

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,

- * 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.