

Whereas, juveniles in Austin who are charged with class C misdemeanors under the Austin Juvenile Curfew Ordinance must appear in adult municipal court without guaranteed counsel and face fines up to \$500 plus court costs and may result in a criminal record; and

Whereas, the Austin Juvenile Curfew Ordinance creates a class C misdemeanor for children who are in a public place during the night hours of 11 p.m. and 6 a.m. on any day and for children who remain, walk, run, idle, wander, stroll or aimlessly drive or ride about in or on a public place during the day hours of 9:00 a.m. and 2:30 p.m. Monday through Friday when school is in session; and

Whereas, research has shown that criminal charges threaten a student's ability to succeed in school and compromise higher education, housing and employment prospects; and

Whereas, fines and fees associated with Class C misdemeanor charges can present significant challenges to families; and

Whereas, children of color are over-represented in police and court interactions; and

Whereas, effective interventions that ensure the safety and success of children must address the underlying causes of truancy and other youthful indiscretions, rather than merely punish youth;

Whereas, courts are constrained in how they can respond to children defendants and are not equipped to assess and address the underlying circumstances that resulted in truancy or other youthful indiscretions; and

Whereas, students who are homeschooled may be mistakenly thought to be truant; and

Whereas, truancy is a complex issue that can be brought about by one or a combination of school, personal and family factors, which can include poverty, parental neglect, homelessness, addiction, mental health issues, bullying, negative school environments, or failure to identify learning disabilities; and

Whereas, there are many current practices and programs in place in the community to help children remain in school without resorting to criminal charges; and

Whereas, age and other personal characteristics are controversial and potentially unconstitutional methods of determining probable cause; and

Whereas, if any person, regardless of age, commits a crime during day or night hours, that person can be arrested and charged for that crime; and

Whereas, criminal charges related to both the daytime hours of the Austin Juvenile Curfew Ordinance and the night hours result in children being criminalized and becoming part of the criminal justice system; and

Whereas, the public safety, educational attainment and economic prosperity of all Austinites is harmed when children are introduced to the criminal justice system rather than offered assistance for the challenges they face; and

Therefore be it resolved by the City Council of Austin,

It is the goal of the City Council to further policies and practices that help children to be safe and to remain in school without resorting to criminal charges, in collaboration with the community and other governmental entities.

Be it further resolved that:

The City Council directs the City Manager to convene stakeholders to make recommendations on effective ways for the City to help children to be safe and to remain in school. The stakeholder group should include, but not be limited to, representatives from school districts within the City of Austin, Texas Appleseed, Texas Home School Coalition, Education Austin, Educators in Solidarity, Austin Voices, Austin Justice Coalition, Black Lives Matter, My Brother's Keeper, Mexican American Legal Defense and Education Fund, Disability Rights Texas, Life Works, Texans Care for Children, ACLU of Texas, the Excellence and Advancement Foundation, and the National Association of Social Workers-Texas.

The City Council directs the City Manager to make a report on this process to the Council before December 31, 2017.