99-010 Enforcement of Curfew Restriction Violations

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

ENFORCEMENT OF CURFEW RESTRICTION VIOLATIONS

PURPOSE

The purpose of this Field Operations Directive is to define the procedures for field deputies who are responsible for enforcing the curfew ordinances applicable to the unincorporated areas and the individual contract cities of Los Angeles County. Vigorous enforcement of this ordinance will have a positive impact on juvenile criminal activity and will demonstrate the Department's commitment to focusing on youth issues.

BACKGROUND

On September 21, 1999, the Board of Supervisors adopted County Ordinances 13.56.010 through 13.56.070, which define a violation of curfew, and establish procedures for the adjudication of alleged violations. Many of the contract cities we serve have also adopted these ordinances and/or have adopted similar ordinances relative to curfew violations.

County Ordinances 13.56.010, 13.56.020, and 13.56.030 state the following:

13.56.010, Prohibited Act

- It is unlawful for any minor under the age of 18 years to be present in a "public place," as defined in Section 13.56.010 B below, between the hours of 10:00 p.m. on any given day and sunrise of the immediately following day, unless the minor satisfies one of the exemptions specified in Section 13.56.020.
- For purposes of this chapter, a "public place" means any place to which the public or a substantial group of the public has access, including, but not limited to, any public street, sidewalk, avenue, highway, road, curb area, alley, park, playground, or other public ground or public building, any common area of any school, hospital, apartment house, office building, transport facility, or shop, or any privately-owned place of business operated for a profit to which the public is invited, including any place of amusement, entertainment, or eating place.

13.56.020, Exemptions

- The provisions of this chapter shall not apply when a minor satisfies any one of the following:
- The minor is accompanied by his or her parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of the minor;
- The minor is on an errand at the direction of the minor's parent(s), legal guardian(s), or other adult

person(s) authorized by said parent(s) or guardian(s) to have the care and custody of the minor;

- The minor is in a motor vehicle involved in interstate travel;
- The minor is present at, or traveling to or directly home from, a place or places that is connected with or required by a business, trade, profession or occupation in which said minor is lawfully engaged;
- The minor is involved in an "emergency situation," which means for this purpose, any unforeseen set of circumstances that calls for immediate action to prevent serious bodily injury or loss of life, including, but not limited to, a fire, natural disaster, or automobile accident;
- The minor is within 50 feet of the front door of his or her residence;
- The minor is present at, or traveling to or directly home from, a school, religious, or recreational activity supervised by adults and sponsored by a school, religious or civic organization, or other similar entity or organization that assumes responsibility for the minor;
- The minor is present at, or traveling to or directly home from, a political fundraiser, rally or other political activity, or is otherwise exercising his or her First Amendment rights protected by the United States Constitution, provided that any such political event or other First Amendment-type activity is supervised by adults and/or sponsored by a political organization or other similar entity or organization that assumes responsibility for the minor;
- The minor is present at, or traveling to or directly home from, a public meeting, or place of public entertainment, such as a movie, play, sporting event, dance or school activity, provided such meeting, event or activity is a school-approved activity for the minor or is otherwise supervised by school personnel of said minor's school; or
- The minor has entered into a valid marriage, is on active duty with the armed forces of the United States, or has otherwise been declared emancipated pursuant to Section 7002, et seq., of the California Family Code.

13.56.030, Enforcement

- Before taking any enforcement action under this chapter, a law enforcement officer shall ask the apparent offender's age and reason for being present in a "public place," as defined in this chapter, during curfew hours. The officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that a violation of Section 13.56.010 has occurred and that, based on the apparent offender's responses, no exemption under Section 13.56.020 is applicable.

FIELD DEPUTIES RESPONSIBILITIES

Upon determining that a minor is in violation of County Ordinance 13.56.010 or similar city ordinance, field deputies shall issue a notice to appear to the minor, ordering appearance to the appropriate Juvenile Traffic Court and **noting on the cite that attendance by a parent or guardian is required**.

Deputies should make every effort to see that the juvenile is returned home, to the station or to a place of safety.

Statistical code #727 is used for tracking purposes and shall be used whenever a minor is cited in the unincorporated or contract city areas of the county for a violation of curfew.

STATION ADMINISTRATIVE RESPONSIBILITIES

When a minor has been cited for a violation of County Ordinance 13.56.010 or similar city ordinance, stations

shall send a letter to the parent or guardian of the minor, advising of the issuance of the citation, the requirement for appearance by the minor and parent/guardian (sample letter is attached).

Whenever a repeat offender is identified (second violation), stations shall also attach a copy of the letter to the court copy of the citation notifying the judge of the second and all subsequent violations.

UNIT COMMANDERS RESPONSIBILITIES

Unit Commanders shall place a priority on the enforcement of County Ordinance 13.56.010 and similar contract city ordinances.

This may require that Unit Commanders establish liaison with their particular Juvenile Traffic Divisions to inform them of the Department's philosophy on curfew enforcement and ensure cooperative efforts with this program. Additionally, Unit Commanders shall encourage their concerned contract city officials to review the County's Curfew ordinance for adoption consideration in their city. Unit Commanders will also encourage their field deputies to enforce this Ordinance where appropriate.

Unit Commanders shall ensure that all statistical information relating to the issuance of citations for the County Curfew and Truancy Ordinances and respective contract city ordinances are reported on the Department's monthly Command Accountability Reporting System (CARS) report. CARS reporting data may also be provided to County of Los Angeles Supervisorial representatives upon request.

Each unit shall develop a monthly report that accounts for all curfew, truancy and any other juvenile misdemeanor citations. The report should have a monthly total and a running total for year to date. The report should include the city in which the violator resides. The report can be distributed to contract city officials, County Supervisors or other concerned agencies.

Nothing in this Field Operations Directive shall preclude field deputies from exercising other appropriate options as delineated by Manual of Policy and Procedures Section 5- 02/040.30.

LETTER TO PARENTS

(213) 555-1234

File No. 199-12345-0000-727

December 1, 1999

Name Street

City, State, Zip Code

Dear Mr./Ms. :

This letter is to inform you that your child, (insert name), was detained regarding a violation of the County of Los Angeles Truancy Ordinance. Enclosed is a copy of the Los Angeles County Sheriff's Department truancy arrest report pertaining to your child's detention. Your child was given a copy of a citation that contains the scheduled date and location of appearance at the Informal Juvenile and Traffic Court. It is mandatory that your child be accompanied to court by a parent or guardian.

If you have any questions regarding this matter, please contact the Informal Juvenile and Traffic Court at (insert court name and contact information here). .

Sincerely,

ALEX VILLANUEVA, SHERIFF

Jane Doe, Captain

XXXXX Sheriff's Station