

CITY OF LOS ANGELES

CALIFORNIA



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MAYOR

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When making inquiries relative to
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Council File No.

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CITY CLERK

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SHANNON HOPPE
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February 27, 2012

To All Interested Parties:

City Attorney (w/blue sheet)

The City Council adopted the action(s), as attached, under Council File No. 09-2255-S1, at its meeting held February 22, 2012.

City Clerk
vm

18

COMMUNICATION

File No. 09-2255-S1

TO: THE COUNCIL OF THE CITY OF LOS ANGELES

FROM: COUNCILMEMBER MITCHELL ENGLANDER, CHAIR
PUBLIC SAFETY COMMITTEE

COMMUNICATION FROM CHAIR, PUBLIC SAFETY COMMITTEE relative to amending the Los Angeles Municipal Code (LAMC) regarding daytime juvenile curfew.

Recommendations for Council action, as initiated by Motion (Cárdenas – Parks):

1. REQUEST the City Attorney prepare and present an Ordinance substantially as drafted in the Ordinance dated February 8, 2012 (attached to the Council file), amending Section 45.04 of Article 5 of Chapter IV of the LAMC regarding daytime juvenile curfew, and as amended to read:
 - a. (d) Penalties for Violation: A violation of this section is an infraction. The first and second violations of this section shall only be punishable by either a requirement to provide an attendance plan to the court, developed with the minor and/or parent or appropriate guardian, or to participate in community service or other appropriate community or school-based program for mentoring, tutoring, credit recovery, or counseling. The minor shall not be required to perform community service or fulfill program attendance for a total time exceeding 20 hours in any given 60-day period, and the hours for performance shall occur during times other than during the minor's hours of school attendance or employment.
 - b. Add to section (d) a provision that that on third and subsequent violations of this section shall be punishable by the sanctions for a first or second violation, of may be punishable by a fine to be determined by the appropriate entity.
2. REQUEST the City Attorney, in consultation with the Police Department and other relevant City entities, to report back on how to make available the option for the imposition of a non-mandatory monetary fine for three or more violations and to on how to make said non-mandatory monetary fine not impose the same burden that the current Curfew Ordinance does.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

SUMMARY

On September 16, 2011, Council considered Motion (Cárdenas – Parks) relative to the City's curfew Ordinance. Motion states that according to the Police Department and the Los Angeles School Police statistics, police issued more than 47,000 tickets from 2004 to 2009 - 88% of them to African-American and Latino students, who make up only 74% of Los Angeles students. With curfew fines often times costing more than \$240 and requiring students and their families to miss additional time from school and work to go to court to resolve them, in addition to schools losing Average Daily Attendance state revenue from students missing school to attend court hearing, Motion makers believe that revising the daytime curfew on youth under the age of

18 would substantially increase school attendance and prevent a considerable number of students from entering into the juvenile justice system.

Motion movers go on to state that LAMC Section 45.04 states that "it is unlawful for any minor ... to be present in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, public buildings, places or amusement and eating places, vacant lots or any place open to the public during the hours of the day when the school... is in session ..." As a result of the collaboration between the Police Department, City Council, and the community, in April of this year, the Police Department issued an internal directive that directed Department ticket task forces to generally not cite students during the first hour of classes, directs police to help students get back to school rather than ticketing them, and makes other changes to ensure that students stay in school and acquire an education.

Motion movers further state that given the fact that there are dozens of reasons why students are late or truant ranging from emotional and mental health problems, school environment, academic challenges, special education needs, economic pressures, substance abuse, physical or emotional abuse in the home, and lack of adequate transportation, revising and/or ending LAMC Section 45.04 would further remove financial hardships on families and help students obtain the education and guidance necessary to become productive residents of Los Angeles. In light of the most recent research confirming that students who appear in juvenile court are almost four times as likely to drop out of school - which is associated with a number of negative outcomes, including unemployment and increased criminal involvement - minimizing court involvement of youth by instead connecting them to resources will substantially benefit the students, the community and the City. Motion includes a list of recommended amendments to the City's youth curfew ordinance. Council referred Motion to the Public Safety Committee for consideration.

At a special meeting of the Public Safety Committee held February 13, 2012, the Committee Chair considered this matter. During the public comment period, members of the community expressed support for the Motion's proposed curfew amendments. The Committee Chair recommended that Council request that the City Attorney prepare and present a revised Ordinance, as amended to reflect the changes outlined in the above recommendations.

Respectfully submitted,



COUNCILMEMBER MITCHELL ENGLANDER, CHAIR
PUBLIC SAFETY COMMITTEE

MEMBER	VOTE
ENGLANDER:	YES
PERRY:	ABSENT
BUSCAINO:	ABSENT
KREKORIAN:	ABSENT
ZINE:	ABSENT

JAW
09-2255-s1_rpt_ps_2-13-12

ADOPTED
** as amended*
FEB 22 2012
see attached motions
LOS ANGELES CITY COUNCIL

MOTION

I move that the Los Angeles City Council instruct the City Attorney's Office to include the following amending language into title (d) of the Los Angeles Municipal Code Section 45.04 which outlines Daytime Curfew Restrictions for Minors:

(d) Penalties for Violation: A violation of this section is an infraction. The first and second violations of this section shall only be punishable by either a requirement to provide an attendance plan to the court, developed with the minor and/or parent or appropriate guardian, or to participate in community service or other appropriate community or school-based program for mentoring, tutoring, credit recovery, or counseling. The minor shall not be required to perform community service or fulfill program attendance for a total time exceeding 20 hours in any given 60-day period, and the hours for performance shall occur during times other than during the minor's hours of school attendance or employment.

Third and subsequent violations of this section shall be punishable by the sanctions for a first or second violation, or may be punishable by a fine not exceeding twenty dollars (\$20.00). At any time, fines may be waived due to indigence.

PRESENTED BY: Tony Cardenas
TONY CARDENAS
Councilmember, 6th District

SECONDED BY: [Signature]

ADOPTED
**as amended*
FEB 22 2012
See attached Motion
LOS ANGELES CITY COUNCIL

FEB 22 2012

ORIGINAL

MOTION

I HEREBY MOVE that the Council ADOPT the following, in lieu of the final paragraph of Amending Motion 18-A (Cardenas – Englander), relative to amending the Los Angeles Municipal Code regarding daytime juvenile curfew:

Third and subsequent violations of this section shall be punishable by the sanctions for a first or second violation, or may be punishable by a fine not exceeding twenty dollars (\$20.00) **for any individual minor**. At any time, fines may be waived due to indigence.

PRESENTED BY _____

TONY CARDENAS
Councilmember, 6th District

SECONDED BY _____

MITCHELL ENGLANDER
Councilmember, 12th District

CF 09-2255-S1

February 22, 2012

ADOPTED

FEB 22 2012

LOS ANGELES CITY COUNCIL