

Report

Austin's Juvenile Curfew Ordinance

Recommendations for Non-Criminal Ways to Support and Ensure the
Safety of Young People in Austin

September 2017





Workgroup Members


The following report was researched and written by members of the Juvenile Curfew Ordinance workgroup established through Resolution No. 20170615-069 (June 15, 2017) by the Austin City Council. The workgroup was tasked with exploring and recommending non-criminal ways to support youth success and safety.

The following individuals and organizations were invited to be part of the workgroup and contribute to this report:

School Board trustees, educators, impacted students from Austin school districts, Texas Appleseed, Disability Rights Texas, the Austin Police Department, Measure Austin, Education Austin, Texans Care for Children, the Excellence and Advancement Foundation, National Association of Social Workers Texas Chapter, Austin Council of PTAs, Austin Youth Council Curfew Committee, Youth Rise Texas, the Austin Municipal Court, the Civil Rights Clinic at the University of Texas School of Law, the Travis County Public Defender, the Travis County Juvenile Probation Department, Counterbalance ATX, representatives from the Juvenile Courts, American Civil Liberties Union of Texas, Grassroots Leadership, LifeWorks, the Mexican American Legal Defense and Educational Fund, Austin Voices, Austin Justice Coalition, Black Lives Matter, Texas Home School Coalition, Educators in Solidarity, Communities in Schools, Austin-Travis County Emergency Medical Services, Ending Community Homelessness Coalition, My Brother's Keeper, and Austin Interfaith.

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Introduction

History of Austin's Juvenile Curfew Ordinance

In the 1990s, cities across the country began adopting Juvenile Curfew Ordinances (JCO) in response to a perception of rising and rampant juvenile crime. This perception was stoked by racialized fears of so-called “juvenile super-predators,” a term popularized in the mid-90s by the political scientist John DiIulio:

We're talking about kids who have absolutely no respect for human life and no sense of the future. . . . And make no mistake. While the trouble will be greatest in black inner-city neighborhoods, other places are also certain to have burgeoning youth-crime problems that will spill over into upscale central-city districts, inner-ring suburbs, and even the rural heartland.¹

DiIulio's theories were disturbing, wrong, racist, and contrary to what we now know about brain science and best practices for supporting youth. They legitimized laws and policies that were actually harmful to young people, like JCOs. Further, they were not supported by data. For example, juvenile crime rates were declining nationally before many curfew ordinances were adopted, and have continued to decline since, including in cities and towns that never adopted a curfew ordinance. Data confirm this trend of declining juvenile crime across the country and demonstrate the lack of a clear causal connection between JCOs and reductions in crime.

Research (and common sense) confirm that criminalizing youth, particularly for low-level offenses, is harmful:

- Criminal charges threaten a student's ability to succeed in school.
- Fines and fees associated with Class C misdemeanor charges present significant challenges to working families and threaten to trap them in cycles of debt and poverty.
- Criminal records compromise college, employment, housing, and military prospects when young people are asked to disclose conviction histories.
- Children of color are overrepresented in police and court interactions.
- Youth with disabilities are overrepresented in police and court interactions.
- Homeless youth may be targeted and face unique harms.

¹ DiIulio, John, *The Coming of the Super-predators*, *The Weekly Standard*, available at <http://www.weeklystandard.com/the-coming-of-the-super-predators/article/8160>.

JCO violations are known as “status offenses.” Status offenses are behaviors, like truancy or running away, that are only made criminal because of the age of the “offender.” There is now a wealth of research that shows that criminalizing young people for status offenses in particular is harmful. Pushing youth into the criminal justice system, rather than giving them the guidance or support they actually need, compromises their ability to succeed in school and increases the likelihood they will have future contact with the justice system. Further, it interferes with the autonomy of youth and the rights they and their families have to make choices about their well-being.

Austin’s JCO was adopted in 1990 and was renewed by the City Council every three years. The ordinance created a Class C misdemeanor for juveniles between the ages of 10 and 17 who were out of school during school hours or outside of their homes between 11:00 pm and 6:00 am. When young people are ticketed for violating the JCO, they are sent to adult criminal court (not juvenile court), without guaranteed counsel, and can face fines of up to \$500 and the possibility of a criminal record.

Reform Efforts

For the past decade, a growing group of students, parents, and advocates across the nation and in Texas have pushed for juvenile justice and school-to-prison pipeline² reforms. School districts, cities, and the Texas Legislature have responded with a number of important changes in law and policy that recognize the harms of criminalizing young people:

- In 2013, the Texas Legislature eliminated the Class C misdemeanor offenses “Disruption of Class” and “Disruption of Transportation” and prohibited schools from issuing Class C misdemeanor tickets to students on their home campuses.³ These changes significantly reduced the flow of students into the criminal justice system for school-based behaviors.
- In 2015, the Texas Legislature passed House Bill 2398, a truancy reform bill that decriminalized the Class C misdemeanor offense of “Failure to Attend School.” Texas students may not be charged with a criminal offense related to truancy, and each school in Texas must now provide prevention and intervention services to students with chronic unexcused absences.

² The term “school-to-prison pipeline” refers to the people, systems, policies, laws, practices, and procedures that are used to push young people out of their schools through the use of exclusionary discipline, school police, and courts. This exclusion and criminalization increases the likelihood of grade retention, dropout, and additional justice system contact.

³ Class C misdemeanor complaints can still be issued in schools. The complaint process requires more, procedurally, than the ticketing process.

- In 2015, the Texas Legislature passed House Bill 2684 which requires youth-focused training for police officers in school districts with more than 30,000 students. Prior to the passage of this bill, there was no requirement that officers working with young people in schools have training related to the specific needs of youth.

These reforms are examples of a shift from a punitive approach for addressing the behavior of youth to a research-based approach that emphasizes supports and services, when appropriate, and acknowledges the harms of criminalizing youth.


Changing the JCO in Austin

In June 2017, in response to calls for change from youth, parents, community-based organizations, concerned Austinites, and advocates, the Austin City Council voted to end the daytime portion of the city's JCO. Through Resolution 20170615-069, the City Council also convened a workgroup of stakeholders to make recommendations about non-criminal ways to support young people in Austin who may be out at night in violation of the nighttime portion of the JCO.

The workgroup, comprised of students, parents, representatives from the Austin Police Department and Juvenile and Municipal Courts, advocates, and education and juvenile justice experts, met weekly from June through September to develop the recommendations in this report. These recommendations are based on information gathered from research, presentations from law enforcement entities and community organizations, individuals' lived experiences, and the group's collective expertise. The workgroup is committed to continuing to meet in order to support implementation of the recommendations that the City Council chooses to pursue, find ways to amplify youth voice and involvement in Austin, and develop new recommendations related to school-to-prison pipeline and juvenile justice issues.

The recommendations that follow are based on several core values:

- Every interaction with a young person is an opportunity to develop a leader.
- Young people have the right to have consensual contact with police officers. A young person's ability to self-advocate is a priority.
- It is important to treat young people as individuals, with individual needs: Some young people need services from non-law enforcement providers and experts. Some young people would benefit from simple guidance. Some young people should simply be left alone to make decisions that they and their families find most appropriate for them.

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- Contact between young people and police officers who are performing law enforcement duties, should be limited to instances when there is a safety concern or other official law enforcement issue that must be addressed.
 - Connecting youth and their families to appropriate services should happen quickly, with as little law enforcement intervention as possible.

Chapter One: General Recommendations

Recommendation: Eliminate the Juvenile Curfew Ordinance

This recommendation supports young people and decreases juvenile criminalization by reducing unnecessary police and court contact and eliminating a criminal offense.


The nighttime juvenile curfew that is currently in effect makes the presence of youth in the City of Austin at night into a criminal matter, involving police and courts. A great deal of research exists on the problems caused by increasing the contact between young people and the criminal justice system. What is particularly disturbing is the data showing that this contact and the accompanying immediate and long-term harms, disproportionately impact Black and Latino youth. The data also show that enforcement of the ordinance is clustered in certain areas of the city: North, East, and South, around I-35. Further, homeless youth, young people with disabilities, and working youth can be unfairly targeted by the ordinance.

Supporting Evidence

From the beginning of discussions about ending the juvenile curfew ordinance, there has been a focus on two goals of the ordinance: decreasing juvenile crime and ensuring juvenile safety.

The goal of decreasing juvenile crime is not achieved through a JCO. Juvenile curfew ordinances were adopted by cities across the country in the 1990s in response to perceptions of rising juvenile crime. Juvenile crime had actually been declining nationally and internationally since before many curfew ordinances were adopted. Over time, juvenile crime has continued to decline, including in cities that never adopted a juvenile curfew ordinance.

The goal of addressing safety concerns for youth who are out late at night is also not achieved through a JCO. In fact, criminalization can make young people *less* safe by 1) exposing them to the trauma and harms of the justice system, and 2) involving law enforcement in sensitive situations that should be addressed by service providers. Police officers across the United States are given the power to care for their communities, and the people in these communities often rely on officers to ensure the safety of youth when appropriate. This expectation exists 24 hours a day, not just during curfew hours. Police officers have the ability to check on the safety and needs of youth, and do not need a criminal offense to justify these interactions. This recommendation will help the Austin Police Department and other agencies in the City of Austin shift from a system of criminalizing and punishing youth to one of supporting the autonomy of young people and connecting them with appropriate services that truly keep them safe.



The case for ending the nighttime curfew and the resulting criminalization of youth is clear:

Harms

Police and court interactions increase the likelihood that young people will experience a number of harms, including trauma, grade retention, dropout, and future justice system involvement. Long-term consequences include difficulty obtaining a job, applying for college, and enlisting in the military. The State of Texas and the City of Austin have recognized the detrimental impacts of issuing tickets for minor school-related misbehavior. Unnecessarily creating contact between the criminal justice system and youth is just as detrimental in the context of a curfew as in the context at school. It is incongruous to simultaneously take steps to end the school-to-prison pipeline in our schools while continuing to ticket youth for being out too late. The criminal justice system should be a last resort to resolve public safety problems, not a partner in parenting.

Criminalizing youth who happen to be out at night sends the message that not only do we not trust youth but that we think they are somehow dangerous or unsafe simply because they are in public at night. This false proposition highlights the counterproductive nature of the nighttime curfew. Our local policies should reflect our support for, not our mistrust of, our young people.

Alternatives to Ticketing are Better

If there is a concern with young people being in public late at night, there are numerous alternative methods to address these concerns. If a young person is in need of help, law enforcement and other public safety officials should have information about how to route the youth to assistance or appropriate services. There is simply no need for a court to be involved to provide this linkage to services. In all cases, the issuance of a ticket is not necessary. In many other cities, alternatives to ticketing, like those developed for this report, have been shown to effectively support youth, keep them safe, and avoid sending them into a criminal justice system that we know to be harmful to their well-being.

Potential Partners

The Austin Police Department would be involved in the implementation of this recommendation. Community-based organizations and service providers would partner with APD to ensure youth and families who need supports and services receive them. Other recommendations in this report would support successful implementation of this recommendation.

Cost Estimate

There would be cost savings to the city. Officers would no longer spend time on the criminal aspects of curfew enforcement.

Youth Perspective

Young people who are part of the workgroup independently developed the following recommendation related to ending the JCO:


Courts should automatically expunge the criminal records of people who have received tickets for violating the juvenile curfew ordinance. The juvenile curfew ordinance was adopted in 1990, so there may be adults in their mid-30s who have a criminal record from when they were a preteen. These people should not have to decide whether to disclose this record to a prospective employer or on other types of applications, especially if experts, youth, and people who work with youth (including APD) now acknowledge that the curfew ordinance is an unnecessary law. Municipal courts, juvenile courts, ISDs, PDs, and any other entity with records related to violations of the juvenile curfew ordinance should expunge those records automatically, without requiring an expungement application or payment.

Note: This recommendation from youth is not without precedent. The truancy decriminalization law that passed in 2015 required the automatic expungement of all records related to Failure to Attend School convictions, complaints, or tickets made before September 1, 2015.

Recommendation: Support a City-Wide Workgroup to Address School-to-Prison Pipeline and Juvenile Justice Issues

This recommendation supports young people and decreases juvenile criminalization by formally supporting city agencies, experts, practitioners, and young people to continue discussing the best ways to support Austin youth without criminalizing them.

The workgroup that developed this report was convened by the Austin City Council to discuss ways to support youth without criminalizing them. Though the group was created during the Council's discussion of the city's juvenile curfew ordinance, the conversations and recommendations of the group cover a broader set of school-to-prison pipeline and juvenile justice issues that impact young people. The City should continue to support the workgroup by adopting a resolution to create a School-to-Prison Pipeline and Juvenile Justice Workgroup. The workgroup should prioritize finding ways to meaningfully amplify the voices and perspectives of



young people, including ensuring that a core group of youth take leadership positions and stay engaged in the workgroup.

Supporting Evidence

The recommendations developed for this report provide evidence of the success of the workgroup.

Potential Partners

Partners should include any individual or organization in Austin that is impacted by, specializes in, studies, or interacts with youth involved in the school-to-prison pipeline or juvenile justice system. There will be a special emphasis on the perspectives of youth, whose voices and opinions should be the central to all future recommendations made by the workgroup.

Implementation Steps

1. Formalize the workgroup through City Council resolution.
2. Identify individuals and organizations that were not included in the original juvenile curfew workgroup that should be included in future workgroup meetings.
3. Convene to determine:
 - a. Regular meeting schedule and space that encourages participation from a diverse group of individuals and organizations;
 - b. Leadership structure of the group, including the first round of facilitators;
 - c. The process for reaching decisions, including
 - i. How to resolve conflict, and
 - ii. How to honor opinions of the minority;
 - d. The process for adding members of the group;
 - e. A system for documentation; and
 - f. Rules around information sharing and transparency.
4. Survey youth, parents, practitioners, council members, community members, and advocates to determine substantive goals of the workgroup.
5. Convene regularly.

Cost Estimate

Membership in the workgroup would be voluntary, and workgroup members would not be compensated for their participation. Costs would include printing, food, childcare, interpreting services, and other materials needed to facilitate meetings.

Youth Perspective

Young people who are part of the workgroup independently developed the following recommendations related to extending the workgroup:

The workgroup should consider the following issues and topics that impact youth as it develops new areas of research and additional policy recommendations:

- Race and the intersections of race, gender identity, gender expression, sexual orientation, and other characteristics
- Mental health and mental illness
- Homelessness
- In-home challenges
- Trafficking and abuse
- Additional counselors in schools who are trained to address mental health and mental illness
- Drug Abuse
- Sex education, including awareness of healthy relationships
- Youth in the foster care system

Chapter Two: Youth-focused Training for Law Enforcement and Other Agencies

Recommendation: Provide Youth-focused Training to Law Enforcement

This recommendation supports young people and decreases juvenile criminalization by providing law enforcement agencies with youth-focused, trauma-informed training that includes implicit and explicit bias reduction.

Police who deal with the nation's children and youth, often in extreme situations — such as domestic violence, child abuse and neglect, as witnesses to community violence, as victims and as victimizers — do not receive specific training to help the youth with whom they work. As a result, these officers are often unable to adequately recognize and respond to youth suffering from trauma.

Youth-police relationships and interactions have traditionally been described as negative nationally and locally. The Department of Justice has identified several common problems in the police-youth relationship including:⁴

- A lack of trust;
- Racial and cultural differences;
- Little or no contact, except through police responding to crime-related incidents; and
- High levels of anger, fear, and hostility between the two groups.

According to 2013-2016 data, APD hands out an average of 2,200 juvenile curfew tickets per year. Ticketing disproportionately impacts Hispanic youth, Black youth, and young people in Austin's lower-income communities. In an effort to decriminalize youth behavior and correct this disproportionality, local law enforcement needs to address their implicit and explicit biases, understand youthful reactions to stressful situations, use a trauma-informed lens with youth interactions, and change their policies accordingly to enforce these new behaviors.

In order to address the need for youth-focused training, law enforcement agencies should:

- Receive instruction from Strategies for Youth (specifically their Policing the Teen Brain training and their Juvenile Justice Jeopardy training), or a similar training entity that utilizes evidence-based materials; and
- Implement any policies and procedures recommended by Strategies for Youth (or a similar training entity) that do not directly contradict APD's mission statement.

⁴ Borgquist, D. S., Johnson, T. J., & Walsh, M. A. (1995). *Police and urban youth relations: an antidote to racial violence: a guide for police, youth and community leaders to improve police/urban relations*(United States, Department of Justice). Chevy Chase, MD: U.S. Dept. of Justice, Community Relations Service.

Supporting Evidence

Strategies for Youth (SFY) is a national advocacy and training organization dedicated to improving police-youth interactions and reducing the disproportionate number of minority youth who come in contact with the justice system. SFY was created to equip law enforcement agencies with preliminary skills to more accurately identify situations that require law enforcement intervention while providing agencies with the tools to ensure the safety of everyone in the community, including the officer.⁵

SFY believes that adults who are developmentally competent have more effective interactions with youth. “Developmental competence” refers to the understanding that children’s and adolescents’ perceptions and behaviors are influenced by biological and psychological factors related to their developmental stage. A person who is developmentally competent recognizes that the way children and youth perceive, process, and respond to situations is a function of their developmental stage and, secondarily, their culture and life experience.

To become developmentally competent, an individual must:


- Understand that children, adolescents, and adults interpret and respond differently to situations, social cues, interpersonal interactions, and the inherent power of adults, making children and adolescents more vulnerable to external pressures and more compliant with authority;
- Apply this knowledge to enhance and improve interactions with children and youth; and
- Calibrate institutional responses to the developmental stage of the children and youth served.

The SFY has adopted the “Do No Harm” model based on protocols and training for law enforcement agencies that have been effectively used in over 15 states. SFY has provided law enforcement agencies needed written protocols to guide officer conduct and clarify officers’ obligations to children during each interaction. These protocols aid law enforcement agencies in:

- Clearly identifying possible sources of trauma;
- Creating guidelines to ensure children’s needs are addressed proactively;
- Developing interagency connections to community resources; and
- Providing immediate, onsite referrals to resources for children and families.

Strategies for Youth has an excellent track record and proven results having worked in over 15 states. For example, in Cambridge, Massachusetts, SFY trained 250 officers. Data show that in

⁵ Dacchille, C., & Thureau, L. (2013, April 2). Improving Police-Youth Interactions. Retrieved August 21, 2017, from <https://apps.americanbar.org/litigation/committees/childrights/content/articles/spring2013-0413-improving-police-youth-interactions.html>.



the six years following the officer training in Cambridge, (2006-2012), juvenile arrests decreased by 71 percent. More recently, in Charlotte-Mecklenburg, North Carolina, SFY trained 65 school resource officers resulting in a three percent decrease in school-based arrests, despite a 24 percent increase in calls for service.

Potential Partners

The City of Austin would partner with [Strategies for Youth](#), or an organization with a comparable record of success that utilizes evidence-based models to train law enforcement. Locally, community organizations like LifeWorks are available to provide ongoing trainings and resources related to providing trauma-informed care to youth.

Implementation Steps

1. Request a complete cost estimate from SFY.
2. Identify five to ten interested law enforcement officers to complete the train-the-trainer training.
3. Arrange professional development time for 55 interested officers to attend the Policing the Youth Brain trainings.
4. Engage with the policy evaluator and accept all recommendations that do not contradict the mission of the department.
5. Perform yearly assessments to determine how law enforcement officers are utilizing the youth-focused training. These assessments should be done internally (by the law enforcement entity) and externally (potentially by members of the workgroup)

Cost Estimate

Costs involved in this recommendation may include:

- \$75,000 to \$100,000 for SYF services, including Policing the Teen Brain and Juvenile Justice Jeopardy licenses;
- Professional development days for train-the-trainers and other officers

The program is set up so that law enforcement agencies do not need to hire additional help for follow up trainings. Once the agencies have trainers and have identified local psychologists, the trainings can continue without further payment to SYF or cost to the department (excepting the psychologist hours on the first day of each trainings). This allows law enforcement to be able to train themselves into perpetuity.

Recommendation: Provide Youth-Focused Training to Victim Services

This recommendation supports young people and decreases juvenile criminalization by increasing training for non-law enforcement professionals to support young people, when necessary.

Victim Services is a division within the Austin Police Department that is available 24 hours a day to support members of the Austin community through “crisis intervention, counseling, advocacy, criminal justice support, assistance with Crime Victims, . . . education, information and referrals for victims of crime and trauma, individuals with mental illness, and witnesses. In addition to these primary responsibilities, the Division provides assistance to criminal justice personnel, the community, and other non-crime situations.”


A representative from Victim Services attended the second meeting of the workgroup to explain how the team is utilized by APD. The workgroup recommends providing youth-focused training to all members of the Victim Services Division and to equivalent departments within other law enforcement agencies, so that they can be called to assist youth when necessary, at any time of the day, including late-night hours.

Supporting Evidence

Non-criminal supports are best for youth who need some sort of intervention. A review of successful diversion programs for youth by the Vera Institute⁶ found:

A number of jurisdictions throughout the country have developed crisis response systems to respond quickly to law enforcement, schools, families, and other agencies needing immediate help—often by connecting families to behavioral health services instead of emergency rooms and the justice system. Police officers often respond to calls where there is no “arrestable” offense, but there is a clear need for outside help to immediately de-escalate a volatile situation and make connections to other types of support. Crisis response services can also be used to identify and provide treatment for family issues, such as fighting within the home. These services typically utilize trained case workers or therapists to respond quickly to police, family, or school calls, assess the situation, either by phone or in person, and determine the best course of action, usually by connecting youth and their families with community-based supports and case management services.

⁶ *It Takes a Village: Diversion Resources for Police and Families*, The Vera Institute for Justice, June 2016, available at <https://www.vera.org/publications/it-takes-a-village>.



If it is necessary for Austin police officers to have contact with youth we should ensure that that contact is as brief as possible. Youth should be connected quickly with non-criminal services and with individuals who are specially trained to support them.

Potential Partners

The Victim Services Division of APD, and equivalent departments within other law enforcement agencies, would be involved in the implementation of this recommendation. Community-based organizations and service providers would partner with Victim Services personnel to ensure that youth and families who need extended supports and services receive them quickly.

Social work training entities, such as the Steve Hicks School of Social Work at the University of Texas, could provide initial and ongoing trainings.

Implementation Steps

1. Review the initial and ongoing training that the Victim Services departments currently receives.
2. Identify deficits in current training and training requirements.
3. Identify and schedule appropriate trainings.
4. Train all members of departments and identify timeline requirements for follow-up trainings and continuing education opportunities.
5. Include youth-focused training as a requirement for all future personnel.


Cost Estimate

The cost of a training sessions should be determined once deficits in current training are identified.



Additional Recommendations

- **Analyze the “street check” system:** Every interaction a police officer has with a person in Austin is recorded electronically. These “street checks” are produced even when no additional action, such as a ticket or arrest, is taken. An independent analysis of the street check system should be done to ensure the checks are appropriate and stored in a way that will allow important data about interactions to be collected and analyzed.

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- **Include guidance in Police Policy Manuals:** Officers receive Police Policy Manuals, which give guidance on a range of topics, including appropriate and legal interactions with various groups of people. A section of the Manual should be devoted to appropriate interactions with youth, particularly in light of the recommendations of this workgroup, which focus on supporting the autonomy of young people and connecting youth to services, when appropriate, rather than criminalizing them. Members of the workgroup can consult on the creation of the guidance.

Chapter Three: Data and Assessments

Recommendation: Perform a Community Needs Assessment

This recommendation supports young people and decreases juvenile criminalization by identifying the factors that contribute to challenges that youth face and determining community-preferred methods of resolution.

A comprehensive community needs assessment will gauge how communities across Austin perceive and are impacted by laws, policies, and procedures that affect youth. The assessment will help stakeholders identify, analyze, and prioritize the needs of people in their communities. Solutions can be developed based on these needs. As a result, the solutions will be more effective, appropriate, and person-centered.

In order to ensure the accuracy of the assessment, the sampled population must reflect the targeted community. The targeted community, in this case, would be those most affected by laws and policies that target youth generally, and specific subsets of youth that may experience higher rates of ticketing, police interactions, and court involvement, including youth of color, youth with disabilities, and homeless youth.

Area of residence must be noted during data collection, especially in circumstances where there is a documented disparity in the experiences of individuals living in one region versus another.


Supporting Evidence

A youth-led needs assessment, implemented by the Center for Promise, was conducted in order to assess barriers to health and well-being among youth of color in low-income communities.⁷ The study was conducted in five major cities: Boston, Chicago, Denver, Philadelphia, and St. Paul.

The assessment resulted in the following findings:

- Young people are under stress;
- Young people feel unsafe;
- Young people fear and mistrust the police;
- Young people observe and suffer from a lack of community resources;
- Young people feel stereotypes and racial bias as reasons why they feel unsafe and unwelcome; and
- Young people are engaging in risky behavior to cope with stress.

⁷ Center for Promise, *Barriers to Wellness: Voices and views from young people in five cities*, Washington, DC: America's Promise Alliance, 2016, available at www.americaspromise.org/BarrierstoWellness.



Recommendations in the study include having youth-serving organizations, educators, and local political officials create safe, healing spaces for youth of color who have experienced traumatic events. The study also recommends that all adults associated with the criminal justice system actively examine their personal biases about youth.

The full report, which outlines the specific methods used to conduct the assessment, training, and outcomes can be used as a framework for a youth-focused community needs assessment in Austin.

Potential Partners

Partners for this recommendation may include:

- Measure Austin and the University of Texas at Austin for the development and organization of measurement tools and data analysis expertise; and
- Grassroots Leadership and Texas Appleseed for community outreach and volunteer coordination.

Implementation Steps

Because a survey method is both valid and time consuming, steps toward the development and implementation of the surveying tool must be swiftly carried out by qualified individuals. Measure Austin is currently working on a similar project which uses a community needs assessment tool that can be modified to capture relevant data.

Volunteers will be needed to distribute surveys in the community and/or develop an online data collection tool. A group of Master's-level research students could assist with the distribution of surveys.

Potential methods of data collection include:

1. Quantitative data collection by survey: This is the suggested method of data collection in this situation, allowing for the swiftest collection of public opinion. A survey could show the impact that specific laws and policies that affect youth have on the community with a scale that measures the communities opinion on the costs/benefits of laws affecting youth. Surveys can be collected through automated methods, such as online systems.
2. Qualitative data collection by focus group: This type of collection would gauge individual impact. Qualitative data can be collected by forming small focus groups of five to ten people. This would require the help of skilled individuals who can accurately sample participants. With the consolidation of sample size, a focus group runs the risk of

under- or over-representation from one or more sub-groups (e.g., Central Austin residents).

3. Youth Delphi Panel: Since youth are at risk for unnecessary criminalization, time is a factor in the implementation, administration, and evaluation of a needs assessment. Surveying a panel of youth representatives should be considered as an initial step in the process. Consideration should be given to the makeup of the youth representatives to ensure they accurately reflect the affected community.

The benefits and risks of these methods of data collection should be considered when determining a viable method of data collection.

Cost Estimate

The costs associated with a large data collection effort are related to:

- Organizing participants, volunteers, and other stakeholders;
- Time spent on the development of a data collection method;
- Recruiting individuals to distribute the survey in the community; and
- Evaluating the data once they are collected.

Youth Perspective

Young people independently developed the following recommendations related to performing community needs assessments:

Assessments, surveys, and questionnaires should be designed by young people. The surveys can be distributed at community events so that people can come together and feel comfortable talking about issues that impact their lives. The community events can feature guest speakers and can include time for small group conversations.



Additional Recommendations

- **Analyze law enforcement and court data related to youth:** Important data related to youth-police and youth-court interactions should be tracked and made available for analysis upon request. Law enforcement entities and courts should improve data collection, recording, analysis procedures, and reporting to ensure that complete information about the youth with whom they interact is publicly available and regularly updated. All data sets should include information about the age, race, gender identity, and ethnicity of a young person. Analyses and reports should highlight racial disproportionalities.

Chapter Four: Connecting Youth and Families to Services

Recommendation: Create a Database and App with Youth Services

This recommendation supports young people and decreases juvenile criminalization by creating a one-stop online resource that is easily available and searchable for all known youth services in the Austin area.

It became clear in workgroup meetings that there are many organizations in Austin providing effective services to youth. However, what is missing is a comprehensive one-stop database that is solely focused on providing information about these organizations. In addition to such a database, which should be searchable, printable, and available to all organizations and governmental agencies, the workgroup recommends creating a publicly-available application that lists all resources known that can be used for assisting youth in Austin. The database and app should include intake procedures, service areas, and contact information for all organizations.

The app would be available to youth and everyone who provides services or comes in contact with youth on a regular basis. These groups may include (but are not limited to): Travis County offices, APD (Patrol, DRs, Victim Services, PAL/Explorer/etc), Austin-area school districts, parent teacher associations, school and community social workers, public and private schools, church youth groups, social service providers, and any state and local agency that interacts with youth.

App users would search for resources by the use of keywords (e.g., “substance abuse,” “domestic violence,” or “housing”) and a list of organizations, locations, and points of contact would populate their screen.

Coinciding with the app would be the creation of a handout for all agencies and organizations that come into contact with youth. The handout would help youth understand the resources available to them through the app. The handout (paper and digital) can be distributed to all service providers and people who come into contact with youth for wide dissemination. The handout could have a QR code that directs them where to go to download the app, too.

Note: This app should not be used to intake or store client information due to client confidentiality concerns.

Minimum functions needed:

- The ability to input new resources and capabilities as they are added and made known;
- GIS/mapping to location in order to capture where request was made;

- The ability to catalog who made the request by category (e.g., an officer, young person, parent, counselor, etc.)
- A search feature by tag; and
- An associate search with other similar available resources.

Regularly assessing app analytics would allow organizations and agencies to adjust services to meet the needs of app users by showing where there is excess capacity, highlighting general gaps in services and availability, and allowing for the anticipation of future needs.

Potential Partners

Potential partners may include the City's Innovation Office to assist in coordinating the development of the application. Other potential partners for app construction and testing could be ATX Hack for Change, 2-1-1, and Open Austin. The Communications and Technology Management Department could advise, but it is recommended that the application be built and maintained through an outside vendor.

Implementation Steps

1. Conduct an area-wide survey of organizations in the City of Austin that provide services to youth.
2. Contact these organizations to get information about services, intake procedures, and contact information and gauge their willingness to participate.
3. Create a searchable, printable database with this information and distribute to all organizations and governmental agencies.
4. Identify a group that is willing to build the app.
5. Identify how the app will be maintained and updated.
6. Build and test the app. The app would need to be built for all relevant platforms, including iOS, Android, and Windows.
7. Introduce the app to organizations and agencies and provide a basic training on app usage.

Cost Estimate

Applications vary widely in cost. A rough estimate for app construction is between \$50,000 and \$150,000. Such a product would also require ongoing technical support, resource intake, and list maintenance. An assumption is that CTM could assume some of the maintenance needs, but the construction, testing, and ongoing maintenance should be left to outside resources, as the market and technology changes more quickly than city resources can typically react. Local volunteer tech organizations, like Open Austin, could be contacted to provide services.

Youth Perspective

Young people independently developed the following recommendations related to creating an app and database for youth services:

The app should not just be a list of services, it should be a portal for everything that young people in Austin might want to access, including:


- Know Your Rights materials
- Job and volunteer opportunities
- Safe spaces and youth-friendly businesses across the city
- Maps with markers for youth activities and meeting spaces

Printed copies of services and resources should be available in schools, libraries, businesses, through social media sites, and on school district websites so that more members of the Austin community are aware of how they can connect young people with supports and opportunities. These resources should be advertised regularly so that students without reliable access to the internet or smartphones can know how to get the supports they need.

Recommendation: Support Municipal Court Case Workers Outside of the Court Setting

This recommendation supports young people and decreases juvenile criminalization by expanding Municipal Court services beyond justice settings to where youth and their families live.

Beginning in April 2014, the Youth Services Division at the City of Austin Municipal Court implemented the Austin Youth Diversion program, the first of its kind in Texas. The diversion program gives youth cited for non-traffic Class C misdemeanors the opportunity to resolve their case without it ever being filed as an actual criminal charge at Austin Municipal Court. Each juvenile is matched up with a juvenile case manager who works closely with the child and their family to identify any needs for assistance, whether related to the case or not, and refers them to in-house and/or community based services. Since the program occurs pre-filing, all services are



free, and families are not burdened with court costs, fees, or fines. In addition, the juvenile is not required to appear before a judge.

While this program has effectively decriminalized non-traffic Class C misdemeanors for some juveniles, almost all services provided still take place within the Austin Municipal Court building. As a result, there is the perception by young people and their families that they are still dealing with something criminal in nature, leading to apprehension about appearing for a number of reasons. Knowing these obstacles exist, Youth Services has developed a plan to offer more diversion program services outside of a court setting, namely at other City entities, such as libraries and recreation centers. These locations have the added benefit of providing additional programs and services for the families to take advantage of in their own neighborhoods.

Supporting Evidence

Houston has a similar pre-filing program; however, their program focuses on truancy cases, which AISD schools prefer to file at Travis County JP Courts instead of Austin Municipal Court. Austin is innovative in this approach; therefore, there is no evidence-based support yet for the program.

Potential Partners

Currently, Youth Services partners with several community-based agencies to assist youth and their families. Other recommendations by this workgroup, including compiling information about community-based organizations in order to create an accessible database and app, will expand partnership opportunities and ensure that youth who interact with Youth Services can access the services they need quickly.

Implementation Steps

This extension of the Austin Youth Diversion program is already underway in the form of a pilot program, beginning on August 28, with classes being offered at the Terrazas Branch Library and the Little Walnut Creek Branch Library. Gradually, more locations and program services will be added.

Cost Estimate

All costs and salaries are included in the Austin Municipal Court budget, and the program will be carried out by the current juvenile case managers at Austin Municipal Court.

Additional Recommendations

- **Connect youth to ride services:** Connecting young people to safe, existing ride services would shift the duty of transporting young people to their homes from law enforcement to a qualified third party, such as local nonprofit RideAustin. If an officer stops a youth to assess their safety and need for services and determines that the young person simply requires a ride home, the officer may then use the RideAustin phone app to contact a qualified driver. To work for RideAustin, all drivers must consent to and pass a two-step background check, including a fingerprint check. While these qualifications are more comprehensive than other rideshare requirements, drivers wishing to participate in the youth ride service program would also be required to receive additional checks that align with police procedures.

A similar program was recently developed at UT: the University's safe ride program, SURE Ride, partnered with the ride service Lyft to provide free rides home between the hours of 11:00 pm and 4:00 am for students, faculty, and staff.⁸

Youth Perspective

Young people who are part of the workgroup independently developed the following recommendation related to connecting youth to ride services:

Having access to affordable ride share services would be beneficial for young people in Austin. The City and participating ride services should partner with organizations and schools to have social workers or other licensed mental health professionals participate in the ride services as drivers. That way, when a young person needs assistance or just someone to talk to on their way home, they would be able to connect with a person who has been trained to support them.

- **Ensure the availability of dropout prevention services:** It is important for youth to receive supports to stay engaged in school. Being in school can serve as a protective factor for young people. The community- and school-based groups that provide dropout prevention services should be utilized to support young people who are at risk of dropping out of school.

⁸ Lyft and UT Austin PTS Provide Free, Safe Rides to Students, September 14, 2017, available at <https://blog.lyft.com/posts/ut-safe-rides>.

- **Support 24-hour drop-in centers:** Streamlining the provision of services can ensure that young people and families get the supports that they need quickly and avoid the trauma of multiple intake processes. A collection of 24-hour drop-in centers located across the city would allow youth to interact with one person through one intake process and ultimately to gain quick access to appropriate services and providers.

Youth Perspective

Young people who are part of the workgroup independently developed the following recommendation related to supporting 24-hour drop-in centers:

Public spaces and businesses should have access to the app and database of youth services that the workgroup has recommended. Businesses, especially those that are open 24 hours, could commit to being a safe space for youth. Those business would be marked by a poster (designed in the city-wide youth awareness campaign) that would designate them as a youth-friendly business that is committed to supporting Austin's young people. Information should be recorded about the resources needed by people who use the drop-in centers so that we can ensure the spaces are meeting people's needs.

Chapter Five: Youth-Focused and Youth-Led Initiatives

Recommendation: Create Free, Late-Night Opportunities for Young People

This recommendation supports young people and decreases juvenile criminalization by offering a variety of safe, free late-night recreation opportunities for youth throughout Austin.

Young people in Austin should have safe spaces to engage with their city and interact with their peers at night. Locations and activities for these opportunities will vary, with the common goal of serving all areas of town and offering a range of options. Priority could be given to areas with higher rates of juvenile curfew violations and fewer accessible options for nighttime recreation.

The program will operate at night, in the hours before midnight – a time when options for free fun are limited. Adult supervision will be provided. Partnerships with both for-profit and nonprofit groups will reduce costs and help the program serve the largest possible number of young people. To increase the odds of success, area youth from across Austin should be involved in the planning and management of the program.

Supporting Evidence

It's no secret that young people are often up late looking for entertainment. Austin offers a limited number of free activities for young people, especially at night, and most after-school programs end long before teens are ready for bed. That problem can be addressed by offering safe, supervised activities where young people know they can find other people their age – a positive reason to be out.

After-school programs and community centers provide a similar service, but a nighttime-only program addresses a different and specific need. We have not found a program exactly like this, although other cities and nonprofits do provide some evening entertainment for young people. If a program is implemented, every teen who participates is a teen who is finding fun in a safe environment. It would be designed with the goal of deterring negative behavior by providing a positive, attractive, and free alternative.

Potential Partners

To succeed, the program requires a broad network of partnerships. A wide range of partners will ensure broad geographic reach and a wide variety of activities and resources for keeping costs as low as possible. Ideally, partners would include governmental groups, nonprofit organizations that serve youth, educational organizations, and for-profit businesses that would sponsor free nights for local youth. Different options would be offered on different nights, always with late hours, no fees, adult supervision, and access to additional services such as food, safe rides home,

or information about local groups that serve youth. The list of potential partners is immense and could include groups such as the following:

Governmental Entities: Austin Parks and Recreation (for access to pools, sport courts and fields, Austin Nature & Science Center, etc.), Austin Public Library, Travis County Parks and Recreation, and other agencies that serve youth.


Educational Groups: local independent school districts, The University of Texas at Austin, Austin Community College, and St. Edward's University.

Nonprofit Organizations: Austin Parks Foundation, LifeWorks, Austin Bat Cave, Boys and Girls Club, YMCA, Austin Voices for Education and Youth, My Brother's Keeper, LUPE Arte, KLRU, OutYouth, Austin Film Society, LBJ Library, Mexicarte, African American Youth Harvest, Girlstart, Explore Austin, TNOYS, and Millennium Youth Complex (free skate parties!).

For-profit organizations: Movie theaters, bowling alleys, arcades, skating rinks, live music venues, restaurants, mini-golf courses, event venues, companies that offer tours, climbing gyms, dance clubs, comedy clubs, theaters, and other entertainment venues.

Implementation Steps

1. Identify a lead agency and point person to oversee the program. Hire as necessary, perhaps by partnering with Americorps.
2. Gather a group of local youth to serve as an advisory body, offering ideas about what would appeal to other teens.
3. Work with the youth to create a list of activities and suggested venues.
4. Establish a target for the first phase of the program – number of nights, variety of activities, neighborhoods served, and individual young people served.
5. Staff – perhaps with the help of youth advisors – reach out to venues to schedule free youth nights and identify who could help provide adult supervision and access to services for youth. Each participating venue would stay open late and would offer exclusive, free access to teens for that night
6. Publicize the events on social media, at schools, in neighborhoods, and through participating nonprofits and other partners. The audience would include youth, as well as parents who could encourage teens to attend. Youth involved with planning the program could serve as ambassadors to help spread the word.
7. Supervision would be provided. Area nonprofits that serve youth could take turns staffing the events. Groups that offer staffing would benefit by increased awareness among youth, and youth would benefit from exposure to area groups that serve young people.

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8. Young people could volunteer to help organize and manage the events. Youth who are involved with the program could later be hired to manage a larger share of the work.
 9. As the program grows, it would focus on weekend nights during the school year, and on nights throughout the week during the summer.
 10. The program would include access to a safe ride home for youth that need one. It would also serve as a safe space for youth to find shelter, safety and access to trusted adults.

Cost Estimate

As envisioned, costs would include one staff member to coordinate the program and perhaps funding for one or more Americorps volunteers. Additional costs, such as insurance, publicity, planning costs and event supplies, would need to be considered. Because supervision is essential to a successful program, adults would need to either be hired or volunteer for each event. It is possible that local groups that serve youth would volunteer on a rotating basis in exchange for access to young people and the chance to share information with them. Events at public venues could be funded by donations or grants. Events at private businesses could be funded largely through donations of admission from the business. Businesses would receive the added benefit of publicity and exposure to potential customers. This project could be scaled, offering a larger number of activities and venues as funds allow.

Youth Perspective

Young people who are part of the workgroup independently developed the following recommendation related to providing free, late-night opportunities and activities for youth:

There are many spaces and activities that young people in Austin would like to access for special “youth nights,” from 8:00 pm to 1:00 am including::

- Alamo Drafthouse, drive-in, and Austin Film Society theaters
- Barton Springs Pool
- Cooking classes and music classes, taught by local chefs and musicians
- Playland Skate Center
- Libraries: Library branches could stay late for a youth night and provide quiet spaces, opportunities for small group chats, mental health professionals for one-on-one talks, internet access, headphones, and silent dance parties.
- YMCA: YMCA locations could provide free access to their facilities for youth who may not be able to afford a gym membership. During these times, mentors could be available to casually play games and interact with youth in order to eventually develop deeper relationships.

Any “youth night” activity should include meals, transportation, and security. Data about the young people should be collected and analyzed to ensure that needs of ALL of Austin’s young people are being met. Events should be advertised through a diverse network of existing organizations.


9

Recommendation: Increase Structured Youth Engagement Opportunities

This recommendation supports young people and decreases juvenile criminalization by enhancing youth engagement and leadership opportunities and creating spaces for Austin’s youth to address issues that are important to them.

Youth must have a voice in setting and changing the policies, programs, and laws that affect their lives. Too often, adults gather to make a set of rules that will fix a problem, yet never talk to the

⁹ According to Wikipedia, a “silent dance party” or “silent disco” is “an event where people dance to music listened to on wireless headphones. Rather than using a speaker system, music is broadcast via a radio transmitter with the signal being picked up by wireless headphone receivers worn by the participants. Those without the headphones hear no music, giving the effect of a room full of people dancing to nothing.”



youth that their grown-up solution is intended to solve. Even when young people are included, many decisions are still created by the adults, and the youth are simply along for the ride, allowing the adults to falsely claim they had youth input. This proposal hopes to address this patronizing relationship by creating a mechanism for youth to organize around the issues that impact them or against policies that they see as problematic.

For this recommendation to succeed, the Austin community must build accessible opportunities for youth engagement. Often youth are unable to travel to meetings and events, even when they are centrally located. Encouraging small groups to meet in schools, libraries, or businesses in their neighborhoods would allow young people to explore issues within their communities. All of the small groups could then meet quarterly, either in person (with transportation assistance from rideshare companies) or virtually (with equipment provided by local tech businesses).

Supporting Evidence

Many cities like Chicago, Oakland, and New York have a long history of youth activism that transcends tokenism to create opportunities for an authentic youth voice and respected presence. This type of activism simultaneously builds power for youth and encourages the civic participation and leadership that has long-lasting impacts on a city. Locally, organizations like the Texas Network of Youth Services and Youth Rise Texas have created models to support authentic youth engagement.

Potential Partners

Local


Partners may include: members of the curfew workgroup and organizations that work with youth, including Austin NAACP, Life Anew, United We Dream (Austin), University Leadership Initiative, Educators in Solidarity, Austin Voices, Austin Interfaith, and Youth Rise Texas.

National

Partners may include: American Federation of Teachers, Alliance for Educational Justice, Urban Youth Collaborative, National Education Association, Advancement Project, United We Dream (DC), and Journey for Justice.

Implementation Steps

There is a natural opportunity to engage with youth in our schools and colleges, but we must think beyond the educational setting. Many young people are not in an educational setting, so efforts to identify where and how to engage youth need to occur before establishing “the plan.” As stated above, too many decisions for youth are made without their voice. This recommendation must not fall into the organizational traps of the past but instead create a model



for the present that genuinely values, listens to, and incorporates youth voice into daily decision making at all levels of government and community.

Cost Estimate

The cost of this recommendation will depend on the interests and recommendations of the young people who meet.



Recommendation: Know Your Rights Trainings for Youth in Schools

This recommendation supports young people and decreases juvenile criminalization by informing young people about appropriate interactions with police and courts, thereby supporting their knowledge of laws and policies, increasing civic engagement, and decreasing fears of police interactions by increasing familiarity with the process.

When young people understand their rights and what they can reasonably expect from police and courts, they may feel more prepared to interact with the justice system. Though the onus of a calm, non-violent police-youth interaction should be placed on the adult, not the young person, it is certainly beneficial for youth to understand what their rights during and after an interaction are and when and how to most effectively advocate for those rights.

There are many young people in Austin who are currently studying criminal justice procedure and policy in their schools and through community-based organizations. With the support of their teachers and other practitioners and experts, these young people could develop, write, and design Know Your Rights materials geared toward youth in Austin. These materials would be distributed to middle- and high-schoolers in all Austin schools and would be available online.

Supporting Evidence

Many organizations, like the ACLU and the Austin Police Department, utilize Know Your Rights materials to ensure people impacted by laws, policies, and procedures understand what to expect. Because the materials would be created by youth, the workgroup expects that they will have an even greater impact on young people than those produced by adult-led organizations.

Potential Partners

Members of the workgroup could support teachers and students in criminal justice classes throughout Austin-area schools to develop recommendations for the Know Your Rights materials. Austin-based artists and graphic designers could support the students in the development of the materials. School PTAs could assist in the dissemination of materials.



Implementation Steps

1. Contact the appropriate person in each Austin-area school district to ensure proper procedures are followed to implement this recommendation.
2. Identify school classes and organizations that are already teaching students about criminal justice procedure and policy.
3. Connect the teachers and classes with other experts and practitioners to develop a set of general topics that would be of interest to youth in Austin (i.e. “What to do if you are stopped by a police officer,” “What to do if a friend is stopped by a police officer,” “How to respond if you are questioned by a school police officer,” “What are your rights if you want to record an interaction with law enforcement”). Assign each class a general topic.
4. Have the students write the Know Your Rights materials.
5. Identify artists and graphic designers who can assist students with the visual aspects of the materials.
6. Identify Austin-based print shops that would be willing to print materials for a reduced price.
7. Print materials and distribute to schools through PTAs.
8. Identify an organization and/or teacher(s) that are willing to serve as contacts for students, parents, or teachers who have follow-up questions.

Cost Estimate

The major costs would be related to printing the materials and would have to be determined once the materials are designed.



Additional Recommendations

- **City-wide awareness campaign:** Austin could be a national leader in the way it supports youth. True to the artistic spirit of the city, local (adult and youth) musicians, poets, dancers, writers, and visual artists could be asked to create works as part of a city-wide campaign to honor and uplift youth voice and bring attention to the unique issues that young people face. The works could be featured on social media sites and in businesses and public spaces all over the city.



Youth Perspective

Young people who are part of the workgroup independently developed the following recommendation related to developing a city-wide awareness campaign:

Public places and businesses across the city should be designated as safe spaces for youth. Each space could be marked by a poster that young people would learn to recognize. Art designed for the awareness campaign should be judged by youth, with the winning piece made into the “safe space poster.”

Chapter Six: Youth Recommendations

Recommendation: Increase Youth Mental Health Supports

This recommendation supports young people and decreases juvenile criminalization by connecting youth with accessible forms of one-on-one support for their mental health needs.

A clear consensus formed among the youth groups that are part of the workgroup: rather than punitive and criminal interventions, young people need more robust mental health supports in their schools and communities. Access to mental health services should not simply be expanded. Rather, the provision of services should be *transformed* and include supports tailored to the unique needs of young people. Below are four of the youth's recommended initiatives that the City of Austin and local schools should pursue to achieve this goal.

School-Based Supports

The American School Counselor Association recommends an average of one counselor to every 250 students.¹⁰ For years, Texas has fallen short of this goal. In 2014, the state employed about 1 counselor per 465 students.¹¹ Last year, some Austin campuses had only one counselor per 750 students.¹² As mediators, advisers, and emotional support, counselors are critical to student success. However, many young people report that their schools lack adequate counseling personnel. They expressed the need for trained professionals on each campus to ensure that students have someone to turn to when they are having problems at school or at home.

Community-Based Supports

Young people need access to community-based therapeutic supports, but traditional counseling approaches can be uncomfortable and anxiety-provoking for teens. Instead, youth recommended mobile support models in which professionals meet with a young person where he or she is in the community. Partnerships between schools and local service providers could enable students to sign up for or be connected to services through a trusted teacher or school counselor. Then, rather than requiring the youth to go to a community resource, this model brings that existing resource to the environments where teens feel most accepted and at ease, such as local coffee shops or recreation centers. Note that the recommendation does not necessarily require the

¹⁰ Texas Education Agency, *School Guidance and Counseling – FAQ* (accessed September 18, 2017), http://tea.texas.gov/Academics/Learning_Support_and_Programs/School_Guidance_and_Counseling/School_Guidance_and_Counseling_-_FAQ/.

¹¹ LBJ School of Public Affairs, Ray Marshall Center for the Study of Human Resources, *Texas School Counselor Study: Exploring the Supply, Demand, and Evolving Roles of School Counselors* (2014): 16, https://raymarshallcenter.org/files/2015/01/Texas-School-Counselor-Study_Exploring-the-Supply-Demand-and-Evolving-Roles-of-School-Counselors.pdf.

¹² “Some Austin Schools Face Counselor Shortage,” *KXAN News* (February 11, 2016), <http://kxan.com/2016/02/11/some-austin-schools-face-counselor-shortage/>.

creation of new services; it merely encourages community organizations to provide their services in a more accessible, youth-centered way.

Peer Support Models

Though youth discussed the need for mental health supports, they also expressed that talking through these issues with their friends can be challenging. For adults and kids alike, mental illness is a topic surrounded by stigma. To decrease that stigma and improve student well-being, youth groups recommended using a peer-driven, strengths-based model in which students are encouraged to share their stories. Similar programs already exist in Central Texas. For example, after a string of student deaths in Leander ISD, teens created Amare Outreach, a peer-to-peer nonprofit that allows students to post anonymous testimonials online and connect with peers at storytelling events.¹³ Austin-area schools and community organizations could use a similar model that provides a safe space for youth to discuss mental illness and wellness.

Web- or Text-Based Counseling

Counseling hotlines have existed for decades, but communication styles have changed dramatically over time. Today, many young people feel more comfortable sending a text message than dialing a phone, especially when they are discussing sensitive issues like mental health. Youth also voiced concerns about being overheard by peers or family members on the phone and stressed the importance of confidentiality. A web- or text-based counseling service would allow youth to get support using the communication style that they find most comfortable. Fortunately, Austin residents do not need to create this service from scratch. Agencies like the [Crisis Text Line](#) and [Lifeline Crisis Chat](#) already exist to help people of all ages across the country. Youth in Austin recommended launching an awareness campaign in local schools so that more students become aware of their options for web- and text-based support when they face a crisis.

Supporting Evidence

In the United States, about 20 percent of youth between the ages of 13 and 18 live with a mental health condition.¹⁴ However, it takes an average of 10 years after the onset of symptoms for young people to get the interventions they need.¹⁵ This delay increases the chance that a teenager will drop out of school and enter the juvenile justice system.

¹³ L. Kravets, “Leander ISD Students Create Organization to Help Teens Cope,” *KXAN News* (January 30, 2017), <http://kxan.com/2017/01/30/leander-isd-students-create-organization-to-help-teens-cope/>.

¹⁴ National Alliance on Mental Illness, *Mental Health Facts: Children & Teens* (accessed September 18, 2017), <https://www.nami.org/getattachment/Learn-More/Mental-Health-by-the-Numbers/childrenmhfacts.pdf>.

¹⁵ Ibid.

To combat this problem, many cities and school districts have taken innovative steps to improve mental health service delivery. For example, in recent years, some San Antonio school districts have altered their policies and practices in order to hire new counselors, despite state budget cuts. By restructuring their budgets, altering personnel responsibilities, and leveraging technology to free up counselor time, these districts were able to increase their capacity to meet student advising and mental health needs.¹⁶

Outside of schools, the effectiveness of community- and peer-based recommendations depend on each program's model. However, research does demonstrate that young people with access to peer support services report better functional outcomes and experience greater satisfaction with their services than others do.¹⁷

Finally, though suicide prevention initiatives are difficult to evaluate, national text-based crisis lines appear to open up service opportunities to new populations. For example, between August 2013 and September 2017, individuals across the country sent over 48 million messages to trained counselors at the Crisis Text Line.¹⁸ About 75 percent of users were under the age of 25.¹⁹ Data demonstrate that text-based models do not decrease call volume for phone-based lines; instead, these models allow professionals to reach a new and younger demographic that has never used a hotline service before.

Potential Partners

- **School-based supports:** The City of Austin may work directly with local districts in order to develop plans for expanding mental health service capacity in schools. Districts may act internally to hire new personnel or work with outside service providers, like Communities in Schools. The City and districts may also partner with the Steve Hicks School of Social Work at the University of Texas to maximize the recommendation's impact. In the final year of a social work Master's program, students must complete an internship, which may be unpaid. The students require supervision by a social worker in the community. These graduate-level interns may amplify campuses' ability to serve students on a limited budget.
- **Community-based supports:** The City may use relationships with existing agencies to develop innovative community-based opportunities for youth with mental health needs.

¹⁶ M.L. Cesar and F. Vara-Orta, "Texas Law Piling Work on School Counselors – Lots of It," *San Antonio Express-News* (February 28, 2015), <http://www.expressnews.com/news/education/article/Texas-law-piling-work-on-school-counselors-6108422.php>.

¹⁷ M. Radigan, R., Wang, Y. Chen, and J. Xiang, "Youth and Caregiver Access to Peer Advocates and Satisfaction with Mental Health Services," *Community Mental Health Journal* 50, no. 8 (2014): 915.

¹⁸ Crisis Text Line, *Crisis Trends* (accessed September 19, 2017), <https://crisistrends.org>.

¹⁹ Ibid.

Potential partners may include the Steve Hicks School of Social Work, LifeWorks, Austin Child Guidance Center, and Texas Network of Youth Services.

- **Peer support models:** The City and local districts may consult with Leander ISD and Amare Outreach to develop a similar model of peer support. ViaHope may also provide input on effective peer-based service models and training initiatives.
- **Web- and text-based models:** The Crisis Text Line and Lifeline Crisis Chat already provide these services to individuals of all ages. The City may partner with each line, school districts, youth groups, and marketing professionals to design a public awareness campaign targeted to young people with mental health needs in Austin.

Implementation Steps

1. Appoint leadership. Assign responsibility for addressing youth mental health needs in Austin to a specific workgroup. The chosen group will serve as a central resource for city officials, district personnel, and outside partners. It is critical that the group include local students who can use their own experiences to influence the development of any youth-focused initiatives.
2. Conduct a youth needs assessment. Consult with local students on the mental health initiatives that would be relevant and useful in their daily lives. The City may partner with UT or Measure Austin to conduct the assessment and evaluate its results.
3. Use assessment results to choose an evidence-based model for expanding youth mental health supports. Results may show that a combination of the items suggested above would be most impactful for youth, or the assessment may illuminate new ideas.
4. Develop community partnerships to support the expansion of youth mental health supports. Based upon assessment results, the workgroup must develop community partnerships with relevant service agencies, local businesses, and school campuses. Together, these entities can design and implement the chosen strategy or program.
5. Evaluate program results. The City may contract with an outside agency to evaluate the initiative's effectiveness. The workgroup may then develop recommendations to strengthen the program based upon evaluation results.

Cost Estimate

Costs will depend upon the exact program or strategy chosen to expand mental health supports to Austin youth. Regardless of the strategy chosen, the City may minimize expenses by leveraging existing programs (such as the Crisis Text Line) and partnering with local agencies (such as the Steve Hicks School of Social Work) that can provide mental health services at little to no cost.



Conclusion

The juvenile curfew workgroup is really proud of this report. It is the product of important *initial* conversations about the way the City of Austin can support its young people and move away from criminalizing them. We look forward to continuing these conversations, engaging with all members of our community, and supporting young people as they envision the future of Austin.



Appendices

Appendix A

Resolution 20170615-069 (creating the workgroup)

RESOLUTION NO. 20170615-069

WHEREAS, juveniles in Austin who are charged with class C misdemeanors for violating the Juvenile Curfew Ordinance must appear in municipal court without guaranteed counsel, face fines of up to \$500 plus court costs, and will incur a criminal record if convicted; and

WHEREAS, the Juvenile Curfew Ordinance creates a class C misdemeanor offense for children under the age of 17 to be in a public place or on the premises of an establishment between 11:00 p.m. and 6:00 a.m. on any day, and for children under the age of 17 to remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or on a public place between 9:00 a.m. and 2:30 p.m. Monday through Friday when school is in session; 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, courts are constrained in how they can respond to child defendants, and are not equipped to assess and address the underlying circumstances that resulted in curfew violations; and

WHEREAS, students who are homeschooled may be mistakenly thought to be in a public place without a parent's permission; 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, there are many current practices and programs in place in the community to help children remain in school and in a safe place at night without resorting to criminal charges; 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; and

WHEREAS, the Joint Subcommittee of the City of Austin, Austin Independent School District, and Travis County had a multi-year initiative to collaborate on alternative approaches to truancy and on offering additional support to families and students;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:


It is the goal of the City Council to advance policies and practices that help children to be safe and to remain in school, without resorting to criminal charges, in collaboration with the community and other governmental entities.

BE IT FURTHER RESOLVED THAT:

The City Council directs the City Manager to initiate a stakeholder consultation process and make recommendations on effective non-criminal policies or practices the City could implement to address possible violations of the Juvenile Curfew Ordinance. The stakeholder groups consulted should include, but not be limited to, representatives, including school board members, and impacted students from school districts within the City of Austin, Texas Appleseed, Texas Home School Coalition, Education Austin, Educators in Solidarity, Austin Voices, Austin Justice Coalition, Black Lives Matter, My Brother's Keeper, Mexican American Legal Defense and Education Fund, Disability Rights Texas, Life Works, Texans Care for Children, ACLU of Texas, the Excellence and Advancement Foundation, and the National Association of Social Workers-Texas, Austin Council of PTAs, Communities in Schools, Judge Rhonda Hurley (Juvenile Court System) or a representative, Estala Medina (Chief Juvenile Probation Officer), or a representative, Austin-Travis County Emergency Medical Services, Austin Police Department, Ending Community Homelessness Coalition (ECHO), and Austin Interfaith.

The City Council directs the City Manager to make a report on this process, including recommendations provided by the stakeholder group, to the Council and to the Joint Subcommittee of the City of Austin, Austin Independent School District and Travis County, on or before September 10, 2017.

ADOPTED: June 15, 2017

ATTEST: 
Jannette S. Goodall
City Clerk



Appendix B

Revised Curfew Ordinance (June 2017)



ORDINANCE NO. 20170615-099

AN ORDINANCE AMENDING CHAPTER 9-3 OF THE CITY CODE RELATING TO NON-EMERGENCY CURFEWS; AND CONTINUING AND READOPTING THE PROVISIONS OF CHAPTER 9-3.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 9-3 of the City Code, (*Non-Emergency Curfews*) is amended to read as follows:

CHAPTER 9-3. NON-EMERGENCY CURFEWS.

§ 9-3-1 DEFINITIONS.

In this chapter:

(1) **DIRECT ROUTE** means the shortest path a person may travel through a public place to reach the person's destination without a detour or additional stop at any other destination along the way.

(2) **EMERGENCY** means an unforeseen circumstance including a fire, natural disaster, automobile accident, or the need to obtain immediate medical care for another person.

(3) **ESTABLISHMENT** means a privately owned place of business operated for a profit to which the public is invited, including a place of amusement or entertainment.

(4) **JUVENILE** means a person under 17 years of age.

(5) **OPERATOR** means an individual, firm, association, partnership, or corporation operating, managing, or conducting an establishment, including a member or partner of an association or partnership and an officer of a corporation.

(6) **PARENT** means a person who is the natural or adoptive parent of a juvenile, including a court-appointed guardian or other person 21 years or age or older, authorized by a parent, court order, or court-appointed guardian to have the care and custody of a juvenile.

(7) **PUBLIC PLACE** means a public street, alley, highway, sidewalk, playground, park, plaza, building, or place used or open to a member of the public; or a building, business, or amusement or entertainment establishment.

(8) **RELIGIOUS ACTIVITY** means a function or event sponsored by a religious organization that has received tax exemption under Section 501(C)(3) of U.S.C.

§ 9-3-2 OFFENSES.

(A) A juvenile commits an offense if the juvenile is in a public place or on the premises of an establishment between 11:00 p.m. and 6:00 a.m. on any day.

~~(B) While school is in session, a juvenile commits an offense if the juvenile remains, walks, runs, idles, wanders, strolls, or aimlessly drives or rides about in or on a public place between 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday.~~

~~(B)~~(C) A parent having custody of a juvenile commits a violation if the person knowingly allows the juvenile to be in violation of this chapter. A parent is presumed to knowingly allow or permit the juvenile to be in violation of this chapter if the juvenile has two previous convictions for violations of this chapter. For the purpose of this section a deferred adjudication is a conviction.

~~(C)~~(D) The owner, operator, or employee of an establishment commits an offense if the person knowingly allows a juvenile to remain on the premises of the establishment during curfew hours.

§ 9-3-3 DEFENSES.

(A) It is a defense to prosecution under Section 9-3-2 (*Offenses*) that:

- (1) the juvenile is accompanied by the juvenile's parent or spouse;
- (2) the juvenile is on an errand authorized by the juvenile's parent or spouse or made necessary by an emergency;
- (3) ~~except as provided in Subsection (C),~~ the juvenile is traveling by a direct route to the juvenile's home;
- (4) the juvenile is in a vehicle involved in transportation for which passage through the city is the most direct route;
- (5) the presence of the juvenile is connected with or required by a religious activity, educational activity, or a business, trade, profession, or occupation in which the juvenile is lawfully engaged;
- (6) ~~except as provided in Subsection (C),~~ the juvenile is on the sidewalk in front of the juvenile's residence or on the sidewalk of either adjacent neighbor who is not communicating an objection to the presence of the juvenile to a police officer; or

(7) the juvenile is exercising First Amendment rights protected by the United States Constitution, including the free exercise of religion, freedom of speech, and the right of assembly.

~~(B)~~ It is a defense to a violation of Subsection 9-3-2 ~~(B)~~ (Offenses) that:

- ~~— (1) the school that the juvenile attends is not in session;~~
- ~~— (2) the juvenile is a high school graduate or has an equivalent certification; or~~
- ~~— (3) the juvenile is on an excused absence from the juvenile's school.~~

~~(C)~~ Subsections (A)(3) and (A)(6) are not defenses to a violation of Subsection 9-3-2 ~~(B)~~ (Offenses).

~~(B)~~~~(D)~~ It is a defense to prosecution under Subsection 9-3-2 ~~(D)~~~~(C)~~ (Offenses) that the owner, operator, or employee of an establishment promptly notified the Police Department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave after being requested to do so by the owner, operator, or employee.

§ 9-3-4 ENFORCEMENT PROCEDURE.

(A) The Police Department shall adopt enforcement procedures in compliance with Chapter 52 (*Proceedings Before and Including Referral to Juvenile Court*) of the Texas Family Code. Such procedures shall include issuing a written warning to a juvenile who violates Subsection 9-3-2(A) (Offenses) of this chapter for the first and second times.

(B) A police officer may not issue a citation to a juvenile for a violation of Subsection 9-3-2(A) (Offenses) of this chapter unless the juvenile has received at least two prior written warnings from a police officer for violations of Subsection 9-3-2(A) (Offenses).

§ 9-3-5 PENALTY.

- (A) A juvenile who violates this chapter commits a Class C misdemeanor.
- (B) A person not a juvenile who violates this chapter commits a Class C misdemeanor, punishable by a fine of not less than \$50.

§ 9-3-6 EXPIRATION.

This chapter shall expire if it is not reviewed and readopted every three years as prescribed by Chapter 370 (*Miscellaneous Provisions Relating to Municipal and County Health and Public Safety*) of the Texas Local Government Code.

PART 2. The City Council, after review of Austin City Code Chapter 9-3, (*Non-Emergency Curfews*), and having conducted a public hearing as required by Chapter 370 of the Texas Local Government Code, readopts and continues in effect Austin City Code Chapter 9-3 (*Non-Emergency Curfews*), as amended by this ordinance.

PART 3. Unless continued and readopted, Chapter 9-3 (*Non-Emergency Curfews*) will expire on October 1, 2017.

PART 4. This ordinance takes effect on June 26, 2017.

PASSED AND APPROVED

June 15, 2017

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§
§


Steve Adler
Mayor

APPROVED:

Anne L. Morgan
City Attorney

ATTEST:

Jannette S. Goodall
City Clerk



Appendix C

Resolution by Austin's Public Safety Commission



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)