council directed staff to return with a report identifying options for drafting the essential elements of a daytime curfew ordinance. On November 22, 2008, the City Council reviewed and selected from a palate of options and directed that a draft ordinance be prepared for its consideration. The Council also determined to send a letter request for comment on the draft ordinance to the CUSD Board. The CUSD Board reviewed the draft ordinance and voted to endorse it. The draft ordinance, letter, and CUSD Board meeting minutes excerpt are attached to this report.

The matter under consideration is the daytime curfew provisions proposed to be established through Ordinance No. 635, and the staff recommendation to pass the ordinance to second reading. Minor changes, necessary for consistency, to the City's existing nighttime curfew regulations are also a part of Ordinance No. 635

The City Manager reviewed key elements of the ordinance as detailed in the written staff report.

Lt. Koopmans provided a summary of all the information he has provided to the Council at prior meetings concerning the proposed Daytime Curfew.

LT. KOOPMANS

Councilmember Reddington said that although she was just recently elected, she has viewed all of the previous Council meetings on this topic and read all of the reports and feels comfortable participating.

REDDINGTON

truancy is not a criminal offense for children; the legal pressure is directed at the parents. He said that truancy is the schools business and that if they do not have the tools to deal with truancy they should go to the legislature not to local government.

Steve Powell, Principal, Rincon High School, spoke in support of the proposed ordinance. He said that the School District is currently working on a Step by Step program that will be implemented to assist with truancy along with a counseling program. He said that the proposed ordinance is not for the few that may be cited but for the vast majority that are on the fence deciding whether they want to go to school or not. He spoke to the need to keep them in school.

STEVE POWELL

Bob Jordan, local resident, said that the circumstances that existed with parents and children in the 1950s and 60s no longer exist. There is a different set of facts now with both parents working to support a family giving kids a lot of free time; some kids' act responsibly some don't. He said that although he does not like to see behavior criminalized that is what it may take to get kids back in school.

BOB JORDAN

Mayor Carty stated that does not support the proposed ordinance. He said that law enforcement officers already have the authority to stop and question anyone suspected of committing a crime. He suggested that more resources be put toward at-risk kids and to expand the authority of truant officers.

CARTY

Councilmember Stein spoke in support of the proposed ordinance. He said that with the economic issues that exist currently, the resources are not going to be there to provide for specialized programs as detailed by the Mayor. He spoke in support of the ordinance because he feels it will help in keeping kids in school and get parents more involved in their kids' lives. With no consequences we are enabling youth and parents to do nothing. He suggested that if the Council supports the ordinance that a two-year sunset clause be added to allow the Council to review the effectiveness of the ordinance.

STEIN

Councilmember Armendariz said that children are our most important investment and we need to do everything possible to keep them in school. He showed graphs indicating the unemployment rates: female vs. male from January 2006 to January 2009 and no high school vs. college grads, January 1998 to January 2009. He said that the School Superintendent, School Board, Sheriffs Department and staff all recommend approval of the proposed ordinance and he supports their recommendation for approval.

ARMENDARIZ

He agreed with Councilmember Stein regarding the addition of a two-year sunset clause.

Vice Mayor Clark said that he does not believe the data concerning juvenile victimization presented supports the ordinance. He said the target

CLARK

programs to curb the truancy problem and use the truancy laws that currently exist to the maximum effectiveness.

A lengthy discussion followed.

Lt. Koopmans responded/clarified some of the points raised by the Council.

Councilmember Stein said that there does not appear to be support for the ordinance and questioned if a motion was necessary.

The City Attorney said that staff has made a recommendation and if there is no motion then the recommendation will not be carried forward. The Council can, if it wishes to, provide other direction. He noted that the staff recommendation does point out that the City has an evening curfew as well and staff would like to make some changes to that curfew to comply with current law.

Motion was made by Councilmember Reddington and seconded by Vice Mayor Clark to decline to pass proposed Ordinance No. 635 to second reading and direct City staff to return with modifications to the existing nighttime curfew provisions.

Ayes: Clark, Reddington, Stein, Carty
Noes: Armendariz

ORD. NO. 635
DECLINED BY
COUNCIL

COUNCIL
DIRECTS STAFF
TO MODIFY
EXISTING
NIGHTTIME
CURFEW ORD.

7. Measures being considered by the City of Carpinteria in response to current and projected economic conditions

STAFF RECOMMENDATION: That the City Council direct the preparation of a City Local Preference Purchasing Policy, authorize a cooperative "buy local" marketing campaign with the PBIAAB, the Chamber of Commerce and the coastal View News, and direct the preparation of a Resolution amending the City's Development Impact Fee schedule to provide a temporary 18 month reduction in the Highway Interchanges & Bridges Development Impact Fee.

COUNCIL
CONSIDERS
MEASURES RE
ECONOMIC
CONDITIONS

DOCUMENTS;

Staff Report dated February 23, 2009 prepared by Kevin Silk, Assistant to the City Manager

The City Manager explained that as the City Council is aware, the national, state and regional economies are in recession. The non-partisan California State Legislative Analyst's Office recently reported¹ on the conditions of the economy stating that...

Truancy and Discipline

2006-07

	Truancy Rate	Suspensions	Expulsions
CMS	8.3%	187	7
CHS	18.5%	137	10
Rincon	51.9%	54	2

2007-08

	Truancy Rate	Suspensions	Expulsions
CMS	8.8%	172	10
CHS	36.6%	136	9
Rincon	76.9%	47	0

2008-09

	Truancy Rate	Suspensions	Expulsions
CMS	22.9%	177	5
CHS	36.4%	105	6
Rincon	75.0%	44	0

2009-10

	Truancy Rate	Suspensions	Expulsions
CMS	8.3%	177	5
CHS	22.0%	61	4
Rincon	58.3%	46	2

2010-11

	Truancy Rate	Suspensions	Expulsions
CMS	7.2%	34	4
CHS	31.4%	66	2
Rincon	46.0%	63	2

Juvenile Arrests - Carpinteria

	2007		2008		2009		2010		2011	
	Total Juvenile Arrests	On School Days During School Hours	Total Juvenile Arrests	On School Days During School Hours	Total Juvenile Arrests	On School Days During School Hours	Total Juvenile Arrests	On School Days During School Hours	Total Juvenile Arrests	On School Days During School Hours
January	21	8	23	3	5	0	7	0	7	1
February	26	12	19	4	8	4	8	3	5	0
March	18	7	15	5	14	5	7	3	11	1
April	19	6	17	5	8	1	4	0	9	4
May	17	8	24	9	11	3	8	0	9	1
June	27	4	16	3	23	2	3	0	3	0
July	20	0	25	0	11	0	9	0	5	0
Aug	20	0	10	0	1	1	6	0	7	0
Sept	15	6	16	4	11	0	4	2	1	0
Oct	21	8	21	8	7	0	6	1	7	1
Nov	19	2	11	4	3	0	3	1	3	0
Dec	10	1	10	6	4	0	4	0	5	3
Totals	233	62 / 27%	207	51 / 25%	106	16 / 15%	69	10 / 14%	72	11 / 15%
Holidays & No School Days	76	14 / 18%	48	10 / 21%	29	7 / 24%	44	5 / 11%	36	5 / 14%

Daytime Curfew Ordinances	
Argument Against	Rebuttal Arguments
Such ordinances violate a minor's right to freedom of movement.	City recognizes the right of minors to move freely, but that that right is not absolute. No curfew will be in place from sunrise to the time school starts or from the time school is dismissed until 10:30 P.M. When the curfew is in place there are detailed exceptions for lawful activity, including 1st Amendment activity. California courts have upheld anti-loitering ordinances like the one proposed here that are narrowly tailored.
Such ordinances violate a minor's right to be free from unreasonable searches and seizures.	A daytime curfew does not eviscerate the protections of the 4th Amendment. A daytime curfew ordinance merely allows police to detain minors if there is reasonable suspicion to believe they are committing a crime, including truancy.
Such ordinances are unnecessarily duplicative of state truancy ordinances.	This ordinance does not duplicate truancy laws. A minor who skips school to stay home may be truant, but that minor would not be in violation of the daytime curfew ordinance. In addition, a minor who is not truant due to insufficient unexcused absences could be cited under this ordinance if they were discovered loitering in a public place. Finally, this penalty for violation of this ordinance is an infraction, which does not mean that the minor will be adjudged a truant.
Such ordinances will not deter juvenile law breakers.	Truancy laws have failed to address juvenile law breakers, so additional action is necessary. National, state and local evidence suggests that localities with anti-loitering ordinances have decreased juvenile crime/victimization and increased school attendance.

APPENDIX A

THE TOP 30: THE CORE COMPONENTS OF A RESEARCH-BASED, COMPREHENSIVE STRATEGY TO IMPROVE SCHOOL ATTENDANCE IN LOS ANGELES COUNTY

1. **Repeal or significantly curtail this failed and counterproductive ordinance and the method of court enforcement:**
 1. The ordinance should not be applied to public sidewalks immediately adjacent to school grounds, school entrances, or school grounds;
 2. The ordinance should apply only to youth who are intentionally avoiding school, or are loitering in public places at times when they are required to be in school;
 3. The ordinance should not apply to young people going directly to or returning directly home from a public meeting or a school sporting event, dance or activity;
 4. The ordinance should not apply to a young person who is traveling on his or her way to school, regardless of tardiness;
 5. Tickets should be dismissed if the police officer does not document that he or she assessed whether one of the statutory exceptions apply before issuing the citation;
 6. Violations should not be punishable by a fine, but rather students should be directed to participate in community or school resource-based programs, such as a tutoring, mentoring, credit recovery, an after-school program, or a Teen or Peer Court program.

2. **Establish a sensible and sustainable school district-wide approach for ensuring students stay in school by adopting the research-based approach currently being implemented in Baltimore, Maryland, which includes focusing on:**
 7. Real-time, accurate data on attendance for schools and community partners and data-based decision-making;
 8. Recovery, intervention, and prevention rather than punishment and legal intervention;
 9. Effective and engaging instruction, including alternative school models, like Big Picture, for students with different needs;
 10. An inter-system program, which would help to identify at-risk and truant youth and provide a multitude of services, as appropriate;
 11. Intentionally inviting family participation early on, including by making person-to-person contact on the same day of the absence;
 12. Building an early warning system that considers multiple measures of attendance, including suspension;
 13. Reducing absences by reducing suspensions;
 14. Establish a school-going culture, but recognize that the basis of good attendance is having a good school to attend;
 15. Utilizing attendance incentives;
 16. Developing an individualized, comprehensive plan for students who need it with incentives, prevention, intervention, and recovery strategies and services, relationship building, case management, and other strategies to address the root causes of truancy.

3. **Reform the current court process, which relies on the Informal Juvenile Traffic Court, to focus on solutions and supports rather than fines and court appearances.**
 17. Students who preemptively engage in community and resource-based programs should be able to submit proof of participation to the court and obtain a dismissal without court appearance to avoid missing further school time and court involvement;
 18. Youth, including those over 18, who cannot afford to pay existing fines, which can be in the thousands of dollars under the current statute, should be given an opportunity to provide

proof of graduation from high school, a GED, or engagement in a community program or community service to eliminate the fines;

19. The Juvenile Court should provide a packet of information to youth and families that includes a revised statement of legal rights, notice of the charge and defenses, and a survey of interventions and supports received in relation to truancy (English & Spanish);
 20. The Juvenile Court should ensure that the referees explain to every student that they have a right to a hearing before asking whether the student admits guilt;
 21. The Juvenile Court should ensure that each hearing is recorded, if not transcribed, and that rights are explained consistently and accurately to the students and families to ensure that students' due process rights are protected;
 22. The Juvenile Court should ensure that there is a written decision explaining the factual bases for the finding that the student violated LAMC § 45.04, finding that none of the valid exceptions in § 45.04(b) apply, finding that the citing police officer complied with § 45.04(c) before issuing the citation, and acknowledging all arguments the student provided why the ticket should be dismissed;
 23. The Juvenile Court should ensure the referee explains the right to appeal, and timelines for doing so, if the student contests guilt and is found guilty;
- 4. Ensure accurate and regular public dissemination of statistics from public agencies with roles in implementing or enforcing policies that affect student attendance.**
24. Collect and publish data from LAPD, LASPD, the Juvenile Court, and the Sheriff's Department regarding the number of minors cited for daytime curfew offenses, along with the location and time of the citation and the age, ethnicity, race and gender of the youth cited;
 25. Collect and publish data from school districts regarding student attendance, specifically with a focus on chronic absences and severe chronic absences;
 26. Analyze data with stakeholders from multiple agencies to evaluate effectiveness of programs and interventions and to replicate effective models and modify programs, where necessary.

APPENDIX B

LOS ANGELES MUNICIPAL CODE § 45.04

SECTION 45.04. DAYTIME CURFEW RESTRICTIONS FOR MINORS.

(a) **CURFEW.** It is unlawful for any minor under the age of 18, who is subject to compulsory education or to compulsory continuation education, alone or in concert with others, to be present in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places or amusement and eating places, vacant lots or any place open to the public during the hours of the day when the school, which the minor would normally attend, is in session, on days when that school is in session.

(b) **EXCEPTIONS.** The provisions of this section shall not apply when:

- (1) The minor is accompanied by his or her parent, guardian, other adult person authorized by the parent or guardian having the care or custody of the minor; or
- (2) The minor is on an emergency errand directed by his or her parent, guardian or other adult person having the care or custody of the minor; or