

Austin Police Department

Juvenile Curfew Report: 2008-10



Prepared by the Austin Police Department
Planning Unit
April 15, 2011

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Introduction

Background

In May 1990, the City of Austin instituted a Juvenile Curfew Ordinance in an attempt to address a rising juvenile crime rate. According to state law, the ordinance will expire unless it is reviewed and readopted every three years. Since 1990, it has been amended several times to make changes in the curfew areas and hours. The ordinance was last reviewed and renewed on June 18, 2008.

Scope

This report presents the most recent data regarding juvenile crime and victimization patterns, including arrests, victims, and violations of the curfew ordinance. Data are presented citywide as well as for the Downtown Entertainment Curfew District. Sources include:

- APD: arrests, victims, and curfew violations issued by APD officers
- FBI Uniform Crime Reports: national juvenile arrest data
- AISD: curfew violations issued by AISD police officers

Data are reported according to FBI Uniform Crime Reporting (UCR) standards, which identify seven “Part I Index Crimes,” based on their seriousness and frequency. Each crime is defined, including how incidents are counted, and grouped into two categories:

Violent crimes

Murder (number of victims)
Rape (number of victims)
Robbery (number of offenses)
Aggravated Assault (number of victims)

Property crimes

Burglary (number of premises entered)
Theft (number of offenses)
Auto Theft (number of vehicles)

Current Ordinance

The juvenile curfew ordinance currently resides in the Austin City Code, Title 9, Prohibited Activities, Chapter 9-3, Non-Emergency Curfews.

The ordinance sets curfew hours for minors (under 17 years) in two geographic areas:

- Citywide
- Downtown Entertainment District

Area	Night Curfew	Day Curfew
Citywide	11:00 pm – 6:00 am (Sun – Thurs)	9:00 am – 2:30 pm (Mon – Fri when school is in session)
	Midnight – 6:00 am (Fri – Sat)	
Downtown Entertainment District	11:00 pm – 6:00 am (Sun – Sat)	

Key Findings

This report contains the following noteworthy results:

- **Juvenile arrests as a proportion of all arrests declined** from 12% before the ordinance was passed (1987-89) to 5% most recently (2008-10).
- **Juvenile arrests as a proportion of juvenile population dropped** from 11% before the ordinance was passed (1987-89) to 7% most recently (2008-10).
- **During 2008-10, most juvenile Part I arrests (91%) were for property offenses.** This pattern is stable from 2005-07. Curfew violations, drug and alcohol offenses, and simple assaults were the most frequent Part II arrests, comprising 61% of Part II juvenile arrests.
- **Juveniles represented 5.7% of all crime victims** during 2008-10, down slightly from 6.5% during 2005-07. Juveniles are more likely to be victims of Part II crimes (e.g., simple assault) than to be victims of more serious Part I crimes: 89% of juvenile victims were involved in Part II crimes, as compared with 57% for victims of all ages.
- **APD issued 65% of its curfew citations during school hours.** AISD (Austin Independent School District) also issues curfew citations, 100% during school hours.
- The number of juvenile **curfew citations issued by both agencies dropped from 2005-07 to 2008-10**; APD's citations fell 37% and AISD's citations fell 15%.
- Juvenile crime in the **Downtown Entertainment District** mirrors citywide crime: most **arrests** occurred outside school hours (93% downtown vs. 70% citywide) and most **victimization** occurred outside school hours (91% downtown vs. 84% citywide).
- During 2005-10, **80% of juvenile curfew violators were one-time offenders**, 13% (964 juveniles) were two-time offenders, and 7% (507 juveniles) violated the curfew three or more times.

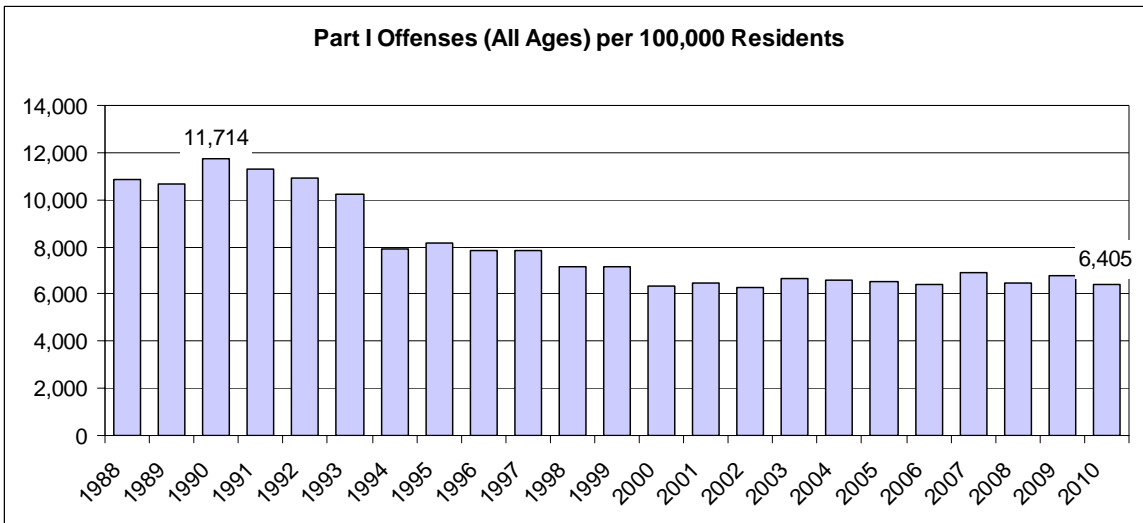
Recommendations

Based on crime trends and input from APD patrol officers and other partners (Municipal Court, Austin Independent School District), the following recommendations are made:

1. Renew the juvenile curfew ordinance. Both feedback and data support the usefulness of the curfew in preventing juvenile crime.
2. Standardize the curfew citywide. By eliminating variations in curfew hours (by day of week, by geography) a standard curfew citywide should allow for its broader use.

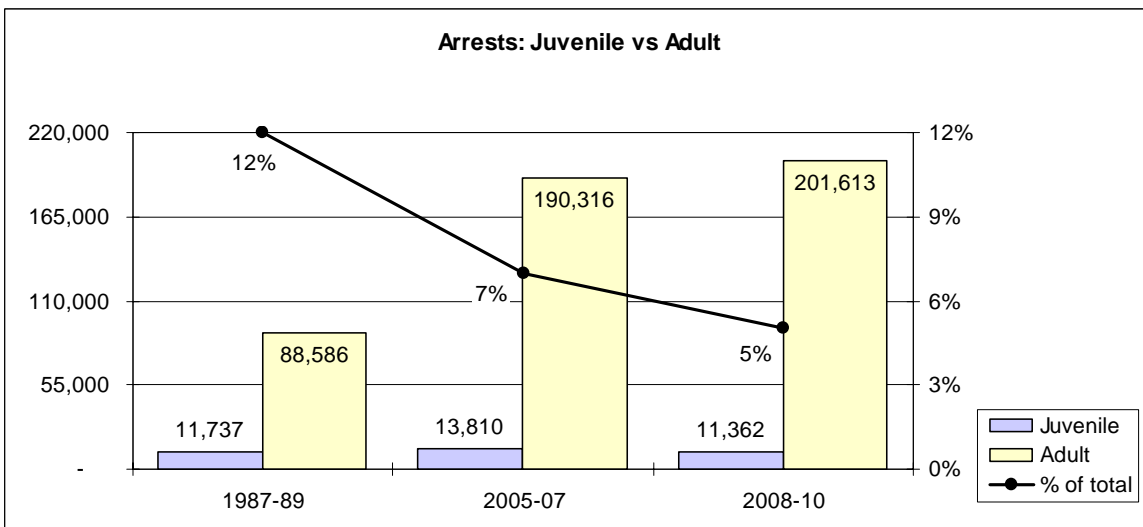
Overall Crime Trends

Around the time that the Juvenile Curfew Ordinance was instituted (May 1990), Austin saw a peak in overall crime, as well as a rising juvenile crime trend. In 1990, there were 54,543 Part I crimes committed by offenders of all ages, or a rate of 11,714 crimes per 100,000 residents. The crime rate has decreased 45% since then, and has remained relatively stable since 2000.

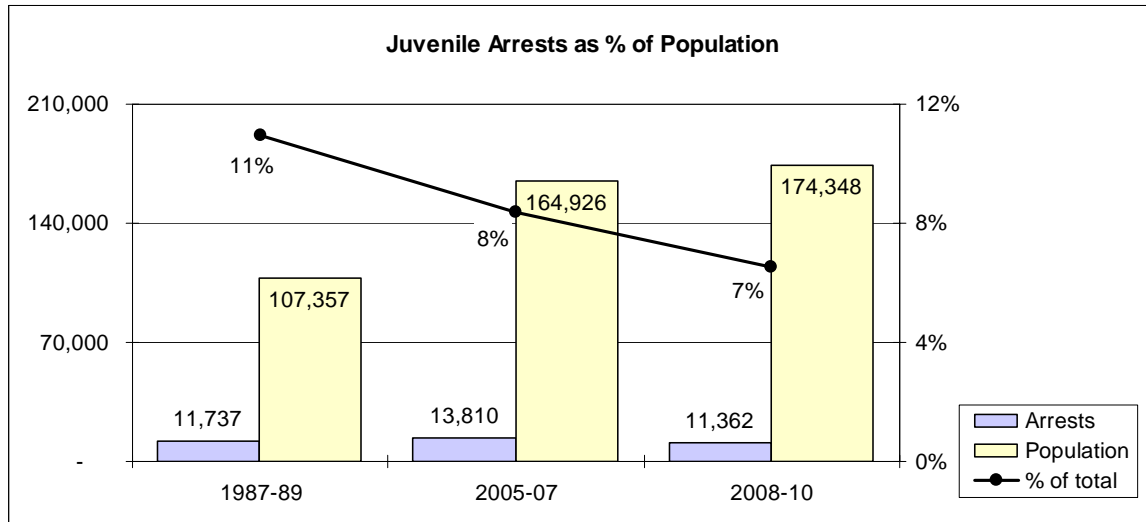


Arrests

Although the number of juvenile arrests has fluctuated over time, juvenile arrests as a proportion of arrests of all ages has dropped. During 2008-10, juvenile arrests comprised 5% of total arrests. This is down from both the prior period (2005-07) when juveniles made up 7% of total arrests, and more significantly from the period before the ordinance went into effect (1987-89). At that time, juvenile arrests represented 12% of all arrests.

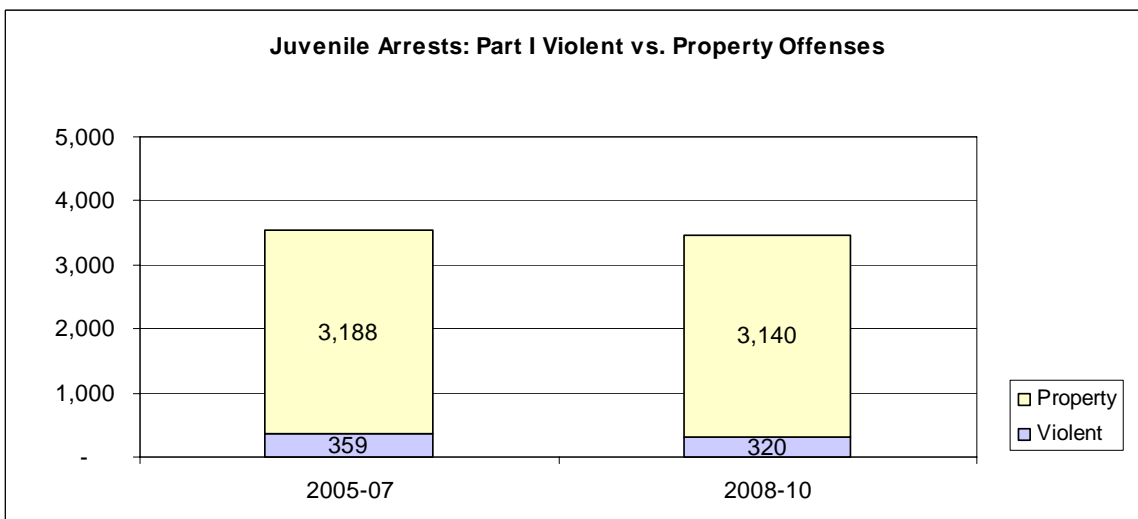


Nationally, juveniles represented about 10% of arrests of all ages during 2009 (the most recent data available; source: FBI Uniform Crime Reports). In Austin, juvenile arrests as a percentage of the juvenile population decreased from 11% immediately before the ordinance was implemented in 1990, to 7% in 2008-10.



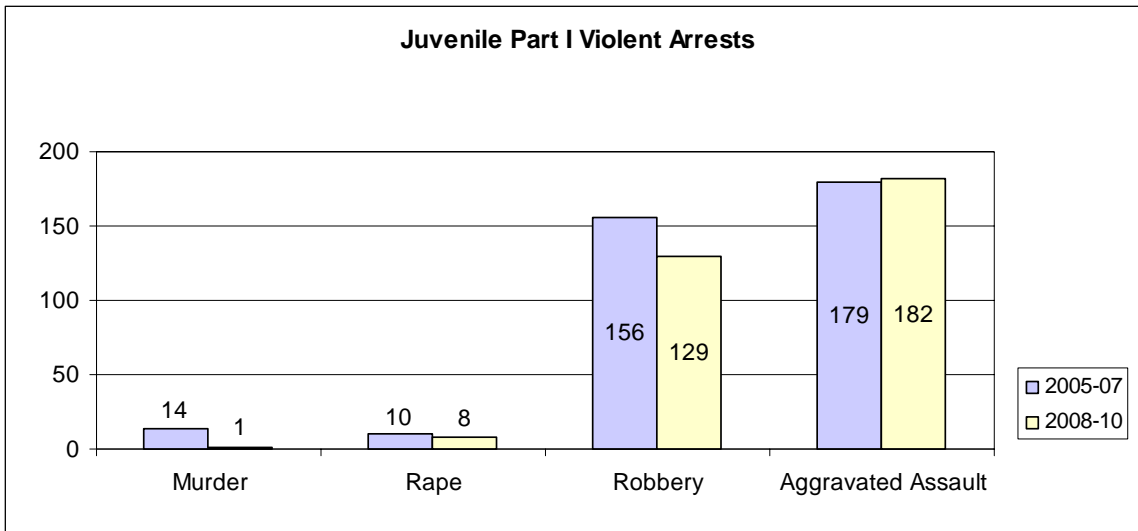
Focusing on Part I offenses, juvenile arrests during 2008-10 consisted of 9% violent crimes (murder, rape, aggravated assault, robbery) and 91% property offenses (theft, auto theft, and burglary). These proportions were similar during 2005-07 (10% violent, 90% property).

Arrests for all ages during 2008-10 comprised 20% violent offenses and 80% property offenses.



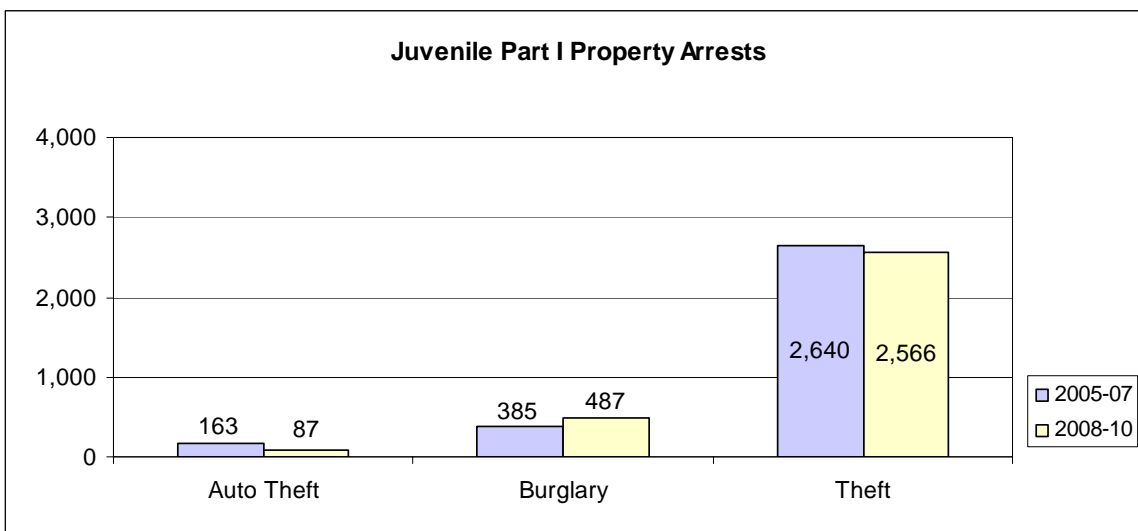
Of the 2008-10 violent offenses, the vast majority of juvenile arrests were for aggravated assaults (57%) and robberies (40%). This pattern was similar during 2005-07, with aggravated assaults representing 50% of violent arrests and robberies representing 43%.

Violent offense arrests for all ages during 2008-10 consisted of 67% aggravated assaults and 27% robberies.

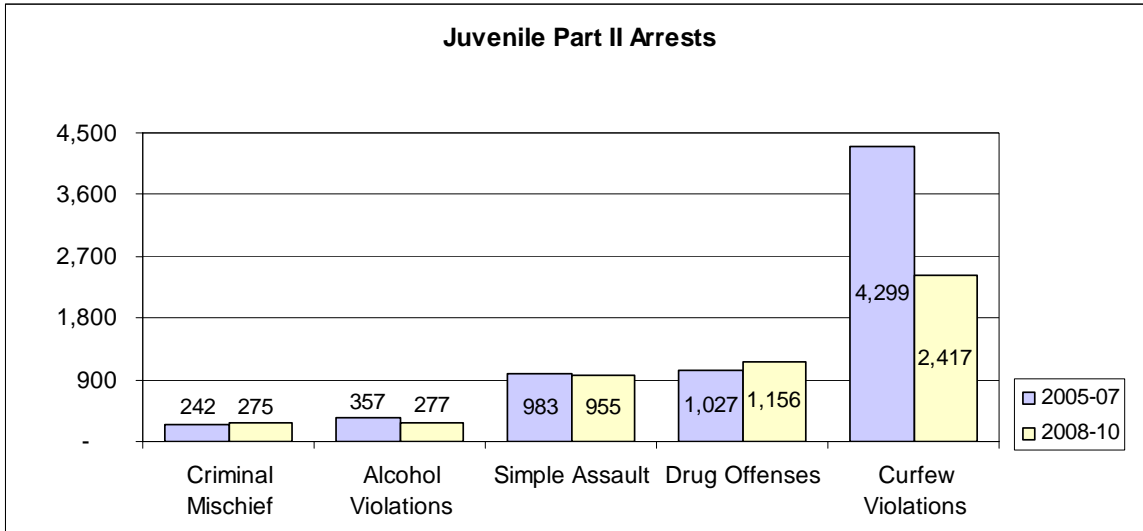


Of the 2008-10 property offenses, most juvenile arrests were for theft (82%), which is consistent with the pattern for 2005-07, when thefts represented 83% of juvenile arrests for property offenses. During 2008-10, thefts represented 84% of property offense arrests for all ages.

And though juvenile burglaries have increased from 385 in 2005-07 to 487 in 2008-10, juvenile burglaries as a percent of total burglaries (20%) has remained stable over time.

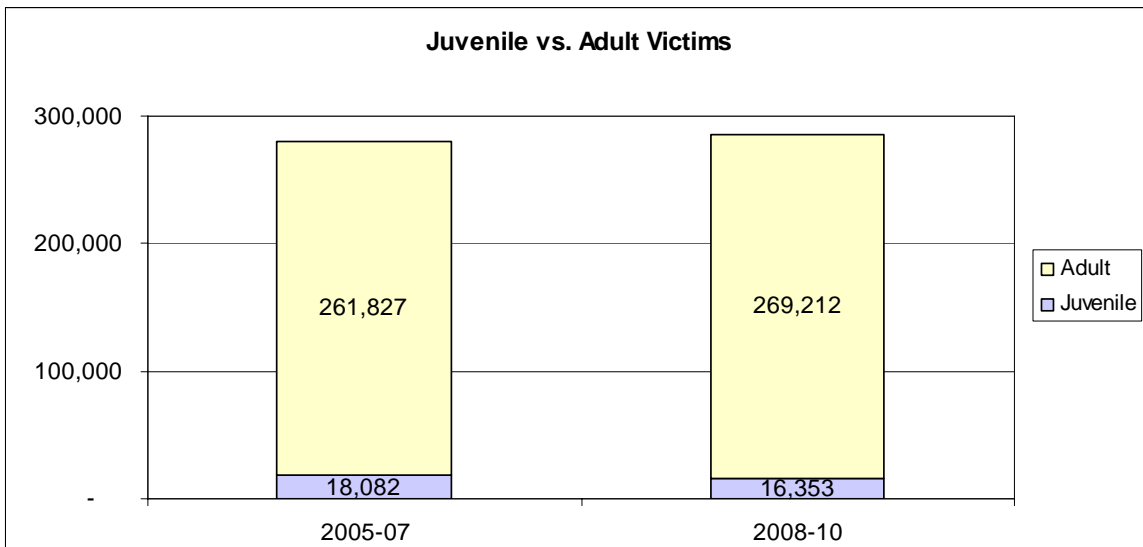


Of Part II (generally less-serious) offenses in 2008-10, the most frequent juvenile arrests were for curfew violations (33%), followed by drug offenses (16%) and simple assaults (13%). This pattern was similar during 2005-07, when the proportions were 44%, 10%, and 10% respectively.

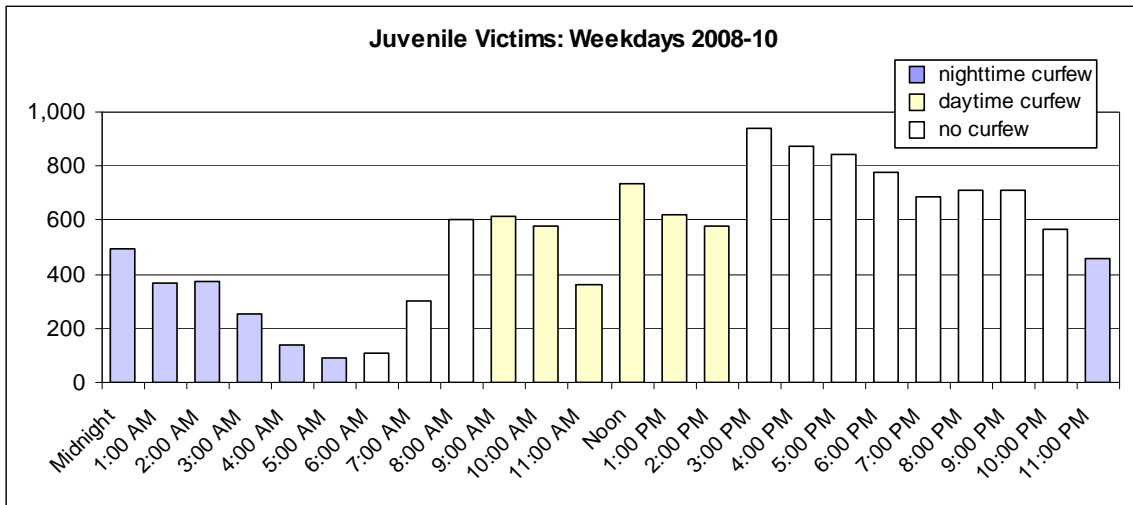


Victims

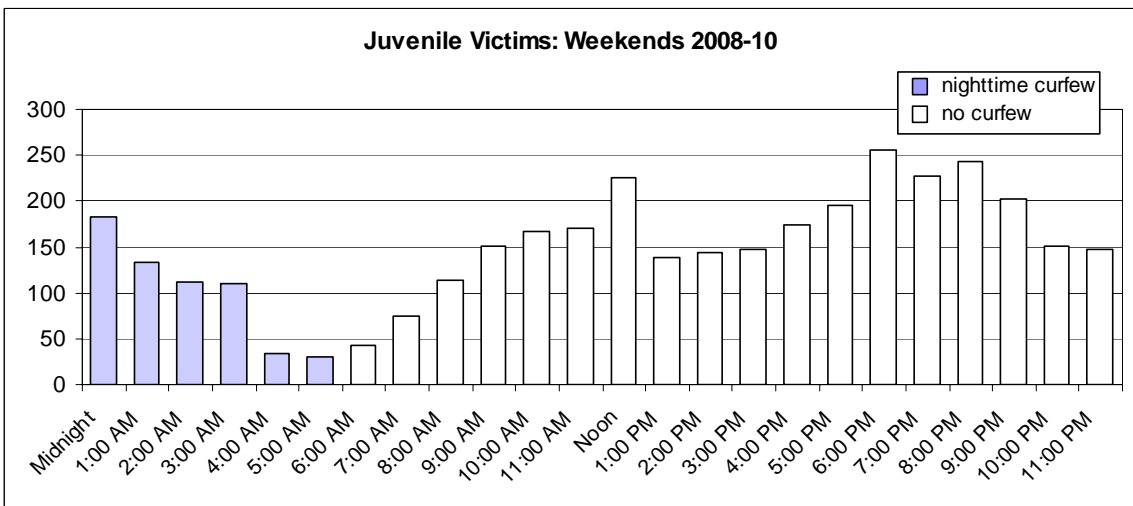
During 2008-10, juveniles represented 5.7% of all victims of crime. This percentage dropped slightly from the rate of 6.5% during 2005-07.



During the week, juveniles are most likely to be victimized between 3:00 and 7:00 p.m., the hours immediately after school.



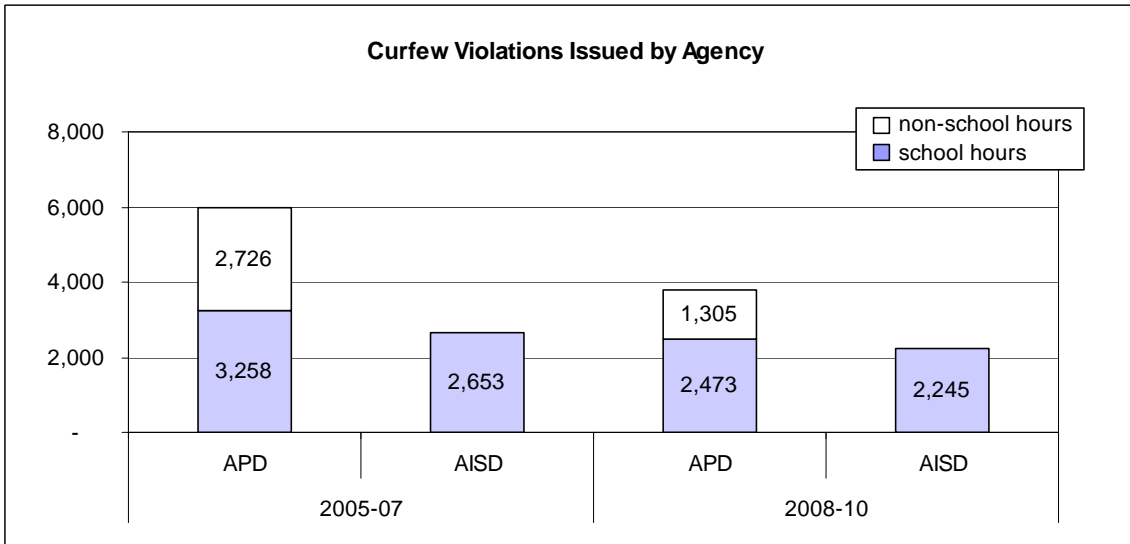
During the weekend, however, incidents are more evenly distributed throughout the day, with 6:00 to 9:00 p.m. being the peak hours.



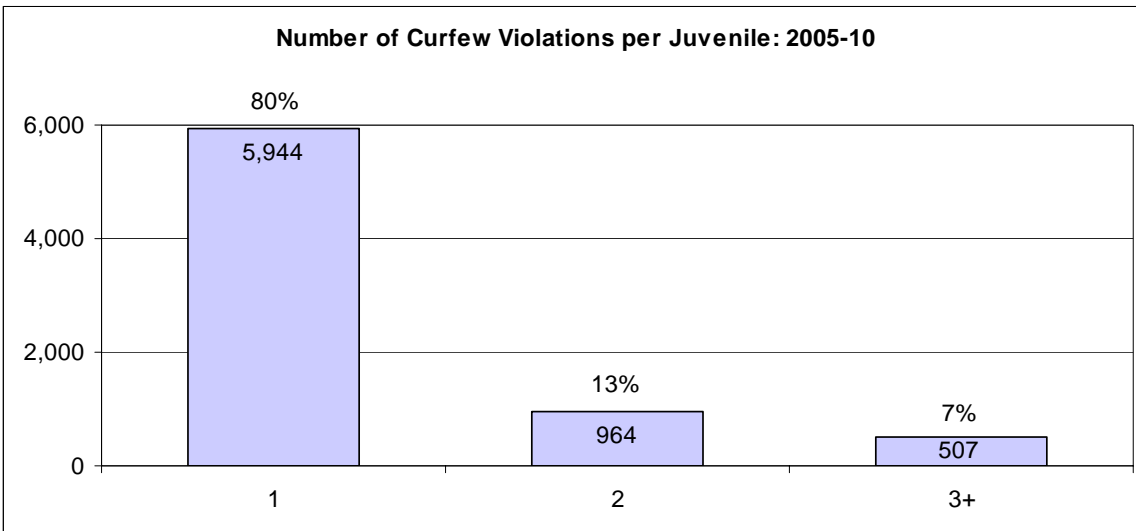
Curfew Violations

Both APD and AISD (Austin Independent School District) issue juvenile curfew citations. AISD issues all its citations during school hours (9:00 a.m. - 3:00 p.m.).

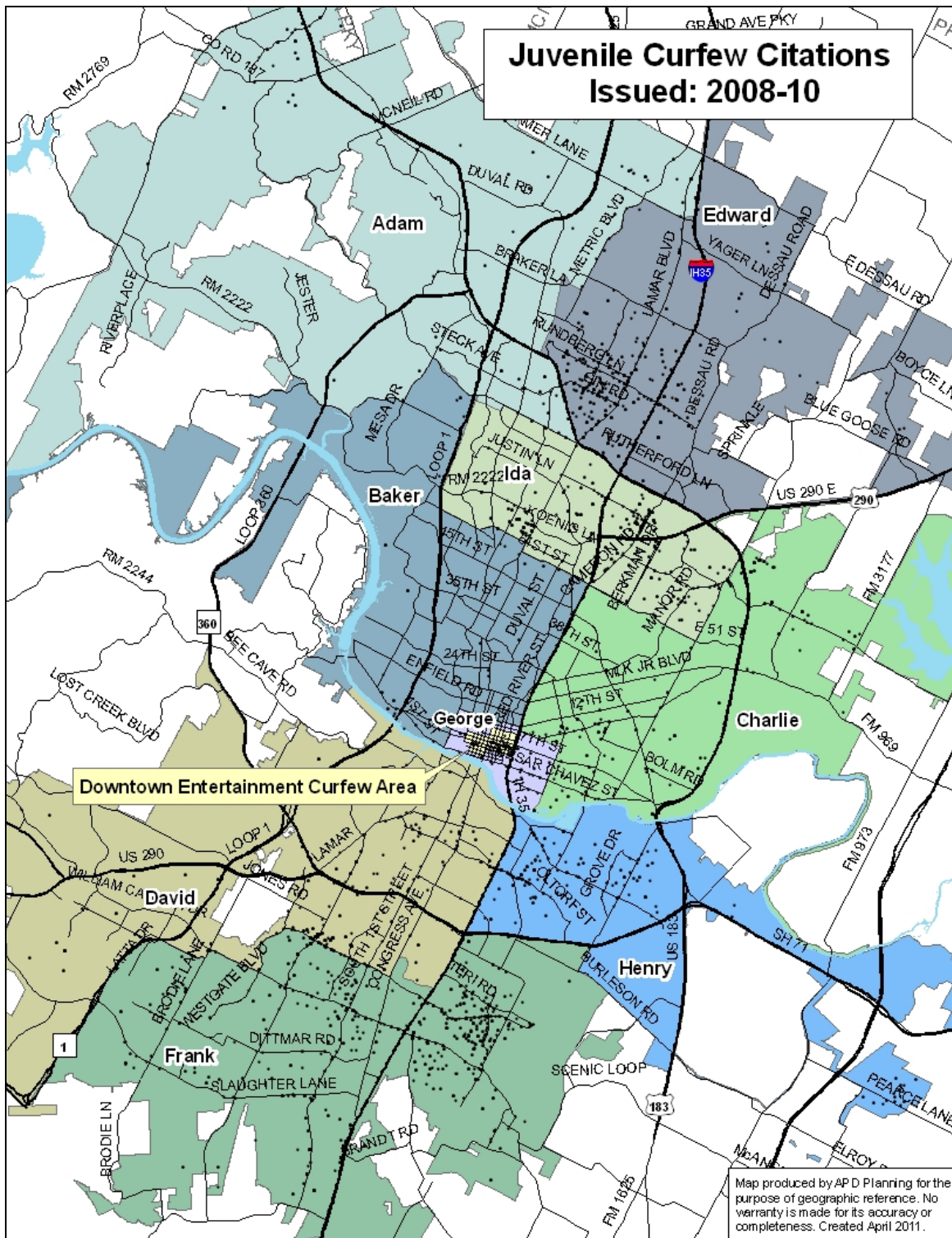
During 2008-10, APD issued 65% of its citations during school hours, up from 54% during 2005-07. Both agencies saw declines in the number of citations issued between 2005-07 and 2008-10; AISD was down 15% and APD was down 37%.



Looking at the most recent six-year period (2005-10), 80% of curfew violators (or 5,944 juveniles) were one-time offenders. Thirteen percent (or 964 juveniles) violated the curfew ordinance twice. And 7% (or 507 juveniles) violated the curfew three or more times.

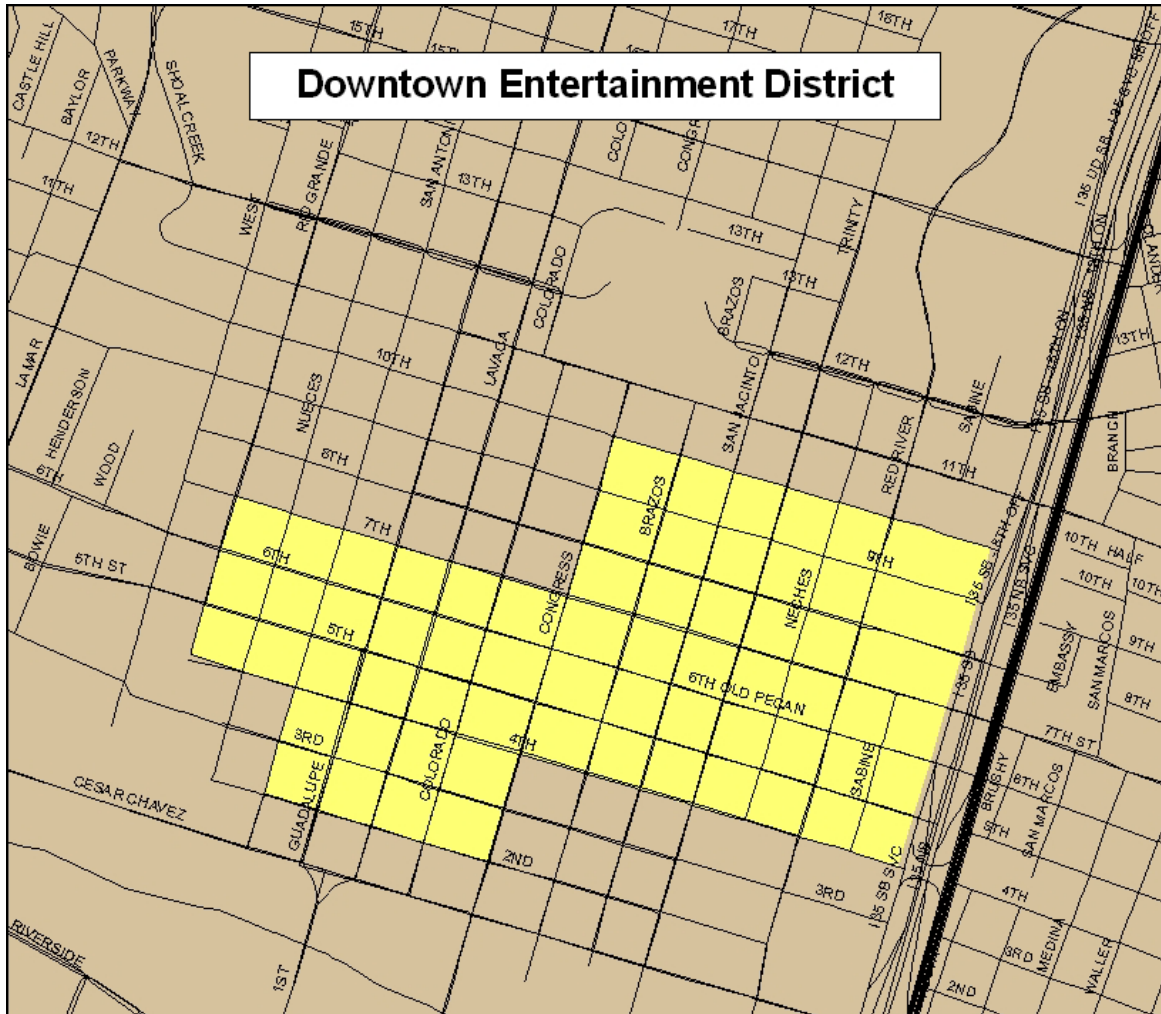


The map below shows the location of each juvenile curfew violation that occurred citywide, during the period 2008-10.



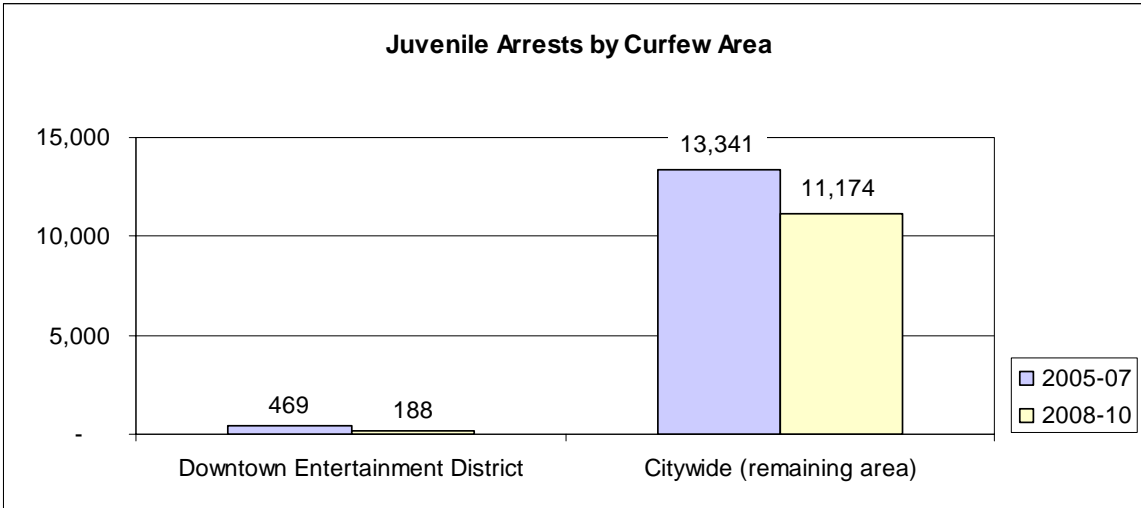
Trends by Curfew Area

This map shows the boundaries of the Downtown Entertainment District Curfew Area. This area's curfew varies slightly from the citywide curfew (see Page 3 for specific hours).

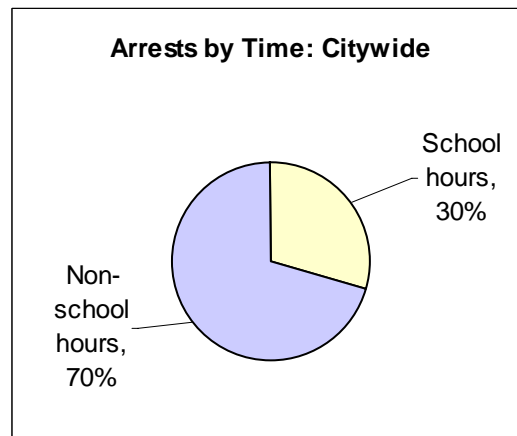
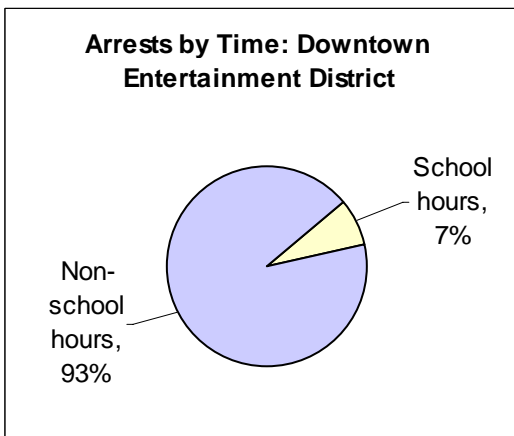


Juvenile Arrests by Curfew Area

During 2008-10, the volume of juvenile arrests declined in both the Downtown Entertainment District (down 60% from 2005-07) and citywide (down 16% from 2005-07). Juvenile arrests in the Downtown Entertainment District represented 2% of the juvenile arrests citywide.

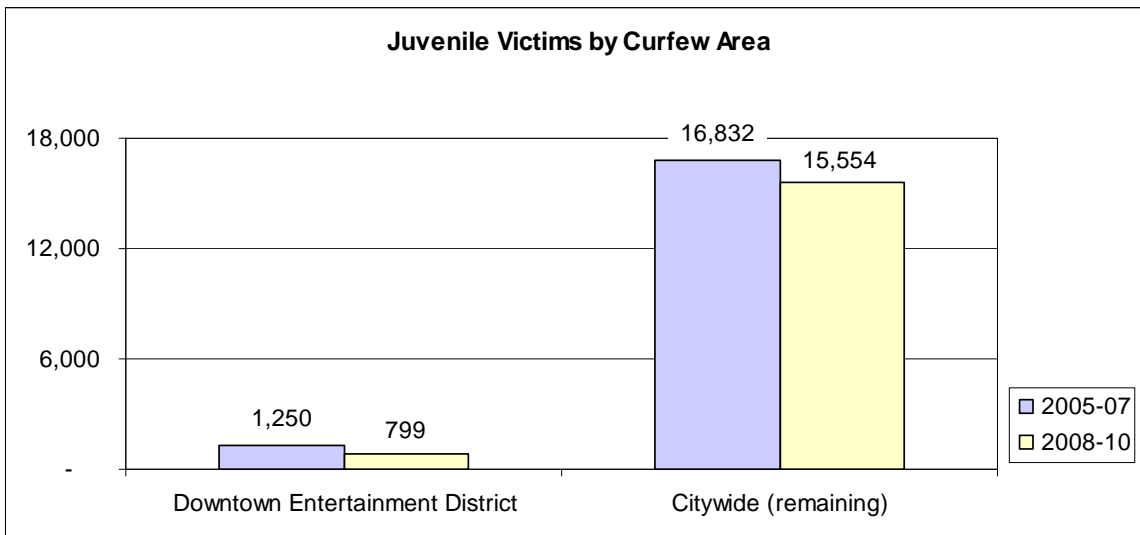


Nearly all (93%) of juvenile arrests in the Downtown Entertainment District occurred outside school hours. In comparison, 70% of citywide juvenile arrests occurred during non-school hours.

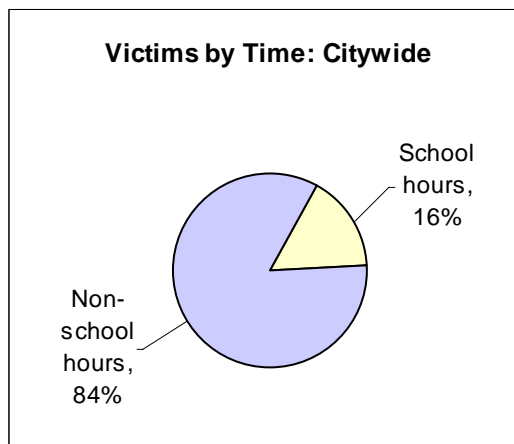
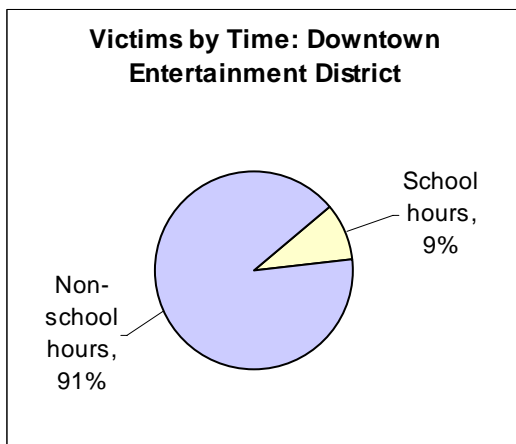


Juvenile Victims by Curfew Area

Similar to juvenile arrests, the volume of juvenile victims in 2008-10 declined for both the Downtown Entertainment District (down 36% from 2005-07) and citywide (down 8% from 2005-07). Juvenile victims in the Downtown Entertainment District represented 5% of the juvenile arrests citywide.

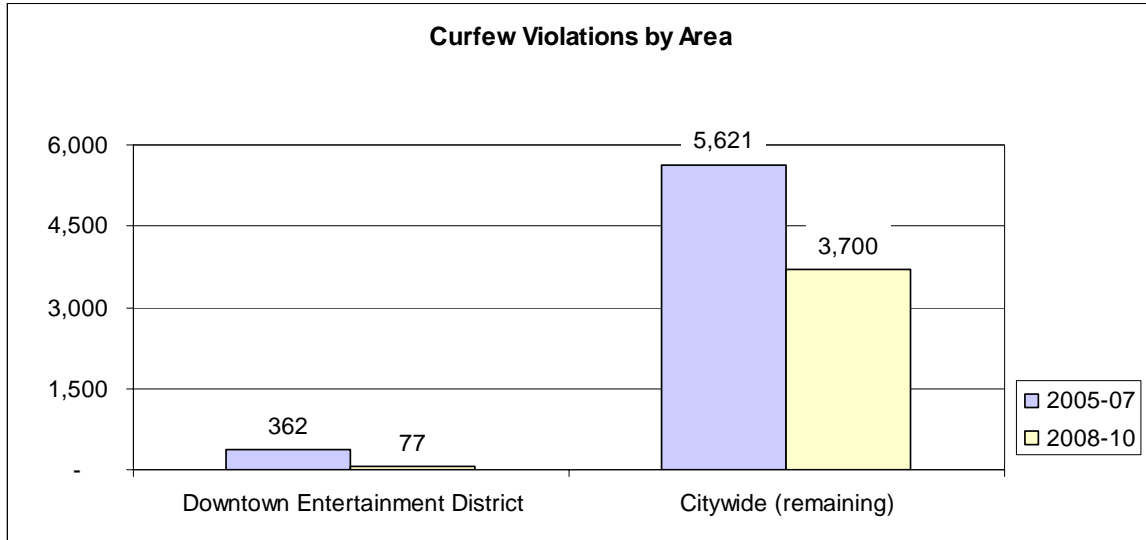


As with juvenile arrests, juvenile victim incidents occur mostly during non-school hours.

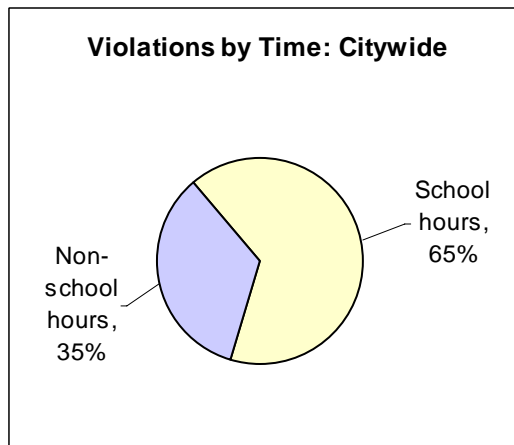
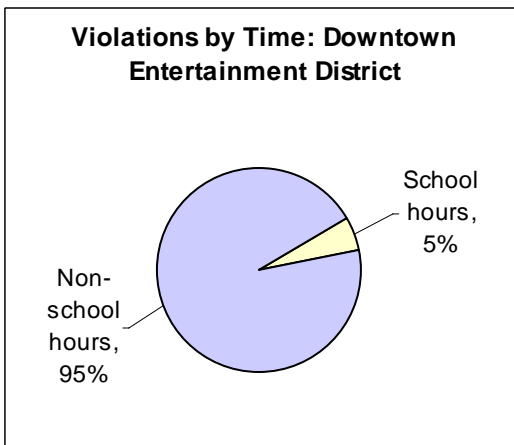


Juvenile Curfew Violations by Curfew Area

During 2008-10, juvenile curfew violations also experienced a reduction. In the Downtown Entertainment District, citations were down 79% from 2005-07. Citywide, citations were down 34% from 2005-07. Citations issued in the Downtown Entertainment District represented 2% of the total citations issued.



A large majority (95%) of juvenile curfew violations in the Downtown Entertainment District occurred outside school hours. In comparison, most (65%) of citywide juvenile curfew citations were issued during school hours. These patterns were relatively stable from 2005-07.



Recommendations

As part of the analysis, APD solicited input about the juvenile curfew ordinance from patrol officers, as well as City of Austin Municipal Court, and AISD (Austin Independent School District). Specifically, feedback was requested about the curfew's effectiveness and recommendations about renewing or revising the current ordinance.

Based on that feedback, the following actions are recommended:

1. Renew the juvenile curfew ordinance. Feedback indicates that the curfew is useful in preventing juvenile crime and victimization. Further, the crime data show a trend of declining juvenile crime (both crimes committed by juveniles and crimes committed against juveniles) since the ordinance was first put in place.
2. Standardize the curfew citywide. Patrol staff said that the variance in curfew hours (by day of week, by geography) creates confusion and prevents broader use of the curfew. Therefore, we suggest making citywide curfew hours consistent on both weekdays and weekends and eliminating the special curfew zone (Downtown Entertainment District Curfew Area) altogether.

Area	Night Curfew	Day Curfew
Citywide	11:00 pm – 6:00 am <u>everyday</u> (Sun – Thurs)	9:00 am – 2:30 pm (Mon – Fri when school is in session)
	Midnight – 6:00 am (Fri – Sat)	
Downtown Entertainment District	11:00 pm – 6:00 am (Sun – Sat)	

Appendix: Juvenile Curfew Ordinance

CHAPTER 9-3. NON-EMERGENCY CURFEWS.

§ [9-3-1](#) Definitions

§ [9-3-2](#) Offenses

§ [9-3-3](#) Defenses

§ [9-3-4](#) Enforcement Procedure

§ [9-3-5](#) Penalty

§ [9-3-6](#) Expiration

§ 9-3-1 DEFINITIONS.

In this chapter:

(1) DIRECT ROUTE means the shortest path a person may travel through a public place to reach the person's destination without a detour or additional stop at any other destination along the way.

(2) DOWNTOWN ENTERTAINMENT DISTRICT CURFEW AREA means that area bounded by the south curb of Tenth Street, the east curb of the IH-35 West Frontage Road, the south curb of Fourth Street, the east curb of Congress Avenue starting at Fourth Street, south to the south curb of Second Street (West), the west curb of San Antonio Street, north to the south curb of Fourth Street (West), west to the west curb of Nueces Street, the north curb of Seventh Street (West), and the west curb of Congress Avenue.

(3) EMERGENCY means an unforeseen circumstance including a fire, natural disaster, automobile accident, or the need to obtain immediate medical care for another person.

(4) ESTABLISHMENT means a privately owned place of business operated for a profit to which the public is invited, including a place of amusement or entertainment.

(5) JUVENILE means a person under 17 years of age.

(6) OPERATOR means an individual, firm, association, partnership, or corporation operating, managing, or conducting an establishment, including a member or partner of an association or partnership and an officer of a corporation.

(7) PARENT means a person who is the natural or adoptive parent of a juvenile, including a court-appointed guardian or other person 21 years of age or older, authorized

by a parent, court order, or court-appointed guardian to have the care and custody of a juvenile.

(8) PUBLIC PLACE means a public street, alley, highway, sidewalk, playground, park, plaza, building, or place used or open to a member of the public; or a building, business, or amusement or entertainment establishment.

(9) RELIGIOUS ACTIVITY means a function or event sponsored by a religious organization that has received tax exemption under Section 501(C)(3) of U.S.C.

Source: 1992 Code Section 10-7-1; Ord. 031023-13; Ord. 031211-11; Ord. 20080618-090.

§ 9-3-2 OFFENSES.

(A) A juvenile commits an offense if the juvenile is in a public place in the Downtown Entertainment District Curfew Area between 11:00 p.m. and 6:00 a.m. on any day.

(B) Except as provided in Subsections (C) and (D), a juvenile commits an offense if the juvenile is in a public place or is on the premises of an establishment between 11:00 p.m. and 6:00 a.m. on Sunday through Thursday or between midnight and 6:00 a.m. on Saturday and Sunday.

(C) Except as provided in Subsection (D), if the following day is an Austin Independent School District holiday, curfew hours are the same as on Saturday and Sunday. During the regular Austin Independent School District summer recess, curfew hours are the same as an Austin Independent School District holiday.

(D) Subsections (B) and (C) do not affect the curfew established under Subsection (A).

(E) While school is in session, a juvenile commits an offense if the juvenile remains, walks, runs, idles, wanders, strolls, or aimlessly drives or rides about in or on a public place between 9:00 a.m. and 2:30 p.m. on Monday, Tuesday, Wednesday, Thursday or Friday.

(F) A parent having custody of a juvenile commits a violation if the person knowingly allows the juvenile to be in violation of this chapter. A parent is presumed to knowingly allow or permit the juvenile to be in violation of this chapter if the juvenile has two previous convictions for violations of this chapter. For the purpose of this section a deferred adjudication is a conviction.

(G) The owner, operator, or employee of an establishment commits an offense if the person knowingly allows a juvenile to remain on the premises of the establishment during curfew hours.

*Source: 1992 Code Section 10-7-2; Ord. 031023-13; Ord. 031211-11; **Ord. 20080618-090.***

§ 9-3-3 DEFENSES.

(A) It is a defense to prosecution under Section [9-3-2](#) (*Offenses*) that:

- (1) the juvenile is accompanied by the juvenile's parent or spouse;
- (2) the juvenile is on an errand authorized by the juvenile's parent or spouse or made necessary by an emergency;
- (3) except as provided in Subsection (C), the juvenile is traveling by a direct route through a curfew area or to the juvenile's home in a curfew area;
- (4) the juvenile is in a vehicle involved in transportation for which passage through a curfew area is the most direct route;
- (5) the presence of the juvenile is connected with or required by a religious activity, educational activity, or a business, trade, profession, or occupation in which the juvenile is lawfully engaged;
- (6) except as provided in Subsection (C), the juvenile is on the sidewalk in front of the juvenile's residence or on the sidewalk of either adjacent neighbor who is not communicating an objection to the presence of the juvenile to a police officer; or
- (7) the juvenile is exercising First Amendment rights protected by the United States Constitution, including the free exercise of religion, freedom of speech, and the right of assembly.

(B) It is a defense to a violation of Subsection [9-3-2](#)(E) (*Offenses*) that:

- (1) the school that the juvenile attends is not in session;
- (2) the juvenile is a high school graduate or has an equivalent certification; or
- (3) the juvenile is on an excused absence from the juvenile's school.

(C) Subsections (A)(3) and (A)(6) are not defenses to a violation of Subsection [9-3-2](#)(E) (*Offenses*).

(D) It is a defense to prosecution under Subsection [9-3-2](#)(G) (*Offenses*) that the owner, operator, or employee of an establishment promptly notified the Police Department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave after being requested to do so by the owner, operator, or employee.

Source: 1992 Code Section 10-7-3; Ord. 031023-13; Ord. 031211-11; Ord. 20080618-090.

§ 9-3-4 ENFORCEMENT PROCEDURE.

The Police Department shall adopt enforcement procedures in compliance with Chapter 52 (*Proceedings Before and Including Referral to Juvenile Court*) of the Texas Family Code.

Source: 1992 Code Section 10-7-4; Ord. 031023-13; Ord. 031211-11; Ord. 20080618-090.

§ 9-3-5 PENALTY.

(A) A juvenile who violates this chapter commits a Class C misdemeanor.

(B) A person not a juvenile who violates this chapter commits a Class C misdemeanor, punishable by a fine of not less than \$50.

Source: 1992 Code Section 10-7-99; Ord. 031023-13; Ord. 031211-11; Ord. 20080618-090.

§ 9-3-6 EXPIRATION.

This chapter shall expire if it is not reviewed and readopted every three years as prescribed by Chapter 370 (*Miscellaneous Provisions Relating to Municipal and County Health and Public Safety*) of the Texas Local Government Code.

Source: 1992 Code Section 10-7-5; Ord. 031023-13; Ord. 031211-11; Ord. 20080618-090.

Note: red indicates changes made at last ordinance renewal (June, 2008)