

TONY CÁRDENAS

Los Angeles City Councilman, 6TH District



February 28, 2012

To Whom It May Concern:

To commemorate the unanimous vote of the Los Angeles City Council to amend Los Angeles Municipal Code 45.04 (daytime curfew ordinance), I request that the following documents be attached to Council File 09-2255-S1.

The intent of this historic action of the Los Angeles City Council was to ensure that the following common-sense changes were made to Los Angeles Municipal Code, Section 45.04:

- To stop the Los Angeles Police Department from ticketing students on public sidewalks immediately adjacent to school grounds, at the entrance areas of schools, and on school grounds;
- Ensure that the total fine amount that any individual minor can receive for all citations given is not more than \$20.00;
- Ensure that police officers ask students why they are late for school and identify the justification for the citation, including not ticketing students who are under the direction or supervision of an adult while going to and from a public meeting or school sponsored event, and;
- For the first and second citation, providing an opportunity for the court to direct students to participate in programs that actually address the root causes of the problem, like tutoring, mentoring, and substance abuse counseling, or require a student to create an attendance improvement plan with their school and parents.

Los Angeles' historic step forward is already being discussed in California and across the nation as a better way to address school attendance issues and achievement. As such, I am attaching some of the many articles that have been written about this important change in Los Angeles, including those from the Boston Herald, San Francisco Chronicle, and Los Angeles Times.

I thank my colleagues on the City Council for moving Los Angeles forward and I look forward to doing all that I can to ensure that students have every opportunity to receive an education.

Warmest Regards,

Tony Cardenas

TONY CARDENAS
Councilmember, City of Los Angeles, 6th District



Los Angeles weighs impacts of student daytime curfew

By Susan Ferriss / Center for Public Integrity (MCT) | Tuesday, February 21, 2012 | <http://www.bostonherald.com> | West

LOS ANGELES - Fifteen-year-old Juan Carlos Amezcua was just five minutes late for school and already at the corner by Theodore Roosevelt High School in Los Angeles when a school police cruiser's siren went off last Nov. 16.

The consequences of what happened next — handcuffing, allegations of rough treatment and a \$250 daytime curfew ticket — are still resonating. Juan and his cousin, whom police also stopped, saw their tickets dismissed in juvenile court in January. But, still upset at the encounter, the pair and their parents filed a complaint Feb. 3 with the school district and police concerning officers' behavior.

The presiding judge of Los Angeles County's juvenile court has developed his own doubts about the enforcement of daytime curfews. In January, Judge Michael Nash — after years of hearing complaints — used his discretion to tell court officers to stop ordering minors to pay for violations.

And on Wednesday, the Los Angeles City Council will consider proposals from council member Tony Cardenas to eliminate the \$250 fines that are part of the daytime curfew and require counseling instead.

Police still want the city council to keep a small fine on the books that could be imposed on repeat offenders, although that amount hasn't been settled yet.

The disputes are indicative of a broader debate over how best to deal with tardy or truant students across the country. Since the 1990s, cities large and small have adopted daytime curfews to force kids to get to school. Dallas, which initiated a daytime curfew in 2010, also is starting to field complaints about penalties that run as high as \$500.

The Los Angeles debate is being watched nationally, said Judith Browne-Dianis, a co-director of the Advancement Project, a Washington-based group that's involved in education policies. The metropolis is a "trend setter for the rest of the country, to show that there are other ways to get youth engaged in school," she said.

Aggressive enforcement of the daytime curfew, which Los Angeles adopted in 1995, has strained students' relations with police in recent years. Early-morning police "sweeps" that netted kids as they approached schools inspired a movement to protest students being handcuffed and then forced to miss more school to go to juvenile court to deal with tickets.

Students who arrive late in cars with their parents driving have escaped ticketing because they're with their parents, not in violation of the daytime curfew.

Calls for change seemed to be gaining acceptance when, last April and then in October, respectively, the chiefs of the Los Angeles Police Department and the Los Angeles Unified School District's police issued guidelines that officers consider "the spirit" of curfew laws and avoid targeting students who were clearly on their way to school.

Sgt. Ken Kimbrough, a school police spokesman, said the intent of the sweeps wasn't to issue fines but to help kids stay in school and direct them to counseling and family services. "Could there have been some overzealous officers out there? Sure," he said. "But that's why the chief put out new guidelines."

But experiences such as Juan's in November gave rise to questions about how police were continuing to treat suspected truants.

Juan and his cousin, who's also 15, were one block from school when school officers stopped them, handcuffed them and searched them. When Juan said, "You can't do this," an officer used profanity and told him to "shut ... up or else I'll slap you in the face," according to the complaint.

Kimbrough said he couldn't discuss the complaint because it was confidential and under investigation.

In January, crusaders for curfew revisions had cause to celebrate when Judge Nash announced that he was stopping the imposition of fines for daytime curfew tickets.

"I'm not interested in collecting money," Nash told the Center for Public Integrity. Fines, he said, have proved "onerous. At the end of the day, it's not an effective system."

Instead, Nash said, he wants court officers to dismiss tickets for students who are clearly headed to school, albeit late, and to give minors who are truly truant a series of opportunities to prove that they're attending school or submitting to counseling.

Nash's policy is good only as long as he remains on the bench, however, which explains why Cardenas and others still think they should amend the ordinance.

Nash's conclusions are reflected in a report that the Los Angeles County School Attendance Task Force, which Nash chairs, issued earlier this month. Cardenas, police officials and civil rights representatives participated in the task force.

The report called the daytime curfew citations a "blunt tool" that can lead to "unnecessary criminalization" of students. "Involving youth in the criminal justice system has the detrimental and unintended consequences of reducing their chances of graduating high school," the report says.

Los Angeles' daytime curfew originally was embraced as a tool to fight juvenile crime — police say it still serves that purpose — and as a way to boost graduation rates. But the district's high school graduation rate is still one of the worst in California, with the district's calculation at 56 percent and the state's at 64 percent.

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LA council moves to amend criticized truancy law

By CHRISTINA HOAG, Associated Press
Wednesday, February 22, 2012

(02-22) 13:21 PST Los Angeles, CA (AP) --

Students late to school will no longer face a \$250 fine and handcuffs under an amendment to the much criticized daytime curfew law approved by the city council Wednesday.

About 100 students, some garbed in orange jail jumpsuits and green graduation gowns, cheered, clapped and chanted after the council voted unanimously to relax the 1995 "zero tolerance" ordinance, which many have lambasted as excessive and unfair because it disproportionately affects black and Latino teenagers in low-income neighborhoods.

Under the amendment the council requested the city attorney to draft, police would be prohibited from issuing tickets during the first hour of school and within a three-block radius of the school, and must ask students if they have a valid reason for being tardy, such as a doctor's note.

Punishment for first and second violations would be community service, while a third violation would net a \$20 fine. Students who are really truant will be referred to counseling and other services.

"This is a common sense solution," said Laura Faer, education rights director of Public Counsel Law Center, which has been working with community groups for four years to modify the ordinance. "Students won't be put on the jailhouse track."

The amendment had the support of the Los Angeles Unified school board, the police department, the juvenile courts, as well as students, who described to the council how they were handcuffed, made to sit on the curb, searched and piled into police cars simply because their public bus was late or had not stopped because it was full.

"It was embarrassing," said Rosa Solache, a junior at Roosevelt High School. "Neighbors were staring at me like I was a criminal."

The ordinance was initially adopted as a way to crack down on truancy and prevent gang crime and was largely enforced in neighborhoods with gang problems. But police often conducted truancy sweeps near schools, ticketing late-arriving students on their way to class.

Between 2005 and 2009, police issued 47,000 truancy tickets that carry a \$250 fine and a court appearance which a parent had to attend, often missing work to do so, according to a report by the

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American Civil Liberties Union of Southern California, Public Counsel Law Center and Community Rights Campaign. Blacks and Latinos, who represent 74 percent of the student body, received 88 percent of the tickets.

The report said lower income students more frequently were caught by truancy sweeps because they rely on public transit or walk to school. Consequently, if students were tardy, they would stay home rather than risk a ticket.

"We're pushing students further away from attending school," said City Councilman Tony Cardenas, who promoted the amendment. "Being late to school for uncontrollable reasons should not be a crime."

Contact Christina Hoag at <http://twitter.com/ChristinaHoag>.

<http://sfgate.com/cgi-bin/article.cgi?f=/n/a/2012/02/22/state/n114226S56.DTL>

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L.A. City Council scales back truancy law

Los Angeles leaders reduce the amounts of fines and offer revised penalties for students who are trying to attend class but are late.

February 23, 2012 | By Angel Jennings, Los Angeles Times

The Los Angeles City Council voted unanimously Wednesday to amend the city's daytime curfew law, which allowed police to ticket students who arrived at school after the start of class, even if they had not intended to be truant.

During an hour-long discussion, more than 30 people criticized the rule as financially crippling — fines and court costs could surpass \$800 — and criminalizing to students who, though tardy, were trying to attend school. Many of those fined came from low-income families that could ill afford such costs.



Jorge Rendón, 15, left, and Marco Cepeda, 14, right, look at a list of names for the truancy law.

Truancy is a major issue in L.A. not just because the city wants all students to be properly educated, but also because the Los Angeles Unified School District receives money from the state based on daily attendance. Officials also noted that students are more likely to commit crimes or become victims of crimes when they are not in school.

Under the old policy, a student who received a truancy ticket had to appear in court with a parent. A judge would issue a fine and order the student to be on time for the next 60 days or face more legal trouble. Both the parent and student had to return two months later for a follow-up, causing the student to miss school time and the parent to lose wages.

"School attendance is not a court issue," said Judge Michael Nash, who presides over the Los Angeles County Juvenile Court. "School attendance is an issue for the student, the family, the school and the community."

The council ended up amending the law by applying a "graduated sanction" clause that calls for first- and second-time offenders to receive no more than 20 hours of community service. Alternatively, students could be referred to school-based programs such as counseling, tutoring, or mentoring to help them find ways to reach school on time.

Only after the third offense would students face a one-time fine of \$20. The tickets can accumulate to as high as \$155 after mandatory court fees are tacked on.

The amendment codified an agreement between civil rights attorneys from the Public Counsel Law Center, the American Civil Liberties Union and the Los Angeles Police Department, and took that deal one step further by setting a fine cap. In April, the LAPD agreed to exercise leniency during the first hour of class and to stop daytime curfew sweeps except when criminal activity is suspected by youths in a school area.

"This is not a permission slip to be late," said Councilman Tony Cardenas, who initiated the law's changes. "There are still consequences."

Cardenas spent three years working out the agreement with community leaders, including Nash, Police Chief Charlie Beck, and L.A. Board of Education President Monica Garcia.

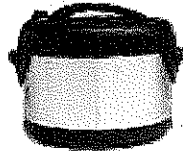
After the vote, proponents of the change — including scores of student protesters — erupted into applause. They left City Hall chanting and waving signs.

"I'm glad we can make a change in history," said Cindy Gomez, a senior at University High School in L.A.'s Sawtelle neighborhood. "This law is something that affects us and will affect my little brother and cousins and future generations."

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City Council gives students a break on truancy fines

By Rick Orlov, Staff Writer

Posted: 02/22/2012 12:55:59 PM PST

Updated: 02/22/2012 12:59:29 PM PST

After years of study, the Los Angeles City Council on Wednesday gave preliminary approval to a measure reducing fines for truancy and barring tickets for students who are late, but on their way to school.

The Los Angeles Police Department and Los Angeles Unified School District police have already adopted the standards that prevents the ticketing of students who are clearly on their way to school, even if they are late in arriving. The City Council action, scheduled to be given final approval next week, will make the change in the city's municipal code.

"Truancy is a very important issue because it is directly related to crime," said Councilman Tony Cardenas, who has been leading the proposal to change the city law.

"But, we are punishing students who are late to class for a variety of reasons."

Cardenas worked with Superior Court Judge Michael Nash, who oversees the juvenile division and has supported the change.

"We're here today because we have heard your voice," Nash said at a rally prior to the council meeting. "Student attendance is not a court issue. Student attendance is an issue for the schools and families."

In addition, the measure reduces fines for truancy. With fees added in, third and future

offenses would run a minimum \$155, down from \$1,075 under the current ordinance.

Cardenas said the LAPD and school police issued more than 47,000 tickets between 2004 and 2009 and saw truancy go up during that

period.

"What we have done is take students from classrooms and force them to go to court instead," Cardenas said.

Nash said the system "has been designed more to make people fail than succeed."



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