

TONY CÁRDENAS

Los Angeles City Councilman, 6TH District



February 8, 2012 ✓

Dear Members of the Public Safety Committee,

The Office of Los Angeles City Councilman Tony Cárdenas requests that the following documents be attached to Council File 09-2255-S1 which will be heard on Monday, February 13, 2012's Public Safety Committee Meeting.

Attached are the following:

- Los Angeles Police Department Guidelines for Enforcement of Daytime Curfew and Activation of the Curfew Ordinance (Daytime and Nighttime)
- Los Angeles School Police Department Intradepartmental Correspondence regarding Enforcement of Daytime Curfew Laws
- Internal Directive from Presiding Judge regarding Community Service Availability in the Informal Juvenile Traffic Court
- Internal Directive from Presiding Judge regarding Informal Juvenile Traffic Court Handling of School Attendance Cases (a.k.a. Truancy, Daytime Loitering, etc.)
- Executive Summary from "A Comprehensive Approach to Improving Student Attendance in Los Angeles County," A Report from the School Attendance Task Force
- April 14, 2011 Los Angeles Times Editorial
- September 21, 2011 Daily News Editorial
- Los Angeles Unified School District Board Member Resolution
- Letters of Support from: Center for Juvenile Law and Policy at Loyola Law School; Public Council Law Center; Violence Prevention Coalition; Advancement Project; American Civil Liberties Union of Southern California; Labor/Community Strategy Center Community Rights Campaign, and; Youth Justice Coalition

Please let me know if you need any additional information.

Thank you,

Michael de la Rocha
Legislative Deputy
Office of Los Angeles City Councilman Tony Cárdenas

OFFICE OF THE CHIEF OF POLICE

NOTICE

14.5

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: ENFORCEMENT OF DAYTIME CURFEW AND ACTIVATION OF THE CURFEW ORDINANCE (DAYTIME AND NIGHTTIME) GUIDELINES

EFFECTIVE: IMMEDIATELY

The purpose of this Notice is to clarify the objective, scope and application of Los Angeles Municipal Code (LAMC) Section 45.04 – *Daytime Curfew* and to activate The Curfew Ordinance (Daytime and Nighttime) Guidelines. When properly enforced, LAMC Section 45.04 is an effective tool for reducing the likelihood of juveniles being victims of/or involved in crimes. The proper application of the ordinance is directed toward juveniles who are intentionally avoiding school, or are loitering in public places at times when they are required to be in school.

Officers must consider the *spirit* of the intended application of the Daytime Curfew ordinance prior to taking enforcement action. In addition, officers must understand and adhere to the numerous exceptions which allow juveniles to be in public during school hours without violating the ordinance. Students who are making a good faith effort to get to school, regardless of their tardiness, generally should not be subject to enforcement.

Although the majority of Daytime Curfew citations are issued well after the juvenile is required to be in school, officers are reminded that they **must** inquire whether the student has a valid excuse (outlined in the ordinance) for being in a public place during a time when they are required to be in school. Additionally, officers must fully articulate the proper justification in the narrative portion of the Traffic Notice to Appear, Form 04.50.00, to support the officer's determination that the subject is in violation of the ordinance.

Whenever feasible, officers who encounter juveniles during school hours should return the child to their school. Additionally, officers are required by ordinance to conduct an investigation. However, not all such contacts/investigations should result in the issuance of a citation. Section 45.04 (c) states:

*Before taking any action to enforce the provisions of this section, police officers **shall** ask the apparent offender's age and reason for being in the public place during curfew hours.*

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 any responses and other circumstances, no exceptions to this section apply.

Any student with a valid exception and/or a parental note authorizing their presence in a public place should be allowed to continue on their way.

If the student states that he/she is traveling to school or a destination covered by the exceptions to the ordinance, appears to be heading toward their school, but does not have a parental note authorizing their absence or tardiness, the issuance of a citation for Daytime Curfew may not be warranted. Prior to issuing Daytime Curfew citations to juveniles who are near their school campus (generally within a three-block radius), officers should return the student to the school's administrative office. After consultation with school staff, the officers may determine that the issuance of a citation for the violation of Daytime Curfew is appropriate.

Officers shall not enforce Daytime Curfew violations on school grounds; LAMC 45.04 is enforceable only at any place that is open to the public.

Prior to the implementation of a Daytime Curfew Task Force (DCTF) operation, the involved supervisor should consult with the Area commanding officer (C/O) regarding the purpose for the operation, the targeted boundaries, and the proper instructions to be provided to the involved officers. The Area C/O should verify the location, crime patterns, and crime time periods prior to granting approval for a DCTF. A review of this Notice should be conducted by all personnel involved in any DCTF. Daytime Curfew Task Force operations should generally not begin during the first hour that a school within the targeted boundaries is in session.

It is important to note that nothing in this Notice is intended to preclude an officer from enforcing LAMC Section 45.04; however, enforcement must be reasonable and fair, and the investigation must be clearly articulated in the narrative and should include a record of the **time of the initial encounter** in addition to all of the other pertinent information. When necessary, the use of the Continuation of Notice to Appear, Form 04.50.05, should be utilized to include any pertinent information that would assist the officer in recalling sufficient facts related to their investigation and their ability to testify in court.

SUPERVISOR'S RESPONSIBILITIES. Supervisors shall assess each Daytime Curfew citation to ensure strict compliance with approved procedures and the provisions of the law. A supervisor who identifies an error or omission on the citation shall:

- * Withhold the original citation and obtain a Notice of Correction and Proof of Service, Form 04.07.00, from the citing employee;
- * Review and approve the completed Notice of Correction and Proof of Service form in accordance with Department Manual Section 4/320.80; and,

All Department Personnel

Page 3

14.5

- * Ensure that the Notice of Correction and Proof of Service is stapled to the lower left corner of the citation, above the original citation, and forwarded in accordance with Department Manual Section 3/202.70.

Juvenile Division has created a procedural guide on curfew enforcement to assist officers in daytime and nighttime curfew investigations. The Curfew Ordinance (Daytime and Nighttime) Guidelines is located on the Local Area Network (LAN) in the Guides link within the Reference Library link.

All concerned bureau commanding officers shall be responsible for monitoring compliance with this Notice in accordance with Department Manual Section 0/080.30. Additionally, Office of Operations will implement a monitoring plan for the first year of implementation to conduct a quarterly review of the data on citations for compliance with this Notice.

Any questions regarding this Notice may be directed to Lieutenant II Alfred Pasos, Officer in Charge, Evaluation and Administration Section, Office of Operations, at (213) 486-6055.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

DAYTIME CURFEW ORDINANCE EXCEPTIONS

- * The minor is accompanied by his/her parent, guardian, other adult person authorized by the parent or guardian having the care or custody of the minor; or,
- * The minor is on an emergency errand directed by his/her parent, guardian or adult person having the care or custody of the minor; or,
- * The minor is going directly to or coming directly from their place of gainful employment; or,
- * The minor is going directly to or coming directly from a medical appointment; or,
- * The minor has permission to leave campus for lunch and has in his/her possession a valid, school-issued off campus permit; or,
- * The presence of the minor in one or more of the places identified in Subsection (a) is connected with or required with respect to a business, trade, profession or occupation in which the minor is lawfully engaged; or,
- * The minor is involved in an emergency such as fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life; or any unforeseen combination of circumstances or the resulting state, which calls for immediate action; or,
- * The minor is in a motor vehicle involved in interstate travel; or,
- * The minor is authorized to be absent from his/her school pursuant to the provisions of California Education Code Section 48205, or any other applicable state or federal law.

**INTRADEPARTMENTAL CORRESPONDENCE
Los Angeles School Police Department**

NOTICE- 11-04

October 19, 2011

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: ENFORCEMENT OF DAYTIME CURFEW LAWS – REVISED

PURPOSE: The purpose of this Notice is to clarify the objective, scope and application of Los Angeles Municipal Code (LAMC) Section 45.04 – Daytime Curfew restrictions for Minors, and the application of daytime curfew (truancy) enforcement District-wide for Los Angeles School Police Department (LASPD) sworn personnel. This Notice also reinforces the LASPD's commitment to support the Superintendent's goals of attendance and graduation improvement, and reduce the cycle of student "push out."

LAMC Section 45.04 is intended to be a tool to reduce the likelihood of minors being victims of/or involved in crimes. Officers must consider the *spirit of the intended application* of the Daytime Curfew ordinances prior to taking enforcement action. In addition, officers must be familiar with and adhere to the numerous exceptions which allow minor students to be in public during school hours without violating the ordinance. These exceptions are listed in Appendix A of this Notice.

The proper application of the ordinance is for minor students who are either intentionally avoiding school or loitering in public places at times when they are required to be in school. Unless one of the above-mentioned elements is present at the time the officer has encountered the minor, generally, the minor should not be subject to a citation or an arrest for truancy if truancy is the only offense.

Any minor student who has a school schedule that does not require him or her to be in school at the time of the encounter shall not be cited, as the daytime curfew applies only "during the hours of the day when the school, which the minor would normally attend, is in session, on days when that school is in session." Further, officers shall not issue citations to students who are age 18 or older, even if they are enrolled in school.

Officers are reminded that they must inquire whether the student has a valid excuse for tardiness or absence as delineated in Appendix A. Should a citation be warranted, officers should articulate the justification for the citation in the narrative portion of the citation, (i.e., "Subject did not meet any valid excuse exceptions and was loitering inside a food establishment two hours after scheduled school start").

ENFORCEMENT OF DAYTIME CURFEW LAWS – REVISED

Page 2

PROCEDURE: Whenever feasible, officers who encounter students off campus during school hours should cause the facilitation of the minor student's return to his/her school.

- Officers **shall**, before taking action to enforce the provisions of the Daytime Curfew laws, ask the student's age and reason for being in the public place during curfew hours. The officer shall make a reasonable attempt to confirm the student's explanation regarding enrollment by contacting the school and/or parent/guardian.
- Officers **shall not** issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and no exceptions listed in Appendix A of this Notice apply.
- Officers **shall not** enforce the Daytime Curfew on school grounds or at school entrances, as the language of the daytime curfew laws indicate that the statute is enforceable only when a student is **absent from school, unsupervised**, at any place which is open to the public. LAUSD campuses, during school hours, are NOT considered "open to the public" as supported by enforceable "No trespassing" laws.
- **Generally**, officers **shall not** enforce the Daytime Curfew directly adjacent to the school grounds and within the "Safe School Zone" perimeter unless the officer has reasonable suspicion, based on specific and articulable facts, that the student is in violation of another law or ordinance.

If the student states that he/she is traveling to school or a destination covered by the exceptions to the ordinance or procedures in this Notice and also appears to be heading toward their school or legitimate destination cited in Appendix A, but does not have a parental consent, the issuance of the citation is **generally** not warranted. Minor students with a valid exception as outlined in Appendix A, and/or possess a valid parental note authorizing their presence in a public place should be allowed to continue on their way.

Officers may utilize reasonable means, including, but not limited to, temporary detentions, to verify the validity of an excused absence.

If there are factors **other than** the actual or suspected violation of Daytime Curfew ordinances that cause the officer to believe officer safety may be threatened or the minor is in possession of contraband, the officer should follow the requisite Department policy and procedures governing protective frisks, the use of handcuffs or physical restraints, and searches.

Daytime Curfew Task Forces

Generally, LASPD should not conduct spontaneous Daytime Curfew Task Forces (DCTF). Should a DCTF be warranted, prior approval SHALL be obtained from a commanding officer.

ENFORCEMENT OF DAYTIME CURFEW LAWS – REVISED

Page 3

The scope and purpose of the operation and the targeted boundaries shall be documented on an Employee's Report (15.7), addressed to the Commanding Officer of the Division in which the task force will occur. The Division Commanding Officer within the identified target area should verify crime patterns and crime time periods prior to granting approval of a DCTF. Daytime Curfew Task Force operations should generally not begin during the first 90 minutes that the involved school is in session.

Note: A Task Force is defined as the utilization of extraordinary resources above normal deployment, with or without other law enforcement agencies participation, for the purpose of targeting specific statute violations due to complained of or conspicuous criminal activity.

The Commanding Officer, Field Services Bureau, shall be responsible for monitoring compliance with this Notice. Additionally, the Office of the Chief of Police will implement a monitoring plan for the first year of implementation to review the data on citations quarterly for compliance with this Notice.

Any questions regarding this Correspondence should be directed to the Office of the Chief of Police.

STEVEN K. ZIPPERMAN
Chief of Police

Attachment

APPENDIX A - DAYTIME CURFEW ORDINANCE EXCEPTIONS

- LAMC section 45.04 (b)
- The minor is accompanied by his/her parent, guardian, other adult person authorized by the parent or guardian having the care or custody of the minor; or,
- The minor is on an emergency errand directed by his/her parent, guardian or adult person having the care or custody of the minor; or,
- The minor is going directly to or coming directly from their place of gainful employment; or,
- The minor is going directly to or coming directly from a medical appointment; or,
- The minor has permission to leave campus for lunch and has in his/her possession a valid, school-issued off campus permit; or,
- The presence of the minor in one or more of the places identified in Subsection (a) is connected with or required with respect to a business, trade, profession or occupation in which the minor is lawfully engaged; or,
- The minor is involved in an emergency such as fire, natural disaster, automobile accident, a situation requiring immediate action to prevent serious bodily injury or loss of life, or any unforeseen combination of circumstances or the resulting state, which calls for immediate action; or,
- The minor is in a motor vehicle involved in interstate travel; or,
- The minor is authorized to be absent from his/her school pursuant to the provisions of California Education Code Section 48205, or any other applicable state or federal law.



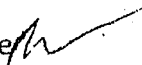
CHAMBERS OF
MICHAEL NASH
PRESIDING JUDGE

JUVENILE DIVISION
The Superior Court
201 CENTRE PLAZA DRIVE, SUITE 3
MONTEREY PARK, CALIFORNIA 91754-2158

TELEPHONE
(323) 526-6377

January 3, 2012

TO: All Informal Juvenile and Traffic Court (IJTC) Judicial Officers

FROM: Michael Nash, Presiding Judge 
Juvenile Court

SUBJECT: COMMUNITY SERVICE AVAILABILITY IN IJTC

Effective immediately, community service will be available in lieu of any fine (including assessments and fees) for any offense adjudicated in the Informal Juvenile and Traffic Court. Community service will be ordered at the following rates:

CONVERSION RATES

1. Five hours for every \$100 of fine (including assessments, fees)
2. The maximum number of hours for any single citation, regardless of the number of offenses on the citation, is 50 hours.
3. For multiple citations, the number of hours is computed for each citation, with a 50 hour maximum on each citation
4. The court has the discretion to reduce the total number of hours, if there are multiple citations, to a manageable number.
5. If a youth chooses to satisfy the disposition by partially paying money and performing community service, the court shall accommodate the youth utilizing the above rates.

FTA'S

For youth who fail to appear in court (FTA) without valid excuse, it is the court's policy that the youth should not benefit from an FTA which is found to be true by

the court. If a youth chooses to perform community service in lieu of the fine for FTA, it will be computed at the following rates:

6. If a youth with a single citation plus an FTA appears within one year of the initially scheduled appearance, the amount of the fine for the citation is added to the amount of fine for the FTA. If the total is less than \$1000, that amount will be converted to community service hours.
 - a. If the fines on the citation are more than \$1000, the amount of community service on the citation is 50 hours. An additional 5 hours will be added for the FTA for a total of 55 hours.
7. If the youth appears on a citation with an FTA more than one year from the initially scheduled appearance, the court shall add 5 hours of community service for each year.
8. The same method of computation shall be used for multiple citations with the court's discretion to reduce the total as stated in Line 4.
9. Partial payments and community service will also be acceptable as stated in Line 5.
10. If a youth appears in court as originally cited and admits the allegation in the citation or it is sustained after trial; and if the youth is assessed a fine or community service; and if the youth fails to pay the fine or perform community service; the court, in addition to the suspension of the driving privilege, shall add five hours of community service for each year that the obligation remains unsatisfied. The driving privilege shall not be restored until the obligations have been completely satisfied.

INSTALLMENT OPTIONS

11. Installment payments shall be allowed when the system has been set up.
12. When installment payments are allowed or community service is ordered, the case shall be heard in 60 day increments.
13. If, after three 60 day increments (6 months), the fine has not been fully paid or community service and/or other obligations have not been satisfied, the court shall suspend the driving privilege until all obligations are satisfied, unless the court finds good cause for a further extension of time.
14. If a youth has completed the entire community service obligation or is prepared to pay the balance remaining on a fine, the proof of completed community service or payment of the fine can be submitted to the court by mail at their own risk.

The provisions of this memo are designed to accomplish the following:

15. Hold youth accountable;
16. Create uniform standards of accountability;
17. Allow community service in lieu of any fine;
18. Make it easier for youth to successfully comply with the court's orders of accountability.




CHAMBERS OF
MICHAEL NASH
PRESIDING JUDGE

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TELEPHONE
(323) 526-6377

January 3, 2012

TO: All Informal Juvenile and Traffic Court (IJTC) Judicial Officers

FROM: Michael Nash, Presiding Judge 
Juvenile Court

SUBJECT: IJTC HANDLING OF SCHOOL ATTENDANCE CASES (AKA, TRUANCY, DAYTIME LOITERING, ETC.)

Effective immediately, the Informal Juvenile and Traffic Court will adopt the following guidelines for the handling of school attendance cases, regardless of the label, i.e., Truancy, Daytime Loitering, Daytime Curfew, etc.:

1. The court shall dismiss any citation where the evidence shows the youth was late to school or en route to school.
 - a. In addition, it is within the judicial officer's discretion to dismiss the citation on this basis at the initial appearance if it is clear to the judicial officer that is in fact the case. Otherwise, the matter should be set for adjudication.
2. For any case where a youth admits the citation or it is sustained after trial, the case shall be continued for 60 days.
3. At the 60 day hearing, the citation shall be dismissed if the youth mails (at their own risk) or brings to the court an understandable record or letter from the school showing no unexcused absences and minimal tardies from the date of the last hearing to one week before the 60 day date.
 - a. As an alternative to an attendance record, the court will accept a letter from the school that an attendance plan has been developed with the school to improve attendance and that the parents(s) or guardians(s) or other legally recognized caregiver (ie, foster parent) or holder of educational rights have participated in a conference with the school to develop the school attendance plan.

- b. If a youth who utilizes this option subsequently receives a new citation related to school attendance, this option will not be available for disposition of the matter.
4. If there are unexcused absences of excessive tardies, or if there is no plan, the court may refer the youth to an appropriate program, order 20 hours of community service or both. The court shall then order a mandatory 60 days appearance for the youth to show completion of the program and/or community service and the school attendance record.
 - a. As an alternative to community service, the court will accept a letter of substantial participation from an appropriate community-based or school-based program for mentoring, tutoring, credit recovery, counseling, after-school support, anger management, substance abuse counseling or any other services that would address the core issues underlying the school attendance problem.
5. If, at the second 60 day appearance, the youth fails to complete the court-ordered program and/or community service, or the youth fails to bring a letter of participation in one of the afore-mentioned programs, the driving privilege shall be suspended for 6 months or until the youth shows proof of completion of the court-ordered obligation. If the youth shows proof of 60 days of no unexcused absences at the second 60 day appearance, the program and/or community service obligation will be dismissed. If the youth shows proof of 60 days of unexcused absences prior to the 6 month suspension of the driving privilege, the privilege shall be reinstated immediately and the program and/or community service obligation will be dismissed.
6. If the youth fails to appear in court, or the court does not receive proof of completion of the program or community service as ordered by the court, the driving privilege shall be suspended until the youth appears in court and shows proof of completion of the court imposed service obligation, regardless of whether the youth has attended school.

The provisions of this memo are designed to create a system of accountability and to encourage youth whose cases are brought to court on attendance issues to attend school and to eliminate the burdens imposed on families by the substantial fines imposed on youth for these violations.

MN:ns

Executive Summary

A Comprehensive Approach to Improving Student Attendance in Los Angeles County

**A Report from the School Attendance Task Force
(Originally Convened as the Truancy Task Force)**

A Project of the Los Angeles County Education Coordinating Council

January 2012

Overview of the Problem

The issues of school attendance and truancy should be of importance and concern to nearly every governmental and community agency in Los Angeles County. Because attendance rates are directly tied to school success, there is a critical need for interventions that are capable of assessing and effectively addressing the root causes of truancy and poor student attendance and helping young people to get back on track. The findings from national and state research bear this out.

- ❖ The negative impact of absences on literacy is 75 percent larger for low-income children, whose families often lack the resources to make up for lost time on task.¹
- ❖ Poor children are four times more likely to be chronically absent in kindergarten than their highest-income peers. Chronic absence in kindergarten predicts unsatisfactory fifth-grade outcomes for poor children.
- ❖ Chronically absent sixth-graders have lower graduation rates.²
- ❖ Ninth-grade attendance predicts graduation for students of all economic backgrounds.³

Although the courts, law enforcement, schools, and many community organizations are engaged in efforts to address truancy and attendance issues, very little coordination has existed among these entities, and little effort has been made to assess the effectiveness of any given strategy employed. Too often, law enforcement has been called upon to impose criminal punishments on children and families, even though research shows that such methods have little impact and, in fact, actually increase the likelihood of school push-out and drop-out.

In sum, a countywide effort—to systematize and integrate practices with other agencies, promote reforms, eliminate practices that have proven to be ineffective and/or are not supported by research, and align the practices, funding, and resources of agencies with research-based approaches that have proven to be most effective—is long overdue.

History of the School Attendance Task Force

Under the leadership of Michael Nash, Presiding Judge of the Juvenile Court and Vice Chair of the Los Angeles County Education Coordinating Council (ECC), a countywide School Attendance Task Force was convened in the fall of 2010, under the auspices of the ECC, to better understand the issue in Los Angeles County and, ultimately, to develop a set of recommendations for countywide implementation. To this end, the Task Force explored:

- The approaches being used in the county and elsewhere by major stakeholder groups, including the courts, law enforcement, schools, and communities
- Which policies and practices appear to be working and which are not
- Current research-based models for improving attendance and reducing tardiness

¹ Ready, 2010.

² Baltimore Education Research Consortium, SY 2009–2010.

³ Allensworth & Easton, *What Matters for Staying On-Track and Graduating in Chicago Public Schools*, Consortium on Chicago School Research at U of C, July 2007.

The Task Force has met each month since its inception, and includes leaders from each major stakeholder group (see the list of School Attendance Task Force members on page iii of the full report). The Task Force spent its first year reviewing information on current programs being developed or implemented by school districts, the juvenile court, law enforcement agencies, community groups, and the business community both in Los Angeles County and around the country. The meetings included presentations on these programs and a review of data and other measurements of outcomes for students who participate in these programs. A summary of the topics covered in the monthly meetings is provided in Appendix E of the full report.

Summary of Task Force Findings

Among other findings, the Task Force members learned that a myriad of reasons cause students to struggle to get to school and to get there on time. Of the thousands of students in Los Angeles interviewed by the Community Rights Campaign (one organization participating on the Task Force), many reported that their only means of transportation (the MTA bus) frequently runs late; they must walk their siblings to another school with a similar start time; they have a medical appointment; they are dealing with mental health issues; they have unaddressed special education needs or a chronic illness; they are being bullied; they are experiencing family problems at home; or student do not see the benefit of an education or feel connected to or safe at school.

- ❖ The Task Force also found that a number of California statutes—found in penal, education, and municipal codes—criminalize student tardiness and attendance issues. Under them, students and their families can face fines, juvenile delinquency enforcement, and/or jail time. Unfortunately, in the absence of a comprehensive, research-based approach to addressing attendance-related issues in Los Angeles, the enforcement of daytime curfew laws, which subject any student absent from school to a citation by police officers, has often been the primary response to truancy. Extensive resources and effort have been focused on using law enforcement to ticket and cite students. For example, between 2005 and 2009, the Los Angeles Police Department (LAPD) and the Los Angeles School Police Department (LASPD) issued more than 47,000 tickets under the Los Angeles City curfew ordinance.⁴ The city curfew ordinance's burdens have fallen most heavily on low-income communities and on families who are least able to afford them.⁵
- ❖ Although the prosecution of students and parents may be appropriate in extreme cases—or as the last step in a broader, graduated system that provides assessments, referrals, and sufficient support to ensure that students and families can access services and resources to address the underlying conditions or reasons that caused the attendance issue—the Task Force was not able to identify any research supporting the efficacy of prosecution as a primary means to improve student attendance on a large scale. Indeed, research on effective approaches over-

⁴ See “Map of LAMC 45.04 Day-Time Curfew Citations,” available at <http://www.thestrategycenter.org/blog/07/30/mapping-lamc-4504-truancy-tickets-geographical-area-race-and-gender>.

⁵ A majority of LAUSD students live in families near or below the poverty line (California Department of Education DataQuest [2010]). Daytime curfew enforcement inherently targets lower-income students because students from poorer families are more likely to walk or take public transit than their higher-income peers. Data collected also shows that schools where curfew enforcement has been most aggressive are concentrated in lower-income communities.

whelmingly supports school-based rather than law enforcement–based interventions as the most effective for both improving attendance rates and reducing rates of chronic absence.

- ❖ Specifically, through the Task Force’s review of published studies measuring the effectiveness of various attendance improvement programs around the country aimed at addressing truancy or improving school attendance, it found that successful programs include:
 - A complete assessment process to determine the primary causes for student attendance issues
 - A strong and comprehensive data-tracking system to effectively identify students with attendance issues early, and quickly target interventions
 - Strong parental involvement and participation
 - Use of incentives for positive behavior and attendance
 - A three-tiered approach to improving student attendance that provides broad interventions for all students, more targeted interventions for students who meet the criteria for being at risk for poor attendance, and substantial interventions for students with intensive needs
 - Cognitive behavior therapy for students with poor attendance, especially when paired with parent and teacher training
- ❖ In Los Angeles, some reforms that align with research and best practices are already underway. During the past two years, the LAPD and LASPD have worked closely with community-based organizations, as well as other government agencies, to revise existing procedures aimed at reducing the number of daytime curfew tickets written to students—particularly African-American and Latino students, who are disproportionately represented. They have issued directives instructing ticket task forces generally not to cite students during the first hour of classes or on campus and, instead, to help students get back to school and access school-based interventions.

This changing emphasis coincides with an increasing recognition by school districts of the need to address student attendance in a comprehensive manner. Several school districts have begun implementing promising programs using research-based strategies that focus on identifying the root causes of chronic absences and quickly providing intensive and tiered resources and interventions to address those problems. Two school district programs in particular stood out to Task Force members because they provide comprehensive, school-based approaches to addressing student attendance issues that incorporate research-based practices and were supported by data reflecting improved outcomes.

First, **Alhambra Unified School District**’s attendance improvement program, the core of which is called Gateway to Success (“Gateway”), has resulted in a 42 percent reduction in trancies after one year of implementation, and a 61 percent decline in year two. The Gateway program, which is supported by a federal Safe Schools/Healthy Students grant of \$7 million over four years, links district students with counselors or other health and wellness resources to help them with the challenges that interfere with their academic, personal, or social adjustment. Mental health and wellness programs are brought directly to school sites and services are available to all students, whether they have health insurance or not. This framework was developed to align with a three-tiered public health framework aimed at improving prevention, diagnosis, and treatment services. The continuum of efforts includes:

- **Universal prevention** strategies aimed at reducing risk factors, enhancing protective factors, and ameliorating difficulties before they occur
- **Early intervention** emphasizes the early identification of and intervention for at-risk youth
- **Intensive strategies** involve treatment to reduce the impact of existing problems

This evolving framework has now expanded district-wide and employs a multi-layered approach, incorporating comprehensive prevention and intervention services to reduce campus violence and student behavioral and substance-related problems, and increase the reach of school-based mental health services. Key features of AUSD's program include:

- **A multidisciplinary management team:** Central to the program's framework is a multidisciplinary management team consisting of leadership from the school district, community partners, and higher education.
- **Collaboration and ongoing training:** All school personnel and partnering agencies participate in joint training sessions on topics that include the identification of mental health risk factors, available services, the referral protocol, school culture, collaboration strategies, confidentiality, and family privacy, as well as culturally sensitive intervention.
- **A comprehensive information management and data-tracking system:** To evaluate the impact of this coordinated mental health structure, a computer-based information surveillance system tracks student referrals and linkages. This robust systems allows school officials to intervene early and in real time as attendance issues develop.
- **Parent involvement and education:** An innovative Parent University holds monthly workshops at which hundreds of parents learn techniques to help their students improve.
- **Revised student discipline procedures to minimize exclusions:** Recognizing that disciplinary exclusions greatly affect student attendance, AUSD reviewed the number of suspensions and expulsions in its schools and developed policies to minimize disciplinary exclusions, such as requiring schools to use multiple interventions prior to initiating a suspension, and to document these interventions for such low-level offenses as defiance. As a result, disciplinary exclusions have dropped consistently and significantly over the last two academic years.

Similarly, the **Baltimore City Public School System** has employed a three-tiered approach that focuses on universal strategies to improve attendance, early intervention when students show signs of poor attendance, and intensive interventions for students with severe attendance issues. Key features of Baltimore's program, which was developed after convening a task force with almost a hundred community and business partners to study the problem, include:

- **Universal strategies to improve attendance:** Baltimore developed a number of policies that emphasize and prioritize good attendance, including same-day follow-up with parents for every absence and utilizing attendance incentives and rewards for good attendance. Recognizing that a key element of improving attendance is improving the school climate and making schools places where students want to be, Baltimore has also taken steps to focus on improving the quality of instruction, reviewing the curriculum to evaluate ways to make school more engaging and relevant to students, and improving parent and family engagement and outreach.

- **A robust data system to track attendance:** Baltimore developed a data system that tracks multiple measures of attendance in real time, and ensured that it is available at school sites and is reviewed regularly. Using this system, Baltimore built an early-warning system that uses these multiple measures—including suspension—to identify students that are at risk and intervene early. Additionally, trends are monitored and interventions are developed accordingly.
- **Intervention strategies for students who consistently miss school:** When students are identified based on their attendance history, they receive individual assessments and community supports. Additionally, schools develop a service-rich plan for students who have been chronically absent in prior years, including wraparound services, case management, and special activities to increase their feeling of belonging. When students continue to miss school, they receive increased interventions that may include home visits by social workers or school counselors, assigning a mentor for daily check-in, inviting the family to school attendance hearings, and, as a last resort, conducting a court-based student attendance hearing through family court.
- **A revised discipline code to minimize unnecessary student exclusions:** Baltimore also targeted its high suspension rate, recognizing that sending children home puts them further behind academically and makes them far more likely to drop out. The school district partnered with community stakeholders to review and substantially revise the discipline code, particularly provisions that had allowed high rates of disciplinary exclusion for absences and for defiant behaviors such as talking back. As a result, the number of suspensions dropped from 26,310 to 9,712 over a two-year period.
- **Emphasizing rewards and supports over punitive approaches:** In all instances, Baltimore's policy also requires that schools offer positive supports to promote school attendance before resorting to punitive responses or legal action. In general, the Baltimore program includes many more incentives than punitive responses in its graduated response to poor attendance.

The Task Force concluded that both model programs closely align with social science research on effective student attendance programs. Both programs also are supported by outcome data demonstrating improved student attendance since their inception. As such, the Task Force found that a three-tiered school attendance program is an essential element to any reform approach and, as explained in greater detail below, recommends that all school districts in Los Angeles County adopt and implement that approach.

Summary of Task Force Recommendations

Based on the School Attendance Task Force's research and review of effective policies and programs employed by various government and non-governmental agencies to address attendance issues in California and nationwide, and taking into account some of the unique circumstances related to size and transportation in Los Angeles County, the Task Force has developed a set of recommendations for creating a comprehensive and integrated system that should result in significant reductions in attendance-related issues, stronger school outcomes, and less court and criminal justice involvement.

Countywide

- ❖ Maintain a vibrant School Attendance Task Force for stakeholders to coordinate strategies, share best practices, track outcomes, and develop an action plan for implementation of the recommendations in this report.
- ❖ Develop information-sharing protocols among stakeholder agencies/groups.

Schools

All school districts in Los Angeles should establish a sustainable district-wide model for ensuring that students regularly attend and stay in school by incorporating the critical elements of recognized, proven approaches—specifically the three-tiered approach that is strongly supported by research. Other proven strategies include:

- ❖ Creating a strong attendance-data collection and dissemination system that helps target interventions early and often
- ❖ Reducing school-initiated exclusions
- ❖ Partnering with families early and often
- ❖ Creating a communication/media campaign regarding the importance of attendance
- ❖ Creating a uniform system at each school site that focuses on prevention and intervention
- ❖ Maximizing partnerships to ensure a range of services that address the root causes of truancy
- ❖ A focus on high-need populations, schools, grades, and times of year
- ❖ Utilizing rewards and attendance incentives at the individual student, class, grade, and school levels
- ❖ Providing training to all school staff
- ❖ Addressing transportation and safety barriers so that it is easier, safer, and quicker to get to school
- ❖ Increasing the role of the youth voice in schools and learning from youth how to improve attendance
- ❖ Integrating the School Attendance Review Board process with the broader attendance initiative and utilize SARB referrals only after documented interventions have not worked, and only in connection with mental health and other resource-based strategies
- ❖ Referring truancy issues to law-enforcement agencies only as a last resort, and only if school staff can document multiple failed interventions

Juvenile Court

- ❖ Collect and regularly publish data.
- ❖ See that the Department of Children and Family Services and the Probation Department develop policy directives ensuring that judicial officers receive the information they need to properly address attendance issues.
- ❖ Reform the Informal Juvenile and Traffic Court process to focus on solutions and supports rather than fines and court appearances.
- ❖ Ensure that judicial officers engage youth and parents to understand the root causes of truancy.
- ❖ Determine and address the causes of unexcused absences, such as any health issues of the youth or family members, real or perceived safety issues at school or in transit, the level of family support for educational values, peer influence, and substance abuse by the youth or family members. Also:
 - Ask social workers and probation officers what steps they have taken to address truancy and ensure that the youth attends school.
 - Refer youth to a 317(e) education panel of attorneys for follow-up action and advocacy to enforce the child's legal rights, where appropriate.
 - Assist in expanding needed services and supports and youth connections to them.
 - Ensure that youth with truancy issues are brought to court at a time that minimally interferes with school classes.
 - Ensure that incarceration is never used as a sanction for poor attendance.
- ❖ Ensure educational stability for youth under the court's jurisdiction.

Law Enforcement

- ❖ Collect and make public data regarding the number of minors cited.
- ❖ Ensure that the primary focus in dealing with truant youth is getting students back to school and engaged in positive activity linked to community resources.
- ❖ Expand programs that connect at-risk youth with mentoring and other services.
- ❖ Develop protocols for dealing with truant youth that are different from traditional delinquency enforcement models.
- ❖ Include local prosecutors in developing a strategies related to truancy prosecution and enforcement.
- ❖ Develop information-sharing protocols among prosecutors' offices so that students are adequately tracked and protected when they do not attend school.
- ❖ Improve interagency data-sharing so that school districts and city and county agencies have as much information as possible before making decisions that will affect specific youth.

Municipalities

- ❖ Reflect current evidence-based research and proven best practices in ordinances on daytime curfew violations.
- ❖ Require the collection and regular publication of data from law enforcement entities enforcing curfew statutes regarding the number of minors cited, the location and time of the citation, and the age, ethnicity, race, and gender of the minors cited.
- ❖ Coordinate with local school districts so that city-funded services such as tutoring, mentoring, and other youth development programming are targeted to students who are most in need of the services.

Parents, Guardians, and Caregivers

- ❖ Seek out and advocate for leadership roles in their schools to strategize about how to improve student attendance.
- ❖ Create safe places and parent groups to help other parents struggling with a child or children who have school-avoidance behaviors.
- ❖ Advocate for schools to create strong policies supporting parents in getting their students to school regularly and on time.
- ❖ Demand that schools move away from approaches that criminalize students or result in school-imposed exclusions.
- ❖ Advocate for processes in schools where trained teams and parents work together to understand and address the root causes of truancy.
- ❖ Ensure that school policies and practices require that parents be contacted immediately at the first sign of an attendance issue.
- ❖ Seek out information and training from school and other community agencies if they are having a hard time getting their child to school on time.
- ❖ Demand to be included as equal partners in the dialogue around solving school-attendance issues.

Communities

- ❖ Be informed about and involved in developing and shaping policies around school attendance.
- ❖ Be engaged as partners, allies, and resources by school districts, individual schools, the courts, and law enforcement agencies.
- ❖ Come together around the schools, children, and families in their neighborhoods to offer services, housing, after-school programs, and support to prevent truancy and address its causes.
- ❖ Offer resources—intervention workers, transportation, technology—to create safe passages to and from school and to respond when a young person is faced with a dangerous situation.

- ❖ Be willing to partner and pool resources with other community organizations in the county to create a web of services in the community and on school campuses to address students' academic, social-emotional, and physical health needs.
- ❖ Come forward to provide alternative school models that are flexible and meet student needs, such as Big Picture Learning.
- ❖ Provide positive adult and peer relationships—whether with a family member, teacher, or mentor—as a key to reaching students, addressing their needs, holding them accountable, and motivating them to attend school.
- ❖ Create resource directories, such as the Healthy City database, to ensure that schools and courts can quickly and easily connect families with services.

Next Steps: Priorities for the Task Force in 2012

The School Attendance Task Force has identified some priority areas and specific actions to focus on during 2012 to foster or implement these recommendations.

- ❖ Task Force members have already committed to making some key policy changes:
 - Juvenile Court Presiding Judge Michael Nash is finalizing key reforms to the operation of the Informal Juvenile and Traffic Court (IJTC).
 - ✓ His first directive states that, at the youth's option, community service will always be available in lieu of a monetary fine (including assessments and fees) for any offense adjudicated in the IJTC; the directive also lays out the implementation of that change.
 - ✓ A second directive issues guidelines for the IJTC's handling of school attendance cases, and states that the court shall dismiss any citation for which the evidence shows the youth was late to school or en route to school.
 - ✓ A third directive addresses informing youth and parents of their rights in the IJTC.
 - Los Angeles City Councilman Tony Cárdenas has proposed an amendment to the City Municipal Code that directs daytime curfew enforcement to those students who are intentionally avoiding school or loitering in public spaces, and targets resource-based community and school interventions for those students instead of assessing fines.
 - The City of Los Angeles Community Development Department and the Los Angeles Unified School District have agreed to work together to launch between eleven and thirteen Youth WorkSource Centers to serve truant youth and those who have dropped out or are at risk of dropping out of school.
- ❖ As a whole, the Task Force will:
 - Request that the Los Angeles County Education Coordinating Council (ECC) adopt this report at its February 2012 meeting. In addition, the ECC should ask its members to commit to addressing the recommendations that specifically pertain to them and report back on their activities and their progress throughout the year.
 - Distribute this Executive Summary, which highlights the findings and recommendations of the full Report, to a variety of stakeholders at multiple levels through customized

meetings, conference presentations and workshops, seminars, and media exposure. The full Report will be posted on the Los Angeles County Education Coordinating Council website (www.educationcoordinatingcouncil.org) as well as on the websites of other Task Force members, and electronic links to these sites and those of other key stakeholder agencies will be established.

- Identify and create meaningful tools (such as attendance plans) for judicial officers in the dependency and delinquency courts to use to directly address school attendance issues for the youth they supervise.
 - Explore options for securing free transit passes for school-aged youth, especially those residing in low-income communities or attending schools in these areas.
 - Develop a resource book or technical assistance guide to assist school districts in implementing the proposed recommendations for a comprehensive attendance program.
 - Continue to collect information on successful policies, practices, and models to help increase student attendance in Los Angeles County.
- ❖ Task Force work groups will be established to implement the recommendations in this report, including:
- Investigating ways to improve the interagency sharing of student attendance data
 - Developing ideas for a countywide public service announcement campaign that markets the importance of school attendance
 - Creating strategies for increasing connections between school districts and available community resources

Los Angeles Times

April 14, 2011

Police to stop ticketing tardy students on their way to school

Los Angeles police agree to stop truancy sweeps during the first hour of class as focus shifts to encouraging attendance.

By Howard Blume,
Los Angeles Times

The Los Angeles Police Department has agreed to avoid ticketing tardy students who are on their way to school, lawyers and advocates for students announced Thursday.

The tickets, which carry steep fines, are exactly the wrong method for achieving better attendance, said those involved.

Under new and "clarified" procedures agreed to by the LAPD at the request of advocates for students, truancy sweeps will no longer occur during the first hour of classes. And daytime curfew sweeps cannot be conducted except in response to suspected criminal activity by youths in the sweep area.

Officers are to ask students if they have legitimate explanations for not being in class before writing tickets. Police are to shift their focus to making sure students get to school rather than ticketing them. The LAPD, community groups and lawyers will monitor how the approach is working.

"It is not our intention to target our youths or to place undue burdens on their families," said Chief Charlie Beck in a news release.

Finding the right balance between discipline and counseling has challenged officials of the Los Angeles Unified School District. A city attorney's program includes counseling but also carries the threat of criminal penalties for parents. And tickets, with a fine of more than \$200, are intended as a financial deterrent. At Roosevelt High, a scared-straight method, abandoned last year, included handcuffing students, advocates said.

"It's teachers, parents and students who will ultimately change the culture of a school," said Manuel Criollo, lead organizer for the Community Rights Campaign, which has long focused on this issue. He praised the new approach at Roosevelt, which still includes selective discipline at school.

His group joined forces with Public Counsel and the American Civil Liberties Union of Southern California in working with the LAPD. Talks are ongoing with L.A. Unified.

City and school police issued more than 47,000 tickets from 2004 to 2009, 88% of them to African Americans and Latinos, according to data compiled by activists through public records requests. And not one of the more than 13,118 curfew tickets issued by the school police went to a white student, advocates said.

Gerardo Navarro was ticketed Friday at Roybal Learning Center. He ran late for about the sixth time this year, by his count, arriving 15 minutes past the bell. The ticketing process cost him 45 minutes more. He said friends stay home when they are running late to avoid getting ticketed. Dealing with a ticket also can consume school time.

School board member Tamar Galatzan, a deputy city attorney, said she welcomed "any agreement ... that results in our students being in class, ready to learn, when the bell rings."

She also added: "The best way for students to avoid truancy tickets is to get to school — and be in class — on time."

Daily News

Wednesday, September 21, 2011

Truancy crackdown should focus on class, not court

The point of truancy laws is to get kids to go to school. The people who planned Los Angeles' age-old enforcement policy must have missed class the day that simple principle was taught.

Critics say the current policy, in which students caught off campus get \$250 citations from the cops, too often lands truants in courtrooms instead of homerooms and causes all sorts of related problems.

A Los Angeles city councilman has suggested a promising alternative. Under a motion this week by Councilman Tony Cardenas, police would back off and schools would take more responsibility for dealing with students caught off campus. This would align city policy with an April policy change in which the LAPD agreed not to conduct truancy sweeps in the first hour of the school day, not to write citations for students on campus, and to give tardy students a chance to explain.

Let's hope city and police officials can work out the details of what sounds like a less heavy-handed plan than we've had.

There's a locker full of anecdotal evidence that what we've had doesn't work.

Sometimes, kids running late for school are stopped and ticketed, making them even later. Kids running late for school see the police near campus and turn around, skipping school entirely rather than be cited as tardy. Kids have to miss school - and their parents miss work - to deal with the citations in court.

The fines can be so heavy, kids hide the citations from their parents, so moms and dads may not find out their sons and daughters are missing class. Eventually the unpaid fines grow unmanageable for many families. Data show the families affected are disproportionately black and Latino.

Obviously, the police should get involved if delinquent kids are causing trouble. But the current truancy laws drag young people

into the world of police and courts even if they've committed no real crime.

There's also statistical evidence of a need to try something different.

According to the California Department of Education, 5 percent of Los Angeles Unified's 688,000 students were truant for three or more days during the 2008-09 school year. Since LAUSD gets \$32 per student in daily funding from the state, those absences cost the district \$3 million.

In 2004-09, the LAPD's school police division issued 47,000 truancy tickets. The question is whether that got us closer to the goal of increasing attendance.

Tickets aren't the best answer. The ideal anti-truancy policy would seek to find out why a student is missing school and try to correct the problem, which may go beyond simple misbehavior.

Cardenas' action comes as a city task force headed by Michael Nash, presiding judge of Los Angeles County's Juvenile Court, is preparing its own policy recommendations. The task force is looking at approaches that have worked in other places.

It sounds as if the panel and the City Council are heading the same smart direction on this issue - toward a policy that aims to get kids in classrooms and not courtrooms.

Public Counsel thinks that schools and parents, not courts and police, are the solution to keeping students in school. City leaders agree.

Board Member Resolution For Action

Ms. García, Ms. Martinez, Mr. Zimmer – Resolution to Support the Motion to Amend the Daytime Curfew Law (Noticed January 10, 2012)

Whereas, The Los Angeles City Council Motion (Motion) by Councilmember Tony Cardenas seeks to amend the daytime curfew law so that it is consistent with recent policy directives by the Los Angeles School Police Department (LASPD) and the Los Angeles Police Department (LAPD) regarding proper enforcement;

Whereas, The LASPD policy directive and the commitments clarifying the scope and application of the daytime curfew reinforce the Los Angeles Unified School District and the Superintendent's commitment to reducing the cycle of student "push out;"

Whereas, The Motion amendments seek to narrow the scope of the curfew law and protect students' rights by placing explicit restrictions on the ability to ticket students who are traveling to school, eliminating the imposition of fines as a penalty, requiring LAPD data collection and reporting, and restoring a freedom of speech exception;

Whereas, The District is committed to improving regular student attendance and recognizes the multitude of evidence-based explanations for student tardiness and/or truancy, which, according to reports issued by the Office of Juvenile Justice and Delinquency Prevention, can include issues related to school climate and/or the ability to meet the diverse needs of students, emotional and social factors of the student and their family, economic circumstances (such as the lack of reliable and/or affordable transportation), and student variables (such as mental health, substance abuse, special education, and physical health issues);

Whereas; The District has in place a comprehensive set of attendance policies and procedures, consistent with federal, state and District requirements, that is designed to assist school personnel with understanding and addressing student attendance issues, like truancy and tardiness;

Whereas, A welcoming school climate, implemented attendance procedures, and attendance incentive programs, supported by the District's Discipline Foundation Policy of School-Wide Positive Behavior Support, adopted by the Board in 2007 and which applies to every school in the District, promotes improved student attendance;

Whereas, According to the LAPD and LASPD data, more than 47,000 tickets were issued to students from 2004-2009 under the daytime curfew law;

Whereas, Law enforcement officers issuing tickets to students who are on their way to, or arriving at, school has the unintended consequence of deterring or preventing some students from going to school;

Whereas, Daytime curfew tickets issued to District students result in students missing one or more days of school to attend court hearings, such that students lose additional, valuable instructional time and the District loses substantial Average Daily Attendance (ADA) state revenue over the course of a school year;

Whereas, The Youth WorkSource Centers have been highly successful in providing services to youth and have become a nationally recognized leader in implementing youth programs in the seven Los

Angeles City planning areas. The Centers are prepared to be an alternative for students who are out-of-school rather than the traditional criminal justice system approach; now, therefore, be it

Resolved, That the District shall work together with the Los Angeles City Council, Los Angeles Police Department, the Community Development Department, the Countywide Truancy Task Force, and the Los Angeles School Police Department to develop an evidence-based alternative to increase student attendance and intervene appropriately when students are truant. The Los Angeles Unified School District and CDD are in the process of soliciting qualified entities to manage Youth WorkSource Centers that will serve as an alternative to daytime curfew citations in Los Angeles.

Resolved further, That the District shall work together with parent groups, community organizations, and public interest law firms to explore effective methods of addressing the issue of truancy and promoting student attendance through the existing School-Wide Positive Behavior Support policy and other evidence-based school- interventions;

Resolved further, That the Superintendent or his designee will continue to ensure that data related to daytime curfew tickets is routinely collected and disaggregated and that training of LASPD officers aligns with and supports the evidence-based practice of developing relationships between students and officers that promote attendance; and, be it finally

Resolved, That the Governing Board of the Los Angeles Unified School District supports City Councilmember Tony Cárdenas' Motion (Supported by Councilmember Bernard Parks) to Amend the Daytime Curfew Law in efforts to best serve our youth.

LOYOLA
LAW SCHOOL LOS ANGELES



September 29, 2011

Via EMAIL

Councilmember Tony Cárdenas
councilmember.cardenas@lacity.org

Councilmember Bernard Parks
Bernard.Parks.Jr@lacity.org

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Re: Strong Support for Motion to Amend LAMC 45.04

Dear Council Members Cardenas and Parks:

We are writing in strong support of your motion to amend the “daytime curfew” law (LAMC Section 45.04), which has proven to be detrimental to students and their families and has not increased community safety. On behalf of the Center for Juvenile Law and Policy, we would like to thank you for your leadership on this critically important issue.

The Center for Juvenile Law and Policy, through its Youth Justice Education Clinic and Juvenile Justice Clinic, represents many children (some already involved with the juvenile justice system) who attend schools within the City of Los Angeles. We very rarely encounter a child who is tardy or absent because they do not want to learn; it is usually due to environmental or family circumstances beyond their control or the stress and frustration of attending schools that have consistently failed to identify and meet their educational needs. In fact, many schools that we encounter do not make students and parents feel welcome or supported and do not try to engage students in the process of learning. This is particularly true of “high risk” youth who may need additional resources and time to become successful and productive students.

There are many reasons why students are late or absent, including: unmet special education or mental health needs, delays with public transportation, family problems, school bullying or harassment, illness, or even the need to walk a little sister or brother to a different school with the same start time. Students have told us that they will not try to attend school if they are just a little late, for fear they will be ticketed in a tardy sweep. Additionally, we have seen special education students ticketed even where school attendance is related to their disability (often because of anxiety or depression) and specifically addressed in their special education plan. As you know, the current daytime curfew law is ineffective and unfairly targets students of color. The latest statistics reveal that police officers have issued more than 47,000 tickets between 2005 through 2009 with a disproportionate share going to African American and



Latino students. Students who receive curfew tickets miss additional school, sometimes two or three days to attend mandatory court hearings, and school districts lose critical Average Daily Attendance (ADA) funding for those missed days. Additionally, research confirms that curfew statutes do not reduce crime and when we involve students with juvenile court, they are almost four times as likely to drop out of school and engage in high risk behavior.

The law impacts families with low-incomes the hardest, forcing them to make hard choices between paying for the basics, like food for the family, and paying the hefty fines of \$250 or more per ticket. As such, the excessive financial hardship on thousands of families in the City of Los Angeles clearly points to the need to amend LAMC 45.04.

The common sense amendments in this critical motion will stop unnecessary penalization of students who are trying to get to school, even if they are late; ensure that families do not suffer undue financial hardships; and help minimize court involvement of youth by connecting them with critically needed resources.

We therefore strongly urge the Los Angeles City Council to pass this motion.

Sincerely,

Michael J. Smith
 Director, Youth Justice Education Clinic
 Center for Juvenile Law and Policy at Loyola Law School

cc: Mayor Antonio Villaraigosa, mayor@lacity.org.
 Los Angeles Police Department Chief Charlie Beck, contact.lapdonline@gmail.com
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September 28, 2011

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Bernard.Parks.Jr@lacity.org

Facsimile: 213-485-7683

Los Angeles City Council
 200 North Spring Street
 Los Angeles, CA 90012

(Sent via facsimile)

Re: Strong Support for Motion to Amend LAMC 45.04 (CF# 09-2255-S1)

Dear Council Members Cardenas and Parks:

We are writing in strong support of your motion to amend the "daytime curfew" law (LAMC Section 45.04), which has proved to be detrimental to students and their families and a failure in increasing community safety. On behalf of Public Counsel Law Center, we would like to thank you for your leadership on this critically important issue.

Public Counsel is the public interest law office of the Los Angeles County and Beverly Hills Bar Associations and the Southern California affiliate of the Lawyers' Committee for Civil Rights Under Law. Established in 1970, Public Counsel is dedicated to advancing equal justice under law by delivering free legal and social services to indigent and underrepresented children, adults and families throughout Los Angeles County. In 2010, Public Counsel's Children's Rights Project provided representation and advocacy to more than 25,000 of the most vulnerable children in Los Angeles County, including foster and delinquent youth, children with special needs, and homeless children.

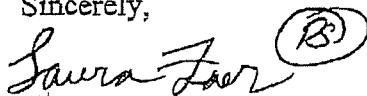
The current daytime curfew law is ineffective, wasteful and unfairly targets all students and, in particular, students of color. The latest statistics reveal that police officers have issued more than 47,000 tickets between 2005 through 2009 with a disproportionate share going to African American and Latino students. Students who receive curfew tickets miss additional school, sometimes two or three days, to attend mandatory court hearings and the schools themselves lose critical Average Daily Attendance (ADA) funding for those missed days. Just as importantly, research unequivocally confirms that curfew statutes don't work -- they do not reduce crime -- and when we involve students with juvenile court, they are almost four times as likely to be pushed out of school early and become more susceptible to becoming involved in delinquent behavior.

The law hits our clients, families with low-incomes, the hardest, forcing them to make hard choices to not pay for the basics – like food for the family – to pay the hefty fines of \$250 or more per ticket. For Myra who was ticketed, even though she had a doctor's for being late to school, she had to miss two days of school to contest the ticket in Court, and her mother had to miss two days of work, forfeiting close to \$200 in wages that she needed to help keep a roof over her children's heads. As such, the undue financial hardship on thousands of families in the City of Los Angeles clearly points to the need for reform to amend LAMC 45.04.

There are many reasons why students are late or absent, including delays with public transportation, family problems, school struggles, illness, or even the need to walk a little sister or brother to a different school with the same start time. The common sense amendments in this critical motion will stop unnecessarily penalization of students who are trying to get to school, even if they are late, ensure that families do not suffer undue financial hardships, and help minimize court involvement by instead connecting children to resources – like tutoring and mentoring – to become productive residents of Los Angeles.

We strongly urge the Los Angeles City Council to pass this motion.

Sincerely,



Laura Faer
Education Rights Director
Public Counsel

cc: Mayor Antonio Villaraigosa, mayor@lacity.org, facsimile: (213) 978-0750
Los Angeles Police Department Chief Charlie Beck, contact.lapdonline@gmail.com
facsimile: (213) 486-0168
City Attorney Carmen A. Trutanich, ctrutanich@lacity.org, facsimile: (213) 978-8312
City Council President Eric Garcetti, councilmember.garcetti@lacity.org,
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Councilmember Tom La Bonge, tom.labonge@lacity.org, facsimile: (213) 624-7810
Councilmember Ed Reyes, councilmember.reyes@lacity.org, facsimile: (213) 485-8907
Councilmember Bill Rosendahl, facsimile: (310) 410-3946
Councilmember Herb J. Wesson, Jr., facsimile: (213) 485-9829



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Violence Prevention Coalition
of Greater Los Angeles

Office 213.346.3265
Fax 213.808.1009
www.vpcgla.org

February 7, 2012

STEERING COMMITTEE

Carol Friedman
Youth Advocate

Marlene Molina
Children's Institute

Ellen Sanchez
Violence Intervention
Program, LAC-USC

Caroline Finkel
Mitzvah Project Family
Foundation

Henry Anandovic
Youth Justice Coalition

Clark Costa
L.A. County Probation
Department

Dawn L. Brown
Cats and Gringos

Fay Shively
L.A. City Attorney's Office

John Hinds
Center for Health Justice

Debra Sipleman
The Project Alliance

Paul Castillo
St. Francis Medical Center

Arturo Marquez
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Mirra Fukuimon
Rainbow Services

Hilja Weiss, Founder
UCLA Department of
Epidemiology, Violence
Prevention Program

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(Sent via facsimile)

Councilmember Bernard Parks
Bernard.Parks.Jr@lacity.org
Facsimile: 213-485-7683

Re: Strong Support for Motion to Amend LAMC 45.04

Dear Council Members Cardenas and Parks:

I am writing in strong support of your motion to amend the "daytime curfew" law (LAMC Section 45.04), which has proved to be detrimental to students and their families and a failure in increasing community safety. On behalf of the Violence Prevention Coalition of Greater Los Angeles, we would like to thank you for your leadership on this critically important issue.

As Director of the Violence Prevention Coalition – an organization representing seventy agencies and their thousands of clients across Los Angeles County, we are constantly working with community-based organizations, law enforcement, and public officials in an effort to improve the safety of our communities, and improve the lives of our young people. Our members have come out in favor of this amendment as an effective, prevention-based approach that can have a significant impact.

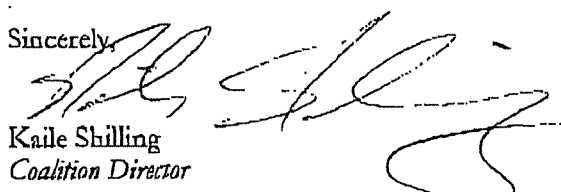
The latest statistics reveal that police officers have issued more than 47,000 tickets between 2005 through 2009 with a disproportionate share going to African American and Latino students. Students who receive curfew tickets miss additional school, sometimes two or three days, to attend mandatory court hearings and the schools themselves lose critical Average Daily Attendance (ADA) funding for those missed days. Just as importantly, research unequivocally confirms that curfew statutes don't work – they do not reduce crime – and when we involve students with juvenile court, they are almost four times as likely to be pushed out of school early and become more susceptible to becoming involved in delinquent behavior.

The law hits families with low-incomes the hardest, forcing them to make hard choices to not pay for the basics – like food for the family – to pay the hefty fines of \$250 or more per ticket. As such, the undue financial hardship on thousands of families in the City of Los Angeles clearly points to the need for reform to amend LAMC 45.04. There are many reasons why students are late or absent, including delays with public transportation, family problems, school struggles, illness, or even the need to walk a little sister or brother to a different school with the same start time. The common sense amendments in this critical motion will stop unnecessarily penalization of students who are trying to get to school, even if they are late, ensure that families do not suffer undue financial hardships, and help minimize court involvement by instead connecting children to resources to become productive residents of Los Angeles.

We support the amendment to LAMC 45.04 because it will improve public safety and reduce unnecessary contact between young people and the justice system. Most importantly, it protects and supports Los Angeles' most cherished residents and most valuable resource: our youth.

We strongly urge the Los Angeles City Council to pass this motion.

Sincerely,


Kaile Shilling
Coalition Director

The logo for the Advancement Project, featuring a stylized graphic of a person's profile in silhouette, with a large, bold letter 'A' integrated into the design.

ADVANCEMENT PROJECT

February 2, 2012

Councilmember Tony Cárdenas
councilmember.cardenas@lacity.org

Facsimile: (213) 847-0549

Councilmember Bernard Parks

Bernard.Parks.Jr@lacity.org

Facsimile: 213-485-7683

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Re: Strong Support for Motion to Amend LAMC 45.04

Dear Council Members Cardenas and Parks:

I am writing in strong support of your motion to amend the "daytime curfew" law (LAMC Section 45.04), which has proved to be detrimental to students and their families and does not contribute to increasing community safety. On behalf of the Advancement Project (AP), I would like to thank you for your leadership on this critically important issue.

AP is a public policy change organization rooted in the civil rights movement. We engineer large-scale systems change to remedy inequality, expand opportunity and open paths to upward mobility. Our goal is that members of all communities have the safety, opportunity and health they need to thrive. For the past 10 years, under the leadership of the nationally recognized civil rights attorney, Connie Rice, AP Urban Peace has been working closely with public, private and community based partners in Los Angeles to achieve community safety.

While we applaud the recent directives from LAPD and LAUSD police departments to moderate the negative impact of LAMC Section 45.04, we feel that the proposed amendment will strengthen the commitment to end the harmful effect of the "daytime curfew" law.

The current daytime curfew law is ineffective in curbing truancy and has a disproportionate impact on students of color. The latest statistics reveal that police officers have issued more than 47,000 tickets between 2005 through 2009 with a disproportionate share going to African American and Latino students. Students who receive curfew tickets miss additional school to attend mandatory court hearings and the schools themselves lose critical Average Daily Attendance (ADA) funding for those missed days. Just as importantly, research unequivocally confirms that curfew statutes don't work — they do not reduce crime — and when we involve students with juvenile court, they are almost four times as likely to be pushed out of school early and become more susceptible to becoming involved in delinquent behavior.

The law hits families with low-incomes the hardest, forcing them to make hard choices to not pay for the basics – like food for the family – to pay the hefty fines of \$250 or more per ticket. As such, the undue financial hardship on thousands of families in the City of Los Angeles clearly points to the need for reform to amend LAMC 45.04.

There are many reasons why students are late or absent, including delays with public transportation, family problems, school struggles, illness, or even the need to walk a little sister or brother to a different school with the same start time. The common sense amendments in this critical motion will stop unnecessary penalization of students who are trying to get to school, even if they are late, ensure that families do not suffer undue financial hardships, and help minimize court involvement by instead connecting children to resources to become productive residents of Los Angeles.

We strongly urge the Los Angeles City Council to pass this motion.

Sincerely,



Susan K. Lee, JD
Director of Urban Peace

cc: Mayor Antonio Villaraigosa, mayor@lacity.org, facsimile: (213) 978-0750
Los Angeles Police Department Chief Charlie Beck, contact.lapdonline@gmail.com
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Councilmember Herb J. Wesson, Jr., facsimile: (213) 485-9829



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October 5, 2011

Chair

Stephen Rohde

President

Douglas Mirell

Chairs Emeriti

Danny Goldberg

Allan K. Jonas

Burt Lancaster*

Irving Lichtenstein, MD*

Jarl Mohn

Laurie Ostrow*

Stanley K. Sheinbaum

*deceased

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Hector O. Villagra

Chief Counsel

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Deputy Executive Director

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Chief Financial Officer

Brenda Maull

Communications Director

Jason Howe

Development Director

Sandy Graham-Jones

**Legal Director &
Manheim Family Attorney
for First Amendment Rights**

Peter J. Eliasberg

Deputy Legal Director

Ahilan T. Arulanantham

Director of Policy Advocacy

Clarissa Woo

**Director of Community
Engagement**

Elvia Meza

Executive Director Emeritus

Ramona Ripston

Councilmember Tony Cárdenas
councilmember.cardenas@lacity.org
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Councilmember Bernard Parks
Bernard.Parks.Jr@lacity.org
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Sent via email only

Re: Letter of Support for Motion to Amend LAMC 45.04

Dear Council Members Cárdenas and Parks:

The ACLU of Southern California is writing in strong support of your motion to amend Los Angeles Municipal Code Section 45.04, which establishes a daytime curfew for minors in Los Angeles. The ACLU of Southern California would like to thank you for your leadership on this critically important issue.

The ACLU was founded to defend and secure rights established by the Constitution and Bill of Rights – including the freedoms of speech, association and religion, freedom of the press, and the right to privacy, to equal protection of the laws and to due process – and to extend these rights to people who have been excluded from their protection. The ACLU of Southern California accomplishes this mission through lobbying, public education, and litigation.

Over the last two years, we have worked with numerous community, parent, and student groups to study the daytime curfew law. We have conducted a comprehensive review of relevant social science research, analyzed multiple years of data and other documentation related to curfew enforcement, and listened to the first-hand experiences of students, parents, family members, and community members who have been impacted by the

daytime curfew law. The results of our investigation are clear: LAMC 45.04 harms students and their families and is a failure in improving community safety.

First, the daytime curfew law is counterproductive. Students who receive curfew tickets miss additional school, sometimes two or three days, to attend mandatory court hearings, and the schools themselves lose critical Average Daily Attendance (ADA) funding for those missed days. Thus, although students are cited for not being in school, they must miss school to resolve the citation in court.

Additionally, the law unfairly targets students of color. Data obtained from the Los Angeles Police Department and Los Angeles School Police Department reveal that police officers issued more than 47,000 tickets between 2005 and 2009, with a disproportionate share going to African American and Latino students. It also places an undue burden on low-income families, forcing them to make hard choices between paying for the basics – like food for the family – or paying the hefty fines of \$250 or more per ticket. Parents also must miss work to attend the court hearing, creating additional financial stress for families. The racial disparities in enforcement and the undue financial hardship on thousands of families in the City of Los Angeles clearly point to the need to amend LAMC 45.04.

Just as important, research unequivocally confirms that curfew statutes do not work – they do not reduce crime. Accordingly, LAMC 45.04 diverts resources away from addressing serious crime, forcing police to address student attendance matters that are properly addressed by schools and families, not the penal system. Research also shows that when students have to appear in juvenile court – as students who receive daytime curfew citations must – they are almost four times as likely not to graduate and therefore are more susceptible to becoming involved in delinquent behavior.

There are many reasons why students are late or absent, including delays with public transportation, family problems, school struggles, illness, or even the need to walk a little sister or brother to a different school with the same start time. For students who may be late or absent because they are not engaged in school or do not see the benefit of an education, aggressive daytime curfew enforcement does nothing to address the underlying issues. In fact, numerous studies have documented that aggressive criminal justice centered policies in and around schools are likely to cause students to feel alienated from the educational system, leading to further disengagement from school for at-risk youth.

Ensuring that students are at school is a complex issue that calls for interventions that cut across a number of government agencies and require community input and support to succeed. But that is no excuse to continue to rely on failed policies that research and experience have demonstrated harm the youth and communities they were purportedly designed to help.

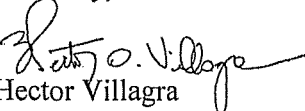
The common sense amendments in this critical motion will stop unnecessary criminalization of students who are trying to get to school, ensure that families do not suffer undue financial hardships, and help minimize court involvement by instead connecting students



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to resources that will help them address whatever underlying issues contributed to being absent from school. **Accordingly, the ACLU of Southern California strongly urges the Los Angeles City Council to pass this motion.**

Sincerely,


Hector Villagra
Executive Director
ACLU of Southern California

cc: Mayor Antonio Villaraigosa (mayor@lacity.org)
Los Angeles Police Department Chief Charlie Beck (contact.lapdonline@gmail.com)
City Attorney Carmen A. Trutanich (ctrutanich@lacity.org)
City Council President Eric Garcetti (councilmember.garcetti@lacity.org)
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Councilmember Ed Reyes (councilmember.reyes@lacity.org)
Councilmember Bill Rosendahl (facsimile: 310-410-3946)
Councilmember Herb J. Wesson, Jr. (facsimile: 213-485-9829)



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February 8, 2012

Councilmember Tony Cárdenas
councilmember.cardenas@lacity.org

Facsimile: (213) 847-0549

Councilmember Bernard Parks

Bernard.Parks.Jr@lacity.org

Facsimile: 213-485-7683

Los Angeles City Council

200 North Spring Street

Los Angeles, CA 90012

(Sent via facsimile or email)

Re: Strong Support for Motion to Amend LAMC 45.04

Dear Council Members Cardenas and Parks:

We are writing in strong support of your motion to amend the “daytime curfew” law (LAMC Section 45.04) to stop students of color from being targeted with \$250 fines for being tardy or truant. LAMC 45.04 is one of the worst examples of punitive “zero tolerance” policies that criminalize students and create “pre-prison” conditions in our schools. On behalf of the Labor/Community Strategy Center Community Rights Campaign, we would like to thank you for your leadership on this critically important issue.

The Community Rights “No to Pre-Prisons” campaign seeks to reverse conditions that criminalize our youth, such as daytime curfew citations. In Problems of Los Angeles Municipal Code 45.04: Why Los Angeles Must Decriminalize Truancy, we detail the negative consequences of the enforcement of LAMC 45.04, consequences which would only be aggravated by this proposal. These include but are not limited to:

- discouraging students from going to school for fear of being ticketed
- causing significant financial and emotional stress on students and families
- creating a more hostile school environment for students

LAMC 45.05 targets students of color and their families. The latest statistics reveal that, under this curfew law, police officers have issued more than 47,000 tickets between 2005 through 2009. 82% of the tickets went to African American and Latino students, and 7% to white students. This law hits families with low-incomes the hardest, forcing them to make hard choices – like sacrificing food, or medical care – to pay the hefty fines of \$250 or more per ticket.

Studies show curfew laws are ineffective and wasteful. Research unequivocally confirms that curfew statutes don’t work – they do not reduce crime.ⁱ Studies also show that when we involve students with juvenile court, they are almost four times as likely to be pushed out of school early.ⁱⁱ LAUSD already has a much more effective “positive behavior support” policy for handling student tardiness and truancy. On top of their ineffectiveness, curfew laws also impact school funding. Students who receive curfew tickets miss additional school—sometimes two or three days—to attend mandatory court hearings. Those missed days cause the schools themselves to lose critical Average Daily Attendance (ADA) funding.

Cardenas/Parks Motion puts education first by eliminating punitive fines and prioritizing student support. There are many reasons why students are late or absent, including delays with public transportation, family problems, school struggles, illness, or even the need to walk a little sister or brother to a different school with the same start time. The proposed amendments to the curfew law would go a long way to ensuring that students who are trying to get to class and graduate will be given support to do so and not become another statistic lost in the juvenile justice system. The amendments would

- eliminate the harsh fines,
- keep students out of the court system, and
- connect students to resources to help them deal with the root causes of their attendance problems.

Building on LAPD's directive. By issuing a directive in April to change how LAMC 45.05 is enforced, Chief Beck took an important first step toward a permanent solution for the serious civil rights harms and deficiencies of the curfew law. This motion completes the circle by amending the law itself and restoring the central role of teachers, parents and students—not police—in changing school culture to support student attendance.

We strongly urge the Los Angeles City Council to pass this motion.

Sincerely,

Barbara Lott-Holland and Ashley Franklin
Senior Organizers, Community Rights Campaign
Labor/Community Strategy Center

- cc: Mayor Antonio Villaraigosa, mayor@lacity.org, facsimile: (213) 978-0750
Los Angeles Police Department Chief Charlie Beck, contact.lapdonline@gmail.com
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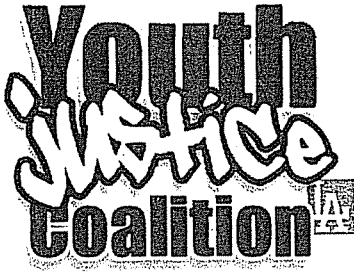
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City Council President Herb J. Wesson, Jr., Councilmember.wesson@lacity.org, facsimile:
(213) 485-982

ⁱ *Counterproductive and Wasteful: Los Angeles' Daytime Curfew Pushes Students Away from School and Diverts Resources Away From Real Community Safety.* ACLU of Southern California, Public Counsel, Community Rights Campaign. Feb 2012.

ⁱⁱ *Make Court the Last Resort: A New Focus for Supporting Families in Crisis.* Vera Institute of Justice. Dec 2008.



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November 26, 2011

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Facsimile: (213) 847-0549

Councilmember Bernard Parks

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Facsimile: 213-485-7683

Los Angeles City Council

200 North Spring Street

Los Angeles, CA 90012

Re: Strong Support for Motion to Amend LAMC 45.04

Dear Council Members Cárdenas and Parks:

We are writing in strong support of your motion to amend the "daytime curfew" law (LAMC Section 45.04), which has proved to be detrimental to students and their families and a failure in increasing community safety. On behalf of the entire membership of the Youth Justice Coalition, thank you for your leadership on this critically important issue.

As you know, the Youth Justice Coalition represents youth who have been directly involved in the juvenile and criminal court systems, detention and incarceration. For nearly all of us, our push into the system began with our push out of school. Truancy tickets, sweeps and the resulting disciplinary actions resulting from harsh and ineffective attendance policies have impacted hundreds of YJC members, and have led to crippling fines, inability of some youth to get driver's licenses, violation and lock-up for youth on Probation, and even drops in school attendance or leaving school all together to avoid further ticketing. As you know, policies that were intended to improve student success have actually discouraged youth from completing school and severely impacted their future higher education and employment opportunities.

Unbelievably, in all the experiences our members have had with curfew tickets, no one was ever asked by a police officer or school official why they were late. Common reasons include late or slow bus schedules, crowded buses that pass students by, having to take younger siblings to school, working late nights or early mornings to help support families, problems at home, a lack of safe passage to and from school that causes youth to deal with everything from bullying, theft and banging on their own, or alcohol or other substance abuse issues.

Particularly given the reasons that youth are late to school, the current daytime curfew law is ineffective, wasteful and unfairly targets all students and in particular students of color. The latest statistics reveal that police officers have issued more than 47,000 tickets between 2005 through 2009 with a disproportionate share going to African American and Latino students. Students who receive curfew tickets miss additional school, sometimes two or three days, to attend mandatory court hearings and the schools themselves lose critical Average Daily Attendance (ADA) funding for those missed days. Just as importantly, research unequivocally confirms that curfew statutes don't work – they do not reduce crime -

-- and when we involve students with juvenile court, they are almost four times as likely to be pushed.

The law hits families with low-incomes the hardest, forcing them to make hard choices to not pay for the basics – like food for the family – to pay the hefty fines of \$250 or more per ticket. As such, the undue financial hardship on thousands of families in the City of Los Angeles clearly points to the need for reform to amend LAMC 45.04.

We strongly urge the Los Angeles City Council to pass this motion.

Thank you for your attention to this matter. If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,

Kim McGill
Lead Organizer

Maritza Galvez
Youth Chairperson
Board of Directors

cc: Mayor Antonio Villaraigosa, mayor@lacity.org, facsimile: (213) 978-0750
Los Angeles Police Department Chief Charlie Beck, contact.lapdonline@gmail.com
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February 8, 2012

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200 North Spring Street
Los Angeles, CA 90012

(Sent via facsimile or email)

Re: Strong Support for Motion to Amend LAMC 45.04

Dear Council Members Cardenas and Parks:

We are writing in strong support of your motion to amend the "daytime curfew" law (LAMC Section 45.04) to stop students of color from being targeted with \$250 fines for being tardy or truant. LAMC 45.04 is one of the worst examples of punitive "zero tolerance" policies that criminalize students and create "pre-prison" conditions in our schools. On behalf of the Labor/Community Strategy Center Community Rights Campaign, we would like to thank you for your leadership on this critically important issue.

The Community Rights "No to Pre-Prisons" campaign seeks to reverse conditions that criminalize our youth, such as daytime curfew citations. In Problems of Los Angeles Municipal Code 45.04: Why Los Angeles Must Decriminalize Truancy, we detail the negative consequences of the enforcement of LAMC 45.04, consequences which would only be aggravated by this proposal. These include but are not limited to:

- discouraging students from going to school for fear of being ticketed
causing significant financial and emotional stress on students and families
creating a more hostile school environment for students

LAMC 45.05 targets students of color and their families. The latest statistics reveal that, under this curfew law, police officers have issued more than 47,000 tickets between 2005 through 2009. 82% of the tickets went to African American and Latino students, and 7% to white students. This law hits families with low-incomes the hardest, forcing them to make hard choices - like sacrificing food, or medical care - to pay the hefty fines of \$250 or more per ticket.

Studies show curfew laws are ineffective and wasteful. Research unequivocally confirms that curfew statutes don't work - they do not reduce crime. Studies also show that when we involve students with juvenile court, they are almost four times as likely to be pushed out of school early. LAUSD already has a much more effective "positive behavior support" policy for handling student tardiness and truancy. On top of their ineffectiveness, curfew laws also impact school funding. Students who receive curfew tickets miss additional school-sometimes two or three days-to attend mandatory court hearings. Those missed days cause the schools themselves to lose critical Average Daily Attendance (ADA) funding.

Cardenas/Parks Motion puts education first by eliminating punitive fines and prioritizing student support. There are many reasons why students are late or absent, including delays with public transportation, family problems, school struggles, illness, or even the need to walk a little sister or brother to a different school with the same start time. The proposed amendments to the curfew law would go a long way to ensuring that students who are trying to get to class and graduate will be given support to do so and not become another statistic lost in the juvenile justice system. The amendments would

- eliminate the harsh fines,
- keep students out of the court system, and
- connect students to resources to help them deal with the root causes of their attendance problems.

Building on LAPD's directive. By issuing a directive in April to change how LAMC 45.05 is enforced, Chief Beck took an important first step toward a permanent solution for the serious civil rights harms and deficiencies of the curfew law. This motion completes the circle by amending the law itself and restoring the central role of teachers, parents and students—not police—in changing school culture to support student attendance.

We strongly urge the Los Angeles City Council to pass this motion.

Sincerely,

Barbara Lott-Holland and Ashley Franklin
Senior Organizers, Community Rights Campaign
Labor/Community Strategy Center

cc: Mayor Antonio Villaraigosa, mayor@lacity.org, facsimile: (213) 978-0750
Los Angeles Police Department Chief Charlie Beck, contact.lapdonline@gmail.com
facsimile: (213) 486-0168
City Attorney Carmen A. Trutanich, ctrutanich@lacity.org, facsimile: (213) 978-8312
Councilmember Eric Garcetti, councilmember.garcetti@lacity.org,
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Councilmember Jan Perry, jan.perry@lacity.org, facsimile: (213)473-5946
Councilmember Dennis P. Zine, Councilmember.zine@lacity.org, facsimile: (213) 485-8988
Councilmember Richard Alarcon, Councilmember.alarcon@lacity.org,
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President Pro Tempore Ed Reyes, councilmember.reyes@lacity.org,
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Councilmember Bill Rosendahl, Councilman.rosendahl@lacity.org, facsimile: (310) 410-3946
City Council President Herb J. Wesson, Jr., Councilmember.wesson@lacity.org, facsimile:
(213) 485-982

¹ *Counterproductive and Wasteful: Los Angeles' Daytime Curfew Pushes Students Away from School and Diverts Resources Away From Real Community Safety.* ACLU of Southern California, Public Counsel, Community Rights Campaign. Feb 2012.

¹¹ *Make Court the Last Resort: A New Focus for Supporting Families in Crisis.* Vera Insitutute of Justice. Dec 2008.



September 23, 2009

Councilmember Tony Cardenas,
Los Angeles City Council District 6
200 N. Spring Street, Room 455
Los Angeles, CA 90012

Dear Councilmember Tony Cardenas,

We are writing to urge you to oppose the motion to amend the Los Angeles Municipal Code 45.04 to allow police officers to cite students for daytime curfew violations on public school grounds and on the first offense (LaBonge-Parks), currently in the Education and Neighborhoods Committee. We are very concerned with the negative impacts that expanding the jurisdiction of law enforcement to address issues of school discipline will have on our students and school communities. In fact, we believe the city should move towards reducing the scope of and eventually repealing this municipal code, and have been in communication with LAUSD Board members about this. The current move to expand LAMC 45.04 goes against sound educational policy, state education codes, and past LAUSD Board motions on equal protection. Furthermore, we believe there are serious legal implications of moving this motion forward in that it contradicts the LAUSD's policy of Positive Behavior Support and will cause racial and civil rights harms for students and families.

The Community Rights "No to Pre-Prisons" campaign seeks to reverse conditions that criminalize our youth, such as daytime curfew citations. In *Problems of Los Angeles Municipal Code 45.04: Why Los Angeles Must Decriminalize Truancy* (see attached), we detail the negative consequences of the enforcement of LAMC 45.04, consequences which would only be aggravated by this proposal. These include but are not limited to:

- discouraging students from going to school for fear of being ticketed
- causing significant financial and emotional stress on students and families

- creating a more hostile school environment for students

Furthermore, while the motion seeks to grant authority to officers to ticket on the first offense, through surveying over 1,400 students we have found that this is in fact already happening. Rather than seeking to expand LAMC 45.04, we want to work with LAUSD and LA City Council to place a moratorium on tardy and truancy tickets, while working to repeal it, and instead invest in service-oriented and student-centered alternatives that do *not* involve the criminal legal system.

Numerous studies have shown that "zero tolerance" policies unfairly target students of color, and that the increasing reliance on school police to handle discipline issues creates an adversarial environment that pushes students out of school, particularly students already at risk. We believe the proposal to amend LAMC 45.04 will only serve to further aggravate this. Moreover, in that 91% of LAUSD students are students of color—10% Black, 74% Latino—there are significant racial and civil rights harms caused by this proposed amendment and the municipal code itself.

California Education Code Section 48320 seeks to *divert* students with school attendance or behavior problems from the juvenile justice system. The current enforcement of LAMC 45.04 counters this as it sends students directly to the court, a problem that would only be made worse by expanding the ability of officers to cite students on campus.

We also believe the proposal to amend LAMC 45.04 is in direct contradiction to the district's Discipline Foundation Policy: School-Wide Positive Behavior Support passed in March 2007. One of the primary goals under PBS is to implement discipline policies that are non-punitive and non-exclusionary. Yet, increasing the power of officers to ticket is both punitive and exclusionary as it mandates students to miss a day of school to appear in court.

Finally, a "*review and evaluation of current school police policies, practices, and training related to the equitable treatment of students*" was proposed and unanimously passed in the Equal Protection and Civil Rights for all Students in the Los Angeles Unified School District resolution presented for action November 13, 2007. Given that this review of school police practices has not yet been presented, we find it very concerning that officers could be given more authority to stop and cite.

Again, we urge you to oppose the motion to expand Los Angeles Municipal Code 45.04 and hope to meet with you to discuss this further.

Please contact Manuel Criollo at (213) 387-2800 for questions. Thank you for your attention and we look forward to working with you.

Sincerely,

Damon Azali-Rojas and Manuel Criollo
Senior Organizers, Community Rights Campaign
Labor/Community Strategy Center



June 11, 2010

Councilmember Greig Smith, Chair
Councilmember Tony Cardenas
Councilmember Jan Perry
Councilmember Ed P. Reyes
Councilmember Dennis P. Zine

Los Angeles City Council
Public Safety Committee ("Committee")
200 North Spring Street
Los Angeles, CA 90012

Re: LAPD Report (April 29, 2010) on City Council Motion Relative to Truancy ("Truancy Report" or "Report")

To the Honorable Members of the Committee:

The Strategy Center's Community Rights "No to Pre-Prison" Campaign ("Campaign") submits these public comments in response to the Los Angeles Police Department ("Department") Truancy Report presented to the Board of Police Commissioners on May 4, 2010. We are asking the Public Safety Committee to take the following action: require the Department to provide additional information in order to properly analyze implementation and outcomes of enforcing the daytime curfew law including preliminary indicators that enforcement results in disproportionate impacts on students of color from lower income communities and public schools.

The Community Rights Campaign is working to deter the criminalization of student conduct that occurs through the use of zero tolerance policies and the increased use of law enforcement in response to various educational issues including truancy and tardiness. The use of daytime curfew citations for truancy and tardiness is an exclusionary form of discipline that contributes to a hostile school climate and can create contentious relationships between the school and the families and communities they serve. Students and families are left feeling alienated rather than aligned with their school having the effect of ultimately undermining the goal of promoting student attendance. The Campaign has completed an in depth survey of over 1400 LAUSD students and parents and has conducted extensive research on the problems of the Los Angeles daytime curfew law that supports our conclusion that citing students not only counters previous LAUSD Board Motions on Equal Protection, Civil Rights and Positive Behavior Support but has significant legal implications for the educational and civil rights of public school students and particularly students of color.¹

¹ For a detailed discussion on the problem of the L.A. daytime curfew law please see Community Rights Campaign, *End the Tickets: Alternatives for Youth Campaign* (October 2009). Attached herein as Attachment 1 for your convenience.

Over the course of the 2009 school year, we have worked closely with many students and families affected by morning truancy sweeps conducted by the LAPD in and around their schools. A primary example is what has occurred at Roosevelt High School on a monthly basis throughout the entire school year. After receiving detailed and numerous accounts of students stopped in front of the school immediately following the morning bell and detained for long periods of class time before cited on school grounds, the Campaign and allies initiated negotiations with the Partnership for Los Angeles Schools to seek alternatives that could promote student attendance without criminalizing tardiness.² We are hopeful that these negotiations, still in process, will result in an end to the excessive use of law enforcement in response to student tardiness and truancy.

The Campaign has also worked with LASPD Interim Chief Mike Bowman on the use of daytime curfew citations on school grounds. In many respects, Chief Bowman has expressed a position on the role of LASPD that is consistent with the Campaign's including that law enforcement is generally not the appropriate response to educational issues that can be handled by the school in collaboration with parents and the communities they serve. Chief Bowman has initiated progress on the curtailing of daytime curfew citations by issuing a directive to LASPD officers not to cite students for truancy.

Although progress has been made, there is still much to do to ensure the protection of students' rights. We believe this Committee can assist by completing a close examination of the data presented in the Department's Truancy Report.

The Campaign's preliminary analyses of the data indicates that the law is not being enforced impartially - in poor and wealthy communities alike, for public and private school students citywide, and to White, Black and Latino students without bias. Given the seriousness of what these outcomes suggest, we urge the City to reevaluate application of the curfew restrictions and in the immediate to seek a moratorium on enforcement until a proper analysis is completed.

The Campaign's preliminary analyses includes the following troubling results:

- *The total tickets by race in the Truancy Report reveals that Black students are twice as likely than the overall population of school age youth in the City of L.A. to be cited for a daytime curfew violation.*³
- *In contrast, White students are less than half as likely to receive a ticket.*⁴

² Many students from Roosevelt have additionally reported lengthy detentions in the police car before even being brought to school while the police stop additional students. In some instances students have been subject to backpack searches, frisks or pat downs, handcuffs and fingerprinting by the police all in direct relation to the alleged daytime curfew violation.

³ According to the U.S. Census, 2006-2008 American Community Survey 3-Year Estimates, there are approximately 656,085 youth ages 5-17 in the City of L.A. Based on the total number of tickets from 2005-2009 of 31,951, approximately 5% of the youth population of L.A. City received tickets however almost 10% of the Black youth population in L.A. of approximately 64,500 represent ticket recipients.

⁴ According to the U.S. Census, 2006-2008 American Community Survey 3-Year Estimates, there are approximately 114,771 White youth ages 5-17 in the City of L.A. yet they represent less than 2% of the total ticket recipients.

- *The highest numbers of tickets by geographic location appear to be concentrated in parts of East L.A. and South L.A.*⁵
- *Although Hispanics represent 74% of the LAUSD enrollment, they are only approximately 64% of the overall population of the City of Los Angeles youth ages 5 -17 according to current U.S. Census data however the Truancy Report reveals that Hispanic youth received 85% of the citations in the 2008-2009 school year.*
- *An additional 716 tickets not covered in the Truancy Report were issued in the remaining 7 weeks of 2009 and 90% of those recipients were Hispanic.*⁶

We believe our preliminary assessment may reflect a current practice in the enforcement of the daytime curfew that raises significant legal implications. The police do not have the authority, nor should they, to implement the daytime curfew to simply regulate student attendance.⁷ Despite this constitutional restriction, the police are issuing “tardy tickets” under the curfew restrictions to students as they arrive to school often regardless of the individual student’s intent or circumstances. A “tardy ticket” clearly puts those students with police in and around their schools at a much greater risk. The outcomes suggest that schools in communities with high concentrations of students of color are subject to more intense enforcement under this practice and that public schools are the primary targets.

In assessing the overall impacts of daytime curfew enforcement, the Committee should also take into account approximately 13,000 additional tickets that were issued by the Los Angeles School Police Department (“LASPD”) during the time period covered in the Truancy Report and any citations issued by the Los Angeles County Sheriff’s Department. Despite the frequent use of citations throughout 2004-2009, LASPD Interim Chief Bowman has wisely reassessed the effectiveness of issuing tickets to students on campus. We strongly support his current directive to LASPD officers not to cite students for truancy.

The daytime curfew restrictions must apply to all youth in the City of Los Angeles to be constitutional. The LAUSD student body demographics are not a representative sample of the City of Los Angeles’ youth under 18 years of age nor is all of LAUSD subject to Los Angeles Municipal Code 45.04 (“LAMC 45.04”). The disproportionate impact of enforcement of daytime curfew on students of color was not addressed meaningfully in the Truancy Report. In light of the serious concerns raised by the Community Rights Campaign, we again ask this Committee to seek a moratorium on the enforcement of LAMC 45.04 in order to complete a comprehensive evaluation of the outcomes and legal implications of current practices.

To further this goal we urge the Committee to seek and evaluate additional information including but not limited to the following for the specific reasons indicated:

⁵ See Attachment 2, LAPD Map of LAMC 45.04 Day-Time Curfew Citations 2004-2009.

⁶ Based on data received in response to a public records act request by the Strategy Center from LAPD.

⁷ See Attachment 3, Los Angeles Office of the City Attorney’s July 18, 2008 memo addressing constitutional implications of the juvenile curfew law.

(1) A description of what constitutes a “truancy/curfew task force” as referenced in the Department’s Truancy Report;

(2) A detailed description of the process of implementation of a “truancy/curfew task force” including but not limited to who determines when and where they will take place, the basis and criteria used for such a determination, and the level of coordination with individual schools and LAUSD;

(3) Data specific to each and all “truancy/curfew task force” for the years 2005-2009 including but not limited to the locations, timeframes, frequencies, name and type of school and/or district involvement and the total students cited for each “truancy/curfew task force” disaggregated by year, gender, age and race;

Students, parents and teachers continue to report to the Community Rights Campaign ongoing truancy sweeps at their schools where LAPD stops multiple students on a given morning right in front and adjacent to their schools. Most students report being transported to a “processing center” either on campus or further away where they wait to be ticketed along with many other students. Many students report frisks and searches. Additionally, students report that officers ask them why they were late indicating that they reasonably believed that the student intended to attend school. Although the Department suggests that the total number of tickets in 2009 decreased in part as a result of scaling back on the “truancy/curfew task forces,” it is not clear from the Report what LAPD considers a “task force.” Since we know that tardy sweeps are occurring, it would be useful to understand whether there is a distinction between what is being reported and what LAPD considers a “truancy/curfew task force.”

Furthermore, we believe this Committee has a responsibility to evaluate indicators that the daytime curfew law may be arbitrarily applied in and around certain schools. Enforcement practices for the law should be comprehensively assessed for all of the reasons contained in these public comments including but not limited to disproportionate impacts on students of color and the imposition of “tardy tickets.”

(4) A copy of the Department Policy referenced in the Truancy Report regarding officer requirements to “confirm information that might exonerate a potential violator” for each student case-by-case;

The Department suggests that additional requirements of the citing officer have been implemented since October 2008. The Campaign continues to receive reports of students cited without inquiry by the citing officer regarding their individual circumstances pursuant to LAMC 45.04 (c). In some instances, students have been cited without consulting the school when they are not even allowed on campus due to school policy and their personal schedule. There are also cases where the officers that initially detain students on suspicion of a violation do not even write the citation, for instance, when the student is transported and dropped at a “processing center.” In such cases, if the student were to challenge the ticket, the citing officer will appear in court without personal knowledge of the alleged violation and the student would miss at least 2 additional mornings of school for arraignment and trial.

We believe this Committee has a responsibility to assess whether the Department Policy referenced in the Truancy Report is being implemented consistently and monitored for compliance.

(5) Information and data on services offered to students and students that have received or engaged in services through the Department or through GRYD for the years 2005-2009; and

(6) A copy of the MOA between Department and LAUSD referenced in the Truancy Report, the date of discontinuance, and any and all data and analyses collected under the MOA.

We believe this Committee has a responsibility to seek and evaluate information and data regarding the purported justification for enforcing the daytime curfew.

The Community Rights Campaign continues to raise significant and unresolved issues related to the daytime curfew tickets and the impact of disproportionate police contact for low-income communities of color for what is ultimately an educational issue. We are hopeful that this Committee recognizes the value in requiring a deeper analysis of this issue.

We are available at anytime to provide information and assistance to this Committee regarding our request. For questions, please contact Manuel Criollo at 213-387-2800.

Sincerely,

Manuel Criollo
Lead Organizer

Zoe Rawson
Attorney/Community Advocate

Cc: Los Angeles Board of Police Commissioners

Board of Education
Los Angeles Unified School District