



BOARD/COMMISSION RECOMMENDATION

Public Safety Commission

Recommendation Number: 20170905-006: City of Austin Juvenile Curfew Ordinance

Recommendation to the Austin City Council Regarding Juvenile Curfew

Motioned by: Daniela Nuñez

Seconded by: Rebecca Webber

WHEREAS, juveniles in Austin who are charged with class C misdemeanors for violating the Juvenile Curfew Ordinance must appear in municipal court, face fines of up to \$500 plus court costs, and will incur a criminal record if convicted; and

WHEREAS, research has shown that criminal charges threaten a student's ability to succeed in school and compromise higher education, housing, and employment prospects; and

WHEREAS, fines and fees associated with Class C misdemeanor charges can present significant challenges to families; and

WHEREAS, children of color are over-represented in police and court interactions; and

WHEREAS, effective interventions that ensure the safety and success of children must address the underlying causes of curfew violations, rather than merely punish youth; and

WHEREAS, juveniles may receive curfew citations for a host of complex reasons, including school, personal and family factors, which can include poverty, parental neglect, homelessness, addiction, mental health issues, bullying, negative school environments, or failure to identify learning disabilities; and

WHEREAS, perceived age and other personal characteristics are controversial and potentially unconstitutional methods of determining probable cause; and

WHEREAS, if any person, regardless of age, commits a crime during day or night hours, that person can be arrested and charged for that crime; and

WHEREAS, criminal charges filed for violations of the Juvenile Curfew Ordinance result in children being introduced into the criminal justice system; and

WHEREAS, the public safety, educational attainment, and economic prosperity of all Austinites is harmed when children are introduced into the criminal justice system rather than offered assistance for the challenges they face;

BE IT RESOLVED THAT the Austin Public Safety Commission recommends the following actions to Austin City Council regarding the juvenile curfew:

1. End the juvenile curfew ordinance [or specifically night time curfew] because of its disproportionate and negative impact on youth of color.
2. In addition, we should extend the work group that was formed to propose non-criminal options to keep children and youth safe, and involve young people in that process.
3. Further, the Public Safety Commission should work to shift how the City of Austin treats young people by moving from a punitive approach to a supportive approach.

Date of Approval: September 5, 2017

Record of the vote: (Unanimous on a 9-0 vote, 2 absent Commissioners Haley and Holt)

Attest:

Janet Jackson, Staff Liaison

(Staff or board member can sign)