

**CITY OF EL PASO, TEXAS  
AGENDA ITEM  
DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Police

**AGENDA DATE:** August 30, 2011

**CONTACT PERSON NAME AND PHONE NUMBER:** Assistant Chief Michelle Gardner / 564-7301

**DISTRICT(S) AFFECTED:**

**SUBJECT:**

Public Hearing to take comment on the need to continue the City of El Paso's juvenile curfew ordinance, Sections 10.20.010 through 10.20.054, of the City Code, as required by Section 370.002, Texas Local Govt Code, and review, discussion and action by the City Council concerning the ordinance.

**BACKGROUND / DISCUSSION:**

In or about 1996, the City Council adopted a curfew ordinance. *See Chapter 10.20 et. seq.*, El Paso City Code. Pursuant to said ordinance and the Texas Local Government Code, said curfew must be reviewed every three (3) years by City Council to determine if the curfew ordinance accomplishes its intended purpose. The review of the ordinance shall focus on the effects of juvenile curfew on the community and on the problems the ordinance was intended to remedy. The curfew report prepared by the Police Department outlines enforcement statistics and juvenile crime statistics. The report recommends continuation of the ordinance without modification.

**PRIOR COUNCIL ACTION:**

City Counsel reviewed and signed the juvenile curfew ordinance on August 26, 2008 with Assistant City Attorney Jennifer F. Callan approving as to form.

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer? N/A

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**BOARD / COMMISSION ACTION:** N/A

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**DEPARTMENT HEAD:**

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**RESOLUTION**

**WHEREAS**, the City Council adopted a juvenile curfew ordinance in or about 1996; and

**WHEREAS**, Texas Local Government Code Section 370.002 requires home-rule municipalities to review their juvenile curfew ordinances every three years to determine the effects on the community and on problems the ordinance was intended to remedy; and

**WHEREAS**, the City Council conducted its last review of the City's juvenile curfew ordinance in or about August 2008 and voted to continue said ordinance; and

**WHEREAS**, City Council must review the juvenile curfew ordinance in August 2011 in accordance with the Texas Local Government Code;

**WHEREAS**, the City Council has taken public comment at a public hearing held on August 30, 2011, regarding the continued need for the juvenile curfew ordinance.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

- (1) That the City Council has reviewed the effects of the City's juvenile curfew ordinance, Sections 10.20.010 through 10.20.054 of the City Code, on the community and its effect on juveniles, crime and crime victims, in accordance with the Texas Local Government Code.
- (2) That the City Council approves the report presented by the El Paso Police Department regarding the effects of the curfew and its impact on juveniles, crime and crime victims.
- (3) That the City Council finds that the juvenile curfew ordinance should continue in its present form.

Adopted this 30th day of August 2011.

CITY OF EL PASO

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John F. Cook  
Mayor

ATTEST:

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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

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John Batoon  
Assistant City Attorney

TEX LG. CODE ANN. § 370.002 : Texas Statutes - Section 370.002: REVIEW OF JUVENILE CURFEW ORDER OR ORDINANCE

(a) Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

(1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;

(2) conduct public hearings on the need to continue the ordinance or order; and

(3) abolish, continue, or modify the ordinance or order.

(b) Failure to act in accordance with Subsections (a)(1)-(3) shall cause the ordinance or order to expire.

Added by Acts 1995, 74th Leg., ch. 262, Sec. 96, eff. May 31, 1995.

SERVICE SOLUTIONS SUCCESS



**City of El Paso, Texas**  
**Juvenile Curfew Ordinance Review**



**El Paso Police Department**  
**August 2011**

*Chief Gregory K. Allen*

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## PURPOSE

- **The City of El Paso established a curfew ordinance in October 1997.**
  
- **Every third year City Council shall:**
  - **Review the ordinance's effect on the community and on the problems the ordinance was intended to remedy;**
  
  - **Conduct public hearings on the need to continue the ordinance; and**
  
  - **Abolish, continue or modify the ordinance.**
  
- **Failure by the City Council to act shall cause the ordinance to expire.**

• *Source: Local Government Code § 370.002*



## OVERVIEW

- **The ordinance is well written and meets the needs of the community and the Department.**
  
- **The ordinance has addressed the areas for which it was intended and is:**
  - **An effective strategy that reduces victimization;**
  
  - **An effective tool used to investigate criminal activity by juvenile offenders; and**
  
  - **Cost effective to employ and enforce.**



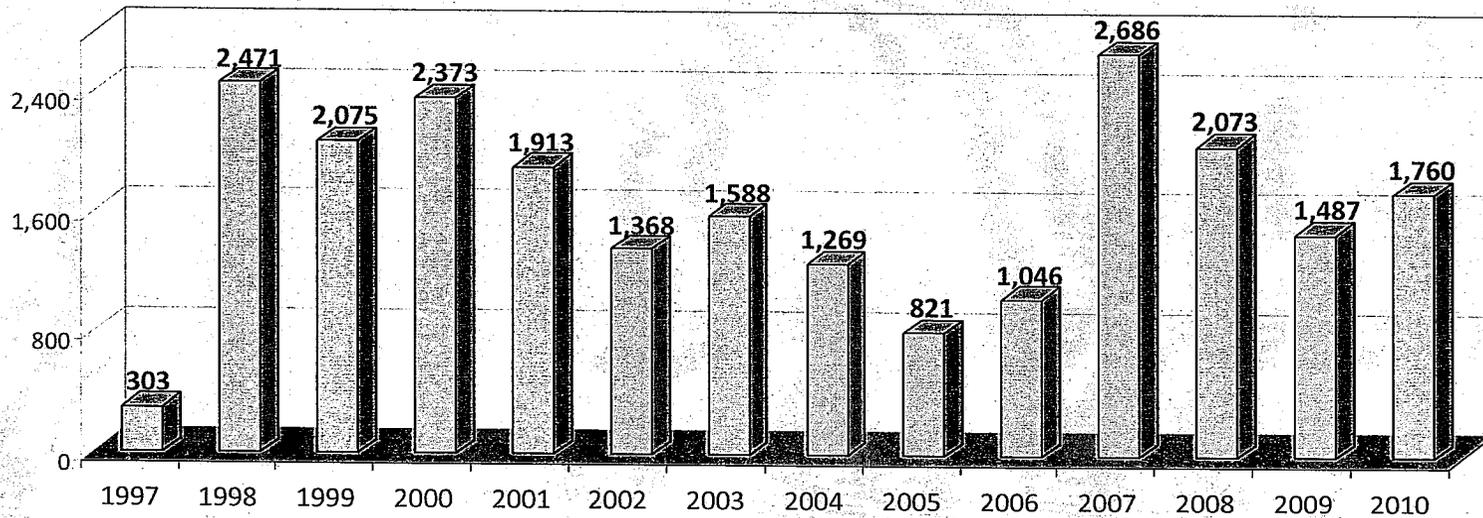
## **CURFEW ORDINANCE HIGHLIGHTS**

- **Curfew Ordinance applies to juveniles ages 10 to 16.**
  - **The curfew hours are between 11:00 p.m. and 6:00 a.m. each day.**
  - **The time observed by 911 Communications shall be prima facie evidence of the true and correct time.**
- El Paso City Ordinance 10.20.010 Curfew Definitions*



# CURFEW HISTORY

Annual Curfew Citations 1997-2010





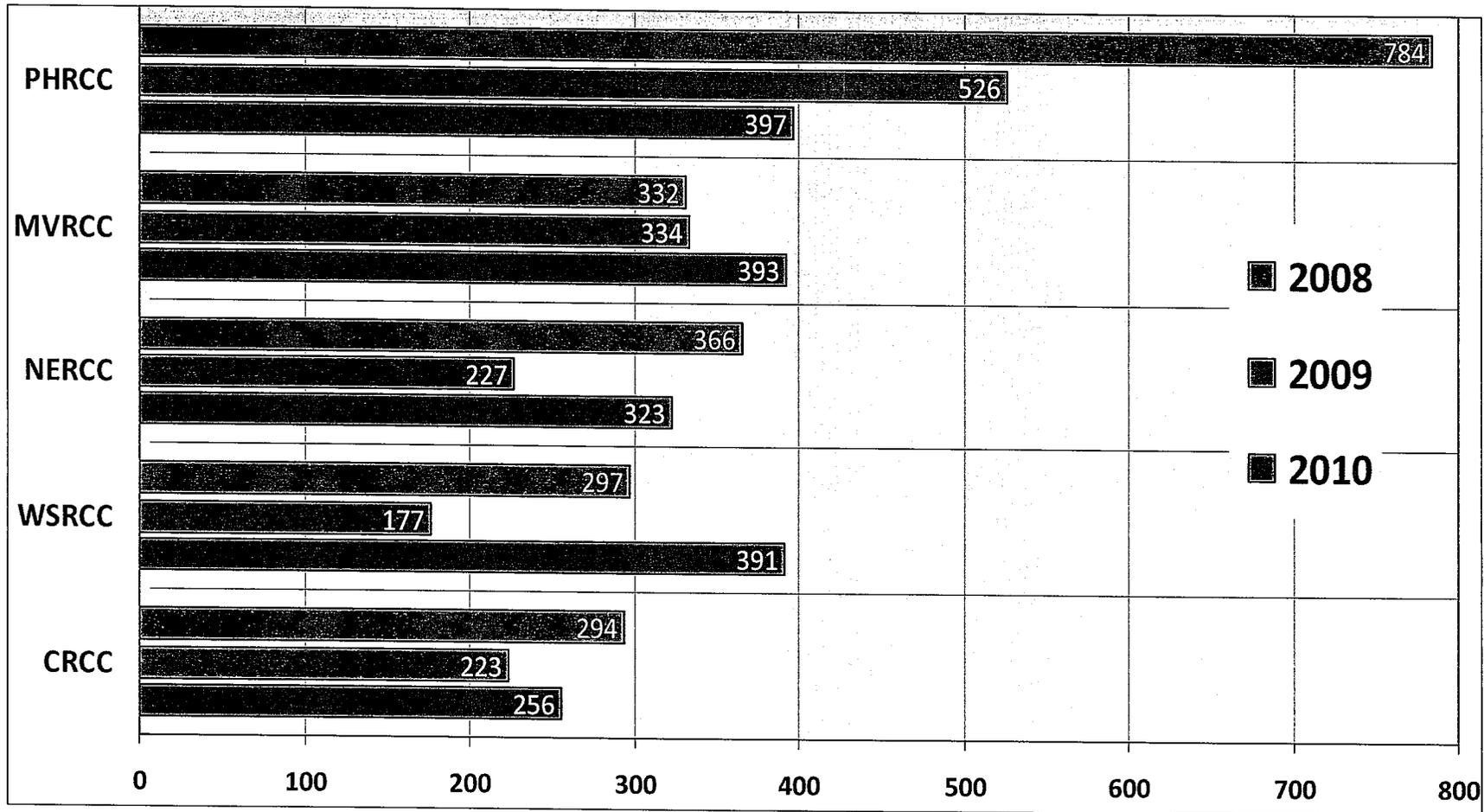
# **CURFEW ENFORCEMENT**

## **➤ Citations Issued between 2008 – 2010:**

- 2,073 citations issued in calendar year 2008.**
- 1,487 citations issued in calendar year 2009.**
- 1,760 citations issued in calendar year 2010.**

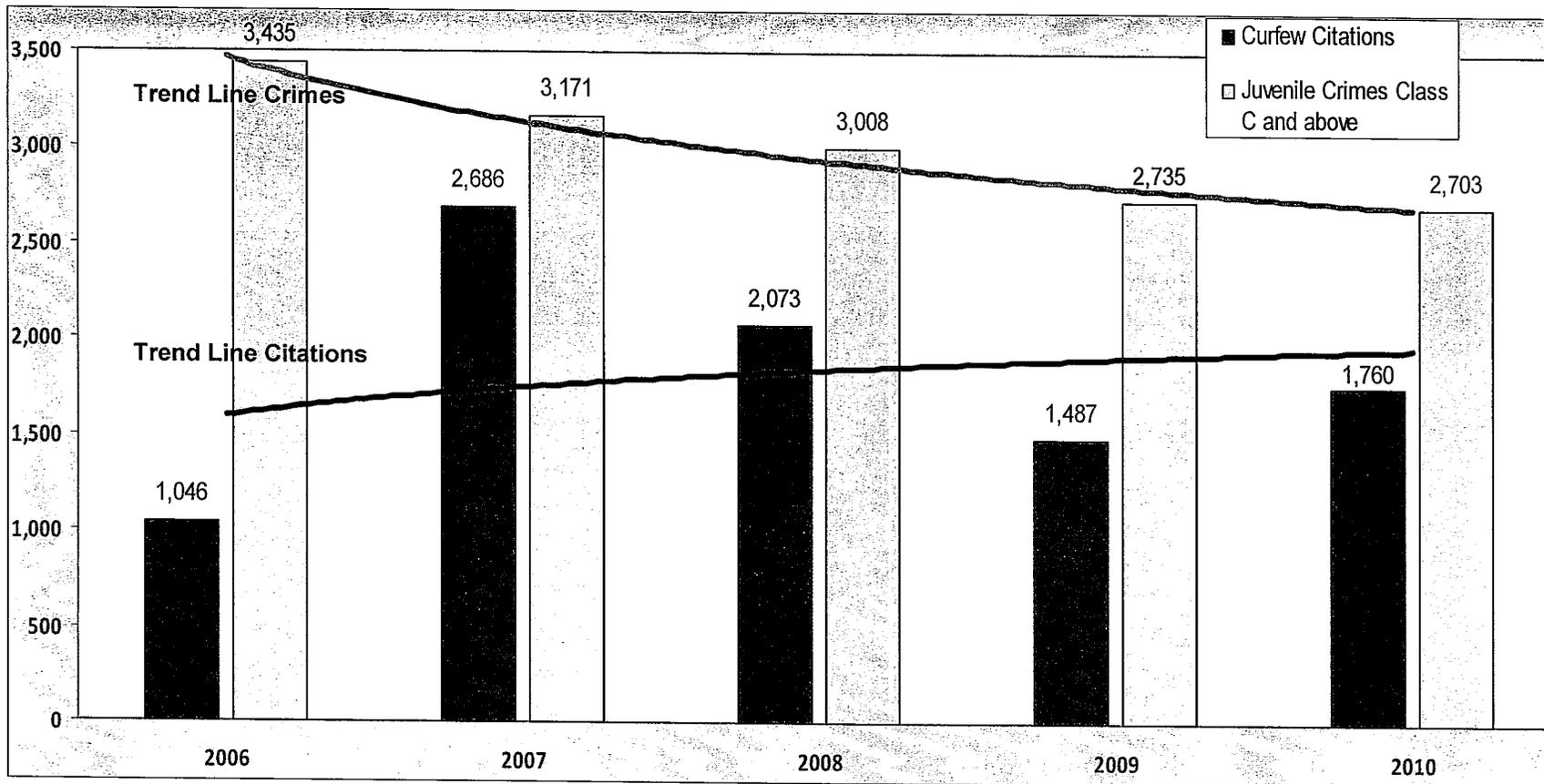


# COMMAND COMPARISONS





# JUVENILE CASE TRENDS VERSUS CURFEW CITATIONS





# THE ORDINANCE AS A TOOL

- **The ordinance is employed as a crime prevention tool for law enforcement officers.**
- **The curfew provides an investigative tool that helps in the analysis of developing crime trends and patterns.**
- **Overall juvenile crime shows a downward trend during the past 5 years of consistent enforcement.**



## CONCLUSIONS AND RECOMMENDATIONS

- Even as the general population has increased in the last 5 years there is an overall reduction of incidents involving juvenile crime. This is, in large part, attributed to the curfew ordinance and the enforcement of the ordinance.
- The curfew ordinance serves as an early intervention program that addresses risk factors and strengthens our community's families.
- The El Paso Police Department recommends renewal of the curfew ordinance and continued enforcement.

S E R V I C E   S O L U T I O N S   S U C C E S S



# Questions and Answers