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DEPARTMENT OF  
POLICE

ARTURO VENEGAS, JR.  
CHIEF OF POLICE

CITY OF SACRAMENTO  
CALIFORNIA

5770 FREEPORT BLVD., SUITE 100  
SACRAMENTO, CA  
95822-3516

PH 916-433-0800  
FAX 916-433-0818  
www.sacpd.org

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Law & Legislation Committee  
Sacramento, California 95814

Honorable Members in Session:

**SUBJECT: STAFF REPORT ON DAYTIME CURFEW ORDINANCE**

**LOCATION AND COUNCIL DISTRICT:** Citywide

**RECOMMENDATION:**

This report is for Law and Legislation Committee information and further discussion to staff.

**CONTACT PERSON(S):** Captain Richard Shiraishi, Family & Youth Services, 433-0551  
Sergeant John Castiglia, Family & Youth Services, 433-0549

**FOR THE CITY COUNCIL MEETING OF:** February 11, 2003

**SUMMARY:**

The City of Sacramento currently has a curfew ordinance restricting youths under 18 between the hours of 10:00 p.m. and 6:00 a.m. Council member Dave Jones has requested that the ordinance be expanded to include a daytime component. This ordinance will amend City Code Section 9.40 by including juveniles who are subject to compulsory education laws during those hours when school is in session. Provisions for youths involved in supervised activities away from school during school hours are included in Section 9.40.020. Attached is a survey of California cities that have adopted daytime curfew ordinances.

**BACKGROUND:**

Adoption of the daytime curfew ordinance will help to reduce the opportunity for juvenile crime and will enhance current truancy laws. The Sacramento Police Department Office of Operations and the Office of Investigations Family and Youth Services Division will be responsible for the ordinance's enforcement. The Family and Youth Services Division, established in 1999, was formed in part to address growing truancy problems. The Sacramento Police Department will enforce this ordinance with existing resources and without additional staffing.

This ordinance addresses the problem of children under 18 who are not in school. Sacramento's existing curfew ordinance restricts youth under 18 from 10:00 p.m. to 6:00 a.m. the following day. The daytime portion of the ordinance adds, ". . . and, for those juveniles who are subject to the compulsory education laws of the state, including continuing education, during those hours during the day when school is actually in session." The ordinance is written to address juvenile problems, with minimal burden upon the constitutional rights of minors.

According to the proposed ordinance, "very often the criminal activity the juveniles engage in occurs at a time when, pursuant to state law, they are required to be in school." This statement is evident in that the juvenile arrest rate gradually rises during the day when school is in session before peaking at approximately 4:00 p.m., according to Police Department statistics. The daytime curfew ordinance will help curtail juvenile arrests during the day and will likely result indirectly in fewer juvenile arrests including non-school hours.

The juvenile arrest rate is higher during weekdays than Saturdays and Sundays, which is presumably a result of a lack of parental supervision during the week. Passage of this daytime curfew ordinance in collaboration with the school districts is essential to reducing the truancy rate in the City of Sacramento.

The Police Department has a long history of working with school districts and Child Protective Services (CPS) in tracking truants. The following are examples of how truancy often involves other adverse behavior:

- The Sex Assaults and Child Abuse Unit (SACA) estimates they receive 20 cases per year where the victim alleges a sexual assault during school hours (not on campus).
- 43 of the 60 families involved in two North Sacramento School District sweeps in 2002 had CPS cases.

- A random check of 50 juvenile missing persons showed that 24 were listed as last seen going to school or seen during school hours.

According to a Carnegie Corporation report, "A Matter of Time," unsupervised after-school hours represent a period of significant risk when some youths are more likely to participate in dangerous or illegal activities. During this time, unsupervised youths are also more likely to be engaged in negative peer pressure which often involves drug abuse and vandalism. Youths who are engaged in at least one after-school activity sponsored by a profit or nonprofit agency are much less likely to be involved in crime.

Locally, the Sacramento Police Department has actively pursued truancy problems. As an example, in early 2002, the Problem Oriented Policing (POP) team conducted a truancy sweep in the Northeast Section in conjunction with the North Sacramento School District and Sacramento County Probation Department. These efforts resulted in a significant decrease in reports of crimes where juveniles are most likely to be involved - narcotics, residential burglaries and vandalism. During these programs, the Police Department visited 32 families involving 54 students.

Curfews have been challenged in many jurisdictions on a variety of constitutional issues. However, the proposed City of Sacramento daytime ordinance is similar to other narrowly crafted ordinances that have withstood challenges and are designed to address specifically identified problems. Traditionally, curfew ordinances have been aimed at keeping youths off the streets at night. Increasingly, police departments are including school hours to curfew ordinances.

The growth of year round schools in Sacramento could present a potential problem with enforcement of this ordinance. However, since truancy problems are generally at the middle or high school levels, and most year round schools in Sacramento are at the elementary school level, year round schools will not be an obstacle to enforcing this ordinance. In addition, youths participating in home schooling will not be affected by this ordinance. Section 9.40.020 discusses exceptions to the ordinance.

Jurisdictions with strict youth curfews have accelerated rates of youth crime reduction in relation to adult crime trends and will experience lower overall and serious crime arrests than jurisdictions with less strict curfew enforcement. Communities where curfew programs have been implemented show that comprehensive, community-based juvenile curfew programs are helping to reduce juvenile delinquency and victimization.

The City of Stockton's curfew ordinance was recently amended to include school hours. The curfew ordinance is one of several factors for the dropping truancy rate in Stockton. The Stockton Police Curfew Center is the central facility for truants and since its inception in 1995, the truancy rate in Stockton has fallen in nearly every year.

**FINANCIAL CONSIDERATIONS:**

No additional personnel and/or resources are required. It is anticipated that present staffing will enable police officers to enforce the ordinance.

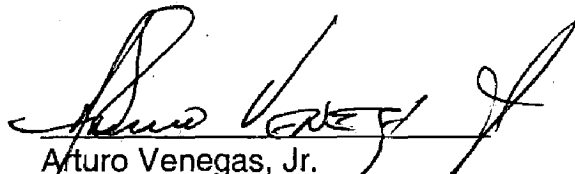
**POLICY CONSIDERATIONS:**

The Committee must consider adoption of a daytime curfew ordinance amending City Code Section 9.40.010 - 9.40.030.

**ESBD CONSIDERATIONS:**

There are no ESBD considerations. No goods or services are being purchased at this time.

Respectfully Submitted,



Arturo Venegas, Jr.  
Chief of Police

**APPROVED FOR INFORMATION:**



KEN NISHIMOTO  
Deputy City Manager

	Ages	Hours	Penalty/Enforcement	Liability of Parents
<b>Burlingame</b>	Under 17	8:30 am until 2:00 pm, Mon.-Fri.	Peace officer asks apparent offender's age & reason for being in public place, then may take enforcement action	Not available
<b>Chino Hills</b>	Under 18	8:30 am until 1:30 pm, on days when minor's school is in session	Peace officer issues citation to appear in a juvenile traffic court or file a juvenile application for a petition. Fine will not exceed \$100 for first offense in one year period, \$200 for second offense within one year period, and \$500 for third offense within one year period and/or community service.	Yes— Parent(s) must accompany minor to hearing, & parent(s), like the minors, are liable for costs of law enforcement services.
<b>Corona</b>	Under 18	Period of the day when the minor is required to be in school. This provision also applies to minors who are suspended, expelled, or transferring.	Law enforcement officer asks apparent offender's age & reason for being in public place. Each violation is a misdemeanor.	Yes— Parent(s) must attend court hearing on the violation, & be accompanied by minor. The responsible party is liable for a police services fee for repeat curfew violators.

	Ages	Hours	Penalty/Enforcement	Liability of Parents
Fresno	12 to 17 years	When minor's school is in session.	Peace officer asks apparent offender's age & reason for absence from school. A minor will receive a warning notification for first violation. A second violation is a misdemeanor punishable by one or more of the following: probation, 20-40 hours community service, or a \$100 fine. On first offense which comes before Juvenile Hearing Officer, Officer may suspend criminal proceeding & order minor to attend a City approved diversion program designed to correct behavior problems. Criminal proceeding dismissed upon completion of program.	Yes— Parent(s) must accompany minor to hearing.
Monrovia	Under 18	8:30 am until 1:30 pm on days when school is in session	If minor is detained, the costs associated with police supervision are the responsibility of minor's parents.	Yes— Parent(s) responsible for costs associated with police supervision of the detained minor.

	Ages	Hours	Penalty/Enforcement	Liability of Parents
<b>Montclair</b>	6 to 18 years	During hours when minor's school is in session.	Upon conviction, the minor is punishable by a fine not exceeding \$100 for first offense, and a fine not exceeding \$200 for second offense of same ordinance within one year. Third or subsequent offense of same ordinance (within one year), the violator is guilty of either an infraction, with a fine not exceeding \$500 for each additional offense, or a misdemeanor.	Not available.
<b>Needles</b>	Any unemancipated person under 18	During hours when minor's school is in session. This also applies to minors who are suspended, expelled, or transferring.	Any person convicted of a violation pays \$25 for first citation. Second citation is \$50, and a \$100 penalty is assessed for a third citation for the same violation(s) and each additional citation for the same violation(s).	Yes—the ordinance imposes strict liability on parents for acts in violation of this chapter of minors within their custody.
<b>Pasadena</b>	Under 18	During the hours of 8:30 am and 1:30 pm on days when school is in session.	If deemed guilty of an infraction, the violator is punished by a fine of not more than \$500.	Not available.

	Ages	Hours	Penalty/Enforcement	Liability of Parents
Pittsburg	Under 18	Between the hours of 8:30 am and 1:30 pm on days when the minor's school is in session.	If minor is issued a citation, he or she must appear in Juvenile Traffic Court with parent/guardian. Failure to appear in court results in driver's license suspended or the right to a license suspended. Fine for first offense is \$35, and possibly 20 hours of community service work instead of, or in addition to, this fine. Second offense results in a fine of \$75, may suspend or delay the issuance of a driver's license for 60 days, and/or require 20 hours of community service work. Third offense within a year results in a fine of \$150, may suspend or delay the issuance of a driver's license for 90 days, and/or require 20 hours of community service work.	Yes—Upon the first violation, the police issue to the minor a warning citation. The parent(s) of the minor will be mailed notification that states that upon a second violation, the parents may be held liable for administrative and transportation costs.

	Ages	Hours	Penalty/Enforcement	Liability of Parents
<b>Rancho Cucamonga</b>	Minor	During school hours and on school days applicable to minor.	Within a one year period, violation is punishable by a fine not exceeding \$100 for first violation, a fine not exceeding \$200 for second violation, and a fine not exceeding \$500 for third violation. A fourth or subsequent violation within a one year period is a misdemeanor & punishable by a fine not exceeding \$1000 or imprisonment not exceeding 6 months, or both.	Yes
<b>Stockton</b>	Under 18	During those hours during the day when school is actually in session.	It is a misdemeanor for any minor to violate curfew.	Yes—It is also a misdemeanor for any parent or guardian to knowingly allow or permit the minor to violate the provisions of this Chapter.

**DRAFT**

**ORDINANCE NO.**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 9.40 OF THE SACRAMENTO CITY CODE, RELATING TO JUVENILE CURFEW HOURS AND EXTENDING THE HOURS TO INCLUDE THOSE HOURS IN WHICH MINORS SUBJECT TO COMPULSORY EDUCATION LAWS ARE REQUIRED TO BE IN SCHOOL**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

**Chapter 9.40 of the Sacramento City Code is hereby amended by amending section 9.40.010 to read as follows:**

**9.40.010 Definitions.**

Whenever herein the following terms are used, they shall have the meaning ascribed to them in this Section, unless otherwise apparent by the context:

"Adult" means any person at least eighteen (18) years of age.

"Amusement Activity" means an official school, religious, or other organized recreational activity supervised by adults. This term includes, but is not limited to, dances, plays, motion pictures, and sporting events.

"**Curfew hours**" means between the hours of 10:00 p.m. and 6:00 a.m. of the following day, and, for those juveniles who are subject to the compulsory education laws of the state, including continuing education, during those hours during the day when school is actually in session.

"**Emergency**" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"**Establishment**" means any privately-owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, dining or shopping.

"**Guardian**" means:

1. A person who, under court order, is the guardian of the person of a minor; or

**2. A public or private agency which whom a minor has been placed by a court.**

"Legitimate Activity" means:

- (a) accompanied by the minor's parent or guardian; or
- (b) on an errand at the direction of the minor's parent or guardian; or
- (c) in a motor vehicle involved in interstate travel; or
- (d) engaged in an employment activity; or
- (e) exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, and freedom of speech; or
- (f) involved in an emergency; or
- (g) on a sidewalk or area abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence; or
- (h) engaged in a school sponsored activity.

"Parent" means a person who is:

- 1. A natural parent, adoptive parent, or stepparent of another person; or
- 2. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

"Minor" means any person under eighteen (18) years of age, but shall not include a person who is married or had been married, or who had been emancipated in accordance with Part 6 of Division 10 of the California Family Code.

"Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers and employees of a corporation

"Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, sidewalks, parks, malls, playgrounds, alleys, roads and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

"Remain" means to:

- 1. Linger or stay; or
- 2. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**SECTION 2.**

Chapter 9.40 of the Sacramento City Code is hereby amended by amending Sections 9.40.020 and 9.40.030 to read as follows:

**9.40.020 Violations--Exceptions.**

- 1. A. It is unlawful and a misdemeanor for any minor to remain in any public place or on the premises of any establishment within the city during curfew hours. A minor shall not be in violation of this section if the minor is:

1. Accompanied by the minor's parent or guardian;
2. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
3. In a motor vehicle involved in interstate travel;
4. Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
5. Involved in an emergency;
6. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
7. Attending an official school function, religious function, or an organized dance or sporting event, or other recreational or cultural activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school function, a religious function, or an organized dance or sporting event, or other recreational or cultural activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
8. Exercising First Amendment rights protected by the United States or California Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
9. Emancipated pursuant to law.

B. It is unlawful and a misdemeanor for any parent or guardian of a minor to permit or allow such minor to remain in any public place or on the premises of any establishment in violation within the city during curfew hours.

C. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the establishment or public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on the response and other circumstances, no exception set forth in subsection A of this section applies.

#### 9.40.030 Penalties.

1. A. Any minor violating the provisions of Section 9.40.020 of this section is guilty of an infraction and shall be dealt with in accordance with juvenile court law and procedure.

B. Any parent violating the provisions of Section 9.40.020 of this section is guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

1. For the first conviction be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), or be confined in the county jail not more than ten (10) days, or punished by both such fine and imprisonment;
2. For the second conviction, occurring within one year from the date of the first conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), or be confined in the county jail not more

than thirty (30) days, or punished by both fine and imprisonment; and  
3. For each subsequent conviction, within one year of the date of the first conviction, be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or be confined in the county jail not more than ninety (90) days, or punished by both such fine and imprisonment.

**SECTION 3.**

Chapter 9.40 of the Sacramento City Code is hereby amended by adding Section 9.40.040 to read as follows:

Section 9.40.040 **ENFORCEMENT ALTERNATIVE — ADMINISTRATIVE ADJUDICATION:**

As an alternative to issuance of a criminal citation for a violation of Sections 9.40.020 through 9.40.030 enforcement of the violation may proceed in accordance with the provisions of Chapter 1 of the Sacramento City Code relating to the issuance of administrative remedies.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK